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Building Development Management

Information Booklet

Building Inspection Unit



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Building Inspections units or sections are based in the regions, (Region A-G) The main function is to ensure that all formal construction within the regions is in compliance with National Building Regulations and conforms to the conditions of the approved building plans or documents.

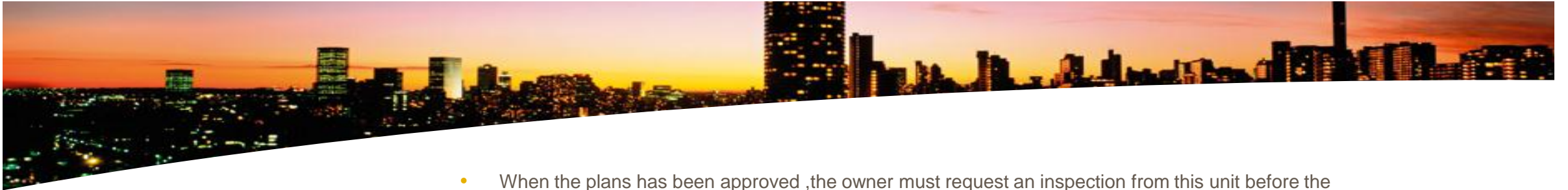
The following are areas of Responsibilities of the Section



- Conduct Inspection during or after construction
- Law Enforcement -Take action against any deviations and non-compliance in terms of the approved plans or the Act
- Issue Occupancy Certificates
- Issue Excavation permits, Demolition permits, Hoarding Permits, Blasting Permits and Overhead Cranes permits
- Provide expert advise to the general public and attend to Building related complaints.



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- When the plans has been approved ,the owner must request an inspection from this unit before the commencement of construction. Building Inspectors will conduct compulsory inspections at various stages of construction as per approved plans.
- The various stages of which Inspectors should be requested are,
 - Setting out of the structure,
 - Foundation stage,
 - Open Drainage,
 - Roof,
 - Final Inspection will be conducted when the structure or building is completed.
- The owner or developer should request for Inspectors 48 hours or 2 days before the commencement of the work.
- The owner must produce or provide the Inspector with copies of approved plans.



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- Should the owner deviate from the approved plans during construction, a notice will be issued by the inspector informing the owner of the deviation and steps to be taken to rectify the deviation.
- The same applies to building without approved plans, the owner will be issued with the notice informing them of their contraventions.
 - The owner must stop building immediately and submit plans to the council for approval within 30 days.
 - Should the owner fail to comply with the notice, the matter will be referred to the legal department for prosecution.
 - This may lead to the demolition of the illegal structure.
 - The owner can also be issued with a fine.



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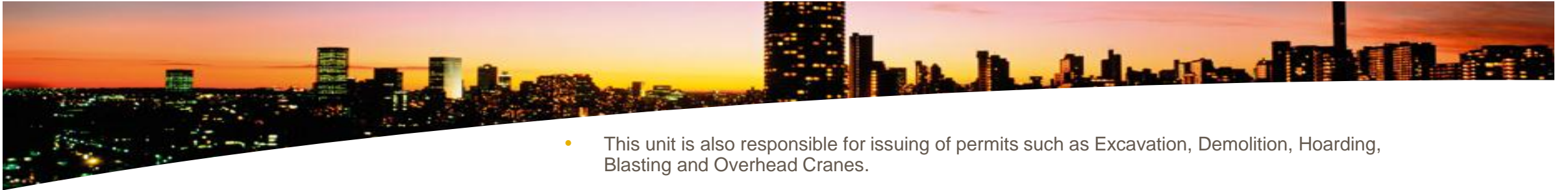


- A local authority, shall within 14 days after the owner of a building of which the erection has been completed, or any person having an interest therein, has requested it in writing, issue a certificate of occupancy in respect of such building- if it is of the opinion that such building has been erected in accordance with the provisions of the Act and the conditions on which approval was granted.
- The Owner must contact the Inspector of the area to book for inspection, and the Inspector will conduct the Inspection within 48 hours (2 days) after the owner requested such inspection .
- The following documents will be required before the occupation certificate is issued. For residential:
 - Engineer’s Certificate,
 - Electrical Certificate,
 - Plumbing Certificate,
 - Glazing Certificate,
 - Roof Certificate.
- The following documents will be required before the occupation certificate is issued. For non residential:
 - Engineer’s Certificate, Electrical Certificate, Plumbing Certificate,
 - Glazing Certificate ,Roof Loading Certificate, Fire, Road, Storm water, Health and Pikitup.

