



COMPLEX BUILDING PLAN, SITE DEVELOPMENT PLAN (SDP) AND SECTIONAL TITLE COMPLIANCE

A Practical Guide for Body Corporates, Trustees and Unit Owners

Johannesburg Metropolitan Municipality & Mogale City Local Municipality

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1. PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide Body Corporates, trustees and individual owners with a clear understanding of the process involved when an existing complex or sectional-title development needs to review, update or regularise its approved Site Development Plan (SDP), building plans and related sectional-title information.

Over the years, many complexes undergo changes to individual units and common areas. These may include:

- Enclosed patios
- Carports and garages
- Additional rooms
- Covered entertainment areas
- Braais and outdoor structures
- Extensions to existing buildings
- Changes to windows and doors
- Alterations to roofs
- Pergolas and covered areas
- Additional parking areas
- Changes to driveways
- Changes to landscaping
- New walls or fences
- Changes to common property
- Alterations between buildings
- Additional structures
- Other alterations not reflected on the original approved plans.

These changes may have taken place over many years and may have been carried out by different owners. As a result, the current physical development may no longer correspond with approved municipal records, the original SDP, individual building plans or sectional-title information.

The purpose is therefore not simply to “draw new plans”, but to establish:

What was originally approved, what currently exists, what needs to be regularised, and what documentation should be updated so that the complex has an accurate and defensible record going forward.

This process is particularly important when considering property sales, insurance, municipal compliance, sectional-title administration, future alterations, financing and the correct recording of unit areas and participation quotas.

2. WHY SHOULD A COMPLEX UPDATE ITS RECORDS?

A complex is a development that changes over time. The original development may have been approved many years ago, while individual owners may subsequently have altered their units.



If approved records are not kept up to date, uncertainty can arise around whether additions were approved, whether they appear on the building plans or SDP, whether they affect sectional-title information, whether they affect floor areas or participation quota, and whether they should be reflected in insurance and Body Corporate records.

3. IMPORTANT DISTINCTION BETWEEN THE DIFFERENT PLANS

3.1 Site Development Plan – SDP

The Site Development Plan generally deals with the development of the property as a whole. Depending on the development and municipality, it may indicate:

- Position of buildings
- Unit/building relationships
- Site boundaries
- Building lines
- Parking
- Access and driveways
- Landscaping
- Open areas
- Common property
- Coverage
- Building arrangement
- Other site-development information required by the relevant authority

An SDP provides an overall picture of how the development is arranged on the property. It is not a replacement for individual building plans.

3.2 Individual Building Plans

Building plans deal with the actual building or alteration. Depending on the project, these may include floor plans, elevations, sections, roof plans, doors and windows, electrical layouts, water and sanitary fittings, areas, structural information, energy-efficiency information, drainage and other information required by municipal approval.

3.3 Sectional Title Plans

Sectional title plans establish the legal sections and common property of the sectional-title scheme. These are separate from ordinary municipal building plans. Where physical changes alter the boundaries or areas of registered sections, appropriate professional advice must be obtained regarding whether a sectional-plan amendment or other formal process is required.



4. WHAT IS PARTICIPATION QUOTA (PQ)?

Participation quota, commonly referred to as PQ, is an important part of sectional-title ownership. For a residential sectional-title scheme, the Sectional Titles Act generally calculates the participation quota of a section based on the floor area of that section relative to the total floor area of all sections in the scheme, subject to the provisions of the Act.

In simple terms, the size of an individual section contributes to the calculation of that section's participation quota.

If a unit is extended, the increased area may potentially affect the PQ calculation. An owner should not simply assume that an extension automatically changes the registered PQ. The correct process is to establish the existing approved and registered information and then obtain the necessary professional advice regarding any required amendment.

5. WHY THE SDP IS IMPORTANT FOR THE WHOLE COMPLEX

The SDP is important because the complex is not made up of individual units in isolation. All buildings form part of one overall development.

