IZICELO ZOKWAKHA – IZIMFUNO NOKULINDELEKILE

Okulindelekile ekuhambisaneni nezimfuno zomthetho

Noma yimuphi umnikazi ofisa ukwakha isakhiwo esisha, ukunweba noma ukulungisa isakhiwo asisebenzisayo noma ukusibhalisa ngokusemthethweni, kumele aqinisekise ukuthi izimfuno zomthetho i-National Building Regulations and Building Standards Act (Act 103 of 1977) (NBR & BS Act) zithotshelwe.

Ukwenza kanjani lokhu?

Ukuze kuhanjiswane nezimfuno zomthetho we-NBR kumele kuqokwe umuntu obhalisile nonekhono kulo mkhakha. Ezikhathini eziningi kuyaye kube umdwebi wamapulani onguchwepheshe (Architect), obhalise kwa-South African Council for the Architectural Profession (SACAP) futhi onolwazi olwanele lokwenza lo msebenzi.

Izinga ngalinye lokubhalisa ngaphansi kwe-SACAP liqukethwe emqulwini obizwa nge-Interim Identification of Work Matrix owashicilelwa kwiGazethi yango mhla ka 4 Okthoba 2011.

Umsebenzi womuntu oqokiwe, onekhono elifanele

Izinga lokweluleka kanye neqophelo lomsebenzi owenziwayo lilawulwa yimigomo yokusebenza yomkhandlu ofanele okubhaliswa kuwona.

Lo meluleki osuke eqokiwe obhalisile kumele akwazi ukweluleka kulokhu okulandelayo:

- Uhlelo lwemithetho olulandelwayo ekutholeni imvume yokwakha kumasipala;
- Ukweluleka umnikazi ukuthi angathathelwa zinyathelo zini zomthetho uma ukwakha kuqhubeka ngaphandle kwemvume edingekayo (Ukugunyazwa wuphiko lokuhlela noma lokuhlolwa kwezakhiwo akusho ukuthi isitholakele imvume kamasipala ngokwesigaba 7 soMthetho ka- 1977);
- Ezinye izimfuno ezingaba nomthelela noma zithinte umdwebo wokuhlongozwayo noma ezingadinga enye imvume ngaphambi kokuba isicelo sidluliselwe kumasipala, njengalokhu okulandelayo:

Le mithetho: Environmental Management Act, National Heritage Resource Act, Provincial Heritage Resource Act;
Housing Act;
Occupation Health & Safety Act nemithethonqubo engaphansi kwayo nehlobene nayo;
Water Act;
Umnyango Wezokuthutha kazwelonke mayelana nemigwaqo kazwelonke neyesifundazwe;
Umnyango kaGesi kaMasipala mayelana nezintambo zikagesi nemikhawulo ebekiwe emayelana nalokhu;
Okufaka –
Uhlelo lukaMasipala lwemigomo nezimiso zokuhlelwa kwedolobha;
Imithetho kaMasipala;
Imibandela ebekelwe amatayitela obunikazi;
Futhi okubaluleke kakhulu umthetho i-National Building Regulations and Building Standards Act (uMthetho 103 ka-1977).

Kuwumsebenzi womuntu onekhono, oqokiwe ukuhlela ukuma kwesakhiwo ngendlela ezokwanelisa umasipala njengokuyalela kwesigaba 7 soMthetho 103 ka-1977.

Ukukhombisa ukuthi lezi zimfuno kuhlangatshezwane kanjani nazo, kwenzeka ngokusayinwa kwefomu elibizwa nge-Form 1 eliqukethwe kwi-SANS10400-A elifakazela ukuthi isakhiwo sihleleke ngendlela efanele noma zonke izimfuno zesicelo sesakhiwo kuhlangatshezenwe nazo.

Umsebenzi kaMasipala

Kungumsebenzi kamasipala ukuqinisekisa ukuthi imithetho ethintekayo ithotshelwe ngezinga elifanele ngaphambi kokuba kuphasiswe isicelo sokwakha.

