



FAQ - 012019

## DEVELOPMENT APPLICATIONS - FAQ's

The FAQ attempts to provide some answers to frequently asked questions with regards to BUILDING PLAN or "PERMISSION TO BUILD" applications.

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#### 1. Regional Offices – Building Plan Submissions & Assessment? (NOT CONSENT / LAND USE MANAGEMENT applications)

Regional office counters are open between 08:00 and 12:30, Monday to Friday (excluding public holidays) for submission, collection, and enquiries related to building plans. (*amended: 112017*)

Regional Office	Address	Telephone
Central - Durban	166 K E Masinga ( <i>Old Fort</i> ) Road, Durban	031 311 7069
Inner West - Pinetown	60 Kings Road, Pinetown	031 322 1933
North - Umhlanga	327 Umhlanga Rocks Drive, Umhlanga Rocks	031 311 6074 /76 /79 /80
North – Verulam	151 Wick Street, Verulam	031 322 1761
North – Tongaat	325 Gopalall Hurbans Road, Tongaat	031 322 1646
South - Winklespruit	9 Mayors Mews, Winklespruit	031 311 5851
Outer West - Hillcrest	22 Delamore Road, Hillcrest	031 311 2707

#### 2. Does Development Applications Branch have a WEB presence? (*added 092014*)

Information provided by the Development Applications Branch is available from it's Bulletin Board and dedicated webpage at:

**Bulletin Board:**

<http://www.durban.gov.za/DAABulletin>

**Webpage:**

[http://www.durban.gov.za/City\\_Services/development\\_planning\\_management/Pages/Development-Applications-and-Approvals-2.aspx](http://www.durban.gov.za/City_Services/development_planning_management/Pages/Development-Applications-and-Approvals-2.aspx)

### **3. Why am I required to submit a building plan or make a “Permission to Build” application to the Local Authority? (added: 042011 & amended: 112017)**

This is a LEGAL requirement applicable throughout South Africa. Section 4(1) of the National Building Regulations and Building Standards Act states the following:

*“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.”*

### **4. Why and when do I need AMAFA (heritage) approval? (amended: 102013 & 042016)**

This is a LEGAL requirement for the protection of national, provincial or local heritage aspects.

Where a proposal falls within one of the following broad categories:

- Buildings older than 60 years, or road, wall, pipeline, canal or other similar linear development or barrier exceeding 300m in length, places, or buildings and structures of cultural significance, or historic settlements and townscapes, or historic graves and burial grounds, or places associated with oral tradition and living heritage, or archaeological and paleontological sites, or battlefields, or geological sites of scientific or cultural importance, or landscapes and natural features of scientific and cultural importance and various categories of movable objects, or changes to the character of a site including the subdivision / consolidation of 3 or more sites or rezoning of site exceeding 10 000m<sup>2</sup>.

Pietermaritzburg office: Post: P.O. Box 2685, Pietermaritzburg, 3200

Email: [built.enviro@amafapmb.co.za](mailto:built.enviro@amafapmb.co.za) Tel: 033 3946543

AMAFA approval is to be obtained prior to the submission of any building plan or “Permission to Build” application.

### **5. Why is it necessary to obtain Town Planning authorisation prior to making a building plan application? (added: 032011 & amended: 112017)**

A building plan or “Permission to Build” application cannot be considered for approval where, in terms of any other applicable legislation, there is an impediment that will hamper the use to be effected on a site. Such impediments can be related to zoning, title deeds, site controls, etc. including conflicting legislative timeframes for considering applications.

Any clearance or authorisation granted in terms of the relevant Town Planning Scheme and Planning legislation, does not presuppose that the application is “approved” or approvable in terms of section 7 of Act 103 of 1977. NO building work must be commenced with based only on a Planning authorization obtained to avoid being charged in terms of the National Building Regulations and Building Standards Act for unauthorized building work.

### **6. Do I need my neighbour’s consent to build? (added: 032011, amended: 102013 & 112017)**

NO requirement for public participation or neighbour’s consent exists when making a building plan or “Permission to Build” application in terms of the National Building Regulations and Building Standards Act.

Public participation and/or requirement to obtain a neighbour’s consent may be a requirement for obtaining a Planning authorisation. This requirement preceding the submission of a building plan or “Permission to Build” application.

Any public participation or neighbour’s consent process required also does not presuppose that the application is “approved” or approvable in terms of section 7 of National Building Regulations and Building Standards Act.

Objections lodged in respect of a building plan or “Permission to Build” application, as a result of failure to act in terms of any public participation or neighbour’s consent process, related privacy, view or value issues are considered based on what is contextually reasonable within their urban context and are not automatic reasons for refusal of an application. The nature of an objection received may also require that a Planning authorisation previously obtained be reconsidered.

