AMAHLATHI LOCAL MUNICIPALITY

BUILDING CONTROL POLICY

Council Resolution Number	Approved Date
Ordinary Council Meeting	28 May 2026
Effective Date: 1 July 2026	Review Date: Annually and or as and when required

CLLR. N. Mlahleki

Speaker

Building Control Policy	
Policy Number	
Policy Name	Building Control Policy
Policy Status	Active
Version	
Date of Approval	28 May 2026
Date of First Implementation	01 July 2026
Date Last Amended	2021
Date of Next Review	01 July 2030
Purpose	To outline the aim of the policy, implementation and management of all Amahlathi Municipality Policies and to ensure that those members of staff/councillors and traditional leaders involved are clear as to their roles and responsibilities so that policies are developed and implemented in an efficient, cost effective and consistent manner
Aims and 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 and residents in a fair and equitable manner
Policy Custodian	Director Development & Planning
Related Policies and Legislation	National Building Regulations and Building Standard Act 103 of 1977
Approving Authority	Council
Applicability	
Policy Benchmark and References	Amathole
Stakeholders Consulted	

Building Control Policy

Table of Contents

NO	HEADING	PAGE
1	Preamble	4
2	Definitions	4
3	Acronyms	4
4	Purpose And Scope of the Building Control Policy	4
5	Scope Of the Policy / Background	5
6	Policy Principles/ Objectives	5
7	The Policy and Legal Framework	6
8	Parties Consulted/Community Acceptance	7
9	Process Description as Per Sop's	7
10	Monitoring And Evaluation	7
11	Reviewing a policy	7
12	Deviation Clause	8
13	Dispute Resolution	8
14	Adoption and approval of the policy by council	9

1. PREAMBLE

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. PURPOSE

The purpose of the Building Control Enforcement Policy is to explain the ways in which this service will enforce its powers in accordance with the principles adopted by the Engineering Department of Amahlathi Local Municipality for the Municipality as a whole. The policy sets out how businesses and those affected by these 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.

3. DEFINITIONS

All key definitions and terms are offered to facilitate easy reading of the policy. The author visits this part of the policy only after the entire document has been completed.

4. ACRONYMS

- ADM (AMATHOLE DISTRICT MUNICIPALITY)
- BCO (BUILDING CONTROL OFFICER
- NBR AND BSA (NATIONAL BUILDING REGULATIONS AND BUILDING STANDARD ACT

5. POLICY STATEMENT

A Policy statement shall be crafted by a small group of stakeholders within Council while the rest of the policy shall be investigated and researched by the relevant department.

A number of organizations are involved in the control of the buildings:

(a) National Department:
The National Government is responsible for instituting the legislation

(b) Provincial Authorities:
With respect to Building Regulations, the Provincial Government must;
Determine the need to review existing legislation or the drafting of new legislation

(c) District Municipality

The District Municipality must:

- Assist the Local Municipalities in performance of the Building Regulation function according to the prescribed mandate and responsibilities for Municipalities.
- Capacitate the Local Municipalities to perform the Building Control Policy in terms of stipulations of the Municipal Structures Act, (Act No. 117 of 1998), where there is identified need for capacity

(d) Local Municipalities

The Local Municipality undertakes the day powers and functions in respect of Building Regulations; of which Building Plan Approval is one portion. The Local Municipalities are primarily responsible for the implementation and administration of the Act and National Building Regulations.

6. SCOPE OF THE POLICY

It is to ensure that all buildings and construction 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;

(d) fire safety and means of escape exists from buildings; and

Compliant with the requirements of the National Building Regulations and other applicable legislation

7. POLICY PRINCIPLES

(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 and residents 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 to satisfy the needs of the Applicant

(g) To monitor, oversee and ensure that Building Contractors comply with the Building Regulations and other applicable legislation in their development process in accordance with the Standard Building Erection Checklist

8. THE POLICY

This shall entail the real gist of the method which the municipality shall use to resolve the problem which gave rise to the development of the policy.

Some policy clauses shall explain standards of good governance but must be prescriptive in nature.

