

**INGQUZA HILL LOCAL
MUNICIPALITY**

**BUILDING PLAN APPROVAL
POLICY**

PREAMBLE

This policy is part of a suite of policies developed by the Inguza Hill Local Municipality. It acts as the link between the legislative requirements and Integrated Development Plan.

This policy document serves to capture the policies of the Inguza Hill LM with specific respect to ensuring uniformity relating to the planning and erection of buildings, the approval of building plans and the compliance with legislation relating to buildings construction, occupational health and safety and fire prevention.

1 DEFINITIONS

Building Control Officer	An officer appointed by the municipality, with the required qualification in terms of Regulation A17 of the National Building Regulations, with the duties of inspection of buildings and / or approval of plans.
Building Regulations	means the regulation, through by-laws of any temporary or permanent structure, attached to, or to be attached to, the soil within the area of jurisdiction of the municipality, and which provides for: <ul style="list-style-type: none">◆ Approval of building plans◆ Building inspections◆ Control of operations and enforcement of contraventions of building regulations if not already provided for in national or provincial legislation.
Municipal Legislation	means Municipal By-laws
Municipal Manager	Means the Municipal Manager of the Ingquza Hill local Municipality.

2. INTRODUCTION

2.1 Policy Definition

A policy can be defined as a deliberate course or principle of action adopted or proposed. In this instance, this policy document addresses the deliberate course of actions to guide the approval of building plans and the undertaking of building inspections so as to ensure that the requirements of the National Building Regulations and Building Standards Amendment Act, No. 49 of 1995 other relevant legislation are complied with.

2.2 Vision

The Vision in relation to the approval of building plans is to achieve the progressive provision of affordable and sustainable development, while ensuring compliance with planning and building norms and standards throughout the area of jurisdiction

2.3 Aims and Objectives

Aims

- ◆ To determine appropriate building construction standards suited to the constituency of the municipality,
- ◆ To differentiate where such standards shall apply;
- ◆ To develop appropriate institutional and operational and management systems to ensure compliance with the agreed standards.

Objectives

- ◆ To ensure that buildings erected in the Ingquza Hill Local Municipality area of jurisdiction are :
 - ◆ Safe.
 - ◆ Habitable.
 - ◆ Comply with the requirements of the National Building Regulations and other applicable legislation.

3. LEGISLATIVE FRAMEWORK

This policy has been developed within the legislative requirements of National Building Regulations and Building Standards Amendment Act, No. 49 of 1995 and Mine Health and Safety Act, No. 29 of 1996.

4. ROLES AND RESPONSIBILITIES

There are numerous organizations involved, both directly, in the regulation of the erection of buildings. The brief descriptions give an indication of the roles and responsibilities of each of these organizations.

Provincial Authorities

With respect to building regulations, the provincial government must:

- ◆ Determine the need to review existing legislation or the drafting of new legislation.
- ◆ Build the capacity of municipalities to perform this function.
- ◆ Monitor the performance of municipalities in exercising their executive and legislative authority pertaining to building regulations.
- ◆ Ensuring the performance of this function is addressed in the IDP.
- ◆ Adjusting the performance of the function to the district municipality or local municipality.

District Municipality

The district municipality must:

- ◆ Assist the local municipalities in the performance of the building regulation function as per the responsibilities listed for municipalities.
- ◆ Build the capacity of the local municipalities to perform this function where current capacity is lacking.

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.

5. POLICY PRINCIPLES

The following policy principles aligned with national policy principles, have been adopted to guide the development of this building plan approval policy document. They are not presented in any particular order of priority or importance.

Principle 1

All buildings in urban and rural areas are to comply with requirements of the National Building Regulations and this policy.

Principle 2

It is appreciated that the rural areas are extensive, have a high population of indigent household, and have many “traditional” structures comprising of mud brick and wattle construction. This policy will apply to those structures in so far they are to be safe for human habitation and not constitute a risk of collapse or injury to person or property.

Principle3

Indigent households will not be required to comply with building inspection or plan approval fees.

Principle 4

The district municipality has to assist the local municipalities with the fulfillment of their mandate with respect to building plan approval and the broader mandate of building regulation implementation, monitoring and control.

6. BUILDING PLAN APPROVAL POLICY

6.1 Institutional Arrangement

The Local Municipality shall be responsible for the performance of this function, the establishment of by-laws and the development of the capacity where this capacity is lacking.

This policy document will be a standardized policy.

