

BIULDING CONTROL POLICY

2021/22

Summary

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Review Date	September 2021
Related Legislation/Applicable Section of Legislation	<ul style="list-style-type: none"> • South African Constitution as Amended • Municipal Systems Act, 2000 (Act No 32 of 2000) • Municipal Structures Act, 1998 (Act No 117 of 1998) • Spatial Planning and Land Use Management Act 16 of 2013 • National Building Regulations and Building Standards Act 103 of 1977
Related Policies, Procedures, Guidelines, Standards, Frameworks	Collective agreement
Replaces/ Repeals (whichever is relevant, if any)	
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Policy Sponsor (Name/Position)	
Department Responsible	Planning and Development
Unit responsible	Spatial Planning

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REVISION RECORD

Date	Version	Revision Description

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1. INTRODUCTION

The Objective of this Policy Document for Building Control is to outline the activities of Building Control and to guide the Municipal Management as far as effective Implementation.

2. DEFINITION OF TERMS

Unless the context otherwise indicates, the under-mentioned words shall have the following meaning:

- (I) "Application"- means an application referred to in section 4 (2) of the National Building Regulations and Building standards Act 103 of 1977
- (II) "Architects"- means architect as defined in section 1 of the Architects' Act, 1970 (Act No.35 of 1970)
- (iii) "Building"- Includes
 - a) Any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for;
 - b) Any wall, swimming bath, swimming pool, reservoir, or bridge or any other structure connected therewith;
 - c) Any fuel pump or any tank used in connection therewith and
 - d) Any part of the building, including a building as defined in paragraph (a), (b) or (c):
 - (a) Any facility of system or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm-water disposal, electricity supply or other similar service in respect of the building;
- (IV) "Building Control Officer/ Inspector"- means any person appointed or deemed to be appointed as building control officer or Building Inspector by local authority in terms of section 5 of Act 103 of 1977
- (v) "Erection"- in relation to a building, includes the alterations, conversion, extension, re-building, re-erection, subdivision of or addition to, or repair of any part of the structural system of, any building; and erect shall have a corresponding meaning.
- (vi) "Municipal Council"-means a Municipal Council referred to in section 157 of the Constitution;
- (vii) "National building regulations"- means the national building regulations made in terms of section 17 of ACT 103 of 1977

2.1 WHAT IS BUILDING CONTROL

It is to ensure that all buildings and work on buildings is carried out in a safe and orderly fashion and in accordance with the regulating framework of National Building Regulations and Standards Act 103 of 1977, Municipal By-Laws and any other related Legislative Framework and by so doing:

- a) Safe (free from danger);
- b) Habitable (fit for human habitation);
- c) Accessible to people with disabilities; and
- d) Compliant with the requirements of the National Building Regulations and other relevant and appropriate legislation.

3. PURPOSE AND SCOPE OF THE BUILDING CONTROL POLICY

The purpose of the Building Control Enforcement Policy is to explain the ways in which this particular service will enforce its powers in accordance with the principles adopted by the Engineering Department of Ngqushwa Local Municipality for the Municipality as a whole. The policy sets out what business and others affected by its regulatory responsibilities can expect from the service and assists staff in applying enforcement powers. The policy applies to all Building Control staff with enforcement responsibilities relating to the service areas and actions set out below.

4. BACK GROUND

Ngqushwa Local Municipality does not have Building Control but are eager to comply with the legal requirements of the Acts relating to Building Control. Council and the Community have expressed an interest in understanding the processes in this regard.

5. VISION

That Building Control will assist in improving living conditions for all.

6. AIMS

Activities such as Building Control are technical in nature and require such processes necessary to carry out the function but also the aim is to involve and Inform the Community at large of the benefits of good Building Control and practice, thereby:

- (a) Involving communities In decisions relating to Building Control services within the jurisdiction of the Ngqushwa Local Municipality;
- (b) Making Ngqushwa Local Municipality safer through application of the Building Regulations and actions on dangerous Structure

7. MANDATES/ROLES AND RESPONSIBILITIES

A number of organizations are involved In the control of the buildings. An overview of the roles and responsibilities of the different organizations is provided below.

(a) National Department:

The National Government Is responsible for instituting the legislation aimed at guiding and providing policy direction In the erection of buildings at different spheres.