Uhlelo olulandelwayo

Uhlelo lokusebenza lukamasipala lulawulwa yizikhathi eziqukethwe wumthetho wesifundazwe i-Planning Development Act kanye ne-National Building Regulations & Building Standards Act No. 103/1977. UMasipala weTheku unezigaba ezimbili ezilandelwayo zokutholakala kwemvume:
Isinyathelo 1) Ukwenza isicelo esimayelana egatsheni lwakwa-Land Use Management;
Emuva kokutholakala kwemvume kuleli gatsha -
Isinyathelo 2) Ukwenza isicelo ngokuhambisana nesigaba 4 somthetho 103 la-1977 esiya egatsheni lakwa-Development Applications.

Lezi zicelo azihanjiswa kanyekanye ngenxa yokuthi azihambisani izikhathi okufanele zihanjiswe ngazo ezibekwe umthetho.

Okubhekwa igatsha lakwa- Land Use Management (LUM)

Igatsha lakwa-Land Use Management libheka ukuba isiphakamiso siyahambisana yini nezimfuno zezinhlelo zokuhlelwa kwedolobha kanye nezinye izimfuno ezihambisana nakho, isib.:

- imibandela ebekelwe ukuklanywa kwendawo;
- isikhala phakathi kwezakhiwo;
- ukubukeka;
- umthelela kumasevisi, njalonjalo.

Esimweni lapho imibandela yokuhlelwa kwedolobha ilandeliwe, abakwa-LUM bazoyikhipha imvume. Leyo mvume enjalo ayilona igunya lokuqala umsebenzi wokwakha (noma ngabe wenziwa umnikazi noma usonkontileka nanoma yimuphi omunye umuntu) noma ukuthi isicelo esenziwe ngokwesigaba 4 somthetho 103 ka-1977 naso sizophumelela.

Inhloso yemibandela yokulawula yohlelo lokuhlelwa kwedolobha ukwenza lokhu:

Ukwakha ngolayini:

- ukwakha nokugcina esimweni uhlelo oluhehayo lwezitaladi;
- ukuhlinzekela ukusitheka kwamagumbi abhekene nomgwaqo;

- ukuhlinzekela ukuba ungabi wuhlupho umsindo odalwa yizimoto;
- ukwenza ngcono ukuphepha ezimotweni ngokwakha olayini abenza abantu bakwazi ukubona ibanga elide ngaphambili nangemuva kwezakhiwo;
- ukuhlinzekela ukukhanya kwemvelo nokushaya komoya phakathi kwezakhiwo;

Izikhala ezisemaceleni:
- ukuhlinzekela ingasese;
- ukuhlinzekela ukushiywa kwezikhala ezenele phakathi kwezakhiwo zomakhelwane;
- ukuhlinzekela ukukhanya kwemvelo nokushaya komoya phakathi kwamabhilidi;
- ukuhlinzekela ukungena kwezimoto ngemuva kwezakhiwo;
- kube nokuhlukanisa ngenhloso yokubhekelela ukubukeka kahle;
- ukuvikelwa kwezisekelo zezakhiwo zomakhelwane;
- ukuhlinzekela amasevisi akhona nasazokwakhiwa;

Isikhala esingemuva kwezakhiwo:
- ukuhlinzekela indawo yokuphumula;
- ukuhlinzekela ingasese;
- ukuhlinzekela amasevisi akhona nasazokwakhiwa;

Ukusondelana kwezakhiwo endaweni:
- ukuqinisekiswe ukulingana phakathi kokuhlinzekwa kwamasevisi nezidingo zomphakathi.

Ubude:
- ngenxa yokungafani kobude bamabhilidi phakathi kwemingcele yedolobha kumele kuqinisekiswe ukuthi kukhona ukukhanya kwemvelo nokushaya komoya phakathi kwamabhilidi ngaso sonke isikhathi;
- ukuqikelela ukuthi indawo ibukeka kahle ngokuhlukahlukana kokuklanywa kwayo;
- ukulawula ubungako bentuthuko;

Indawo okwakhiwe kuyona:
- ukubekela imikhawulo ubukhulu bezakhiwo;
- ukwakhiwa kwendawo yokungcebeleka phakathi kwezakhiwo;
- ukugcinwa kwendawo ibukeka kahle.

