

## OWNERS OF PROPERTIES WITHIN THE MOGALAKWENA MUNICIPAL AREA

### NOTICE: BUILDING PLANS, LAND USES AND ELECTRICITY

During various inspections done in the MOGALAKWENA MUNICIPAL AREA, especially areas where small holdings are situated, the following activities came to the attention of the Mogalakwena Municipality:

1. Structures have been erected of which no building plans have been submitted for approval.
2. Activities are being practice on properties of which are in contradiction with the Title Deeds and the Mogalakwena Town Planning Scheme.

### BACKGROUND:

1. The **Local Government Municipal Demarcation Act 27 of 1998** commenced on 1 February 1999 which meant that the jurisdiction of a Municipality was increased in area.
2. Prior to the commencement of the said Act, all areas outside the **then** Municipal boundaries, were the jurisdiction of the Department of Public Works, e.g. enforcement of the National Building Regulations, etc.
3. Since 1 February 1999, the jurisdiction within the **new** demarcated areas was then applicable to the Municipality.
4. This implicated that Acts such as the **National Building Regulations and Building Standards Act No 33 of 1979 as amended** and the **Town planning Scheme** must be enforced by such a Municipality.
5. The National Building Regulations states the following in clause 4(1) and 4(4):  
**"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.*  
*(4) Any person erecting any building in contravention of the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R100 for each day on which he was engaged in so erecting such building."*
6. It is therefore the responsibility of the owner of a property to ensure that the erection of all buildings on his / her property have been approved by the applicable local authority.
7. Failing to adhere to the above mentioned in item 6, will have the following implications to the owner:
  - a. Owner will be guilty of an offence, (as per the National Building Regulations).
  - b. If an insurance claim is submitted, the Company's Accessor might reject the claim.
  - c. Selling of the property will become a problem.
  - d. Injury / death of public on such properties, especially with regard to renting out of accommodation, will be the responsibility of the owner.

**You as owner are therefore hereby notified to ensure and comply with the following:**

1. **That all buildings and structures on your property that have been erected after 1 February 1999, should have been approved by the Mogalakwena Municipality.**

2. That your current activities, land uses, on the property are complying with the Title Deed and the Town Planning Scheme.
3. That your electricity installations on your property are complying with the relevant Acts and Codes.

#### **TOWN PLANNING:**

The owner/applicant/developer must comply with the provisions of Section 16 of Mogalakwena Municipality Land Use By-Law of 2016 read together with provisions of Mogalakwena Land Use Management Scheme 2008.

Where applicable, specialist reports might be required. e.g. Geotechnical Study, Engineering Services report, Environmental Impact Assessment as well as comments from the Department of Agriculture. All land uses must comply with primary uses permitted in terms of Mogalakwena Land Use Management Scheme, 2008.

#### **ELECTRICAL:**

Residents must take note of the stipulations of the Occupational Health and Safety Act, (Act 85/1993) and more specifically the regulations which forms part of the Act, which governs the safe keeping of the electrical installation of a premises and that the owner of a property remains responsible for the electrical installation of a premises and must at all times have a valid Certificate of Compliance for such installation. In this regard land owners are also referred to the Wiring code of practice SANS 10142.

For more information please contact:

1. Building Division – Building Control Officer (015) 491-9643
2. Town Planning Division – Town Planner (015) 491-9699
3. Electrical Department – Manager (015) 491-9601

**M. M. MTHOMBENI**  
**ACTING MUNICIPAL MANAGER**