Note that other certificates may be requested by the council depending on the complexity of a structure.



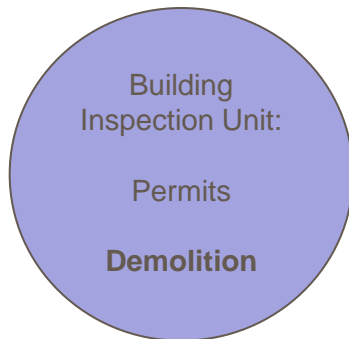
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- This unit is also responsible for issuing of permits such as Excavation, Demolition, Hoarding, Blasting and Overhead Cranes.

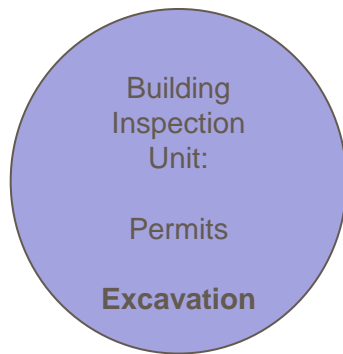
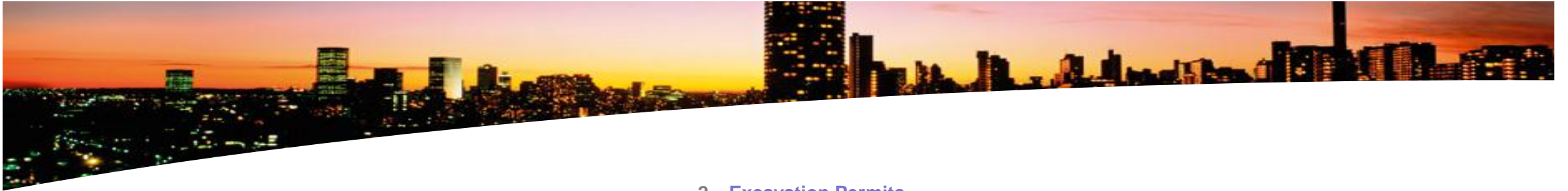
1. Demolition Permits

- Application to be completed
- Fee of R767 to be paid, (Fees change every July)
- Application to be accompanied by the following documents:
 - If older than 60 years - approval letter from heritage.
 - If less than 60 years - approval stamp from Arts and Culture Department at no 2 President street, Newtown.
 - Water and sewer curt-off letter from a qualified plumber or Joburg Water.
 - Engineer's Certificate for partial demolition.
 - Electricity cut-off letter from a qualified electrician.
 - Copies of original/first approved plans of the building to be demolished.
 - If no copies of plans are available, Records Department will provide a letter attesting to that.
 - Photos of the building to be demolished from different angles.





