



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SAKWAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

*(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)*  
*(Irejistiwee njengephephandaba eposihhovisi)*

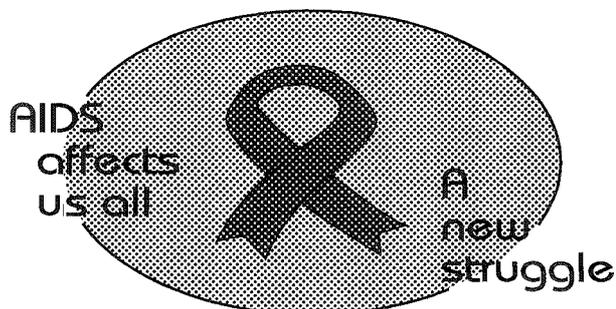
**PIETERMARITZBURG,**

**Vol. 4**

12 AUGUST 2010  
12 AUGUSTUS 2010  
12 kuNCWABA 2010

**No. 492**

**We all have the power to prevent AIDS**



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*



**IMPORTANT NOTICE**

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

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**ISIKHANGISO**

Ezingxubevange (bheka uhlu oluseceleni, ekhasini 60)

**INHOUD**

<i>No.</i>		<i>Bladsy</i>
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*Ikhasi*

# IMPORTANT NOTICE

The  
**KwaZulu-Natal Provincial Gazette** Function  
will be transferred to the  
**Government Printer** in Pretoria  
as from 26 April 2007

**NEW PARTICULARS ARE AS FOLLOWS:**

**Physical address:**

Government Printing Works  
149 Bosman Street  
Pretoria

**Postal address:**

Private Bag X85  
Pretoria  
0001

**New contact persons:** Louise Fourie Tel.: (012) 334-4686  
Mrs H. Wolmarans Tel.: (012) 334-4591

**Fax number:** (012) 323-8805

**E-mail addresses:** Louise.Fourie@gpw.gov.za  
Hester.Wolmarans@gpw.gov.za

**Contact persons for subscribers:**

Mrs J. Wehmeyer Tel.: (012) 334-4734  
Tel.: (012) 334-4753  
Fax.: (012) 323-9574

This phase-in period is to commence from **26 April 2007**, which is the closing date for all adverts to be received for the publication date of **3 May 2007**.

Subscribers and all other stakeholders are advised to send their advertisements directly to the **Government Printing Works**, one week (five working days) before the date of printing, which will be a Thursday.

**Payment:**

- (i) Departments/Municipalities: Notices must be accompanied by an order and official letterhead, including financial codes, contact person and address of Department.
- (ii) Private persons: Must pay in advance before printing.

Advertising Manager

IT IS THE CLIENTS RESPONSIBILITY TO ENSURE THAT THE CORRECT AMOUNT IS PAID AT THE CASHIER OR DEPOSITED INTO THE GOVERNMENT PRINTING WORKS BANK ACCOUNT AND ALSO THAT THE REQUISITION/COVERING LETTER TOGETHER WITH THE ADVERTISEMENTS AND THE PROOF OF DEPOSIT REACHES THE GOVERNMENT PRINTING WORKS IN TIME FOR INSERTION IN THE PROVINCIAL GAZETTE.

**No ADVERTISEMENTS WILL BE PLACED WITHOUT PRIOR PROOF OF PRE-PAYMENT.**

$\frac{1}{4}$  page **R 215.43**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

**A PRICE  
INCREASE OF  
14.97% WILL BE  
EFFECTIVE ON  
ALL TARIFFS  
FROM  
1 JUNE 2010**

$\frac{1}{4}$  page **R 430.87**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

$\frac{1}{4}$  page **R 646.31**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

$\frac{1}{4}$  page **R 861.74**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt



REPUBLIC  
OF  
SOUTH AFRICA

## LIST OF FIXED TARIFF RATES AND CONDITIONS

FOR PUBLICATION OF LEGAL NOTICES  
IN THE *KwaZulu-Natal PROVINCE*  
*PROVINCIAL GAZETTE*

**COMMENCEMENT: 1 JUNE 2010**

### CONDITIONS FOR PUBLICATION OF NOTICES

#### CLOSING TIMES FOR THE ACCEPTANCE OF NOTICES

1. (1) The *KwaZulu-Natal Provincial Gazette* is published every week on Thursday, and the closing time for the acceptance of notices which have to appear in the *KwaZulu-Natal Provincial Gazette* on any particular Thursday, is **15:00 one week prior to the publication date**. Should any Thursday coincide with a public holiday, the publication date remains unchanged. However, the closing date for acceptance of advertisements moves backwards accordingly, in order to allow for 5 working days prior to the publication date.
- (2) The date for the publication of an **Extraordinary KwaZulu-Natal Province Provincial Gazette** is negotiable.
2. (1) Notices received **after closing time** will be held over for publication in the next *KwaZulu-Natal Provincial Gazette*.
- (2) Amendments or changes in notices cannot be undertaken unless instructions are received **before 10:00 on Fridays**.
- (3) Notices for publication or amendments of original copy can not be accepted over the telephone and must be brought about by letter, by fax or by hand. The Government Printer will not be liable for any amendments done erroneously.
- (4) In the case of cancellations a refund of the cost of a notice will be considered only if the instruction to cancel has been received on or before the stipulated closing time as indicated in paragraph 2(2).

#### APPROVAL OF NOTICES (This only applies to Private Companies)

3. In the event where a cheque, submitted by an advertiser to the Government Printer as payment, is dishonoured, then the Government Printer reserves the right to refuse such client further access to the *KwaZulu-Natal Provincial Gazette* until any outstanding debts to the Government Printer is settled in full.

#### THE GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

4. The Government Printer will assume no liability in respect of—
  - (1) any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - (2) erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

- (3) any editing, revision, omission, typographical errors, amendments to copies or errors resulting from faint or indistinct copy.

#### **LIABILITY OF ADVERTISER**

5. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

#### **COPY**

6. Notices must be typed on one side of the paper only and may not constitute part of any covering letter or document.
7. At the top of any copy, and set well apart from the notice, the following must be stated:

Where applicable

- (1) The heading under which the notice is to appear.
- (2) The cost of publication applicable to the notice, in accordance with the "Word Count Table".

#### **PAYMENT OF COST (This only applies to Private Companies)**

9. **With effect from 26 April 2007 no notice will be accepted for publication unless the cost of the insertion(s) is prepaid in CASH or by CHEQUE or POSTAL ORDERS. It can be arranged that money can be paid into the banking account of the Government Printer, in which case the deposit slip accompanies the advertisement before publication thereof.**
10. (1) The cost of a notice must be calculated by the advertiser in accordance with the word count table.  
  
(2) Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the **Advertising Section, Government Printing Works, Private Bag X85, Pretoria, 0001 [Fax: (012) 323-8805]**, *before publication*.
11. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and the notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or by cheque or postal orders, or into the banking account.