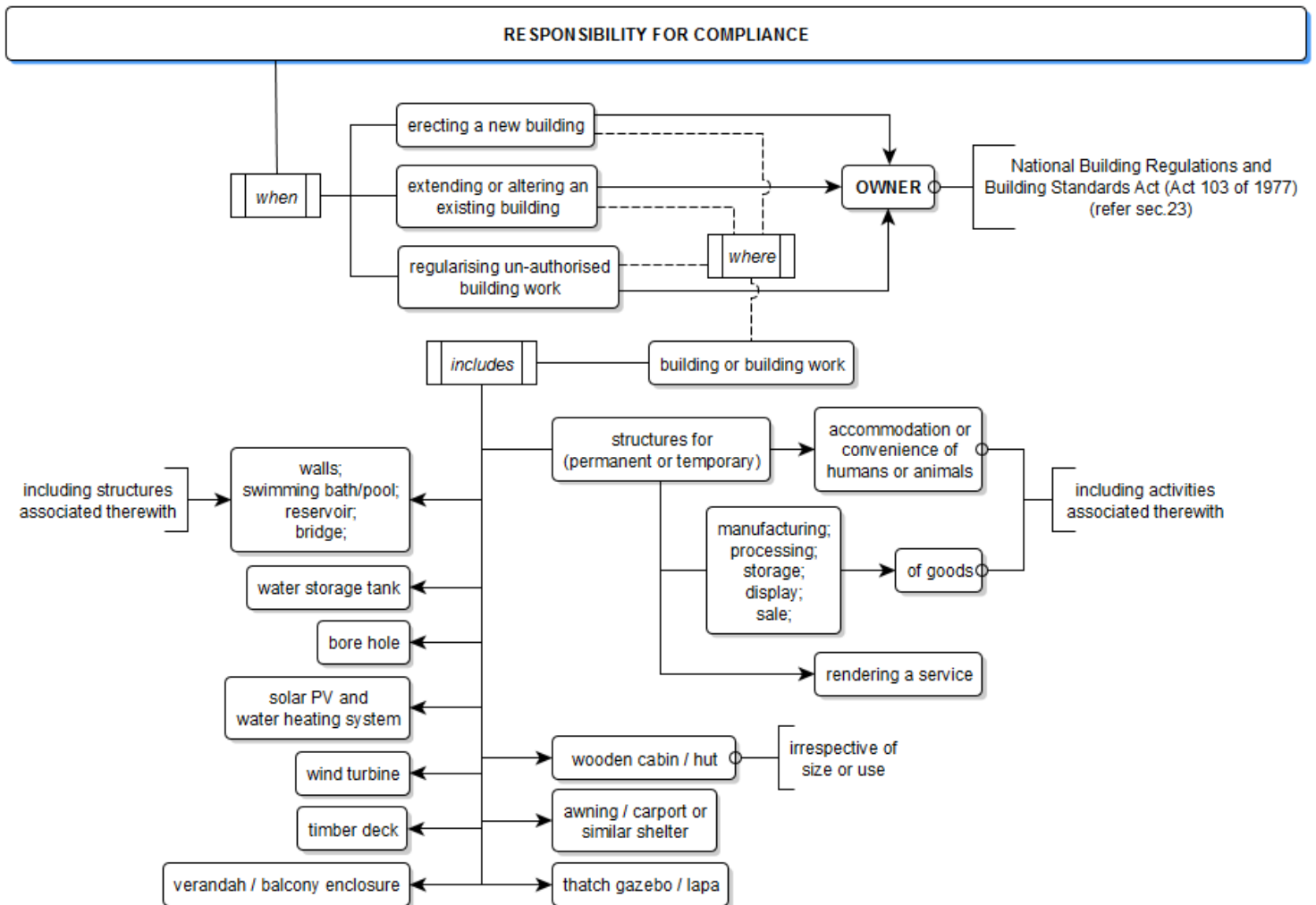
### **7. Where do I obtain a copy of my Title Deeds / Surveyor General diagram?**

Copies of the Title Deed & SG diagrams are held by the bond holder or owner where not bonded. Where unable to obtain a copy, contact the Surveyor General’s office:

Pietermaritzburg office: Location: 300 Pietermaritz Street, Pietermaritzburg, 3201

SG diagrams are accessible via web address: <http://csg.dla.gov.za/>

## 8. Who is responsible for ensuring a building complies with the National Building Regulations and Building Standards Act?



## 9. What is SACAP and can I draw my own plans? (amended: 042016 & 112017)

The South African Council for the Architectural Profession (SACAP) is the regulatory body with which ALL architectural professionals are to be registered in order to practice architecture. In addition it is responsible for protecting the interests of the public. The Architectural Professions Act 44 of 2000 has been effective since 01 June 2006.