Ukulawulwa kwendawo eyakhiwe nobuningi nobukhulu bezakhiwo:
- ukulawulwa kokwakha nobukhulu bezakhiwo:
- ukuqinisekisa ukuhambisana kwesibalo sabantu endaweni ngayinye nokuhlinzekwa kwezimfuno zomphakathi;
- ukulawula ubungako bendawo esetshenziselwa uhwebo;
- ukuqinisekisa ukuthi njalo kuneqophelo eliphezulu lokubukeka kwendawo;
- ukugcina isilinganiso esamukelekile ngokubheka ukwanda kwezimoto ezizosetshenziswa kuleyo ndawo;

Ukuvikelwa kwemvelo:
- ukuhlinzekela izindlela zokuvikela izindawo ezinemvelo esebucayini, zinezilwane nezinhlobo ezithile zokumilayo, imigudu yamanzi, njalonjalo.

<u>Indima edlalwa yihhovisi lezokwakha</u>

Umsebenzi omkhulu womhloli wezakhiwo ukuqinisekisa ukuthi konke ukwakhiwe okwenziwayo esakhiweni okwenziwa ngumnini waso, kwenziwa kuhambisane nemvume ekhishwe umasipala, hhayi igunya lokuhlela.

Esimweni lapho lowo msebenzi wokwakha owenziwayo ungahambisani nemvume kamasipala, umsebenzi womhloli wezakhiwo ukuthathela umnikazi izinyathelo zomthetho.

Noma ikuphi ukuchezuka noma ukungalandeli imibandela yemvume kanye nepulani ephasisiwe yokwakha edingekayo lapho kwakhiwa khona kudinga ukuba kufakwe futhi kuphasiswe isicelo sokwakha ngaphambi kokuba kwenziwe lezo zinguquko ezinjalo. Inqubo yokulethwa kanye nokucutshungulwa kwesicelo sokuchezuka epulanini ephasisiwe noma emsebenzini wokwakha ogunyaziwe injengoba kuchazwe ngenhla. Awukho umsebenzi wokwakha oqondene nokuchezuka epulanini noma kwimvume enikeziwe okuvumelekile ukuba wenziwe kuze kutholakale leyo mvume.

Umhloli wezakhiwo akagunyaziwe ukukhipha imvume yokuqalwa kwanoma yimuphi umsebenzi wokwakha ngokuthunyelwa kwesicelo kumasipala, okungaba ngokweTown Planning Scheme noma isigaba 4 somthetho 103 ka-1977.

Emuva kokuphothulwa komsebenzi wokwakha, okwakutholakale imvume yokuba wenziwe, kungumsebenzi womhloli wezakhiwo ukukhipha isitifiketi sokuthi sekungangenwa kuleso sakhiwo. Lokhu kwenzeka uma zonke izincwadi nezitifiketi ezidingekayo zilethwe zaphelela.

<u>Ukucutshungulwa kwezicelo zomswebenzi wokwakha (Izicelo ngokwesigaba 4 somthetho 103 ka-1977)</u>

Igatsha lakwaDevelopment Applications kumasipala yilona elibheka ukuthi ngabe isicelo esilethiwe siyahambisana yini nesigaba 4 soMthetho 103 ka-1977, futhi siyazanelisa yini izidingo zokuphasiswa kwesicelo ngokwesigaba 7 somthetho 103 ka-1977.

Kulandelwa inqubo enezinyathelo ezimbili:
Isinyathelo 1) U-Building Control Officer (BCO) wenza isincomo kumasipala sokuthi isicelo siphasiswe noma sichithwe;
Isinyathelo 2) umasipala, ngokubheka izincomo zika-BCO, uyanquma ukuthi isicelo esilethiwe siphasiswe noma sichithwe.

<u>Izincomo zika-Building Control Officer (BCO)</u>

U-BCO, ngamandla awanikiwe uyabheka ukuthi isicelo esilethiwe kumasipala siyazanelisa yini izidingo ezibekwe engxenyeni A kuya X emithethweni yezokwakha (NBR), njengoba isigaba 6 somthetho 103 ka-1977 i siyalela.

Esimweni lapho isicelo sihambisana khona ngokwanelisayo nezinga elidingekayo nezimfuno zayo yonke eminye imithetho ethintekayo, uBCO wenza isincomo sokuthi umasipala asiphasise isicelo. Lesi sincomo asisho ukuthi umasipala wanelisekile ukuthi lesi sicelo uzosivuma.