12. *In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the Government Printing Works.*
13. The Government Printer reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the Word Count Table, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

#### **PROOF OF PUBLICATION**

14. **Copies of the *KwaZulu-Natal Provincial Gazette* which may be required as proof of publication, may be ordered from the Government Printer at the ruling price.** The Government Printer will assume no liability for any failure to post such *KwaZulu-Natal Provincial Gazette(s)* or for any delay in despatching it/them.

## **GOVERNMENT PRINTERS BANK ACCOUNT PARTICULARS**

Bank:	ABSA
	BOSMAN STREET
Account No.:	4057114016
Branch code:	632-005
Reference No.:	00000006
Fax No.:	(012) 323 8805

#### ***Enquiries:***

Mrs. L. Fourie	Tel.: (012) 334-4686
Mrs. H. Wolmarans	Tel.: (012) 334-4591

**PROVINCIAL NOTICES—PROVINSIALE KENNISGEWINGS—IZAZISO ZESIFUNDAZWE**

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The following notices are published for general information.

Onderstaande kennisgewings word vir algemene inligting gepubliseer.

300 Langalibalele Street  
Pietermaritzburg  
12 August 2010

MR R. GOVENDER  
Acting Director-General

MNR. R. GOVENDER  
Waarnemende Direkteur-generaal

Langalibalelestraat 300  
Pietermaritzburg  
12 Augustus 2010

Izaziso ezilandelayo zikhishelwe ulwazi lukawonkewonke.

300 Langalibalele Street  
Pietermaritzburg  
12 kuNcwaba 2010

MNU. R. GOVENDER  
iBamba loMqondisi-Jikelele

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**No. 131****12 August 2010****DEPARTMENT OF CO-OPERATIVE GOVERNMENT AND TRADITIONAL AFFAIRS****TOWN PLANNING ORDINANCE, 1949: PRIVATE TOWNSHIP; ERVEN 14922–14941 LADYSMITH, UTHUKELA MUNICIPALITY**

In terms of section 23 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949), Erven 14922–14941 Ladysmith, Registration Division GS, uThukela Municipality, is declared an approved private township.

**MA DE LANGE**, Acting Deputy Manager: Development Administration

Date: 13 July 2010

File reference: 2003/74

**No. 2010****REMOVAL OF RESTRICTIONS ACT, 1967: REMOVAL OF CONDITIONS OF TITLE**

In terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), I remove the restrictions set out in the Schedule.

**ML POVALL**, Manager: Development Administration

Date:

**SCHEDULE**

The figures used in brackets have the following meanings:

- (1) = Street address, property description, registration division, municipality
- (2) = Deed, condition, file reference
- (3) = Scope of alteration or removal

- (1) Downing Street, **Erf 262 Southport**, Registration Division ET, Hibiscus Coast Municipality
- (2) T 04 24023, B.(a), B.(b), B.(c), B.(d), B.(e), B.(f), B.(g), B.(h), B.(j), B.(k), B.(l), B.(m), B.(n), B.(o), B.(p), and B.(q), 2008/1150
- (3) Removal of conditions of title in favour of Wilfor Estates Limited that prohibits a change of the use of the property, restricts the use of the property to one dwelling house, prohibits the subdivision of the property, prohibits trade, restricts the use of certain types of building materials for the construction of buildings, imposes building lines, prohibits advertising, and requires the laying of waterworks, sewers and drains.
  
- (1) **Portion 13 (of 3) of the farm Riet Vlei No. 3281**, Registration Division FT, Mpofana Municipality
- (2) T2221/1928, lines 20 to 28 on page 2, 2008/1223
- (3) Removal of lines 20-28 that restricts the use of the property to a place of worship and religious purposes
  
- (1) 3 North Road, **Portion 2 of Erf 121 Oslo Beach**, Registration Division ET, Hibiscus Coast Municipality
- (2) T 06 04498, 3. (d) and 2009/2
- (3) Removal of a condition of title that prohibits the use of the property for a canteen, hotel, a place that sell liquors, a boarding house or business purposes

**REMOVAL OF RESTRICTIONS ACT, 1967: CORRECTION NOTICE**

Provincial Notice No. 70 of 2010 that appeared in *Provincial Gazette* Number 431, dated 13 May 2010, is amended by the substitution for the expression " T06 2239" of the expression " T06 21239" in line two of the second item of the Schedule.

**ML POVALL**, Manager: Development Administration

File reference: 2008/432

**No. 131**

**12 kuNcwaba 2010**

**UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU**

**I-ODINENSI YOKUHLELWA KWEDOLOBHA, 1949: ILOKISHI ELIZIMELE; IZIZA 14922 – 14941 E-LADYSMITH, KUMASIPALA WASOTHUKELA**

Ngokwesigaba 23 se-Odinensi yokuHlelwa kweDolobha, 1949 (i-Odinensi No. 27 ka 1949), Iziza 14922 – 14941 e-Ladysmith, isiGaba sokuBhaliswa ngu-GS, kuMasipala wasoThukela, zimenezelwa njengelokishi elizimele elivunyiwe.

**M A DE LANGE**, iBamba leSekela Mphathi: wezokuPhathwa kweNtuthuko

Usuku: 13 kuNtulikazi 2010

iNkomba yefayela: 2003/74

**No. 2010**

**UMTHETHO WOKUSUSWA KWEZITHIBELO, 1967: UKUSUSWA KWEZIMISO ZETAYITELA**

Ngokwesigaba 2(1) soMthetho wokuSuswa kweziThibelo, 1967 (uMthetho No. 84 ka 1967), ngisusa izithibelo ezibekwe oHlelweni.

**ML POVALL**, uMphathi wezokuPhathwa kweNtuthuko

Usuku:

**UHLELO**

Izinombolo ezikubakaki zinalezi zincazelo ezilandelayo:

- (1) = Ikheli lomgwaqo, incazelo ngomhlaba, isigaba sokuBhaliswa, omasipala
- (2) = Itayitela, isimiso, inkomba yefayela
- (3) = Ubukhulu bokuzoguqulwa noma bokuzosuswa

- (1) Ku Downing Street, iSiza 262 e-Southport, isiGaba sokuBhaliswa ngu-ET, kuMasipala wase-Hibiscus Coast
- (2) T 04 24023, B.(a), B.(b), B.(c), B.(d), B.(e), B.(f), B.(g), B.(h), B.(j), B.(k), B.(l), B.(m), B.(n), B.(o), B.(p), no B.(q), 2008/1150
- (3) Ukususwa kwezimiso zetayitela ngokuhambisana ne-Wilfor Estates Limited ezenqabela ukuguqulwa kokusetshenziswa komhlaba, ezivumela ukusetshenziswa komhlaba ukwakha indlu eyodwa yokuhlala, ezenqabela ukwehlukaniwa iziqephu komhlaba, ezenqabela ukuhweba, ezivumela ukusetshenziswa kwezimpahla ezithile zokwakha izakhiwo, ezibeka imingcele yesakhiwo, ezenqabela ukubeka izikhangisi, nezidinga ukuba kufakwe imizila yamanzi, izitamukoko namadreyeni.