Further details on SACAP and its responsibilities to the public can be found here: <http://www.sacapsa.com/>

The National Building Regulations and Building Standards Act also requires the professionals designing buildings or work related to buildings is registered with the relevant profession registration body.

## 10. Appointing the architectural professional and / or other related professionals? (added:01032009)

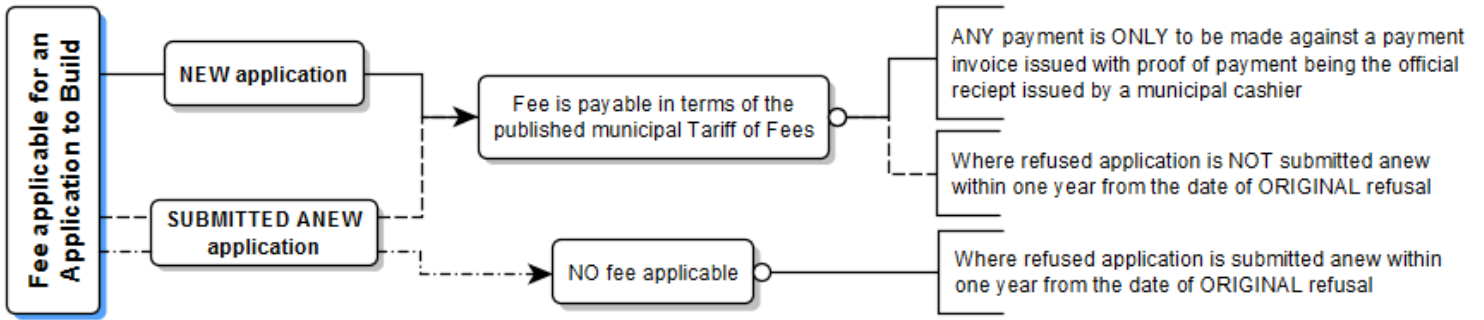
In ALL instances the OWNER is responsible for signing the necessary appointment forms. The Power of Attorney (P.o.A) contained on the reverse of the local authority Application Form does not authorise the self-appointment of an architectural professional in terms of SACAP requirements or the appointment of related professionals on behalf of the owner by the authorised / appointed representative. Where appointment of architectural or related professionals are to be appointed by an authorised / appointed representative, a separate "General" Power of Attorney is to be provided by an Owner for such purpose.

## 11. Can a Council employee draw or submit my building plan? (amended: 112017)

NO. EThekweni municipal employees, unless authorised, are not permitted to undertake private work related to preparing planning or building plans or submitting same to the municipality. This is considered a conflict of interest in terms of the Municipal Systems Act and may lead to disciplinary action against the employee.

Report such instances to the **City Integrity and Investigations Unit** for investigation.

**12. What fees are payable in terms of a building plan or “Permission to Build” application? (added: 112017)**



Where money or any other form of inducement is requested by or made to a municipal staff member in respect of a building application, and for which no payment invoice or receipt from a municipal cashier was received, report the matter to the **City Integrity and Investigations Unit**.

**13. Fraud and Corruption is allegations? (amended: 102013, 042016 & 112017)**

Please report ANY allegations to the **City Integrity and Investigations Unit** on

Tel: 031 311 4002, Fax: 031 311 4115, or via

Toll-free Hotline: 0800 20 20 20, alternately via email: [Ombuds@durban.gov.za](mailto:Ombuds@durban.gov.za)

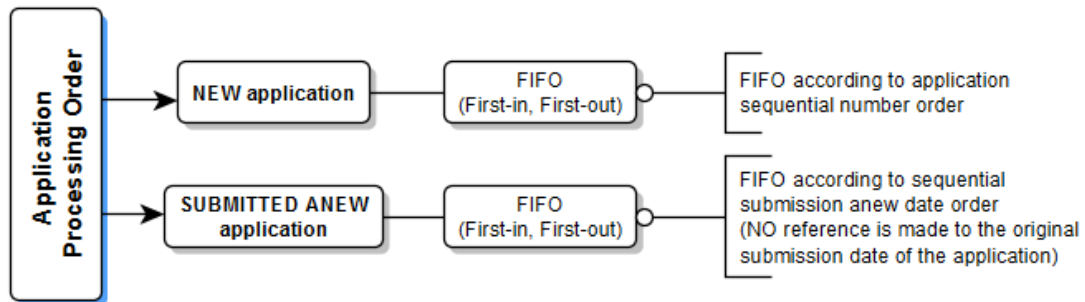
It is further advised that the matter is reported to the relevant professional registration body and the SA Police Services.