Isincomo sokuba sichithwe isicelo senziwa uma umdwebo olethiwe ungahambisani namazinga adingekayo noma ungemukeleke ngaphansi kwanoma yimiphi eminye imithetho ethintekayo.

Ukucutshungulwa kwesicelo ngumasipala

Isigaba sesibili salolu hlelo ngesokuba umasipala uthathe isinqumo ngokwesigaba 7 somthetho 103 ka-1977.

Ukuze kuthathwe isinqumo, umasipala ubheka izincomo ezenziwe yi-BCO, imvume ye-LUM, kanye nezinye izigunyazo ezikhishiwe, isib: Ezemvelo, AMAFA, njalonjalo, kanye nokubheka imithelela engemihle engavela ngenxa yokwakhiwa kwebhilidi uma imvume ikhishwa.

Lapho umasipala engenelisekile ngezinga lokuthotshelwa kwemithetho efanele, ngeke asiphasise isicelo. Isinqumo esibhalwe phansi sokwenqaba ukwamukela isicelo siphelezelwa yizizathu zokuchithwa kwesicelo.

Izizathu zesinqumo ziyazigagula izimfuno ezingeneliswanga. Lokhu akubi uhla olunaba kabanzi ngezinto ezidinga ukulungiswa nokuthi zidinga ukulungiswa kanjani, njengoba kuhlala abanye beye bacabange, kepha kuye kugagulwe nje kuphela lezo zindawo ezidinga ukubuyekezwa.

Uma isinqumo kungesokusichitha isicelo, umnikazi uyanikezwa ithuba lokulungisa izinto ezidinga ukulungiswa esicelweni sakhe ngesikhathi esibekwe esigabeni 7 somthetho 103 ka-1977 esiwunyaka owodwa obalwa kusukela ngosuku isicelo esichithwa ngalo, bese ephinda esiletha kabusha isicelo ukuze sibuyekezwe.
Lokhu nokho kudinga ukuthi izinto ezihlonziwe kufanele ngabe sezilungisiwe.

Lapho kungalungiswanga khona ngendlela efanele kanti nesikhathi sonyaka owodwa sesidlule, kufanele kukhokhwe imali entsha yokufaka isiceloeshisha ngokwamatharifu abizwayo ngaleso sikhathi, ngaleyo ndlela isicelo kuyodingeka sifakwe kabusha. Awukho umsebenzi wokwakha ongaqalwa isicelo sokwakha sichithiwe.

Esimweni lapho umasipala wenelisekile ukuthi izimfuno zonke kuhlangatshezwene nazo, uyobe eselikhipha igunya lokwakha ngokwesigaba 7 somthetho 103 ka-1977. Imvume enjalo igunyaza umninindawo ukuba aqale umsebenzi emva kokunikeza isaziso ihhovisi labahloli bezakhiwo.

Ukugunyazwa kwesicelo sokwakha kubhalwa ekhophini eyodwa yamapulani umninindawo okufanele azilandele yona. Imvume ekhishwe umasipala kufanele igcinwe injalo futhi ihlale ikhona ukuze ihlolwe lapho kwakhiwa khona uze uphothulwe umsebenzi wokwakha.

La magama aqinisekisa ukuvunywa kwesicelo sokwakha avame ukuba phezulu ekhoneni langakwesokudla lawo wonke amapulani okwakha:

"Building Application
Approved in terms of sec.7 of the National Building
Regulations & Building Standards Act No 103/1977.

_____ _____
Date Signature

This plan is approved on the basis of the information shown herein.
Attention is drawn to the attached documentation & that this approval shall lapse ONE year after the above approval date,
unless the erection of the building in terms of NBR Act 103/1977 is commenced."

Noma ngabe yikuphi okunye okubhalwe ukuthi "Authorised "/ "Granted", akusho ukuphasiswa kwepulani okusemthethweni.

Izibopho zomnikazi

Noma imuphi umnikazi ofisa ukwenza umsebenzi odinga ukulethwa nokuphasiswa kwamapulani okwakha ngokomthetho i-NBR & BS Act, kumele aqoke umuntu onamakhono afanele futhi obhalisile emkhandlwini ofanele. (Umthetho uReg A1(1) ngaphansi kwe-NBR)

Futhi kuwumsebenzi womnikazi ukuqinisekisa ukuthi lo muntu amqokile uqeqeshwe ngokwanele ukuba namakhono okwenza umsebenzi awuqokelwe nokuthi ubhalisile emkhandlwini ofanele ngaphambi kokuba aze aqokwe. Ukwehluleka ukuzanelisa ukuthi umeluleki unamakhono afanele ukwenza lo msebenzi nokuthi ubhalisile emkhandlwini ofanele kuzoholela ekuchithweni kwesicelo sokwakha ngumasipala.