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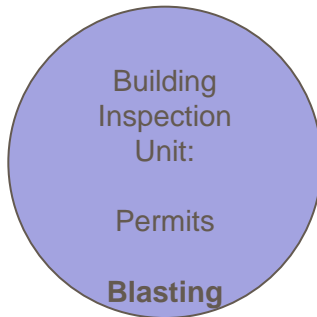
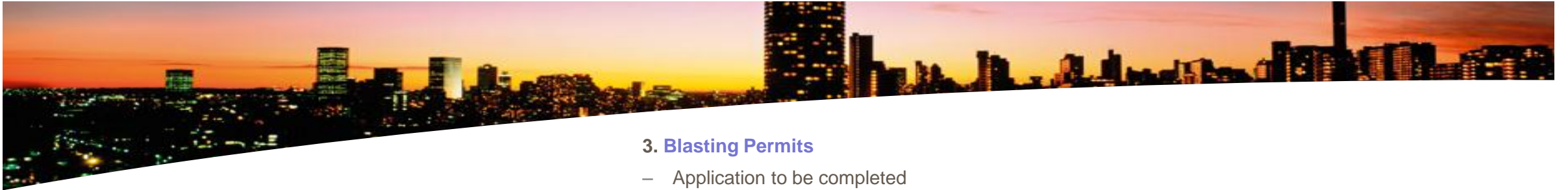
2. Excavation Permits

- Application to be completed
- Fee of R767 to be paid, (Fees change every July)
- Application to be accompanied by the following documents:
 - Engineer appointment letter, specify bulk excavation and support.
 - Engineer's drawing for excavations.

Turn around time: 5 -10 days, Permit is issued by the Chief Building Inspector.



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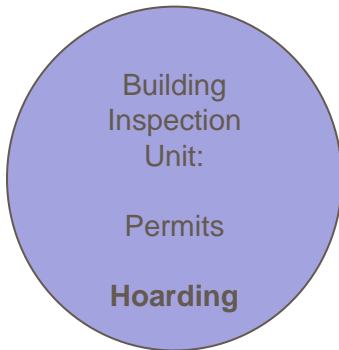
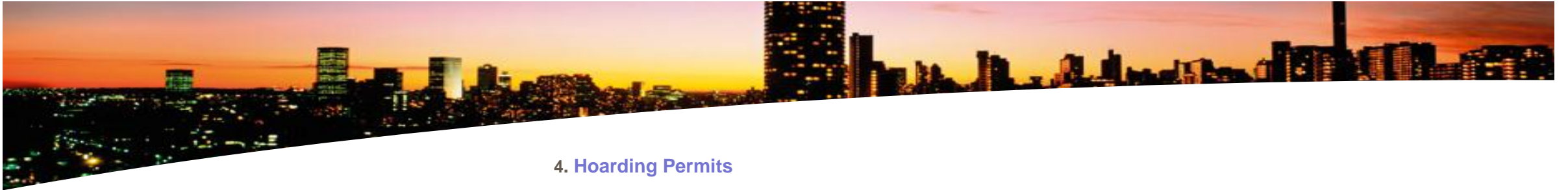


3. Blasting Permits

- Application to be completed
- Fee of R767 to be paid, (Fees change every July)
- Application to be accompanied by the following documents:
 - If older than 60 years - approval letter from heritage.
 - If less than 60 years - approval stamp from Arts and Culture Department at no 2 President street, Newtown.
 - Water and sewer cut-off letter from a qualified plumber or Joburg Water.
 - Engineer's Certificate for partial demolition.
 - Electricity cut-off letter from a qualified electrician.
 - Copies of original/first approved plans of the building to be demolished.
 - If no copies of plans are available, Records Department will provide a letter attesting to that.
 - Photos of the building to be demolished from different angles.
 - If zoning will be changed for new development, a new zoning certificate to be submitted.
 - Letters from all adjoining neighbours acknowledging and accepting the blasting.
 - Way-leave from Johannesburg Roads Agency (JRA).



