

SUSTAINABLE DEVELOPMENT AND CITY ENTERPRISES

Development Planning and Management Unit



April 2006

Policy for Obtaining Copies of Personal Building Plans / Documents from Archive Records

Policy Objectives

To standardize the procedure and documentation required to obtain copies of Personal Building Plans & Documents from archived records of the Development Planning & Management Unit.

To align the standardized process with the Ethekweni Municipality, Section 14 Manual as compiled in terms of the Promotion of Access to Information Act No. 2 of 2000.

Standardization of Procedure

With effect from 02 May 2006, a streamlined system will be implemented throughout the eThekweni Municipal area to regulate access to archived records (Building Plans and associated documents). This requires that a singular form of documentation together with a standardized procedure be implemented by the various offices of the department.

Standardized Application / Request Form :

An example of a standardized application form for copies of plans is attached (**Annexure A**). This incorporates many of the aspects of the various forms of the erstwhile Outer West and Central Entity while doing away with others.

The application form for copies of private building plans / documents makes provision for information on the owner, authorized agent and property for which copies are required. It includes an indemnity / declaration to protect Council from any claims that may arise through the misuse of intellectual copyright where it exists in a building plan.

Council staff would be required to ensure that the application form is completed in full to ensure that the correct information is accessed and that sufficient verification is possible, and individuals traceable where fraudulent use of the information obtained is made. Particular reference made to the supplying of relevant ID no's, street address and cadastral descriptions.

Standardized Procedure

A standardized procedure would require that the following be implemented -

1. Each application (as per the attached form) is accompanied by a copy of the registered owner's ID document (driver's license may be accepted);
2. Sufficient evidence to prove ownership ie: copy of Title Deeds, Metro Rates

Bill (reflecting a General Rates category), bond account etc. is also submitted with the application (it recommended that an Offer to Purchase / Sale Agreement not being accepted unless accompanied by a letter from the current owner);

3. Where a property is owned by one of the following, a Body Corporate, a Home Owner's Assoc., a Company, a Trust or a Close Corporation, etc., a Letter of Authorization is required whereby an authorized representative is nominated to sign on behalf of the owner. A copy of the authorized representative's ID / driver's license will need to accompany the application;
4. Where a third party is being given authority to up-lift copies of plans / documents, the above documents and evidence together with a letter authorizing the third party is required with an application. A copy of the authorized third parties ID / driver's license is also required.
5. A random verification check can be carried out against Council's Valuation Roll where doubt may exist.
6. Once all the above has been produced and verified, the relevant property file / records can be located, the necessary fees raised, and once paid, the required copies can be produced.
7. All the copies and evidence is to be filed with the relevant property file / records together with the completed application form.

It must be noted that as a result of abuse of certain methods in the past, only the procedure set out above is deemed acceptable when requesting copies of private building plans / documents from archived records. This includes the unacceptability of documents commissioned by a Commissioner of Oaths unless accompanied by the documents as set out in 1 – 4 above.

Regulation 7(1) of the Regulations Governing the Administration of an Oath or an Affirmation published under Government Notice R. 1258 dated 21 July 1972 states as follows:

“7(1) A commissioner of oaths shall not administer an oath or affirmation relating to a matter in which he has an interest.”

The above proposal is aligned with the requirements of Council's Section 14 Manual which allows for access to / copies of personal building plans / documents. It also provides for sufficient mechanisms to protect individual property owner's from any infringement of their right to privacy and confidentiality.

DEPUTY HEAD : DEVELOPMENT MANAGEMENT DEPARTMENT

ANNEXURE A

SUSTAINABLE DEVELOPMENT AND CITY ENTERPRISES
Development Planning and Management Unit

Application for Copies of Personal Building Plans / Documents
(i.t.o. Section 14(1)(e) of the Promotion of Access to Information Act No. 2 of 2000 (as amended))

(To Be completed in Full)

Registered Property Owner (Copy of Metro Rates Bill Req.)