When multiple individual alterations are viewed together, the overall development may differ substantially from the original approved SDP. An updated SDP can provide the Body Corporate with a single overall reference showing the current development and the relationship between the various buildings and structures.

6. PROPOSED PROCESS – FROM START TO FINISH

STAGE 1 – INITIAL DISCUSSION

Meet with trustees, Body Corporate representatives or managing agent to establish the reason for the update, age and size of the complex, municipality, sectional-title status, previous alterations, availability of plans, existing SDP, sectional-title plans and known problem units.

STAGE 2 – RETRIEVAL OF EXISTING COUNCIL PLANS

A recent municipal account is generally required. An independent plan-retrieval consultant may search for available municipal plans. Her estimated fee is typically R800 – R1,200, depending on the search required. A formal quotation is issued once there is clarity on the records available. Plans are not always available.

STAGE 3 – REVIEW OF APPROVED INFORMATION

Review available records to identify original building footprints, unit areas, parking, common property, access, structures, SDP information, building lines, development controls and previous amendments.



STAGE 4 – ON-SITE INSPECTION AND MEASUREMENT

Physically inspect and measure the development, including building footprints, additions, patios, carports, garages, enclosed areas, roof structures, common areas, parking, walls, driveways and building positions. Photographs may also be taken.

STAGE 5 – COMPARISON

Compare approved information with the physical development and classify findings as approved/matching, existing but different, or additional/unconfirmed development.

STAGE 6 – COMPARISON / COMPLIANCE REPORT

Prepare a report identifying available approved information, current physical development, differences, units requiring further investigation, common-property changes, potential SDP amendments, individual building-plan requirements and areas requiring other professional input.

STAGE 7 – IDENTIFY REQUIRED PROFESSIONALS

Depending on findings, involve a Town Planner, Structural Engineer, Civil Engineer, Fire Consultant/Engineer, Land Surveyor and/or Conveyancer/Sectional Title Specialist.

STAGE 8 – UPDATE OVERALL SDP

Update the overall SDP once the development and planning issues have been established. The SDP may show buildings, unit/building identification, footprints, parking, access, driveways, common areas, structures, open areas, building lines and landscaping.

STAGE 9 – MUNICIPAL SDP APPROVAL

Deal with the updated SDP according to the requirements of the relevant municipality. Johannesburg and Mogale City have different procedures, forms, fees and requirements.

STAGE 10 – INDIVIDUAL UNIT BUILDING PLANS

Once the overall development has been addressed, individual owners can deal with alterations specific to their units, such as enclosed patios, additional rooms, carports, garage conversions, roof extensions and entertainment areas.

STAGE 11 – INDIVIDUAL PLAN PROCESS

Inspect and measure the unit, establish the original approved layout, identify the alteration, prepare updated drawings, obtain required consultant input, complete supporting documents, submit and address municipal comments.

STAGE 12 – SECTIONAL TITLE / PQ REVIEW

After approval of individual alterations, consider whether changes affect registered sectional-title information. Where an extension increases the floor area of a section, obtain appropriate sectional-title/conveyancing advice.



7. HOW CHANGES MAY AFFECT PQ

Example: a unit was originally 100 m² and later receives an approved 20 m² extension. The physical floor area becomes 120 m². Depending on the sectional-title circumstances and professional/legal requirements, the increased area may affect the participation quota.

Existing registered information → approved building information → measured/approved extension → professional assessment → sectional-title advice → revised information where legally required.

8. BODY CORPORATE LEVIES AND CONTRIBUTIONS

Participation quota can form part of the basis used for determining an owner's share of certain Body Corporate contributions, subject to the applicable legislation, rules and any valid alternative arrangements. If recorded areas are materially incorrect, the Body Corporate should obtain appropriate advice rather than simply ignore the discrepancy.