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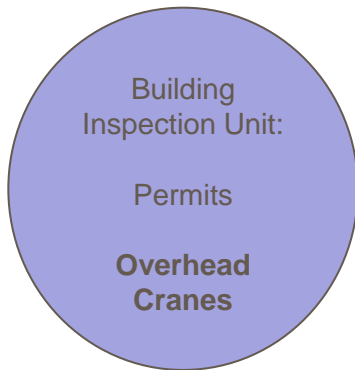
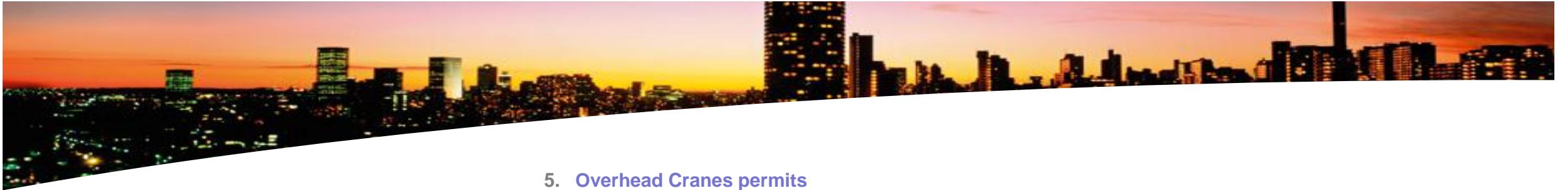


4. Hoarding Permits

- Application to be completed
- Fee of R15 per square meter per week, minimum of R263, note fees change every July of each year.
- Turn around time: 1 - 2 days. Permit is issued by the Building Inspector.



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5. Overhead Cranes permits

- Application to be completed
- Fee of R767 to be paid (Fees change every July)
- Application to be accompanied by the following documents:
 - JRA approval Letter for way-leave
 - Site plans showing radius of the crane's movement
 - Engineer's appointment letter stating stability of the base of the crane structure.

Turn around time: 5 -10 days. Permit is issued by the Chief Building Inspector.



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The unit also provides expert advise about challenges of the built environment and also attend to complaints raised by the public such as encroachment, right of view, overlooking and others.

This document will explain the process of lodging complaints and address most common complaints..



Process of lodging complaints

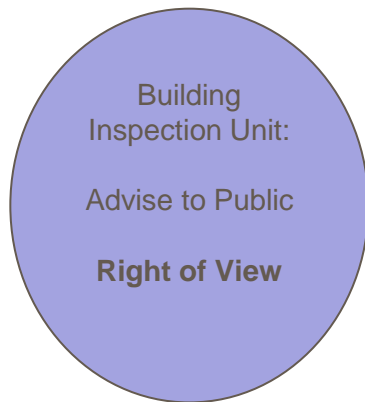
- Complaints must be lodged using an email, a letter (typed or hand written), or a fax. This is to ensure that all complaints are recorded and registered and that a record of the original complaint is kept should a matter be referred to court for prosecution.
- Telephonic complaints are not encouraged as such complaints cannot easily be referred back to.
- The complainant must submit their contact details for feedback purposes.
- Turn around time for complaints is **20 days** to allow for the necessary investigation to be done.



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1. Right of View



- There is no such thing as “right to a view”. In those rare cases where the view is of such a nature that is integral to the market value of the property, and the impairment of such view by means of the construction of a building in a particular manner could result in a definite reduction in the market value of the affected property, negotiations should be entered into between both parties (that is the building plan applicant, and the affected “neighbour”) to reduce the impact of the proposal by means of changes in design, positioning, height etc. Only in extreme cases, and only in full consultation with the Building Control Officer, may any building plan application be recommended for outright refusal.
- In cases where building plans have been approved and affected neighbours submit complaints in writing regarding the effect on the views that they have enjoyed, these complaints should be referred to the Building Control Officer, who will direct a written response to the complainants.



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2. Overlooking



- It is clear from examination of the relevant clauses from Act 103 of 1977, that there is absolutely no explicit reference whatsoever to “overlooking” in the Act. Nor is there any reference to, or discussion of, whether the privacy of adjoining property owners has to be taken into account when assessing a building plan application for approval. The criterion that we do have at hand, however are those of probable material diminishing of the market value of a property as a result of the approval by the Local Authority of a construction on an adjacent stand, and the disfiguring of the neighbourhood, or the construction of a building that is “unsightly or objectionable” as a result of aforementioned approval.