**14. Tracking my application status? (amended: 042016 & 112017)**

The owner and author are responsible for tracking the status of an application once submitted to the local authority. However, as the process includes the possible circulation of plan copies to external service provider departments for input, it is advised that the owner / author only contact the department after three weeks from the date of submission. This will provide the department sufficient time to provide a reasonable response as to the actual status of an application.

Enquiries as to the status of an application are to be directed to the respective regional office enquiry telephone numbers above, NOT the Assessment staff or Central Information Centre, Old Fort Road.

**15. In what order are NEW building applications processed?**



**16. How is the length of time taken by the Local Authority to grant an approval i.r.o a building plan application measured? (added 062016, amended 112017)**

(added 062016, amended 112017)

**Perception:** The time taken in considering an application is measured from the date of submission to the local authority of the PLANNING application to the date when an “approval” in terms of the National Building Regulations and Building Standards Act is granted.

Perceived Timeframe

Planning application (LUM)			Building plan application i.t.o sec. 4 & 7(5) of NBR&BS Act, No. 103 of 1977 (DAA)							300days
0	30	60	90	120	150	180	210	240	270	
		LUM	DAA		DAA				DAA	
Separate legislative process			Submit	Owner/Author	Submit anew	Owner/Author			Submit anew	

In the above example the perception is that it has taken 300 days (10 months) for the local authority to “approve” the application.

**Reality:** The time taken to “approve” an application is measured in terms of an application for “Permission to Build” submitted in terms of section 4, or where submitted anew section 7(5), of the National Building Regulations and Building Standards Act

Actual Timeframe

Planning application (LUM)		Building plan application i.t.o sec. 4 & 7(5) of NBR&BS Act, No. 103 of 1977 (DAA)					30days
0	30	0	30	0	30		
	LUM	DAA		DAA		DAA	
Separate legislative process		Submit	Owner/Author	Submit anew	Owner/Author	Approved	

The requirement to obtain a Planning (or any other legislative) authorisation precedes the submission of a building plan or "Permission to Build" application. The purpose being to ensure that a proposal is possible and satisfies zonal and planning scheme, heritage, environmental, and other legislative compliance requirements. These preceding compliance requirements existing in terms of "other" applicable laws and any processing times to obtain such authorisations cannot be attributed to the building plan or "Permission to Build" application process.

**Building Application Timeframe:** The time taken to consider a building plan application is measured from when the application is accepted into the system for consideration to when a decision in terms thereof is made. A decision being either to REFUSE or APPROVE the application.

In the above "Actual Timeframe" example the building application was submitted on three separate occasions. On the first two occasions the application was refused, and following the third submission it was approved. In accordance with the National Building Regulations and Building Standards Act each occasion of submission or submission anew constitutes a new application. On each occasion the time taken from the date of submission to the date of decision was within 30 days.

The local authority is required to make a decision within 30 or 60 days (dependant on the architectural area of the building) from the date of submission. In the example the application was submitted on three occasions and in each instance decided upon within 30 days. Accordingly the time period taken to "approve" the application is 30 days, NOT 300 days.

#### **17. How am I advised of the decision in respect of my application?** *(amended: 022015, 042016 & 112017)*

You will be advised by means of an email or notification card, sent to the owner and identified recipient, whether the application is refused or approved. Unfortunately the local authority cannot guarantee delivery of notification cards, as this is the responsibility of the SA Post Office. The notice setting out the reasons for any refusal will be available on collection of the application from the relevant regional office dealing with the application. With respect to an approved application, an Advisory Notice is made available upon collection of the application.

Email notification may be utilised where related details have been provided.

#### **18. Can an application be withdrawn once submitted?** *(added: 042016 & amended 112017)*

YES, on written request of the Owner it may be possible to withdraw a building application from the local authority process. The withdrawal being subject to there being no negative outcomes arising from, and/or impediments to, the withdrawal of the application. Any refunds associated with the withdrawal request will be advised and processed accordingly. Note that where a decision has already been made in respect of the application NO refund will be considered. An application cannot be withdrawn by the author of the plans where a dispute between the author and owner may exist.

## PROFESSIONALS GUIDE

#### **19. Exemption from Submission of a Building Application**

ALL building work requires the submission of a building application in terms of section 4 of the National Building Regulations and Building Standards (NBR&BS) Act to the local authority, unless exempted.

Work by or on behalf of the state requires the lodgement of plans, specifications and certificates with the local authority for its information and comment. Building work by or on behalf of the state associated with national security, or by virtue of economic considerations, necessity or expediency, may be exempted by the Minister of Trade and Industry from the lodgment of such documentation with the local authority. *(Refer to section 2 of the NBR&BS Act for further clarity)*. Such exemption does not exempt the state from compliance with the requirements of the NBR&BS Act as provided for in the South African Constitution.