- (1) Ingxenye 13 (ka 3) yepulazi i-Riet Vlei No. 3281, isiGaba sokuBhaliswa ngu-FT, kuMasipala waseMpofana

**No. 2010**

- (2) T2221/1928, umugqa 20 kuya ku 28 ekhasini 2, 2008/1223
- (3) Ukususwa kwemigqa 20-28 evumela ukusetshenziswa komhlaba endaweni yokukhonzela nangezinhloso zezenkolo
- (1) Ku 3 North Road, **iNgxenye 2 yeSiza 121 e-Oslo Beach**, isiGaba sokuBhaliswa ngu-ET, kuMasipala wase-Hibiscus Coast
- (2) T 06 04498, 3. (d) no 2009/2
- (3) Ukususwa kwezimiso ezenqabela ukusetshenziswa komhlaba ukwakha inkantini, ihotel, indawo edayisa utshwala, indlu yokuqasha noma izinhloso zebhizinisi

**No. 2010****UMTHETHO WOKUSUSWA KWEZITHIBELO, 1967: ISAZISO SOKULUNGISA**

Isaziso sesiFundazwe No. 70 ka 2010 esikhishwe *kwiGazethi yesiFundazwe* engunombolo 431, yamhla ziyi-13 kuMbasa 2010, sichitshiyelwa ngokuguqula incazelo " T06 2239" yencazelo " T06 21239" emgqeni wesibili wohlamvu lwesibili loHlelo.

**ML POVALL**, uMphathi wezokuPhathwa kweNtuthuko  
iNkomba yefayela: 2008/432

**No. 131****12 kuNcwaba 2010****DEPARTEMENT VAN KOÖPERATIEWE REGERING EN TRADISIONELE SAKE****DORPBEPLANNINGSORDONNANSIE, 1949: PRIVAATDORP; ERWE 14922–14941 LADYSMITH, UTHUKELA MUNISIPALITEIT**

Ingevolge artikel 23 van die Dorpbeplanningsordonnansie, 1949 (Ordonnansie No. 27 van 1949), word Erwe 14922–14941 Ladysmith, Registrasie-afdeling GS, uThukela munisipaliteit, as goedgekeurde privaatdorp verklaar.

**MA DE LANGE**, Waarnemende Adjunkbestuurder: Ontwikkelingsadministrasie

Datum: 13 Julie 2010

Lêerverwysing: 2003/74

**No. 2010****WET OP OPHEFFING VAN BEPERKINGS, 1967: OPHEFFING VAN TITELVOORWAARDES**

Ingevolge artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), hef ek die beperkings op soos in die bylae uiteengesit.

**ML POVALL**, Bestuurder: Ontwikkelingsadministrasie

Datum:

**BYLAE**

Die figure tussen hakies het die volgende betekenis:

- (1) = Straatadres, eiendomsbeskrywing, registrasie-afdeling, munisipaliteit
- (2) = Akte, voorwaarde, lêerverwysing
- (3) = Omvang van wysiging of opheffing

- (1) Downingstraat, **Erf 262 Southport**, Registrasie-afdeling ET, Hibiskus Kus munisipaliteit
  - (2) T 04 24023, B.(a), B.(b), B.(c), B.(d), B.(e), B.(f), B.(g), B.(h), B.(j), B.(k), B.(l), B.(m), B.(n), B.(o), B.(p), en B.(q), 2008/1150
  - (3) Opheffing van voorwaardes ten gunste van Wilfor Estates Limited wat 'n verandering in die gebruik van die eiendom verbied, die oprigting van meer as een woning op die eiendom verbied, die onderverdeling van die eiendom verbied, handel verbied, die gebruik van boumateriaal beperk, boulyne oplê, advertering verbied, en die lê van waterwerke, riole en dreine vereis.
- 
- (1) **Gedeelte 13 (van 3) van die plaas Riet Vlei No. 3281**, Registrasie-afdeling FT, Mpofana munisipaliteit
  - (2) T2221/1928, reëls 20 tot 28 op bladsy 2, 2008/1223
  - (3) Opheffing van reëls 20-28 wat die gebruik van die eiendom tot 'n plek van aanbidding en tot godsdienstdoeleindes beperk.
- 
- (1) North Weg 3, **gedeelte 2 van Erf 121 Oslo Beach**, Registrasie-afdeling ET, Hibiskus Kus munisipaliteit
  - (2) T 06 04498, 3. (d) en 2009/2
  - (3) Opheffing van titelvoorwaarde wat die gebruik van die eiendom vir 'n kantien, 'n hotel, 'n plek wat drank verkoop, 'n losieshuis of vir besigheidsdoeleindes verbied.

**No. 2010**

**WET OP OPHEFFING VAN BEPERKINGS, 1967: REGSTELLINGSKENNISGEWING**

Provinsiale Kennisgewing No. 70 van 2010 wat in *Provinsiale Koerant* No. 431, gedateer 13 Mei 2010, verskyn het, word gewysig deur die vervanging van die uitdrukking "T06 2239" deur die uitdrukking "T06 21239" in reël twee van die tweede item van die bylae.

**ML POVALL**, Bestuurder: Ontwikkelingsadministrasie

Lêerverwysing: 2008/432

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**MUNICIPAL NOTICES—MUNISIPALE KENNISGEWINGS—IZAZISO ZIKAMASIPALA**


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No. 80

12 August 2010

**uMNGENI MUNICIPALITY**
**KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, 2008 (ACT  
NO. 6 OF 2008)**
**DELEGATIONS, uMNGENI MUNICIPALITY**

The uMngeni Municipality adopted the delegation as set out in the schedule to this notice in terms of section 156 (1) of the KwaZulu-Natal Planning and Development Act, 2008 (Act no. 6 of 2008)

H S BUTHELEZI, Acting Municipal Manager  
uMngeni Municipality

**SCHEDULE****KEY TO DELEGATIONS OF POWER**

DESCRIPTION	ABBREVIATION
Executive Committee of uMngeni Local Municipal Council	EXCO
Municipal Manager	MM
General Manager: Planning and Development Services	G.M. P & D S
Registered Town Planner	RTP
Town Planning Technician	TPT
Town Planning Inspector	TPI

**1. DEFINITIONS**

**Control measure:** A control measure is a condition of a delegation that is not contained in legislation.

**Note:** A note alerts the person to whom a power has been delegated to important information contained in the legislation. This includes: a reference to a related power, criteria that has to be considered when making a decision, and persons who need to be consulted before the power can be exercised.

**"registered planner"** means a person registered as a registered planner or a technical planner contemplated in section 13(4) of the Planning Profession Act, unless the South African Council for Planners has reserved the work to be performed by a registered planner in terms of this Act for a particular category of registered persons in terms of section 16(2) of the Planning Profession Act, in which case a registered planner shall mean that category of registered persons for which the work has been reserved.

**KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, 2008**  
**(ACT 6 OF 2008)**

**PART 1**

**JULY 2010**

*Commencement date*

1 March 2009	Chapters 6, 10 and 11, item 15 of Schedule 2 and Schedule 5 of the Act and Chapters 1, 8, 9 and 12 and Schedule 1 of the Act in as far as it relates to the alteration, suspension and deletion of restrictions relating to land; the KwaZulu-Natal Planning and Development Appeal Tribunal and provincial planning and development norms and standards
1 May 2010	Remainder of the Act, except for section 89(3), 161(1), and the repeal of Chapter 1 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949)
7 November 2010	Repeal of Chapter 1 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) relating to the KwaZulu-Natal Planning and Development Commission
To be announced	Section 89(3): civil penalty that must be paid before illegal development may be regularised  Section 161(1): Prohibition on applications for planning and development approval in terms of the Development Facilitation Act, 1995 (Act No. 67 of 1995)

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	<b>Section 4(2):</b> To apply to the Member of the Executive Council for an extension of the period in which to adopt a scheme or schemes for its whole area of jurisdiction.	<b>Note:</b> - Accompanied by a written motivation and an request specifying the amount of additional time required in terms of section 4(3)	Executive Committee
2	<b>Section 7:</b> To review schemes within six months after Council adopted an Integrated Development Plan for its elected term.		GMPDS
3	<b>Section 8:</b> To compile and maintain an up-to-date version of the Scheme and make it available for inspection and copying at all reasonable times by any person		GMPDS

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
4	<p><b>Section 9(1), 22(1), 39(1), 51(1) and 61(1):</b> To initiate proposals on behalf of the Municipality</p>	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- Proposals to: <ul style="list-style-type: none"> <li>• Adopt or replace a scheme</li> <li>• Amend a scheme</li> <li>• Subdivide and consolidate land</li> <li>• Develop land situated outside the area of a scheme</li> <li>• Phase or cancel an approved layout</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> </li> <li>- The Municipality must be the land owner or act with the owner's consent in the case for the subdivision of land, the consolidation of land and the development of land situated outside the area of a scheme</li> <li>- Process in accordance with Part 2 of Schedule 1, except for the phasing or cancellation of an approved layout</li> <li>- Process for the phasing or cancellation of an approved layout in accordance with section 52</li> <li>- Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3)</li> <li>- Right to amend a proposal after notice has been given thereof in terms of Schedule 1 item 17(1)</li> <li>- Right to amend scheme to avoid having to pay compensation in section 95(2)</li> </ul>	GMPDS

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
5	<p><b>Sections 9(2), 22(2), 39(2), 51(2) and 61(2):</b> To receive and administer applications</p>	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- Applications to: <ul style="list-style-type: none"> <li>• Amend a scheme</li> <li>• Subdivide and consolidate land</li> <li>• Develop land situated outside the area of a scheme</li> <li>• Phase or cancel an approved layout</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> </li> <li>- Process in accordance with Part 1 of Schedule 1, except for the phasing or cancellation of an approved layout</li> <li>- Process for the phasing or cancellation of an approved layout in accordance with section 52</li> <li>- Status of legal successor-in-title in accordance with section 9(3)</li> <li>- Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3)</li> </ul>	GMPDS
6	<p><b>Sections 11, 24, 41, 53, and 63:</b> To evaluate and make recommendations on proposals or applications in terms of the Act, and to issue certificates confirming that the proposals or applications comply with the Act</p>	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>- Matters relevant in determining the merits of proposals or applications are contained in sections 12, 25, 42, 54, and 64</li> </ul>	RTP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
7	<b>Section 13(1):</b> To approve, with or without alterations, or to refuse the <u>adoption</u> or <u>replacement</u> of a scheme	<b>Control Measure:</b> <ul style="list-style-type: none"><li>- Decision must be informed by a registered planner or on advice of a registered planner in accordance with section 11</li><li>- Decision may not be in conflict with provincial planning and development norms and standards or the municipality's IDP as per section 13(2) and 13(3)</li></ul> <b>Notes:</b> <ul style="list-style-type: none"><li>- Decision may not be delegated to an official or another municipality in terms of section 156(1)</li><li>- Timeframes in accordance with items 12 and 21 of Schedule 1</li><li>- Effective date of decision as per section 16</li></ul>	EXCO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
8	<p><b>Section 13(1), 26(1), 43(1), 55(1) and 65(1):</b> To approve, with or without alterations, or to refuse a proposal or an application</p>	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- Applications to: <ul style="list-style-type: none"> <li>• Amend a scheme</li> <li>• Subdivide and consolidate land</li> <li>• Develop land situated outside the area of a scheme</li> <li>• Phase or cancel an approved layout</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> </li> <li>- Decision must be informed by advice of a registered planner in accordance with section 11, 24, 41, 53 and 63</li> <li>- Decision to: <ul style="list-style-type: none"> <li>• Amend a scheme</li> <li>• Subdivide and consolidate land</li> <li>• Develop land situated outside the area of a scheme</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> <p>may not be in conflict with provincial planning and development norms and standards or the municipality's IDP as per section 13(2), 26(2), 43(2) and 65(2)</p> </li> <li>- Decision to: <ul style="list-style-type: none"> <li>• Subdivide and consolidate land</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> <p>may not be in conflict with scheme as per section 26(2) and 65(2)</p> </li> <li>- Timeframes in accordance with items 12 and 21 of Schedule 1</li> <li>- may impose conditions in accordance with section 13(4), 26(3) and (4), 43(3) and (4), 55(2) and 65(3)</li> <li>- Reasons for decision must comply with section 13(5), 26(5), 43(5), 55(3) and 65(4)</li> <li>- Effective date of decision as per section 16, 29, 46, 58 and 68</li> <li>- Section 59 relating to the legal effect of approval of phasing or cancellation of approved layout plans (including transfer of land and ownership)</li> <li>- May not suspend or remove a mineral right registered against the title of any land in accordance with section 60(3)</li> </ul>	<p style="text-align: center;"><b>EXCO</b></p> <p>Proposals and applications to:</p> <ul style="list-style-type: none"> <li>• amend a scheme and objections or land belongs to the Municipality</li> <li>• subdivide land to create more than four erven, objections, or land belongs to the Municipality</li> <li>• develop land situated outside the area of a scheme</li> <li>• phase or cancel an approved layout</li> <li>• alter, suspend or delete a restriction relating to land and objections, or land belongs to the Municipality</li> </ul> <p style="text-align: center;"><b>EXCO</b></p> <p>Applications to:</p> <ul style="list-style-type: none"> <li>• amend a scheme, no objections</li> <li>• subdivide land to create up to four erven, no objections</li> <li>alter, suspend or delete a restriction relating to land, no objections</li> </ul>