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3. Derogation of Value/Unsightly and Objectionable

- This topic has already been treated exhaustively in respect to the “right to a view” and “overlooking” issues discussed above. It remains to be said that it is our opinion that the Act had wilful, selfish and inconsiderate development of a property in mind when framing all three of the sub-clauses mentioned above. Those conditions that would comprise a genuine derogation of value (adjoining properties) would therefore, of necessity, have to be extreme. An example would be the construction of a corrugated iron ‘shack’ in an affluent neighbourhood. A case where neighbours don’t like appearance of a building and postulate that their properties will reduce in value as a consequence is no reason for the Local Authority to consider refusing a building plan application: objective criteria must consistently be applied, and the probability of a reduction in the market value of adjacent properties must be backed up by real, substantial evidence before consideration is given to the refusal of an application on these grounds.





4. Storm Water Control



- The current position regarding storm water disputes is regulated by Common Law principles.
- Common law is law that is developed through decisions of courts or similar tribunals rather than through legislative statutes. Courts create precedents by treating matters with similar facts similarly on different occasions. If the facts fundamentally differ from prior precedents, the court has a duty and authority to make a new law by creating a new precedent.
- The current precedent relating to storm water disputes between neighbours can be found in the matter of *pappalardo v Hau (2010) All SA 338(SCA)* which addresses the rights and obligations of neighbouring owners in an urban environment and whether a lower owner is obliged to accept rainwater flowing onto his property from a higher lying neighbour. The court discussed the judgment handed down in the matter of *Williams's v Harris 1998(3) SA 1970(SCA)* where in it was decided that a lower owner is only obliged to accept "natural flow" i.e. flow which would have occurred before development of urban erven. The higher owner seeking enforcement of his right was decided to be obliged to prove what "natural flow" was.
- Natural flow is the manner in which the water would have flowed, both as to quantity and locality from one property to the other over the land in its undisturbed state.



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Section 13(2) of the Sandton Town planning Scheme reads as follow:

- "Where in the opinion of the local authority, it is impractical for storm water to be drained from higher lying erven direct to the public street, the owner of the lower erf shall be obliged to accept and/or permit the passage over of any higher lying erf, the storm water from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay in order to drain storm water from his property."
- Therefore, if it is practical to drain storm water into the street the owner must do so. However, in most cases where disputes arise, it is not practical or possible to drain the storm water to the street.
- The National Building Regulations and their subsidiary provisions must also be taken into cognisance in so far as drainage etc. goes.
- It seems that the problems and disputes encountered between neighbours is a situation that could



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5. Encroachment

- Encroachment is a term which implies "advance beyond proper limits or an illegal intrusion on someone or neighbour's property with or without the permission of the neighbour".
- Encroachment can also mean the area illegally occupied by a structure.
- Encroachment can be a problem along property lines when a property owner is not aware of his property boundaries or intentionally chooses to violate his neighbour's boundaries.
- It is the responsibilities of each owner to seek the help of a qualified land surveyor to identify and point out boundary pegs before commencement of construction work.
- In a case where a structure has been built on an encroachment, it is the responsibility of the person who has encroachment to appoint a qualified Land Surveyor to provide a report.



6. Minor Work

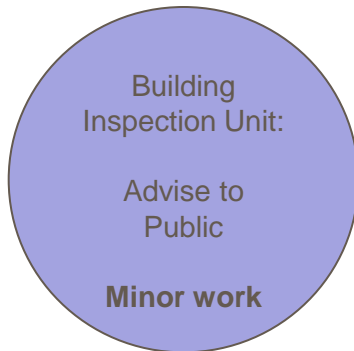
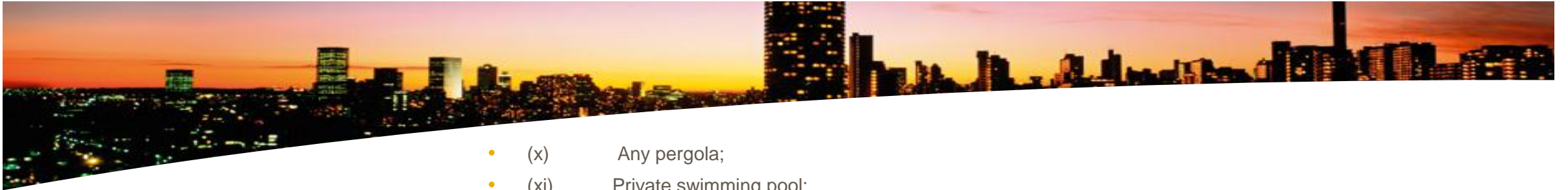
Minor works are structures that do not require formal submission of building plans, however the local office should be informed of the structures, a site plan provided and fees paid if required before the commencement of the work.