6.2 National Building

All building plan approvals and building inspections shall be undertaken in accordance with the requirements of the National Building Regulations and Building Standards Act (as amended).

6.3 Application to Erect a Building Approval of Plans

In terms of the local municipality's responsibility and duty to consider applications for the erection of buildings, the by-laws shall make allowance for the submission to be made on a specific prescribed form.

This policy requirement will also apply to any building or structures to be built as part of any water sanitation, solid waste, or other municipal services.

6.4 Approval of Building Plans in Relation to An Activity for which the Local Municipality has the Delegation Authority, Power and Function

All building plan, concerning the activities as listed below, will also need to be subject to **district municipality** scrutiny and approval before being passed by any local authority.

- ◆ Water services provision
- ◆ Municipal Markets
- ◆ Abattoirs
- ◆ Electrical and Gas Reticulation

6.5 Commencement of Building Construction

No construction of any building may commence before the planning and building plan approval has been given in writing.

6.6 Building Plan Approval Fees

The by-laws shall make provision for the setting out of tariffs for the approval of building plans such tariffs shall take into account the nature and size of the building, the complexity of the construction and the proposed use of the building.

Indigent households shall be exempt from the payment of building plan approval fees.

6.7 Building Inspection Fees

The consumer shall be responsible in terms of the by-laws, to pay for building inspection fees accordance with the prescribed tariffs which may vary according to the level of inspection required and type of building being erected.

Indigent households shall be exempt from the payment of building plan approval fees.

6.8 Payment

Payment of prescribed approval and inspection fees shall be made before the service is rendered and contractual formalities are completed.

6.9 Complaints

The local municipalities shall implement a procedure whereby consumers are able to lodge complaints or raise queries in respect of aspects relating to the performance of this function.

The procedures instituted by the municipalities shall include an appeals process where consumers have the right to content in respect of queries and complaints. These procedures shall be detailed in appropriate by-laws which clearly set out the basis upon which the Local and District Municipality are able to assess and make balanced and informed decisions related to consumer complaints.

6.10 Norms and Standards

In this policy, different levels of construction will be traditional rural household dwellings in so far as they will not be required to adhere to full compliance with the National Building Regulations, provided the actual construction is safe for human habitation and not constitute a risk of collapse or injury to person or property.

No relaxation of the building norms and standards will permitted in the urban areas, or for buildings and structures in rural areas relating to the provision of any municipal functions , for commercial, industrial or any other non traditional household dwelling, or housing development project.

6.11 Compliance and Exemption

In order for the local municipalities to comply with and implement the requirement of the National Building Regulations within their areas of jurisdiction, local municipalities residents, owners of building and properties, and developers shall comply with the conditions contained within the bylaws

Certain circumstances may necessitate the local municipality, residents, owners of buildings and properties, and developers to seek exemption from the conditions contained in the bylaws and the National Building Regulations in which instance, the Local municipality in consultation with the District Municipality shall ensure that exemption from these conditions shall not impact the safety of the structure or building, or the safety to human life or property.

6.12 Notice and Penalties

Clearly defined procedures and conditions to serve notice on an owner or consumer, shall be included in the bylaws in order to institute legal proceeding or to ensure compliance.

The local municipality may issue such notice or it may delegate such function to its authorized agent.

Where a person fails to comply with conditions contained in such a notice, penalties as allowed for in the National Building Regulations shall be applied for all instance of non compliance with this policy, the associated by-laws and the National Building Regulations by the local municipality or its authorized agent.

6.13 Availability of Bylaws

In order to ensure compliance, the local municipality and the OR Tambo District Municipality and its authorized agents, shall make its bylaws and policy documents easily available to consumers within its area of jurisdiction.

Supported by the Council the local municipalities and the OR TAMBO District Municipality shall undertake awareness campaigns and ensure accessibility to these bylaws, regulation and policy documents through appropriate municipal offices throughout its area of jurisdiction.

7. LINKED DOCUMENTS

This policy document is to be read together with the following standard documents:

- ◆ Integrated Development Plan
- ◆ Indigent Policy
- ◆ Tariff Policy
- ◆ Municipal by-law
- ◆ Credit Policy

8 INGQUZA HILL LOCAL MUNICIPALITY CONTACT DETAILS

Any comment of correspondence in connection with this policy is to be directed to:

Municipal Manager
Ingquza Hill Local Municipality
P O Box 14
Flagstaff