8. OBJECTIVES

- (a) To establish Building Control that Is effective and is In accordance with all Legal requirements.
- (b) To ensure in the BC process that an efficient and correct system be adopted.
- (c) To involve all Applicants In a fair and equitable manner.
- (d) To Involve affected Municipal Departments In the approval process.
- (e) To assist the poorer Communities In being able to improve their properties for future long term benefit so their feelings and aspirations are of equal importance.
- (f) To efficiently and speedily approve Building Plans so as to satisfy the needs of:
 - (i) The Applicant

- (ii) Potential employment in construction
- (iii) Short and long term benefits to the Municipality

- (g) To assist in new development approvals and thereby creating employment.
- (h) To assist other Municipal Departments on building matters.
- (i) To give building advice to those who seek it.
- (j) Assist Building Contractors in their development process.
- (k) Maintain site inspection regime, which takes full account of key factors such as:
 - (i) The detail provided at the design assessment stage,
 - (ii) The nature of the work,
 - (iii) Experience of the builder,
 - (iv) Complexity and rate of build,
 - (v) Unusual or high risk features,
 - (vi) Notification arrangements,
 - (vii) Key construction
- (l) Adequate site inspection records will be maintained.
- (m) Contraventions will be communicated promptly and clearly to a responsible person and statutory consultees will be advised of any significant departures from the plans.
- (n) Certificates of completion will be given upon satisfactory completion of the relevant work.
- (o) Records of individual projects will be retained for an appropriate period.
- (p) To assist poor and destitute society members in obtaining structures in a sound safe manner.

9. ROLES & RESPONSIBILITIES

- a) Council must delegate and give a clear direction as to the involvement of Building

Control.

- b) Council must formulate a basis of fee payment on plan submissions which is fair and in line with standard norms.
- c) The BCO must carry out the functions of Building Control as determined by the Act and to the detail that is included in the Operational Procedures and Policy Section.
- d) The BCO to be given a clear chain of managerial line management responsibility and reporting.
- e) Council must instruct communities as to their role in Building Control.

10. POLICY & LEGAL FRAME WORK

The Policy adopted by Council must take into consideration all the relevant legislation affecting:

- (a) Town Planning
- (b) Coastal Management
- (c) Health and Safety
- (d) Environmental Issues
- (e) The Building Regulations
- (f) National, Regional and Local Indigent Policy

Note: The usage of the legal aspects, besides compliance being necessary, is to treat any specific application/non-compliance in a fair and equitable basis.

11. ASSOCIATED DOCUMENTS AND POLICIES

This Building Control and Plan Approval Policy Document shall be read together

with the following Standard Documents: The Integrated Development Plan (IDP):

- a) The Indigent Policy;
- b) The Tariff Policy;
- c) The Municipal By-Laws; and
- d) The Credit Policy.

12. INTEGRATED DEVELOPMENT PLAN

In terms of the Municipal Systems act, Section 24, the Municipality must align its planning with the development plans and strategies of other organs of state so as to give effect to the principles of co-operative governance contained in Section 41 of the Constitution. In line with this requirement, the following programmes and/or strategy document are of particular importance:

- (a) Its own IDP.

13. HUMAN RESOURCE DEVELOPMENT

- a) Lends itself to be a training module for trainees and must be used as such.
- b) Suitable arrangements for continuing professional development and in service training will be maintained.

14. COMPLIANCE

- a) It is incumbent on Ngqushwa Local Municipality to ensure compliance to the Legal requirements by Applicants.
- b) It is incumbent on Ngqushwa Local Municipality to have a set of By-Laws that assist Building Control.
- c) Inter alia, the relevant Town Planning Act of Ciskei. The National Building Regulations 1977 and as amended in 2008. Integrated coastal Management Scheme. Occupational Health & Safety Acts and relative updating and Public Health.

15. COMMUNITY ACCEPTANCE

- a) Notwithstanding the Legal framework, Ngqushwa shall arrange networking with the Community to ensure an understanding of the process.
- b) Methods will be maintained to collect and monitor evidence of performance and procedures to learn from its findings as part of a process of continuous improvement shall be in place.

16. AVAILABILITY OF BY-LAWS

- a) In order to ensure compliance, the Ngqushwa Local Municipality and its authorized Agents, shall make its By-Laws and Policy Documents easily available to Consumers within its area of jurisdiction.
- b) Supported by the Council, the Ngqushwa Local Municipality shall undertake awareness campaigns and ensure accessibility to its By-Laws, Regulations and Policy Documents through appropriate Municipal Offices throughout its area of jurisdiction.

17. OPERATIONAL DOCUMENT FOR BUILDING CONTROL AND BUILDING CONTROL OFFICER

- a) The requirements are as laid down in the Operational Procedures and Policy Section Item refers.

18. APPLICATION PROCESS FOR BUILDING PLAN APPROVAL

- a) That the process of Plan Approval is to follow the Application Process system as laid down in the separate document MARKED "Application Process & Approval Document".