The local authority Building Control Officer may under section 13 of the Act exempt an owner from the requirement to submit a plan in respect of a building defined as a minor building work and impose conditions and directions in such authorisation. An exemption from the requirement to submit a plan does not however exempt the owner from making an application in terms of the NBR&BS Act *(added: 102013)*

#### **20. What can the Author do to expedite the consideration of applications?** *(amended: 112017)*

To ensure applications can be considered with the minimum of delays and avoid the possibility of being refused unnecessarily it is recommended that the appointed professional undertakes the necessary research into the property with the relevant external legislative stakeholders. This will ensure that issues related with planning together with any consents, heritage, social responsibility & environmental impacts, and local authority services provider's requirements are addressed in the application prior to submission of a building application.

In addition ensure that, where applicable, any restrictive conditions in Title Deeds have been either removed or adhered with prior to submission of the building plan application.

#### **21. Who is responsible for completion of the declaration contained in SANS 10400-A Form 1 & 2?** *(amended: 032011 & 122017)*

The completion and submission to the local authority of the Form 1 & 2 appointments are legislated through the NBRs. These constitute legal appointments and declarations to be completed by the owner and appointed professional/s.

#### **22. Why do I need Title Deeds and SG diagrams to submit a building application?** *(amended: 112017)*

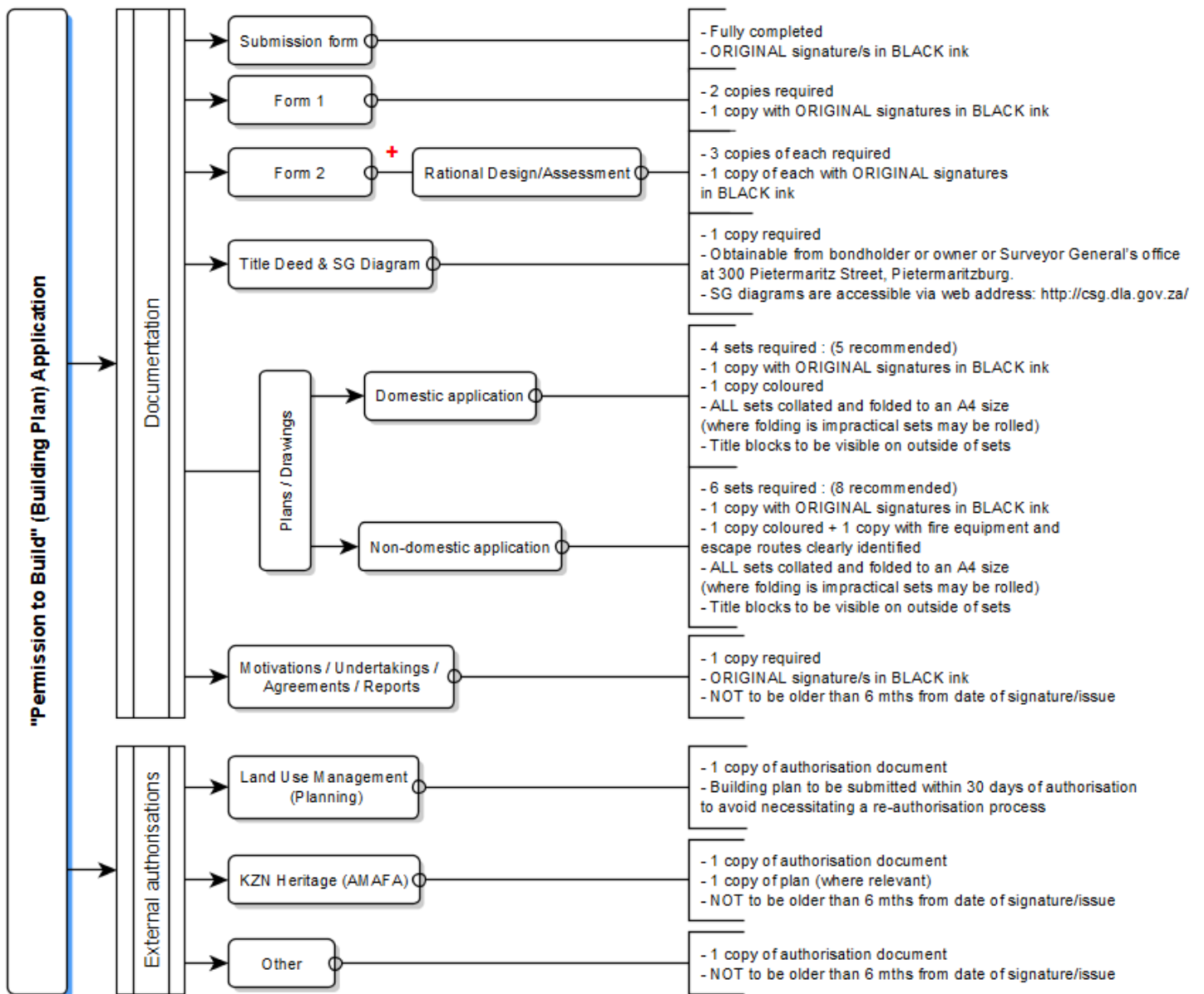
To confirm ownership, ensure no restrictive conditions prohibiting the proposal exist, and identify the extent of the site.