9. INSURANCE CONSIDERATIONS

Accurate building information is important from an insurance perspective. The Body Corporate should ensure that its insurer and/or insurance adviser has accurate information regarding the development. Significant differences between actual buildings, approved buildings, recorded areas and insured information may create uncertainty when a claim arises.

An updated plan does not itself constitute an insurance valuation or guarantee of cover. The Body Corporate should obtain advice from its insurance professional regarding insured values and disclosure requirements.

10. PROPERTY SALES AND TRANSFERS

Accurate records can assist when units are sold. Potential buyers, banks, conveyancers and other professionals may request approved building plans, municipal records, sectional-title plans, extensions, compliance information, areas and parking information. Where an addition does not correspond with available documentation, a transaction can potentially be delayed while the issue is investigated.

11. WHAT HAPPENS IF PLANS CANNOT BE FOUND?

If original plans cannot be located, this does not necessarily mean that the property cannot be dealt with. The process may need to establish an accurate record through site inspection, measurement, existing owner documentation, historical plans, sectional-title documentation, survey information and other available records.

A newly prepared drawing should not automatically be described as an approved municipal plan. A drawing prepared by a professional and an approved municipal plan are two different things.



12. COMMON PROPERTY VS INDIVIDUAL UNIT ALTERATIONS

Common Property

Examples include main driveways, visitor parking, common gardens, common walls, clubhouses, guardhouses, shared structures and common services. Changes to these areas may require Body Corporate consideration and potentially additional municipal, planning or sectional-title approvals.

Individual Unit

Examples include enclosed patios, additional rooms, carports, garage alterations, private entertainment areas and roof alterations. These may require individual owner involvement and potentially a separate building-plan process.

13. WHO PAYS FOR WHAT?

A. Complex-Wide Costs

Costs that benefit the complex as a whole may include the initial investigation, overall site inspection, comparison report, overall SDP, common-property information, certain professional planning costs and other development-wide requirements. These can generally be considered by the Body Corporate and, where appropriate, shared between owners according to the Body Corporate's approved resolution and applicable rules.

B. Individual Unit Costs

Costs relating specifically to one owner's alteration would generally be quoted separately to that owner. Examples include measuring one unit, redrawing one unit, preparing one owner's building-plan application, engineer's work relating specifically to that unit, individual municipal submission and individual regularisation.

14. ESTIMATED INITIAL PROFESSIONAL COST

For budgeting purposes, the preliminary professional fee for the site inspection and compilation of a comprehensive comparison report is approximately R5,500. This is a preliminary budgeting figure only. A detailed quotation should be prepared once the property information, number of units, existing plans, extent of inspection and scope of work have been established.

15. PLAN RETRIEVAL COST

The independent plan-retrieval consultant's estimated fee is approximately R800 – R1,200. This is a separate professional/service-provider fee and the consultant will provide a formal quotation once there is clarity regarding the availability and extent of the required Council records.



16. COST OF UPDATING THE OVERALL SDP

Following completion of the comparison report, a separate quotation can be prepared for updating and redrawing the overall SDP. The cost will depend on the number of units, size and complexity of the development, number of buildings and alterations, availability and accuracy of existing drawings, amount of site measurement, planning requirements and consultant requirements.

Because the SDP represents the development as a whole, the cost of updating it would normally be considered a complex-wide expense rather than charging only owners whose individual units contain alterations. The exact allocation should, however, be approved by the Body Corporate in accordance with the applicable rules and professional advice.

17. COST OF INDIVIDUAL UNIT PLANS

After the overall SDP process and report have been completed, each affected owner can request a separate quotation for their individual unit. The quotation may include site inspection, measurement, drawings, municipal submission documentation, engineer coordination and other consultant coordination where required.

Consultants such as engineers, town planners, fire consultants, surveyors and conveyancers generally charge separately where their services are required. Their fees should not be assumed to be included in the draughting fee unless specifically stated in the quotation.