- (i) Poultry house not exceeding 10m² in area;
- (ii) Aviary not exceeding 20m² in area;
- (iii) Solid fuel store not exceeding 10m² in area and 2m in height;
- (iv) Tool shed not exceeding 10m² in area;
- (v) Child's playhouse not exceeding 5m² in area;
- (vi) Cycle shed not exceeding 5m² in area;
- (vii) Greenhouse not exceeding 15m² in area;
- (viii) Open-sided car, caravan or boat shelter or a carport where such shelter or carport does not exceed 40m² in area;
- (ix) Any free-standing wall constructed of masonry, concrete, steel, aluminium or timber or any wire fence where such wall or fence does not exceed 1,8m in height at any point above ground level and does not retain soil;



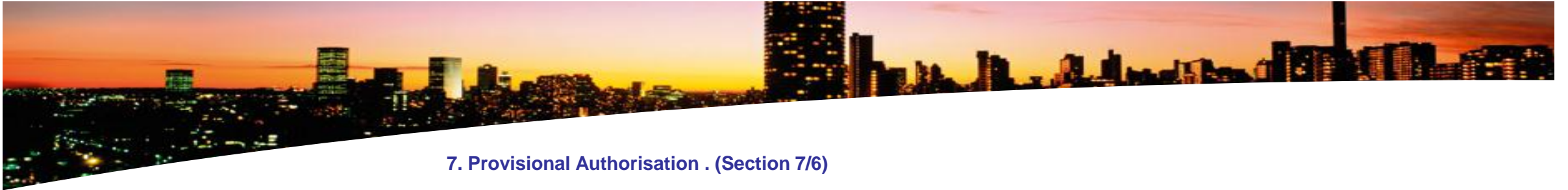
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- (x) Any pergola;
- (xi) Private swimming pool;
- (xii) Change room, not exceeding 10m² in area, at a private swimming pool;
- (b) The replacement of a roof or part thereof with the same or similar material;
- (c) The conversion of a door into a window or a window into a door without increasing the width of the opening;
- (d) The making of an opening in a wall which does not affect the structural safety of the building concerned;
- (e) The partitioning or the enlarging of any room by the erection or demolition of an internal wall if such erection or demolition does not affect the structural safety of the building concerned;
- (f) The erection of any solar water heater not exceeding 6m² in area on any roof or 12m² when erected other than on any roof; and
- (g) The erection of any other building where the nature of the erection is such that in the opinion of the building control officer it is not necessary for the applicant to submit, with his application, plans prepared in full conformity with these regulations;



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7. Provisional Authorisation . (Section 7/6)

A request for the provisional authorization in terms of Section 7(6) of the National Building Regulations and Building Standards Act, 103 of 1977, (as amended), will only be considered once an official building plan application has been submitted to and recorded as received by Council.

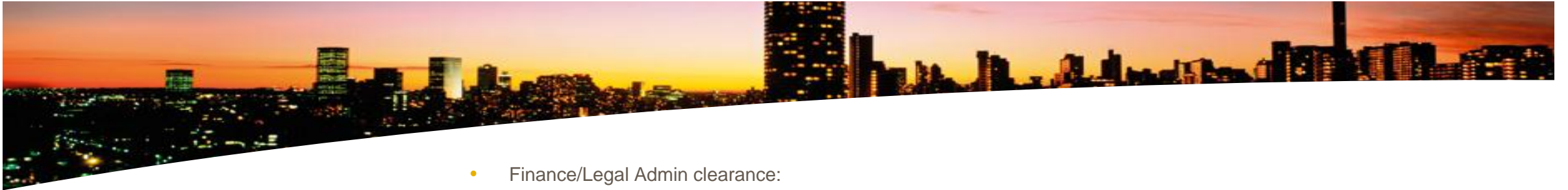
Documentation and information required for the consideration of a provisional authorization request:

- An application has to made to Building Control by the owner in person, supported by a letter of motivation, with reasons why a Section 7(6) provisional authorization is required and why full approval cannot be obtained. A signed affidavit, by the owner, will also be accepted. No Power of Attorney will be accepted.
- Building plans: One set of paper prints for the proposed work. New work to be coloured in terms of the NBR. (This is separate to the building plan application)
- Proof of submission: Copy of the Building Control payment receipt, as well as building plan Reference Number.
- Engineer's supervision: Copy of Engineer's appointment letter.
- Town Planning:
 - Copy of Proclamation notice (new Townships)
 - Copy of approved SDP and copy of letter of approval
 - Copy of Section 82 clearance certificate application (new Townships)





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- Finance/Legal Admin clearance:
 - Obtain written clearance certificate from Manager: Finance, 9th floor, A Block, Metro Centre, as proof that all monies owed to the Council have been paid.
 - In the case of new Townships, obtain written clearance certificate from Legal Administration, 9th floor, A Block, Metro Centre.
- Time Period: Provisional authorization is conditional and on a temporary basis for a 90 day period, but further extensions may be considered subject to conditions.
- Submission: The above mentioned documentation must be handed to the Chief Plans Examiner for the relevant area to make a recommendation to the Assistant Director: NBR for consideration of provisional authorization.
- Notification: A provisional authorization (if approved) will be issued within 7 (seven) days.
- Other conditions:
 - The provisional authorization may be limited to structural work only.
 - A provisional authorization is not approval of a building plan. It is still the responsibility of the owner to get the approval of the building plan.
- No occupancy certificate will be issued on a provisional authorization.



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Building
Inspection Unit:
Advise to Public
Contact Details

CHIEF BUILDING INSPECTORS DETAILS							
NO	REGION	NAME	CELL NO	OFFICE NO	FAX	AREA	EMAIL
1	A	Pierre Le Roux	(082) 559 3700	(011) 237 8046	(011) 314-1462	Alphen Square North Unit 3	pierrel@joburg.org.za
2	B	Lebohang Mdhuli	(083) 450 2949	(011) 761 - 0472	(011) 472-3483	Roodepoort Civic Centre	lebomd@joburg.org.za
3	C	Joseph Mhlanga	(082) 559 3731	(011) 761-0321	(011) 472-2544	Roodepoort Civic Centre	JosephMhl@joburg.org.za
4	C	Billy Posthumus	(082) 559 3701	(011) 761-0313	(011) 472-2544	Roodepoort Civic Centre	billyp@joburg.org.za
5	D	Abey Khanye	(082) 559 3729	(082) 559 3729	(011) 342-1665	Jabulani Civic Centre	abeyk@joburg.org.za
6	D	James More	(082) 559 3732	(011) 986-0044	(011) 986-0044	Jabulani Civic Centre	jamesmo@joburg.org.za
7	E	Azwindini Mulaudzi	(083) 391 2031	(011) 582 1579	(011) 582-1633	Sanpark Building Sandton	azwindinim@joburg.org.za
8	F	Colin Oates	(082) 559 3705	(011) 376-8660	(011) 376-8673	C J Cronje Braamfontein	colino@joburg.org.za
9	G	Richard Hadebe	(082) 559 3734	(011) 342-5284	(011) 3423647	Eldorado Park Civic Centre.	richardhad@joburg.org.za
10	G	Sydney Shai	(083) 262 1920	(011) 211-8902	(011) 211-8909	Ennerdale Civic Centre	svdneys@joburg.org.za