Imininingwane emayelana nomsebenzi ongenziwa ochwepheshe kwezokudwetshwa kwamapulani neyokubhaliswa kwabo emkhandlwini ofanele iyatholakala kule website: www.sacapsa.com okungeye South African Council for the Architectural Profession (SACAP).

Le minininingwane egagulwe ngenhla ifaka umsebenzi ongenziwa umuntu kanye nomkhakha abhalise ngaphansi kwawo.

Lo chwepheshe ongumdwebi oqokwa umnikazi uyena okungumsebenzi wakhe ukudweba ipulani yokwakha ethobela yonke imithetho efanele, hhayi umasipala.

Ngaphezulu kwalokhu, omunye umsebenzi obekwa emahlombe omnikazi ukuqinisekisa ukuthi umsebenzi wokwakha owenziwa ngokwepulani ephasisiwe uyahambisana nemithethonqubo ebizwa nge-Construction Regulations ka-2003 equkethwe emthethweni
i-Occupational Health & Safety Act, No. 85/1993 ukuze kugwemeke ukuyisana ezinkantolo ngenxa yezingozi ezingavelela abantu ngesikhathi kwakhiwa.

Ukuvikeleka komnikazi

Esimweni umuntu onamakhono afanele obhaliswe ngokufanelekile oqokelwe ukwenza umsebenzi engaziphathi ngendlela okufanele abantu abasemsebenzini wakhe baziphathe ngayo, isb.: engawenzi umsebenzi

ngekhono elifanele, ngokucophelela nangobuqotho, ehluleka ukweluleka umnikazi ukuthi angalokothi akhe ngaphandle kwemvume edingekayo, ehluleka ukwenza umsebenzi osezingeni elifanele ukuze ukwazi ukuphasiswa, eqinisekisa izinto ezingelona iqiniso, njalonjalo, umnikazi angenza lokhu okulandelayo:

(a) Angabika lolu daba emkhandlwini okubhaliswa kuwona (SACAP – okubhalisa kuyona abadwebi bamapulani (Architectural professional), ECSA – okubhalisa kuyona onjiniyela) noma
(b) Angasebenzisa ilungelo lakhe eliqukethwe emthethweni wokuvikelwa kwamalungelo amakhasimende, iConsumer Protection Act. No. 68/2008; noma
(c) Angamthathela izinyathelo zomthetho lapho singatholakali khona isixazululo ngezinyathelo (a) no (b) ngenhla.

Umasipala awuyona inkundla yokuxazulula imibango phakathi kwabanikazi nochwepheshe bezokwakha ababaqokile.

Izichibiyelo zakamuva emithethweni yezokwakha yezwe

Isichibiyelo sakamuva somthetho i-National Building Regulations & Building Standards Act, No 103/1977 yisidingo sokuthi u-'Part X Environment Sustainability' abe yingxenye yezinto ezibhekwayo ekudwetshweni nasekwakhiweni kwamabhilidi.

Akuqashelwe ukuthi imithetho esebenzayo lapha kanye nezichibiyelo kuyingxenye yemigomo yoMnyango weZohwebo Nezimboni yokulawula imboni yezokwakha futhi isebenza eNingizimu Afrika yonke. Lezi zichibiyelo aziyona ingxenye yokubuyekezwa kwemithetho kamasipala noma inqubomgomo kamasipala. Kepha umasipala unesibopho sokuqinisekisa ukuthi le mithetho yokwakha kazwelonke nezichibiyelo zayo kuyalandelwa.

Into yokuqala elindelekile imayelana no-'Part XA Energy Efficient Usage in Buildings' ehambisana nombhalo wesu lokusetshenziswa kwamandla ngokonga, osihloko sithi: National Energy Efficiency Strategy of the Republic of South Africa. Inhlosonqangi yalokhu ukuncishiswa komusi oyingozi emkhathini ngendlela okwakhiwe ngayo amabhilidi nangendlela asebenza ngayo.