18. WHY WE DO NOT QUOTE EVERYTHING UP FRONT

It is often difficult to provide an accurate final quotation before the existing information has been established. It may not yet be known whether plans exist, whether they are usable, how many alterations exist, whether the SDP exists, whether planning approval is required, or whether engineering, fire, civil, surveying or sectional-title work is required.

A staged process is therefore more responsible and helps prevent the Body Corporate from paying for professional services that may ultimately not be required.

19. RECOMMENDED PROJECT STRUCTURE

- PHASE 1 – INFORMATION: Body Corporate instruction → municipal account/property information → retrieve existing Council plans → obtain existing SDP and sectional-title information.
- PHASE 2 – INVESTIGATION: Review existing documentation → inspect and measure the complex → compare approved information with current development → prepare compliance/comparison report.



- **PHASE 3 – COMPLEX REGULARISATION:** Identify planning/municipal issues → obtain Town Planner/Engineer/other professional advice → update overall SDP → submit SDP → obtain approved updated SDP.
- **PHASE 4 – INDIVIDUAL UNITS:** Identify units requiring individual plans → owner requests quotation → measure and redraw → obtain consultant input → submit building plan → address comments → obtain approval.
- **PHASE 5 – SECTIONAL TITLE / PQ:** Review whether approved extensions affect registered information → obtain sectional-title/conveyancing advice → update PQ or sectional-title documentation where legally required → update Body Corporate records.
- **PHASE 6 – FINAL RECORD KEEPING:** Keep approved plans, updated SDP, sectional-title documentation, certificates, municipal correspondence and alteration records, and establish a process for future alterations.

20. THE LONG-TERM OBJECTIVE

The objective is not simply to correct old plans. It is to establish a proper system whereby the complex has an accurate overall SDP, accurate municipal building-plan records, accurate individual-unit information, proper records of alterations, proper consultant documentation, correct sectional-title information where applicable, appropriate PQ information, better insurance records and better information for future sales.

21. FUTURE ALTERATIONS

Once the complex has been brought up to date, it is recommended that the Body Corporate implement a simple procedure for all future alterations.

1. Establish whether Body Corporate approval is required.
2. Establish whether municipal building-plan approval is required.
3. Establish whether an SDP amendment is required.
4. Establish whether an engineer is required.
5. Establish whether town-planning approval is required.
6. Establish whether fire approval is required.
7. Establish whether sectional-title implications exist.
8. Establish whether the alteration can affect common property.
9. Establish whether the alteration may affect PQ or other registered information.

22. IMPORTANT PRINCIPLE FOR OWNERS

The purpose of the process is not to create unnecessary costs or to penalise owners for historic alterations. The purpose is to establish an accurate record of the development and provide a practical route to regularisation where required.



Every complex is different. Some units may be fully compliant; some may require minor updates; some may require complete building-plan approval; some may require engineering input; some may involve town-planning issues; and some may have sectional-title implications.

23. MUNICIPAL DIFFERENCES

Although this document provides a general framework for Johannesburg and Mogale City, the municipalities are separate authorities and their submission procedures, forms, fees and requirements may differ. The final requirements must therefore be confirmed for the specific property before submission.

24. PROPOSED RESPONSIBILITY STRUCTURE

Party	Main Responsibility
Body Corporate / Trustees	Authorise the overall complex process and coordinate owner communication.
Individual Owners	Provide access and information relating to their units and deal with unit-specific regularisation.
Draughtsperson	Inspection, measurement, drawings, SDP and building-plan preparation.
Plan Retrieval Consultant	Search for and obtain available municipal records.
Town Planner	Land-use and planning matters where required.
Structural Engineer	Structural design, assessment and certification where required.
Civil Engineer	Civil infrastructure, drainage, stormwater and related matters where required.
Fire Consultant	Fire-related requirements where applicable.
Land Surveyor	Survey, sectional-title measurement and cadastral matters where required.
Conveyancer / Sectional Title Specialist	Registered sectional-title and PQ matters where required.
Municipality	Assessment and approval of applications within its statutory functions.
Insurance Adviser	Advice regarding insurance disclosure and cover.
Managing Agent	Administration and record keeping where applicable.