This Building Control Policy when adopted by Council will take into consideration all the relevant legislation affecting;

(a) Town Planning
(b) Health and Safety
(c) Environmental Issues
(d) The Building Regulations
(e) 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

9. PARTIES CONSULTED/COMMUNITY ACCEPTANCE

In the policy it shall be stated that specific stakeholders were consulted during the development of the policy. A certificate of consultation shall be attached to the policy when it is submitted to council for adoption to demonstrate that a well thought-out and credible policy formulation process has been adhered to.

DRAFT OF BC POLICY DONE IN CONSULTATION WITH AMATHOLE DISTRICT MUNICIPALITY

Notwithstanding the Legal framework, Amahlathi shall arrange networking with the Community through awareness campaigns and public participation programmes to ensure an understanding of the building control process in particular:

- Actions that result to Contraventions of the Building Regulation categorized as among others when a person:
  - Failures to deposit plans before commencing building works.
  - Failures by the builder to give the required notice at specified stages of the work.
  - Failures to comply with the requirements of the Regulations in carrying out building work on site.

10. PROCESS DESCRIPTION

This accompanying table gives further details about what activities should occur at each of the steps and who is responsible as per SOPs submitted.

Process	Description	Owner
Develop BC Policy	Preparation of reviewed Building control Policy document and operational guidelines	HOD
Submit to MM and Speaker	Approval of Draft Building Control Policy Document and Operational Guidelines.	Municipal Manager and Speaker
Presentation of policy to technical workshop	Draft Building Control Policy be presented to technical policy workshop.	HOD
Developed Draft Policy	Legal advice must be sought throughout this stage. Once the policy developed has been approved then the draft policy can be submitted to council.	HOD/Legal Unit
Finalising The Draft Policy	Once in final draft format, the policy shall be subject to final approval by Council.	Municipal Manager/HOD
Prepare Policy For Implementation	Establish implementation tasks team to be deployed and convert the policy to a PDF file and upload it onto the intranet and website via Communications Manager.	Policy Author/HOD
Effectiveness of the policy	Once the final Building control policy is approved by council and uploaded to the website, implementation of the policy will be effective in the 2026/27FY	BC Unit

11.MONITORING AND EVALUATION

The policy must be monitored and evaluated from time to time to test if the rationale for which it was created remains relevant. There is no hard and fast rule as to when the policy should be evaluated.

12.REVIEWING A POLICY

Amahlathi Local Municipality Policies are subject to review, as and when necessary. As the review date approaches it is important to plan the process. To some extent it can help to see this as a shortened version of the full development process because it is important to ask if many of the same fit for the purpose. Inevitably, the demands of the organisation can change over a year and it is important to consider whether the policy needs to be amended to reflect these changes. It is also essential to galvanise views from across the municipality about the success of the policy, what has worked and what hasn't and consider where there may be gaps and identify any newly emerging needs or issues.

It may be necessary to plan a communications exercise or the intranet to generate discussion and feedback. For practice related policies it will be essential to create some dialogue with relevant stakeholders to gain their views.

If because of the review, essential aspects of the policy are changed it will again be important to run a similar communications exercise as occurred in the initial implementation of the policy, this will need to be used to highlight any key changes

This Building Control Policy Document shall be reviewed:

(a) Whenever National or Provincial Policies in respect of this function are revised.

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 Amahlathi Local Municipality

13.DEVIATION CLAUSE

A deviation clause in the Policy offers an escape route in the event of unforeseen circumstances such as danger to life, emergency situations or an instruction from National / Provincial Government and District Municipality. It creates flexibility and enables performance outside the otherwise rigid confines of the policy. Approval for deviation must however be approved by the Municipal Manager or Council as the case may be.

14.DISPUTE RESOLUTION

Any dispute arising out of the implementation of policy shall be referred to the South African Local Government Bargaining Council (SALGBC) or any other structure established for that purpose in terms of the Labour Relations Act.

15. ADOPTION AND APPROVAL OF THE POLICY BY COUNCIL

This policy is adopted and approved by Amahlathi Local Municipality Council for implementation.

Effective from (Date)_____

Approved by Resolution Number _____ on this the _day of _____20_____

Signed this the _____ day of _____ 20_____.

_____ _____

DR. Z. SHASHA **DATE**
MUNICIPAL MANAGER

_____ _____

CLLR N. MLAHLEKI **DATE**
SPEAKER