



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

BUILDING DEVELOPMENT MANAGEMENT TARIFF BUSINESS RULES 2021/2022

(JULY 2021 UPDATE)

SPATIAL PLANNING AND ENVIRONMENT DEVELOPMENT MANAGEMENT

To be read in conjunction with the Council approved Building Development Management Tariffs for 2021/2022

Approved xxxx (ITEM xxxxx)

1. **Effective date**

1.1 Fees are effective from 1 July 2021

1.2 These tariffs replace all previous tariffs charged by the Building Development Management branch of Council.

2. **Method of payment**

2.1 Please refer to the Tax Invoice for payment method options, or to <http://www.capetown.gov.za/work%20and%20business/planning-portal/online-planning-and-building-resources/dams>

2.2 Cheques and postal orders must be made payable to: City of Cape Town. Post-dated cheques will not be accepted. Note that cheque payments are being phased out.

3. **Time of payment**

3.1 Fees are due on submission of the building plan application.

3.2 Applications are only processed upon payment of the prescribed fees.

4. **Proof of payment**

4.1 The correct payment must be verified by the system against the application before any scrutiny will be done.

5. **Refunds**

5.1 In the case of errors or incorrect charging and subsequent correction thereof by the department, and subject to the approval of the Director: Development Management, a fee paid in terms of this tariff, fees and charges book is refundable. Refunds will only

be considered upon request by the applicant or owner. No refund will be paid if the fees was captured in accordance with the application form.

6. Payment errors.

6.1 Where the applicant has made an error in payment eg overpaid an invoice or paid into the incorrect City account, reimbursement enquiries to the City can be made. Errors in the determination of the fees, under charging, must be rectified prior to the approval of the application.

7. Subject to change

7.1 All fees and business rules are subject to change.

7.2 The fees applicable at the time of submission of the application are payable.

8. Exemptions

8.1 The following applications are exempt from the payment of scrutiny fees:

- Applications in respect of any building to be erected by or on behalf of the State. In this context "State" means an "organ of State" as defined in Section 239 of the Constitution. This is interpreted as those institutions which are an intrinsic part of government and those institutions outside the public service which are controlled by the State – ie where the majority of the members of the controlling body are appointed by the State or where the functions of that body and their exercise is prescribed by the State to such extent that it is effectively in control.
- Building Plans for all buildings and structures, including Housing projects managed by the Local Authority, erected for and by the Local Authority. (Plans must be submitted and approved prior to construction.)
- Applications in respect of alterations and/or additions to any building older than 60 years and of special heritage significance subject to the following provisos:
 - The exemption will be applicable for internal and external alterations, including renovations and repairs, where at least two thirds of the heritage fabric is retained as determined by the City's Heritage Resource officials. The exemption will not apply to applications where only the shell of the original building is retained.
 - The exemption will be applicable for additions to existing buildings on condition that the architectural floor area of the additions is less than 25% of the architectural floor area of the original building.
 - The exemption will not apply to applications for new separate buildings on the same erf.
 - The exemption will not apply to applications for new work where only a portion of the original building is retained. For example, the façade of the original building. The exemption will apply where the façade is retained and there is redevelopment within the envelope of the existing building.
 - The exemption will not be applicable to applications for building work in urban conservation areas unless the first two criteria apply.
- Applications in respect of any building to be erected or altered or additions thereto in the Atlantis Industrial Area as defined in the current City of Cape Town: Municipal Planning By-law.
- All applications required to address / give effect to successful resettlement claims in terms of the Restitution of Land Rights Act, as well as in cases where land has been allocated to a successful claimant, such claimant is allowed to submit only

one application (building plan), for residential development only which application(s) will be exempted from building plan fees as per normal fees.

- Applications from organisations providing residential facilities to the elderly and homeless children who qualify for rates relief in terms of: (a) the criteria mentioned in Item 6.7 of the Rates Policy and; (b) accreditation obtained from the Homeless Agency Committee (HOMAC) as stipulated in the Children's Act No. 38 of 2005. It will be required from the owner of the property on which the building plans is to be submitted to provide sufficient proof that he/she has been relieved from the payment of rates by the City's Revenue Department in terms of (a) or has obtained accreditation from HOMAC in terms of (b).
- Applications for the conversion, or addition to, dwelling houses, other residential units in former state subsidized housing developments or in areas where shelters is allowed, for ECD purposes will be charged for at the minimum tariff for such residential developments up to a total habitable floor area of 80m².
- The Director: Planning and Building Development Management may grant or refuse applications for the exemption of some or all the applicable Building Development application fees of a particular application which are necessitated due to changes to developments made at the request of the Environmental Management Service of the City of Cape Town in the interests of environmental or heritage conservation.
- In cases where a successful land claimant submits a building plan for a purely non-residential development (which does not include any residential development) on land so obtained, such non-residential application is subject to all the fees applicable to any other similar application which was not obtained by way of the Restitution of Land Rights Act.
- If a successful land claimant submits a building plan for a mixed use development (which includes non-residential development) on land so obtained, such non-residential building plan gets charged the normal fees as specific for such application as if the non-residential part of the application is a separate application from the residential part of the development.
- The Director: Planning & Building Development Management may authorise exemption from building plan application tariffs in cases where a building plan decision was set aside in a court of law and is required in terms of a court to be resubmitted to the City for decision, subject thereto that it is the same plan as originally submitted.