19. LANGUAGE OF COMMUNICATION

- a) The language of general communication shall be English. Where practical, notices and other broad communications will also be made available in IsiXhosa.
- b) The By-Laws shall prescribe in which instances, and under which Terms and Conditions communications will be issued in respect of the official languages of South Africa.

20. POLICY REVIEW

This Policy Document shall be reviewed:

- a) Whenever National or Provincial Policies in respect of this function are revised.
- b) If not reviewed in terms of National or Provincial Policy changes, this Policy shall be subjected to a full review at least every four (4) years to ensure its relevance, appropriateness, and general usefulness to the Ngqushwa Local Municipality.

OPERATIONAL GUIDELINES AND PROCEDURES SECTION

This document is to instruct on the work and activity of Building Control and the Building Control Officer.

21. FOUNDING STATEMENT

Ensure:

That the Legal consideration and Codes of Practice relating to buildings and associated work are implemented for the benefit of the:

- Community;
- Individuals;
- Municipality and
- Environment.

22. NGQUSHWA LOCAL MUNICIPALITY COUNCIL REQUIRE:

The activity of a Building Control Operation to be of benefit to those involved; And to assist In Development in an orderly fashion.

23. NGQUSHWA LOCAL MUNICIPALITY MUST ACCEPT THAT:

Building Control Officer is a legal requirement in the frame work of South African Law.

24. THE BUILDING CONTROL OFFICER NEEDS:

- a) To be formally appointed by Council and
- b) Recognized as Council's Executive responsible for the Building Control function; and reporting to a designated Line Manager.

25. SUITABILITY OF CANDIDATES

Any Candidate must have:

- a) The qualifications given in Clause A16 of Section 4 of the National Building Regulations and Building Standards Act 103 of 1977, and Amendments up to 2008 and
- b) When appointed given a Certificate of Indemnity as given in Clause A16 of Section 4 of the National Building Regulations and Building Standards Act 103 of 1977, and Amendments up to 2008.

THE BUILDING CONTROL SERVICE AND FUNCTION IS TO SUPERVISE THE IMPLEMENTATION OF GOVERNMENT LEGISLATION AND OTHER RELEVANT GOVERNMENT LEGISLATION.

26. THE BUILDING CONTROL OFFICER SHALL:

- a) Provide a professional applicant orientated service to ensure all building work complies with the regulations and to be carried out in an ethical manner.
- b) Ensure that Health and Safety issues are not compromised.
- c) Ensure that Welfare and Convenience of people with disabilities are catered for.
- d) Advise the Public/Community with the joint involvement of the system.

AND

- e) Carry out any necessary discussions with Applicants timeously.
- f) Assess Plans promptly and communicate to Applicants details or queries regarding their Application; Carry out Site Inspection routine that takes into account:
 - The amount of approved detail
 - The nature of the work
 - The experience of the Builder
 - Potential complications and risk
 - Communication with the Applicant during construction
- Maintain adequate Site Inspection records including Contraventions.
- Issue Certificate of Completion upon completion of acceptable approved work.
- Ensure the records are kept in a safe and secure manner.
- The BCO shall avail himself/herself on opportunities on further Professional and Learnership development.

DUTIES AND OPERATIONAL REQUIREMENTS ARE UNDER THE TERMS OF THE NATIONAL STANDARDS ACT 103 OF 1977 AND AMENDMENTS UP TO 2008**27. CORE DUTIES:**

- Scrutinize the submitted Drawings for compliance;
- Ensure any instruction given regarding the Act is carried out;
- Inspection of Buildings during construction;
- Report to Council on non Compliance and Contravention issues;
- Ensure Fire Protection plan is adhered to;
- Ensure satisfactory Completion of Buildings and Certificate of Compliance & Completion issued;
- Liaise with Town Planning function;
- Prepare Reports & Responses including BCO aspect on Town Planning issues – for Council;
- Ensure approved SDP Is maintained; Notify on Heritage Issues.

