

STANDARD OPERATING PROCEDURE (SOP)

AMNESTY APPLICATION FOR UNAUTHORIZED BUILDING WORK

DEPARTMENT: BUILDING CONTROL, COMPLIANCE AND OUTDOOR ADVERTISING
EFFECTIVE DATE: 01 FEBRUARY 2026 TO 15 DECEMBER 2026

1. PURPOSE

This SOP outlines the steps involved in requesting amnesty approval for unauthorised building work and non-compliance with the National Building Regulations and Building Standard Act (ACT 103 of 1977 as amended). This amnesty does not exempt the owner from complying with any legislation or by-law requirements of the Kouga Local Municipality (KLM) including KLM Land Use Scheme (2021).

Amnesty application will be considered for the following:

- (i) Previous property owner built or extended their buildings without approved plans;
- (ii) Past incomplete applications conducted with no final inspection and no occupation certificate issued;
- (iii) New plans that have never been approved.

2. SCOPE

This SOP covers stakeholders involved in the amnesty process for penalties imposed on the submission of building plans for unauthorized building work within the jurisdiction of KLM within a limited time-frame of eleven (11) months, from 1 February 2026 to 15 December 2026. It governs the roles, responsibilities, and procedural interactions of:

- Property owners seeking amnesty for unauthorized building work;
- Appointed professional registered with South African Council for the Architectural Profession (SACAP); and
- KLM's Building Control Authorities, including its administrative clerks, plan examiners, building inspectors, and executive decision-making officials (i.e., building control officers (BCO) and building control manager).

This SOP provides a structured and uniform framework to ensure that amnesty applications are processed lawfully, transparently, consistently, and in compliance with applicable building legislation, municipal by-laws, and national standards.

3. AMNESTY APPLICATION CONDITIONS

- The owner will still have to pay the standard building plan tariff.
- All applications submitted under amnesty must meet the qualifying criteria applicable to the amnesty period.
- The approved SOP must be strictly followed.

- Submission during the amnesty period does not exempt applications from technical scrutiny or statutory compliance.
- Only illegal building work which took place prior to 31 December 2024 shall be considered.
- No amnesty is given where further legal action has already been taken and or where legal costs have been incurred.
- Any illegal building work which commences during and/or after the amnesty period will not be exempted from paying the alternative to higher tariff/penalties.
- Legal action may still be taken against the owner if the illegal building works cannot be considered in terms of the National Building Regulations and Building Standards, 1977 (Act No. 103 of 1977) and/or the KLM's Land Use Scheme (2021) and the Homeowners Association requirements.
- Applying during the amnesty period does not guarantee approval, and each application will be assessed on its own merits.

4. EXTERNAL PROCEDURES (Property Owner and Registered Professional)

Step 1: Formal Appointment of Registered Professionals

The property owner shall formally appoint a SACAP registered professional through a signed Power of Attorney (POA).

The appointment shall also include additional registered engineers required by the nature of the unauthorized construction works (e.g., structural, civil, electrical, or plumbing engineers).

Power of Attorney must explicitly authorize the Registered Professional (RP) to:

Table 1: Power of attorney

a)	Act on behalf of the property owner
b)	Access historical building control information files
c)	Conduct site inspections and professional assessments
d)	Prepare, submit, and manage the amnesty application
e)	Correspond formally with the KLM throughout process

Step 2: Retrieval and Review of Municipal Correspondences, historical information files

Upon appointment, the RP shall formally request access to all relevant historical municipal records from Building Control front desk situated at 16 Woltemade Street Jeffreys Bay or 1 Assisi Drive, St Francis Bay.

Table 2: The review shall include, but not be limited to:

a)	Previously approved building plans
b)	Approved building plans and amendments
c)	Land-use, zoning, consent use, permanent/ temporal departures and or other applicable land-use applications in terms of KLM SPLUM By-Law, (2016)
d)	Previously issued Occupation Certificate

e)	Prior inspection reports and compliance records
f)	Contravention records, enforcement correspondences or compliance directives
g)	Any prior correspondences between KLM and property owner

Step 3: Site Inspection and Professional Compliance Assessment

The RP shall conduct a comprehensive site inspection prior to the submission of any amnesty application and prepare a site inspection report.

The inspection shall assess and confirm:

- The nature, extent, and location of unauthorized building work;
- Structural integrity and safety;
- Compliance with the National Building Regulations and applicable SANS, health, fire, and public safety considerations
- Where required, discipline-specific inspections shall be undertaken by appropriately registered engineers.
- The outcome of this stage shall be a professionally verified assessment forming the technical basis of the amnesty application.

Step 4: Pre-Consultation with Building Control

Based on the findings of the site inspection, the RP shall request a formal pre-consultation with the Building Control section and conduct an engagement meeting with Building Control officials to confirm applicability, documentation requirements, and procedural compliance.

The RP shall submit a completed pre-consultation form after the meeting.

The outcome shall be formal pre-consultation feedback from Building Control, which shall inform the submission final amnesty application.

Step 5: Compilation of Amnesty Application

The RP shall compile a complete and comprehensive amnesty application package, incorporating all prescribed documentation and professional reports.

The application shall include, at a minimum:

Table 3: Amnesty application required documents

	Required Documents
a)	Completed Amnesty Application Form
b)	Formal motivational letter supporting the amnesty request
c)	Registered Architect's site inspection report and engineers report (where applicable)
d)	Full building plan application documents (incl. Title Deeds, owner's ID copy, etc.)

Step 6: Electronic Submission of Application

The RP shall submit the complete amnesty application electronically via the OVViO Portal under document no. 25. RP will need to **TICK** the amnesty box upon submission stage.

Please note: Incomplete, inaccurate, or incorrectly uploaded submissions shall not be accepted for processing.

5. INTERNAL PROCEDURES

Table 4: Internal workflow

PROCEDURAL STEP	KEY ROLES AND RESPONSIBILITIES
Step 7 Intake verification & Administrative Scrutiny	Building Control Administrators • Verify completeness and correctness of submission • Confirm mandatory documentation • Verify proof of payment • Verify accuracy of forms (i.e., SANS forms) • Confirm validity of Power of Attorney • Verify professional registrations • Confirm alignment with pre-consultation form
Step 8 Technical Assessment & Departmental Circulations	Plans Examiner • Assess building plans against NBR & SANS 10400 • Review professional and engineering reports • Identify non-compliances, risks, or conditions • Circulation to various departments
Step 9 Statutory Decision-Making / Recommendations	Building Control Officer (BCO) / BCM • Review full application file • Consider technical recommendations • Make final determination
Step 10 Communication of Outcome	Building Control Administrators • Issue building plan and amnesty approval, conditional approval, or refusal correspondence
Step 11 Final Municipal Inspection	Municipal Building Inspector • Verify on-site conditions. • Confirm consistency with approved documentation. • Verify implementation of remedial measures
Step 12 Occupation Certificate & Closure	Building Control Officer / Allocated Municipal Building Inspector • Issue Occupation Certificate (where applicable) • Close and archive file

PLEASE NOTE: If refused, outstanding comments are to be addressed, and the application is to be resubmitted. If approved, RP to request final inspection with all required documents.