#### **23. Why can I not contact the Assessment Officer prior to a decision having been made?** *(amended: 102013 & 112017)*

Applications are not assigned to an Assessment Officer at the time of submission. Applications are only assigned to an assessment officer on the day of allocation. Until an application has been assigned to an assessment officer for consideration,

all enquiries as to the status, expected allocation date, etc. are to be directed to the regional office enquiry number/s.

**24. What are requirements for a building plan or “Permission to Build” application? (revised 122017)**



**25. What are the minimum requirements to be provided on a plan in order to be accepted for submission? (amended: 022015 & 112017)**

Refer to included table “**Building Application - Minimum Requirement Guideline**”.

Applications are only accepted for submission once the applicable fees in terms of the published Tariff of Fees have been paid.

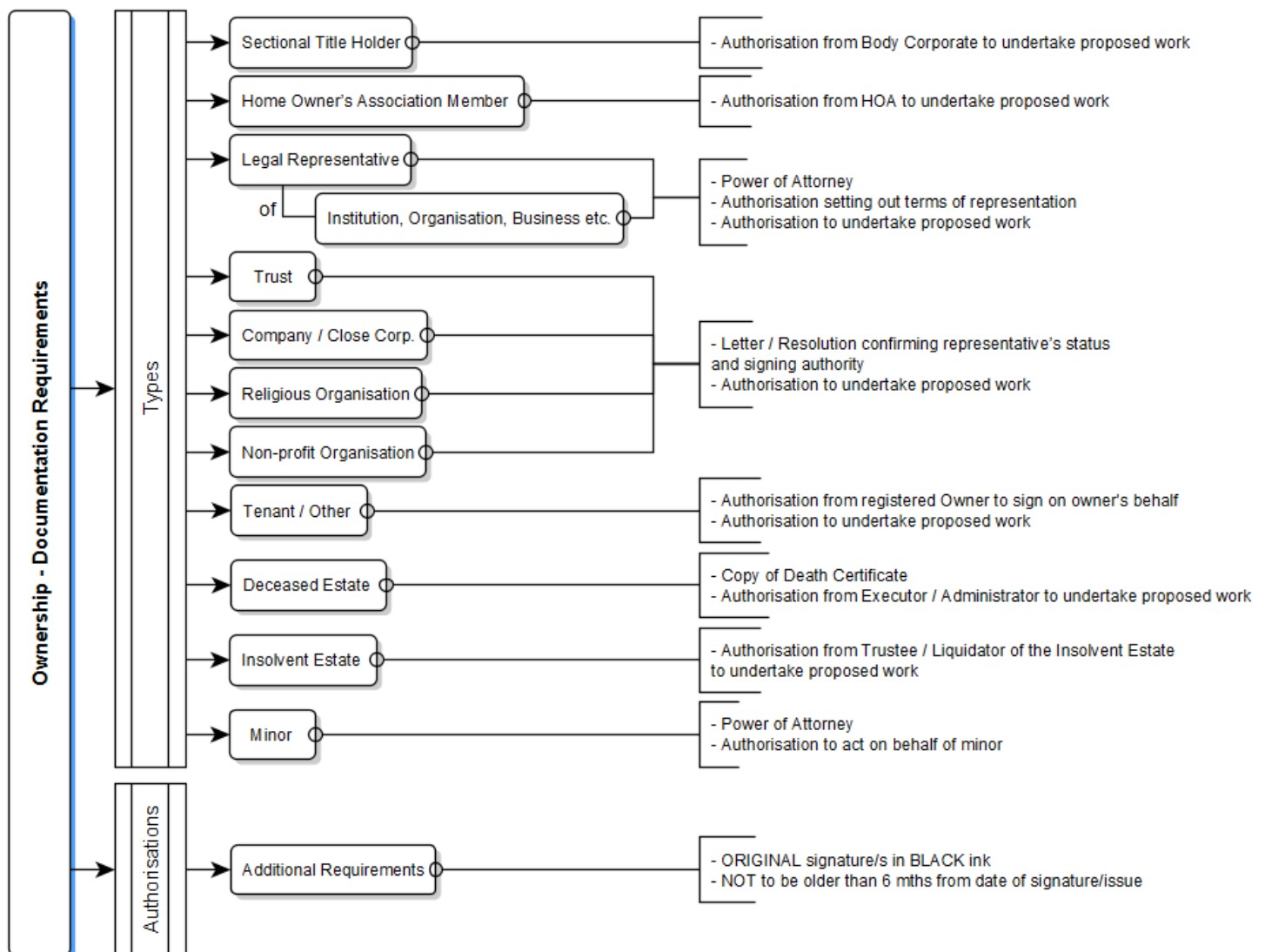
**26. What colours are applicable when colouring building plans?**