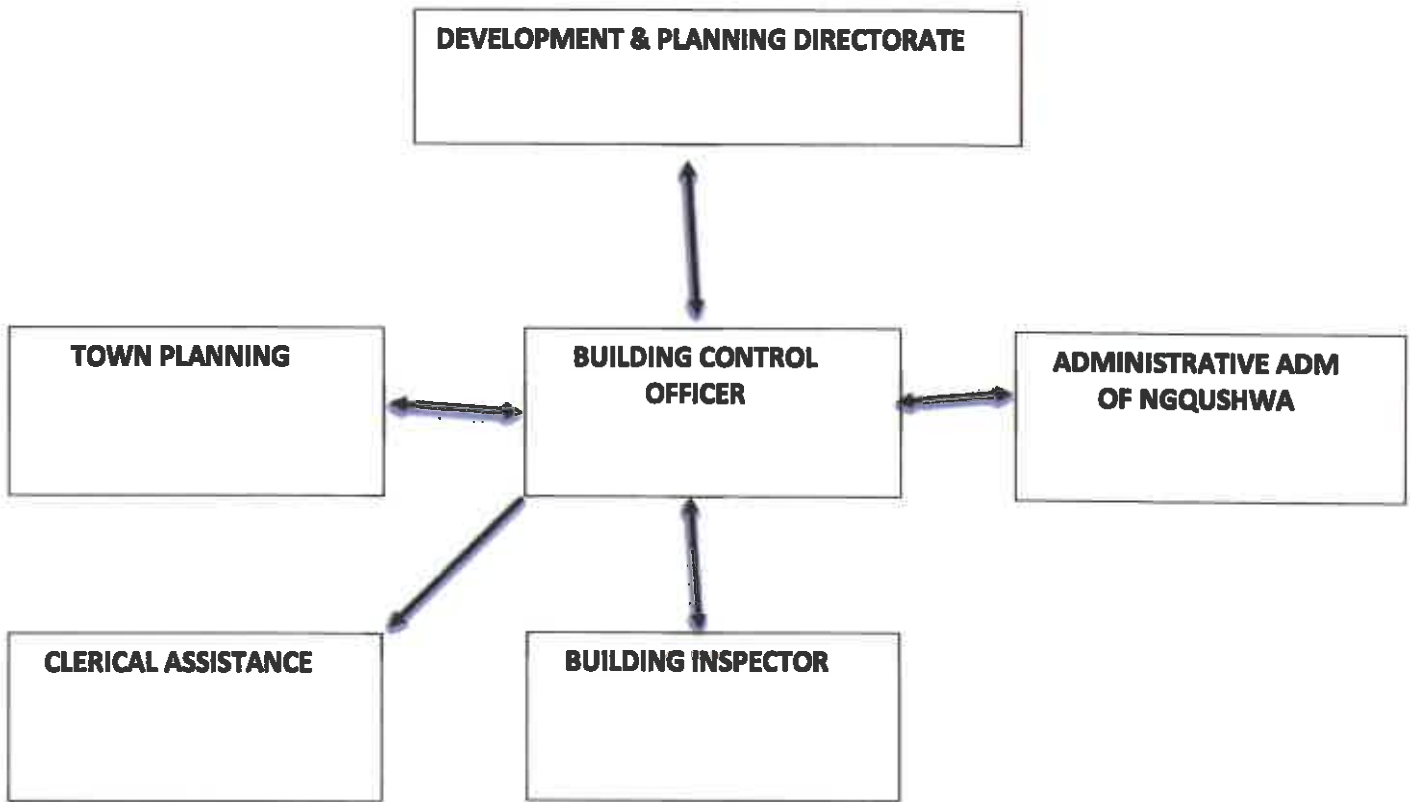
28. NON-CORE FUNCTIONS

- Council can delegate other functions to the BCO 6(4) of the Act and delegation can include such items as:
- Prepare Building Quotations/Estimates for Council's assistance;
- Liaise with Department of Statistics; Assist and regulate Encroachments; Health & Safety compliance;
- Contraventions;
- Bed & Breakfast overview;
- Assistance on updating the Valuation Role; Assistance where necessary with the General Public;
- Involvement of Land Use Issues; Possible Peace Officer appointment.

29. REPORTING AND COMMUNICATION

Building Control shall report to a designated Municipal Officer, Technical Services Directorate. Shall liaise with Town Planning staff and the administrative area of Ngqushwa where deemed necessary. Any clerical assistance and Building Inspectors must report to the BCO (see Organogram on the next page).

RELATIONSHIP ORGANOGRAM SAMPLE



Technical Services need not be the reporting head, but communication and decisions need to be made by Council.

OPERATIONAL REQUIREMENTS

30. A SECURE 12m² OFFICE INCLUDING:

- Desk;
- Plan Table;
- Filing Cabinet(s) & Filing System;
- Phone;
- Access To Stationery.

31. CELL PHONE

32. TRANSPORT OR ALLOWANCE

33. COPIES OF UPDATED:

- National Building Regulations;
- Town Planning Act;
- Integrated Coastal Management Plan;
- ADM's Policies of Sewer & Water
- Ngqushwa SDP;
- Zoning and Land Use Plans.