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
9	<b>Section 13(6), 26(6), 43(6), 55(4), 65(5):</b> To correcting an error in the wording of the Municipality's decision on a proposal or an application	<b>Note:</b> The correction may not constitute a change in its decision or an alteration, suspension or deletion of a condition of its approval	GMPDS
10	<b>Section 14(1), 27(1), 44(1), 56(1), 66(1):</b> To Informing persons who have commented on a proposal or an application of Municipality's decision	<b>Notes:</b> - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158	GMPDS
11	<b>Section 14(5), 27(5), 44(5), 56(5), 66(5):</b> To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval	<b>Notes:</b> - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158	GMPDS
	<b>Section 17:</b> To receive and administer an application for consent, approval or permission	<b>Control measure:</b> Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	
	<b>Sections 18:</b> To evaluate and make recommendations on proposals or applications for permission in terms of a scheme, and to issue certificates confirming that the proposals or applications comply with the Act	<b>Control measure:</b> Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	
	<b>Section 20:</b> To approve, with or without alterations, or to refuse proposals or applications for permission in terms of a scheme	<b>Control measure:</b> Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	
	<b>Section 22(1):</b> See delegation 4		
	<b>Section 22(2):</b> See delegation 5		
	<b>Section 26(1):</b> See delegation 8		
	<b>Section 26(6):</b> See delegation 9		
	<b>Section 27(1):</b> See delegation 10		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<b>Section 27(5):</b> See delegation 11		
12	<b>Sections 31(1), 31(3), 31(5), 34(2), 48(1), 48(3), and 48(5):</b> To issue certificates of compliance with conditions of approval	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Referring to conditions imposed in accordance with sections 26(4), 43(4) and 65(3);</li> <li>- Provisions of section 31(4) and 48(4) relating to occupation of a building/structure</li> </ul>	RTP RP, in liaison with relevant technical departments
	<b>Sections 31(3):</b> See delegation 12		
	<b>Sections 31(5):</b> See delegation 12		
13	<b>Section 32(1)(b):</b> To receive certified copies of the approved diagrams or general plan		RTP
14	<b>Sections 33(1), 35 and 70:</b> To lodge plans and documents with the Surveyor General's and Deeds Offices in cases where land is subdivided or consolidated, or where application is made for the alteration, suspension or deletion of restriction relating to land by the Municipality	<b>Note:</b> <ul style="list-style-type: none"> <li>- Section 33(2) and 37(2) relating to lapsing of approval.</li> </ul>	GMPDS
	<b>Section 34(2):</b> See delegation 12		
	<b>Section 35:</b> See delegation 14		
15	<b>Section 37(3), 37(4), 49(1) and 49(2):</b> To give an applicant a specified amount of time to complete a development	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Section 37(5) and 49(3) relating to cancel the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled</li> <li>- Notices must comply with section 37(3) or 49(1)</li> <li>- Serving of notices must comply with section 158</li> </ul>	EXCO
16	<b>Section 37(4):</b> To withdraw a notice giving an applicant a specified amount of time to complete a development		EXCO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
17	<b>Section 37(5) and 49(3):</b> To initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled in accordance with sections 37(3) and 49(1)		GMPDS
	<b>Section 39(1):</b> See delegation 4		
	<b>Section 39(2):</b> See delegation 5		
	<b>Section 43(1):</b> See delegation 8		
	<b>Section 43(6):</b> See delegation 9		
	<b>Section 44(1):</b> See delegation 10		
	<b>Section 44(5):</b> See delegation 11		
	<b>Section 48(1):</b> See delegation 12		
	<b>Section 48(3):</b> See delegation 12		
	<b>Section 48(5):</b> See delegation 12		
	<b>Section 49(1):</b> See delegation 15		
	<b>Section 49(2):</b> See delegation 16		
	<b>Section 49(3):</b> See delegation 17		
	<b>Section 51(1):</b> See delegation 4		
	<b>Section 51(2):</b> See delegation 5		
18	<b>Section 52(2):</b> To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan	<b>Note:</b> - Notice must comply with section 52(3)-(4)	GMPDS
	<b>Section 55(1):</b> See delegation 8		
	<b>Section 55(4):</b> See delegation 9		
	<b>Section 56(1):</b> See delegation 10		
	<b>Section 56(5):</b> See delegation 11		
	<b>Section 61(1):</b> See delegation 4		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<b>Section 61(2):</b> See delegation 5		
	<b>Section 65(1):</b> See delegation 8		
	<b>Section 65(5):</b> See delegation 9		
	<b>Section 66(1):</b> See delegation 10		
	<b>Section 66(5):</b> See delegation 11		
	<b>Section 70:</b> See delegation 14		
	<b>Section 71(1):</b> To initiate an application for the permanent closure of municipal roads or public places	<b>Control measure:</b> Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	
	<b>Section 71(2):</b> To receive and administer an application for the permanent closure of municipal roads or public places	<b>Control measure:</b> Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	
	<b>Section 71(2)(e):</b> To approve, with or without alterations, or to refuse the permanent closure of municipal roads or public places	<b>Control measure:</b> Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	
	<b>Sections 72:</b> To evaluate and make recommendations on proposals or applications for the permanent closure of municipal roads an public places, and to issue certificates confirming that the proposals or applications comply with the Act	<b>Control measure:</b> Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	
19	<b>Section 76(1):</b> To request the court to summarily enquire into and determine the monetary value of any advantage which a person may have gained as a result of an offence		GMPDS

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
20	<b>Section 79(1):</b> To issue and withdraw contravention notices and to consider comments lodged in response to a contravention notice	<b>Notes:</b> - Offences listed as per section 75(1), 77(1), 78(1), 90(7) and Schedule 1 item 10(6) - Contents of contravention notices as per section 79(2) and 80	GMPDS
21	<b>Section 79(1):</b> To serve contravention notices on persons suspected of certain offences	<b>Note:</b> - Serving of notices must comply with section 158	TPI
22	<b>Section 81(1):</b> To consider comments lodged in response to a contravention notice		GMPDS
23	<b>Section 81(2):</b> To issue a prohibition order	<b>Notes:</b> - Offences listed as per section 75(1), 77(1), 78(1), 90(7) and Schedule 1 item 10(6) - Contents of prohibition orders as per section 81(2) and 82 - Consider section 81(3)-(5)	GMPDS
24	<b>Section 81(2)(a):</b> To serve a prohibition order issued by GMPDS	<b>Note:</b> - Serving of orders must comply with section 158	TPI
25	<b>Section 81(2)(b), 84(1), 84(2) and 94:</b> To apply to the High Court for the issuing or withdrawal of an order restraining a person from continuing an illegal activity or for a demolition order	<b>Notes:</b> - Consider section 84 - Consider section 98 - Notices must comply with section 85	EXCO
26	<b>Section 83 and 86:</b> To display order on site		TPI
	<b>Section 84(1):</b> To take action where irreparable harm will be caused by an illegal development: See delegation 25		
27	<b>Section 84(1):</b> To serve urgent prevention orders issued by the High Court and to display orders on site	<b>Note:</b> - Serving of orders must comply with section 158	TPI
28	<b>Section 84(3):</b> To apply to the High Court for the withdrawal of an urgent prevention order		EXCO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
29	<b>Section 84(4):</b> To serve a notice to the person on whom the urgent prevention order was served, if the order is withdrawn	<b>Note:</b> - Serving of notices must comply with section 158	TPT\TPI
	<b>Section 86:</b> See delegation 26		
30	<b>Section 89(2):</b> To receive and administer subsequent applications for authorisation	<b>Note:</b> - Purpose of a subsequent application in terms of section 89(1)	GMPDS
31	<b>Section 89(3):</b> To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties	<b>Notes:</b> - Approvals must include conditions as set out in section 89(3) - may impose other conditions in accordance with 89(3)	EXCO
32	<b>Section 90(1):</b> To carry out site inspections for enforcement purposes	<b>Note:</b> - TPI and TPT must adhere to sections 90(1)-(6) and section 92	GMPDS\TPT\TPI
33	<b>Section 90(2):</b> To issue a certificate stating that a person has been designated as a town planning inspector		MM
34	<b>Section 91(1):</b> To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes	<b>Note:</b> - Conditions listed in section 91(1) to (3)	GMPDS
35	<b>Section 94:</b> To authorise an application to court for the demolition, removal or alteration of buildings, structures or works, or for rehabilitation of land		EXCO (Authorisation) GMPDS (Application)
36	<b>Section 95(1), 96(1), 97(1), and 98:</b> To receive, administer and negotiate applications for compensation	<b>Control measure:</b> Only MM, in liaison with the GMPDS and CFO, may approve an application for compensation. <b>Note:</b> Compensation arising from: • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions	