Full Names and Surname: _____
(Letter of Authorizations Req. - where applicable)

ID No.: _____ (Copy of ID Req.) Contact Tel. No.: _____

Physical Address: _____
(Not P.O. Box Address)

Agent of Registered Property Owner [Details of authorized representative] (where applicable)

Full Names and Surname: _____

ID No.: _____ (Copy of ID Req.) Contact Tel. No.: _____

Physical Address: _____
(Not P.O. Box Address)

Details of Property [Property for which Records are Req.]

Street No.: _____ Street / Road Name: _____

Cadastral / Site Description: _____

Purpose for which Plan Copies are Req.

Indemnity / Declaration

As the declared Registered Owner / Authorized Representative / Appointed Agent of the Owner (*delete accordingly*), I acknowledge receipt from the Head - Development Planning and Management Unit, a copy/ies of record/s for the above property. I undertake that I will use the said plan(s) / document(s) solely for the purpose specified above and that I will at no time use it / them in a manner or for a purpose which results in an infringement of copyright as defined by the Copyright Act No. 98 of 1978. I further undertake that I will take all possible steps to ensure that the said plan(s) / document(s) are not used by any other person so as to result in an infringement of copyright.

I indemnify Ethekwini Municipality and its officers against any action claim, demand or any other legal proceeding/s that may be brought against it or them which is based on an infringement or alleged infringement of copyright and which arises from the supply to me of the copy(ies) described in 1. above by Ethekwini Municipality or from any use to which I or any other person may put it / them or from any act performed by myself or any other person in connection therewith and I further indemnify the said Ethekwini Municipality and its officers against any costs incurred in defending, opposing compromising, investigation or settling any such action, claim, demand or other legal proceedings.

Dated at _____ (*place*) on the _____ day of _____ 20 _____.

(Owner's / Authorized Representative's / Agent's / Signature)

NOTE:

NO copy/ies of plans / documents will be released without the necessary application and accompanying documents being supplied together with the required fees being paid once it is confirmed that records are available. This applies equally to instances where a Commissioner of Oaths has administered an oath or affirmation to the effect of Ownership. All fees payable will be in accordance with the latest Tariff of Fees as published in the relevant "Review of Tariff Charges" of the Council.

See reverse for additional information

A. Additional Accompanying Documentation Required

1. Copy of Owner's Metro Rates Bill / Title Deed – Metro Bill to reflect General Rates Category;
2. Copy of Owner's / Authorized Representative's ID / driver's license document;
3. Letter of Authorization (see req. below)- Where the owner is a Body Corporate, a Home Owner's Assoc., a Company, a Trust or a Close Corporation, etc., an additional Letter of Authorization is required designating the authorized representative for the same (see below for requirements);

B. Requirement for Letter of Authorization (where req.)

2. The letter of authorization must be on a LETTERHEAD.
3. The letter to be addressed to Head - Development Planning and Management Unit.
4. Body of the letter to read:-
This is to certify that Mr/Mrs/Ms(full names and surname)... , ID No. has been nominated by (name of Body Corporate, a Home Owner's Association, a Company, a Trust or a Close Corporation, etc) , as the authorized person representing the said Body Corporate, a Home Owner's Association, a Company, a Trust or a Close Corporation, etc..
5. The letter to be signed by another Director/Chairperson/member of the Body Corporate, Home Owner's Association, Company, Trust or Close Corporation, etc

C. Commissioners of Oath

The following is to be noted:

Regulation 7(1) of the Regulations Governing the Administration of an Oath or an Affirmation published under Government Notice R. 1258 dated 21 July 1972 states as follows:

"7(1) A commissioner of oaths shall not administer an oath or affirmation relating to a matter in which he has an interest."

Where a Commissioner of Oaths affirms ownership etc., copies of the documents set out in "A" above are required to accompany the application form to obtain copies of personal building plans / documents.