34. COMPUTER LINKAGE**OPERATIONS AND SYSTEMS CONTROL & RECORDING METHOD**

It has become more and more critical that Building Construction and Control are carried out correctly. To ensure the BCO can carry out his duties, a proper Systems Control and Recording need to be put in place, therefore:

35. THE REQUIRED SEQUENCE IS AS FOLLOWS FOR REGISTERED TOWN AREAS/FARMS/HOME OWNER ASSOCIATIONS/BODY CORPORATE AREAS

- Query From Applicant;
- Submission Of Plans;
- Enter Application In A Filing System;
- Discussion/Scrutiny Of Plans By;
 - a. Town Planning
 - b. Health
- Response To Applicant Including;
- Calculate Scrutiny Fee and Street Deposit;
- Process Application For;
 - a. Approving With Delegated Authority
 - b. Accept Subject To Council Approval
 - c. Reject Plans

NOTE: Approval CANNOT be given or work commenced unless the above process has been completed.

Contravention will apply, providing the BCO/Council have responded in the requisite time period.

Clause 7 Final Paragraph Section 1 of the National Building Regulations and Building Standards Act 103 of 1977 and Amendments up to 2008.

THE REQUIRED SEQUENCE IS AS FOLLOWS FOR INFORMAL SETTLEMENTS, TOWNSHIPS AND INDIGENT CLUSTER UNITS

36. THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT 103 OF 1977 AND AMENDMENTS UP TO 2008 STILL COMPLY BUT REQUIRE AN, AS YET, UNAPPROVED SYSTEM TO ENSURE INVOLVEMENT OF:

- The Communities;
- Councillors;
- Ward Committees.

I.E. There must be a "buy in" by the Community and Councillors to the process and application as it is for individuals long term benefit.

Assistance and advice to be given by the BCO to help with the process.

LIAISON WITH OTHER DEPARTMENTS OF THE BUILDING CONTROL POLICY

37. IT IS A REQUIREMENT, LEGALLY, THAT THE BCO SIGNS OFF THE APPLICATION FOR APPROVAL. THIS WILL THEREFORE INCLUDE ASPECTS OF:

- **Town Planning;**
- **FIRE;**
 - a. Domestic Fire aspects are covered in the Building Regulations and Town Planning submissions.
 - b. Commercial/Business/Industrial Requirements should be verified by the Main Service Provider – i.e. ADM.
- **SPECIFIC HEALTH & SAFETY;**
 - a. Domestic Aspects are covered in the Building Regulations and Town Planning submissions.
 - b. Commercial/Business/Industrial Requirements should be verified by the Main Service Provider – i.e. ADM.

- **WATER BORN SERVICES;**

- a. Domestic & Residential Zoned Areas

- ADM are the Provider of the Services but delegated Authority is given by the nature and action of Building Control.

- b. Large Developments/Commerce/Business/Industrial

- Liaison with ADM Is necessary.

TOWN PLANNING

38. SPECIFIC ASPECTS TO VERIFY:

- Building Lines;
- Zoning;
- Heights;
- Restrictions.

If a Town Planner is not available, these items can be verified by the BCO. Town Planning Applications MUST be handled by a Professional Town Planner with input and comment from the BCO and other relevant Parties.

LIAISON WITH OTHER NGQUSHWA DEPARTMENTS

39.IT IS ESSENTIAL THAT THE ADMINISTRATION ARM OF THE MUNICIPALITY ARE:

- **ADVISED OF: Contentious Applications:**

- Ciskei is still covered by Ciskei Land Planning Ordinance. Any Application for Building Plans at odds with the intention – should be referred with recommendations to Council/Administration Arm.

- **Contraventions;**

Contravention Notices have to be Issued by the BCO/Building Inspectorate. Authority for prosecution or Legal Action rests with the Administration Arm of the Municipality, unless Delegated Authority is given.

- **Non Compliance;**

Where Notice has been issued but not obeyed, and/or deviations to an Approved Plan made, this is Non Compliance and is a Contravention. Authority for prosecution or Legal Action rests with the Administration Arm of the Municipality, unless Delegated Authority is given

- Effective date : 01 JULY 2013

40. ADOPTION AND APPROVAL OF THE POLICY BY COUNCIL

This policy is adopted and approved by the full Ngqushwa Local Municipality Council for Implementation



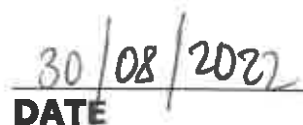
MUNICIPAL MANAGER



DATE



MAYOR



DATE