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
37	<b>Section 95(1), 96(1), 97(1), and 98:</b> To consider applications for compensation	<b>Note:</b> Compensation arising from: arising from: <ul style="list-style-type: none"> <li>• adoption or implementation of provisions of schemes</li> <li>• wrongful and intentional or negligent service of urgent prevention orders</li> </ul> suspension or removal of restrictions	MM, in liaison with the GMPDS and CFO
	<b>Section 96(1):</b> See delegations 36 and 37		
	<b>Section 97(1):</b> See delegations 36 and 37		
	<b>Section 98:</b> See delegations 36 and 37		
38	<b>Section 99(1):</b> To agree on the amount of compensation	<b>Note:</b> Compensation arising from: arising from: <ul style="list-style-type: none"> <li>• Adoption or implementation of provisions of schemes</li> <li>• Wrongful and intentional or negligent service of urgent prevention orders</li> <li>• Suspension or removal of restrictions</li> </ul>	MM, in liaison with the GMPDS and CFO
	<b>Section 113(2)(a):</b> To receive memoranda of appeals	<b>Control measure:</b> - Not delegated. Act requires memorandum to be served on the Municipal Manager  <b>Note:</b> - In relation to appeals under section 15, section 28, section 45, section 57, section 67	
39	<b>Section 114(1) and (3) and 116(2):</b> To lodge a responding memorandum	<b>Notes:</b> - Contents of a responding memorandum in accordance with section 114(2) - Responding memorandum must be served in accordance with section 114(3)	RTP
40	<b>Section 116(2):</b> To withdraw a responding memorandum		RTP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
41	<b>Section 117(2):</b> To represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal site visit		GMPDS\RTP
42	<b>Section 120:</b> To represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing		GMPDS\RTP
43	<b>Section 120(2)(a):</b> To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing		EXCO
44	<b>Section 123:</b> To decide the manner in which the Municipality must be notified of the decision of the Kwazulu-Natal Planning and Development Appeal Tribunal		MM
45	<b>Section 125(2)(c)(i):</b> To receive an affidavit from an applicant for the late lodging of an appeal		MM
46	<b>Section 126:</b> To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit		GMPDS\RTP
47	<b>Section 126:</b> To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit		MM
48	<b>Section 129:</b> To receive notice of the ruling in relation to the late lodging of an appeal		MM
49	<b>Section 132(3):</b> To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)		GMPDS\RTP
50	<b>Section 132(3):</b> To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)		MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<p><b>Section 156(1) and (8):</b> To delegate, amend or revoke any power conferred on the Municipality in terms of the Act to any official employed by it</p>	<p><b>Control measure:</b> EXCO cannot delegate the power to delegate</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- EXCO may not delegate the responsibility to adopt or replace a scheme as contemplated in section 13</li> <li>- EXCO may impose conditions in accordance with section 156(2).</li> <li>- Delegation or amendment comes into effect upon the publication of a notice in the Gazette, or if a later date is stated, from that date in accordance with section 156(7)(c)</li> </ul>	
51	<p><b>Section 156(7)(b) and 156(9):</b> Placing of notices in the Gazette</p>		MM
	<p><b>Section 157(1):</b> To enter into agency agreements for performance of functions</p>	<p><b>Control measure:</b> Power not delegated.</p> <p>EXCO will enter into agency agreements, if necessary.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- After it has applied the criteria contemplated in section 78 of the Municipal Systems Act, 2000 (Act No. 32 of 2000)</li> </ul>	EXCO
52	<p><b>Section 160:</b> To maintain access to information</p>	<p><b>Notes:</b> Including:</p> <ul style="list-style-type: none"> <li>• Proposals and applications</li> <li>• Comments on proposals and applications</li> <li>• Evaluation by registered planner</li> <li>• Certificate by registered planner that proposal or application complies with the Act</li> <li>• Decision on proposal or application</li> </ul>	MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
53	<b>Schedule 1 item 2(1)(a), 4(1), 9(1), 10(2), 11(2), 19(1), 20(4):</b> To serve and require documents	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Serving of documents:               <ul style="list-style-type: none"> <li>• Request additional information</li> <li>• Notice application complete</li> <li>• Copies of comments on proposal or application to applicant</li> <li>• Notice of site inspection</li> <li>• Notice of hearing</li> </ul> </li> <li>- Serving of notices must comply with section 158</li> <li>- Calculation of number of days in accordance with section 159</li> <li>- Notice of a hearing must comply with Schedule 1 item 11(3) and 20(2) and 20(5)</li> </ul>	GMPDS
	<b>Schedule 1 item 4(1):</b> See delegation 53		
54	<b>Schedule 1 item 5(1), 6(1), 8(2) and (3), 14(1), 15(1) and 17(2) and 17(3):</b> To give public notice	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Including:               <ul style="list-style-type: none"> <li>• Site notice</li> <li>• Personal notice</li> <li>• Newspaper notice</li> <li>• Obtaining proof of notice</li> <li>• Notice of amendment to proposal or application</li> </ul> </li> <li>- Notices must comply with Schedule 1 items 5(2)-(3), 6(1), 7(1), 14(2)-(3), 15(3), 16.</li> <li>- Public notice not required in cases listed in terms of section 10(3), 23(2), 62(2)</li> </ul>	GMPDS
	<b>Schedule 1 item 6(1):</b> See delegation 54		
55	<b>Schedule 1 item 6(2)-(3):</b> To agree with a person who has an interest in any specific matter to give notice on behalf of the Municipality and to request proof from that person that public notice has been given as required		GMPDS