Generally:

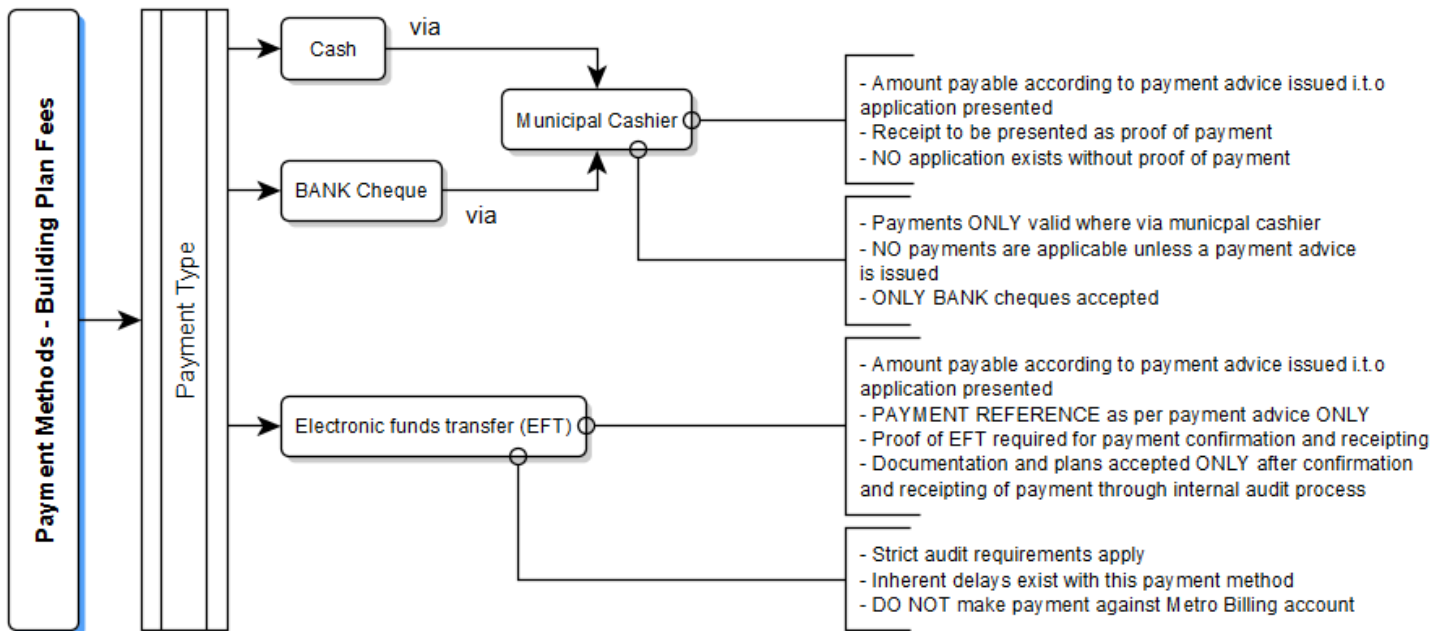
Material:	Colour:	Drainage:	Colour:
New masonry	Red	Drains & soil pipes	Brown
New concrete	Green	Waste pipes	Green
New iron or steel	Blue	Soil & combined vents	Red
New wood	Yellow	Waste vents	Blue
New Glass	Black	Pipes for industrial effluent	Orange
Existing ( All )	Grey	Existing drains	Black
All other New	To be clearly indicated in colours other than the above.	Stormwater drains	Not coloured
Site Plan:	Colour:	Fire plan:	Colour:
Proposed work	Red	Escape route demarcation	Green arrows
Existing work	Not coloured		
Demolition Work	Black dotted lines		

**27. Additional paperwork required where the registered owner falls into one of the following categories? (revised 122017)**

Where the ownership of a property falls within one of the following, additional proof / consent / authority from the "owner" is to accompany the application forms:



**28. What payment methods are available when making a building application ? (revised 112017)**



**29. How must an application be folded for submission purposes?**

The is provided as a guide on how building plans, submitted to Development Applications and Approvals Branch, should be folded:

- Individual sheets are placed one behind the other and folded together to form a single set. This process is repeated dependent on the number of set required. For example 4 sets for a standard domestic application and 6 for more complex applications (refer to the Branch FAQ).
- Where folding is impractical, individual sheets may be placed one behind the other and rolled together as a single set.