9. OTHER FEES

9.1 Requests for information:

- if information is specifically requested in terms of the "Access to Information Act," the relevant fees as prescribed in terms of that Act apply.

9.2 Printing fees:

- Printing fees are charged per page according to size. Hard copies will only be made in the sizes that are available at a particular district office.

9.3 Extension of validity of lapsed approvals within 6months of lapse date:

- The 50% of the applicable tariff will not be less than the minimum tariff for the relevant application type.

9.3 Request for occupancy certificate for all buildings where the request is received more than 9 months after the buildings are deemed completed by Council or a permission to use was issued for a portion of the building and is now fully occupied.

- The full submission fee as for a new submission is payable up to the maximum of the published tariff.
- An "As Built" plan is required in all circumstances together with required certificates.

10. APPLICATION OF THE TARIFFS

10.1 Minor Building Work:

10.1.1 As defined in the Building Regulations:

- (a) the erection of any -
 - (i) poultry house not exceeding 10 m² in area;
 - (ii) aviary not exceeding 20 m² in area;
 - (iii) solid fuel store not exceeding 10 m² in area and 2 m in height;
 - (iv) tool shed not exceeding 10 m² in area;
 - (v) child's playhouse not exceeding 5 m² in area;
 - (vi) cycle shed not exceeding 5 m² in area;
 - (vii) greenhouse not exceeding 15 m² in area;
 - (viii) open-sided car, caravan or boat shelter or a carport where such shelter or carport does not exceed 40 m² 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;~~
 - (x) any pergola;
 - (xi) private swimming-pool;
 - (xii) change room, not exceeding 10 m² 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 6 m² in area on any roof or 12 m² 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;

10.1.2 As defined by the Building Control officer in terms AZ2, Definitions in the Building Regulations:

- Replace definition (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~~ 2.5m in height at any point above ground level and does not retain soil to a max length of 500 m thereafter at 0.85% of the estimated value for the total wall.
- Reconstruction of fire or natural disaster damaged buildings at applicable rate as per single/other/non-residential categories.

10.1.3 General

- Permits valid for 6 months
- Each category is charged for separately even if part of a full plan submission.

10.2 Applications for Alterations and Additions: Plans will be assessed as follows:

- Additions: assessed on the area (square metres) per category
- Alterations, Non-residential: assessed on the QS/Architect estimated value of the building cost (wet works) and calculated at 0.85% of the value.
- Alterations, Residential and other Residential: assessed on the minimum tariff per category.

10.3 Applications for mixed use buildings: Plans will be assessed as follows:

- Where there is a horizontal separation of uses, for example, parking floors within an office building, the parking component is assessed separately at the applicable rate.

10.4 Applications for Provisional Authorisation to Commence with the erection of a Building: Applications for provisional authorisation to proceed with the erection of a building prior to final building plan approval will be considered in exceptional circumstances on condition that:

- The application has been formally submitted (the full scrutiny fees paid) and the plans have been circulated to the applicable service branches and a consolidated list of requirements have been compiled.
- The application for provisional authority is in writing and is fully motivated.
- The prescribed provisional authority fee is paid. This fee is not refundable.
- The application is for specific items of work clearly defined on the working drawings accompanying the building plan submission.
- The architectural area of the building under consideration (as defined in Section 1 of Act 103 of 1977) is greater than 500 square metres.
- Full Planning (Zoning) approval has been obtained.
- The property must not be encumbered by private restrictive title deed conditions.
- Any work done prior to the approval the building plans is entirely at the applicants' risk and should the plans require amendments or should the application be refused for any reason the work already completed will have to altered or removed as the case may be at the applicant's expense.

Effective 01 July 2021

These business rules must be read in conjunction with the "BUILDING DEVELOPMENT MANAGEMENT TARIFF STRUCTURE FOR 2021/2022"
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