Zisebenza kuphi lezi zidingo

Lezi zidingo zisebenza kuzona zonke izakhiwo ezintsha nanoma kunwetshwa izakhiwo, okubandakanya kepha okungapheleli ezakhiweni ezingamahhovisi, imizi, nezindlu ezakhiwe ndawonye okuhlalwa kuzona, njalonjalo. Kunokuxegiselwa okwehlukahlukene maqondana namabhilidi okugcinwa kuwona impahla kanye namafemu.

Uhlobo kanye nobukhulu bokunwetshwa kwesakhiwo yiko okuzosuselwa phezu kwakho isinqumo sokuthi lungakanani uguquko okumele lwenziwe esakhiweni esivele sikhona.

Ukuncishiswa kwesisi esinobuthi emkhathini kuzokwenziwa ngokwakhiwa kwamabhilidi ngendlela yokuthi asebenzise amandla ngendlela ewongayo, esetshenziselwa ukukhanyisa, ukushisisa amanzi, ukufudumeza noma ukupholisa umoya endlini nokuthi ibhilidi lakhiwe ngendlela enophahla nezindonga zangaphandle okuhambisana nomsebenzi walo, isimo sangaphakathi kanye nendawo elakhiwe kuyona.

Kuphinde kudingeke ukuba amaphesenti angama-50 amandla okushisisa amanzi ngonyaka umthombo wawo kungabi yigiza kagesi ejwayelekile kepha kube yindlela yokushisisa eyonga imvelo.

Kuzokwenzeka kanjani lokhu

Ukuze kufezeke lezi zidingo ezingenhla, uchwepheshe wezokwakha oqokiwe kuzodingeka eluleke umnikazi ngokufanelekile futhi aqinisekise ukuthi umdwebo wesakhiwo esisha noma wokunwetshwa kwesakhiwo ebesivele sikhona wenziwa ngendlela efanele, ibhilidi liba nomthunzi ofanele kanye nengxenye esamvilophu kanjengoba kudingeka kwi-SANS 10400-XA.
Amabhilidi akhiwa ngaphandle kwemvume edingwa umthetho adinga ukufakwa izinto eziningi ezibizayo ukuze athobele le migomo edingwa wumthetho.

Izinto ezicatshangwa abanye abantu kepha ezingelona iqiniso

Isidingo sokuba kuqalwe kutholwe imvume kamasipala ngaphambi kokuba kwakhiwe sisebenza ngokufanayo nasezindlini ezakhiwe ngokhuni (noma ngabe ubukhulu bazo bungakanani), imipheme yohlobo olubizwa ngama-awnings noma ama-carports kanye neminye imipheme enjalo, uphahla lotshani, amachibi okubhukuda, izindawo zokuphumula ebhilidini ezakhiwe ngokhuni, ovulandi noma ama-balcony aneminyango egudluzwayo noma egoqekayo/okuxhunywa emafasiteleni, njalonjalo.

Inkoleloze edumile eyokuthi akudingeki ukuba kuhanjiswe amapulani kumasipala maqondana nalezi zakhiwo ayikho ngaphansi kukaMasipala weTheku.

Imipheme yohlobo olubizwa ngama-awnings noma ama-carports kanye neminye imipheme enjalo, uphahla lotshani, izindawo zokuphumula ebhilidini ezakhiwe ngokhuni, ovulandi noma ama-balcony, yize kulula ukwakheka kwazo, kepha zinomthelela omkhulu ekwakhekeni kwendlu kanjalo nasekuthobeleni kwayo imibandela yokongiwa kwamandla lapho lezi zinto zingadwetshwanga ngendlela efanele.

Olunye usizo

Ulwazi oluqukethwe kuleli bhukwana sihlose ngalo ukusiza abanikazi bezakhiwo ukuba baqonde uhlelo olulandelwayo lokuthola imvume edingekayo ngokomthetho kumasipala uma befisa ukwenza umsebenzi wokwakha kanye nokubazisa ngezibopho zabo bonke abantu nezinhlaka ezithintekayo.

Mayelana nolunye usizo noma ukwelulekwa, sicela uxhumane nehhovisi lendawo yangakini le-Development Applications Branch.