Sheet size	Fold lines	Intermediate	Final
<b>A0</b> 841 x 1189			
<b>A1</b> 594 x 841			
<b>A2</b> 420 x 594			
<b>A2</b> 420 x 594			
<b>A3</b> 297 x 420			

**XXX** Defines area to be reserved for the placement of official stamps  
 ie: the application number and indication of approval where granted, and is also applicable to plans presented on drawing sheets of A4 size.



**31. BUILDING APPLICATION - MINIMUM REQUIREMENT GUIDELINE** (amended: 102013)

The following guideline indicates the minimum requirements for an application to be submitted to the eThekweni Municipality

<b>GENERAL</b> (w/n - indicates where necessary)	<b>FLOOR PLANS</b>
Submission form completed in full in black ink	All areas designated
SANS 10400-A Form 1 – Declaration by Owner & Arch. Professional	Section line shown correctly
SANS 10400-A Form 2 – Appointment of Competent Person/s (w/n)	Proposed work fully dimensioned
Approval from relevant body / third party provided (w/n)	Room dimensions & wall thicknesses shown
Title Deeds & SG Diagrams provided	Stairs / ramps widths & appropriate dimensions shown (w/n)
Correct no. of plans provided	Proposed & existing sewer / stormwater shown
Proposed work coloured in full (w/n)	Fireplace dimensioned (w/n)
Adequate clear margin on RHS (Min. clear margin of 75% required)	Classification & Modus Operandi clarified
Plan suitable for archiving (Sufficient contrast between paper & ink)	Fire Equipment shown (w/n)
Full description of proposal provided on plans	
Address & cadastral description provided on plans (new description to be used)	
Title blocks correspond on all copies of plans	<b>SECTIONS</b>
Upper-case lettering on plans are a minimum of 2.5mm high	Foundations & sizes shown
Owner/s name/s & signatures provided on plans	Floor construction clarified & floor levels (w/n) shown
Author's name & contact information reflected on plans	Ceiling, balustrade, change in level & wall heights shown
Professional registration no. & category provided. (SACAP, ECSA etc) (w/n)	Roof construction clarified
Schedule of areas and site area provided	Sections related to section lines
Area calculation checked	Drainage section & details provided
Postal address verified for new buildings (w/n)	NGL's & FGL's shown (w/n)
Rational Design / Assessment submitted (w/n)	
	<b>ELEVATIONS</b>
<b>DEVIATION PLAN</b> (w/n)	All relevant elevations provided & related to North Point
Approved plan number provided	Finishes to elevations provided
List of deviations provided	Opening sections to windows clarified
Deviations listed & cross referenced on plans	Vent pipes & external drainage clarified on elevations (w/n)
	Chimney height above roof level clarified (w/n)
<b>SITE PLANS</b>	Stormwater control clarified
Cadastral description correct ( new description to be used )	Boundary / garden wall heights clarified
North point provided and correctly orientated	NGL's & FGL's shown (w/n)
Boundary dimensions of site provided and correct ( as per Title Deeds / SG Diagram )	
Servitudes & Council services shown correctly	<b>SWIMMING POOLS</b> (w/n)
Position & names of street frontages provided & spelt correctly	Pool filter / pump position to be clarified
Corner beacon levels or contour levels provided	Safety fence & gate position clarified
Setting out dimensions provided (w/n)	Disposal of pool waste water clarified
Proposed & existing buildings shown & designated	
Proposed & existing sewer/stormwater/effluent drainage work shown	<b>MISCELLANEOUS</b>
Driveway & banks shown	Planning authorisation obtained & corresponds with proposal
Water connection/booster facilities shown (w/n)	Geotech & additional loading investigation & report prepared (w/n)
Site plan & proposal correspond	Flood plains / Heritage / Social / Environmental impacts addressed ( w/n)
Position of any buildings on adjoining site/s shown	Proposal corresponds with accompanying competent person's declaration
<b>NOTE:</b> Compliance with the above does not presuppose that the plans can be approved in terms of the National Building Regulations or any other applicable law and is not meant to be an exhaustive list of requirements.	