25. WHAT THE BODY CORPORATE SHOULD HAVE AT THE END

Ideally, the Body Corporate should ultimately have a central electronic record containing:

- Latest approved SDP
- Previous SDP where relevant
- Approved building plans
- Individual unit plans
- Sectional-title plans
- PQ schedule
- Engineer certificates
- Fire certificates where applicable
- Municipal correspondence
- Planning approvals
- Occupation certificates where applicable
- Relevant consent letters
- Record of alterations
- Final inspection/report documentation

26. FINAL RECOMMENDATION

The recommended approach is not to immediately redraw every unit. A more practical and financially responsible approach is:

10. Establish what plans and records already exist.
11. Inspect the complex and establish what physically exists.
12. Compare the approved information with the current development.
13. Prepare a comprehensive report identifying discrepancies.
14. Address the overall complex through the updated SDP and any required planning/consultant processes.
15. Once the overall SDP position has been established, deal with individual unit alterations separately.
16. Where extensions or alterations affect registered sectional-title information, obtain appropriate professional advice regarding sectional-title amendments and PQ.
17. Create a complete updated record system for the Body Corporate and establish a procedure for future alterations.

27. CONCLUSION

A complex is a long-term asset shared by many owners. Keeping municipal, planning, building and sectional-title information aligned is therefore in the interests of the entire development.



An organised approach can provide the Body Corporate and owners with greater clarity, better record keeping, improved compliance, better information for insurance purposes, greater certainty during property sales, better Body Corporate administration, a clearer understanding of unit areas, proper consideration of PQ implications, a structured route for regularising historic alterations and a reliable basis for managing future development.

The proposed process is designed to be transparent, staged and fair. It allows the Body Corporate to first establish the facts before committing to more extensive professional work, while allowing individual owners to address their own unit-specific requirements once the overall development position has been established.

PRELIMINARY BUDGET SUMMARY

Item	Preliminary indication
Municipal plan retrieval consultant	R800 – R1,200
Site inspection & comprehensive comparison report	Approximately R6,500
Overall SDP update	Separate quotation after investigation
Individual unit building plans	Separate quotation per owner
Structural Engineer	Separate quotation where required
Civil Engineer	Separate quotation where required
Town Planner	Separate quotation where required
Fire Consultant	Separate quotation where required
Land Surveyor	Separate quotation where required
Conveyancer / Sectional Title Specialist	Separate quotation where required
Municipal application/submission fees	Dependent on municipality and application

All amounts above are preliminary budgeting indications only and are subject to confirmation once the scope of work and municipal requirements have been established.

IMPORTANT DISCLAIMER

This document is intended as a practical information and process guide for Body Corporates, trustees and property owners. It does not constitute legal, conveyancing, town-planning, engineering, surveying, insurance or municipal advice.

The exact requirements for a specific complex must be confirmed based on the property's title conditions, zoning, approved plans, sectional-title documentation, municipal requirements and the nature of the proposed alterations.

Where matters relating to sectional-title registration, participation quotas, common property, exclusive-use areas or registered rights arise, the Body Corporate should obtain advice from an appropriately qualified sectional-title professional, conveyancer or other relevant professional.

Municipal requirements, forms, fees and procedures may also change from time to time and should be confirmed with the applicable municipality before submission.



PROPOSED NEXT STEP

Should the Body Corporate wish to proceed, the recommended first step is to obtain:

- A recent municipal account
- Copy of the title deed where available
- Existing approved SDP, if available
- Existing building plans
- Existing sectional-title plans
- Current PQ schedule
- Any previous approvals
- A list of known alterations
- Contact details for the managing agent/trustees
- Access arrangements for the site inspection

Once this information has been obtained, the project can proceed through the staged process described above.