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
56	<b>Schedule 1 items 6(4) and 15(2):</b> To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application		GMPDS
57	<b>Schedule 1 item 8(1)(b):</b> To request an amendment of an application prior to approval		GMPDS
	<b>Schedule 1 item 8(2) and (3):</b> See delegation 54		
	<b>Schedule 1 item 9(1):</b> See delegation 53		
58	<b>Schedule 1 item 10(1):</b> To decide whether a site inspection is necessary in liaison with the relevant Ward Councillor		RTP\Ward Councillor
59	<b>Schedule 1 item 10(1) and 11(4):</b> To represent Council during a site visit or public hearing	<b>Note:</b> - Conditions contained in section 10(3)-(5)	GMPDS\RTP
	<b>Schedule 1 item 10(2):</b> See delegation 53		
60	<b>Schedule 1 item 11(1) and 20(1):</b> To decide whether a public hearing is necessary in liaison with the relevant Ward Councillor	<b>Control measure:</b> In liaison with the relevant Ward Councillor and based on: - the complexity of the application' - number of and basis for objections received, If it is in the interest of the public, Municipality or the applicant to do so	RTP\Ward Councillor
	<b>Schedule 1 item 11(2):</b> See delegation 53		
	<b>Schedule 1 item 14(1):</b> See delegation 54		
	<b>Schedule 1 item 15(1):</b> See delegation 54		
	<b>Schedule 1 items 15(2):</b> See delegation 56		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
61	<b>Schedule 1 item 17(1):</b> To amend proposals for council-owned land prior to approval by the Municipality	<b>Note:</b> - Subject to Schedule 1 item 17(2)-(3)	GMPDS
	<b>Schedule 1 item 17(2):</b> See delegation 54		
	<b>Schedule 1 item 17(3):</b> See delegation 54		
62	<b>Schedule 1 item 18:</b> To reply to a person who submitted comments on an application		GMPDS
	<b>Schedule 1 item 19(1):</b> See delegation 53 for notice of site inspection		
	<b>Schedule 1 item 19(1):</b> See delegation 58 for decision to conduct site inspection		
	<b>Schedule 1 item 20(1):</b> See delegation 60		
	<b>Schedule 1 item 20(4):</b> See delegation 53		

**TOWN PLANNING ORDINANCE, 1949**  
**(ORDINANCE NO. 27 OF 1949)**

**PART 2**

*Assigned provincial legislation*  
*Date of commencement: 1 August 1951*

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	<b>Section 67bis:</b> To grant or refuse special consent applications		EXCO\GMPDS

## SUBDIVISION OF AGRICULTURAL LAND ACT (ACT NO. 70 OF 1970)

### PART 3

*National legislation*

*Date of commencement: 2 January 1971*

*Note: The provisions of the act have not been assigned to the  
province of KwaZulu-Natal*

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	<b>Section 4(2)(b):</b> To advise the Minister of Agriculture on the subdivision of agricultural land, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	<b>Control measure:</b> Advice must be given by a registered planner or on advice of a registered planner.	RTP
2	<b>Section 4(2)(b):</b> To determine conditions subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	<b>Control measure:</b> Decision must be made by a registered planner or on advice of a registered planner.	RTP
3	<b>Section 4(3):</b> To enforce a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	<b>Note:</b> Condition imposed in terms of section 4(2)(b) of the Act.	GMPDS\RTP
4	<b>Section 4(4):</b> To vary or withdraw a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	<b>Control measure:</b> Decision must be made by a registered planner or on advice of a registered planner.  <b>Note:</b> Condition imposed in terms of section 4(2)(b) of the Act.	RTP

**LAND SURVEY ACT, 1997  
(ACT NO. 8 OF 1997)**

**PART 4**

*National legislation*

*Date of commencement: 11 April 1997*

NO	SCOPE	CONTROL MEASURE / NOTE	LEVEL
1	<b>Section 37(2):</b> To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan	<b>Notes:</b> Read with section 37(3) of the Act.  *Delegation by the Premier.	GMPDS
2	<b>Section 37(2):</b> To consent to the alteration, amendment, partial cancellation or total cancellation of a general plan	<b>Control measure:</b> Decision must be made by a registered planner or on advice of a registered planner.  <b>Notes:</b> The delegate may impose conditions.  Read with section 37(3) of the Act and section 30 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008)  *Delegation by the Premier.	RTP
3	<b>Section 37(2):</b> To advise the Surveyor General that the provisions of the laws relating to the permanent closing of any public place or part thereof have been complied with	<b>Notes:</b> In relation to the alteration, amendment, partial cancellation or total cancellation of a general plan.  Read with section 37(3) of the Act.  *Delegation by the Premier.	GMPDS

# EMNAMBITHI/LADYSMITH MUNICIPALITY



**DELAGATIONS REGISTER: KZN PLANNING  
AND DEVELOPMENT ACT OF 2006**

**EMNAMBITHI/LADYSMITH MUNICIPALITY****KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, ACT 6 OF 2006: DELEGATIONS, EMNAMBITHI/LADYSMITH MUNICIPALITY**

The Emnambithi/Ladysmith Municipality has in terms of Section 156(2) of the Constitution, 1996, read with Section 13 of the Municipal Systems Act No. 32 of 2000 compiled and adopted its Pound Bylaws at the meeting held on 14 May 2010 under item no.A1 as set out here under which take effect at the publication date hereof –

The Emnambithi/Ladysmith Municipality at its meeting held on 19 July 2010 adopted its Delegations Register set out in the Schedule to this notice in terms of section 156(1) of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008)

N. J. Mdakane Municipal Manager: Emnambithi/Ladysmith Municipality

**KEY TO DELEGATIONS OF POWER**

<b>DESCRIPTION</b>	<b>ABBREVIATION</b>
Emnambithi/Ladysmith Municipality Council	ELM Council
Executive Committee	EXCO
Municipal Manager	MM
Management Committee	MCM
Chief Financial Officer	CFO
Registered Planner	RP
Manager: Economic Development	MED
Senior Legal Adviser	SLA
Town Planning Technician	TPT
Traffic Officer	TO
Town Planning Development Administrator	TPDA

## 1. DEFINITIONS

**Control measure:** A control measure is a condition of a delegation that is not contained in legislation.

**Note:** A note alerts the person to whom a power has been delegated to important information contained in the legislation. This includes: a reference to a related power, criteria that has to be considered when making a decision, and persons who need to be consulted before the power can be exercised.

**"registered planner"** means a person registered as a professional planner or a technical planner contemplated in section 13(4) of the Planning Profession Act, unless the South African Council for Planners has reserved the work to be performed by a registered planner in terms of this Act for a particular category of registered persons in terms of section 16(2) of the Planning Profession Act, in which case a registered planner shall mean that category of registered persons for which the work has been reserved.

## 2. PRINCIPLES

(1) This document deals with delegations in respect of the following laws:

- (a) The KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008)
- (b) Section 67*bis* of the Natal Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949)
- (c) The Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970)
- (d) The Land Survey Act, 1997 (Act No 8 of 1997)

### (3) THE FOLLOWING ACTIONS HAVE BEEN DELEGATED TO COUNCIL:

- (a) To apply to the Member of the Executive Council for an extension of the period in which to adopt a scheme or schemes for its whole area of jurisdiction
- (b) To review schemes within six months after Council adopted an Integrated Development Plan for its elected term
- (c) To initiate proposals on behalf of the Municipality
- (d) To approve, with or without alterations, or to refuse the adoption or replacement of a scheme
- (e) To approve, with or without alterations, or to refuse a proposal or an application
- (f) To correct an error in the wording of the Municipality's decision on a proposal or an application
- (g) To give an applicant a specified amount of time to complete a development
- (h) To withdraw a notice giving an applicant a specified amount of time to complete a development
- (i) To initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled in accordance with sections 37(3) and 49(1)
- (j) To request the court to summarily enquire into and determine the monetary value of any advantage which a person may have gained as a result of an offence
- (k) To issue and withdraw contravention notices
- (l) To consider comments lodged in response to a contravention notice
- (m) To issue a prohibition order
- (n) To apply to the High Court for the issuing or withdrawal of an order restraining a person from continuing an illegal activity or for a demolition order
- (o) To apply to the High Court for the withdrawal of an urgent prevention order
- (p) To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties
- (q) To carry out site inspections for enforcement purposes
- (r) To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes
- (s) To authorise an application to court for the demolition, removal or alteration of buildings, structures or works, or for rehabilitation of land
- (t) To receive, administer and negotiate applications for compensation
- (u) To consider applications for compensation
- (v) To agree on the amount of compensation
- (w) To lodge a responding memorandum
- (x) To withdraw a responding memorandum
- (y) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal site inspection
- (z) To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing

- (aa) To enter into agency agreements for performance of functions
- (bb) To amend proposals for council-owned land prior to approval by the Municipality
- (cc) To reply to a person who submitted comments on an application
- (dd) To grant or refuse special consent applications
- (ee) To enforce a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes
- (ff) To consent to the alteration, amendment, partial cancellation or total cancellation of a general plan

**(4) THE FOLLOWING ACTIONS HAVE BEEN DELEGATED TO MM:**

- (a) To compile and maintain an up-to-date version of the Scheme and make it available for inspection and copying at all reasonable times by any person
- (b) To receive and administer applications
- (c) To inform persons who have commented on a proposal or an application of Municipality's decision
- (d) To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval
- (e) To receive certified copies of the approved diagrams or general plan
- (f) To lodge plans and documents with the Surveyor General's and Deeds Offices in cases where land is subdivided or consolidated, or where application is made for the alteration, suspension or deletion of restriction relating to land by the Municipality
- (g) To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan
- (h) To issue and withdraw contravention notices
- (i) To serve contravention notices on persons suspected of certain offences
- (j) To consider comments lodged in response to a contravention notice
- (k) To serve a prohibition order
- (l) To display an order on site
- (m) To apply to the High Court for the issuing or withdrawal of an order restraining a person from continuing an illegal activity or for a demolition order
- (n) To serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
- (o) To receive and administer subsequent applications for authorisation
- (p) To carry out site inspections for enforcement purposes
- (q) To issue a certificate stating that a person has been designated as a town planning inspector
- (r) To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes
- (s) To receive, administer and negotiate applications for compensation
- (t) To lodge a responding memorandum
- (u) To withdraw a responding memorandum
- (v) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal site visit
- (w) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
- (x) To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing

- (y) To decide the manner in which the Municipality must be notified of the decision of the Kwazulu-Natal Planning and Development Appeal Tribunal
  - (z) To receive an affidavit from an applicant for the late lodging of an appeal
  - (aa) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
  - (bb) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
  - (cc) To receive notice of the ruling in relation to the late lodging of an appeal
  - (dd) To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
  - (ee) To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
  - (ff) Placing of notices in the Gazette
  - (gg) To maintain access to information
  - (hh) To serve and require documents
  - (ii) To give public notice
  - (jj) To agree with a person who has an interest in any specific matter to give notice on behalf of the Municipality and to request proof from that person that public notice has been given as required
  - (kk) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
  - (ll) To decide whether a site inspection is necessary
  - (mm) To represent Council during a site visit or public hearing
  - (nn) To decide whether a public hearing is necessary
  - (oo) To reply to a person who submitted comments on an application
  - (pp) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
- (4) The preparation of oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2) has been delegated to the CFO.

**(5) THE FOLLOWING ACTIONS HAVE BEEN DELEGATED TO RP:**

- (a) To compile and maintain an up-to-date version of the Scheme and make it available for inspection and copying at all reasonable times by any person
- (b) To receive and administer applications
- (c) To evaluate and make recommendations on proposals or applications in terms of the Act, and to issue certificates confirming that the proposals or applications comply with the Act
- (d) To inform persons who have commented on a proposal or an application of Municipality's decision
- (e) To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval
- (f) To issue certificates of compliance with conditions of approval
- (g) To receive certified copies of the approved diagrams or general plan

- (h) To lodge plans and documents with the Surveyor General's and Deeds Offices in cases where land is subdivided or consolidated, or where application is made for the alteration, suspension or deletion of restriction relating to land by the Municipality
- (i) To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan
- (j) To issue and withdraw contravention notices
- (k) To serve contravention notices on persons suspected of certain offences
- (l) To consider comments lodged in response to a contravention notice
- (m) To serve a prohibition order
- (n) To display an order on site
- (o) To serve urgent prevention orders issued by the High Court and to display orders on site
- (p) To serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
- (q) To receive and administer subsequent applications for authorisation
- (r) To carry out site inspections for enforcement purposes
- (s) To lodge a responding memorandum
- (t) To withdraw a responding memorandum
- (u) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal site visit
- (v) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
- (w) To decide the manner in which the Municipality must be notified of the decision of the Kwazulu-Natal Planning and Development Appeal Tribunal
- (x) To receive an affidavit from an applicant for the late lodging of an appeal
- (y) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
- (z) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
- (aa) To receive notice of the ruling in relation to the late lodging of an appeal
- (bb) To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
- (cc) To maintain access to information
- (dd) To serve and require documents
- (ee) To give public notice
- (ff) To agree with a person who has an interest in any specific matter to give notice on behalf of the Municipality and to request proof from that person that public notice has been given as required
- (gg) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
- (hh) To request an amendment of an application prior to approval
- (ii) To decide whether a site inspection is necessary
- (jj) To represent Council during a site visit or public hearing
- (kk) To decide whether a public hearing is necessary
- (ll) To reply to a person who submitted comments on an application
- (mm) To advise the Minister of Agriculture on the subdivision of agricultural land, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes

- (nn) To determine conditions subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes
- (oo) To vary or withdraw a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes
- (pp) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
- (qq) To advise the Surveyor General that the provisions of the laws relating to the permanent closing of any public place or part thereof have been complied with

**(7) THE FOLLOWING ACTIONS HAVE BEEN DELEGATED TO TPT:**

- (a) To issue and withdraw contravention notices
- (b) To serve contravention notices on persons suspected of certain offences
- (c) To serve a prohibition order
- (d) To display an order on site
- (e) To serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
- (f) To carry out site inspections for enforcement purposes

**(8) THE FOLLOWING ACTIONS HAVE BEEN DELEGATED TO TPDA**

- (a) To receive and administer applications.
- (b) To receive and administer an application for the permanent closure of municipal roads or public places.
- (c) To receive and administer subsequent applications for authorisation

**KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, 2008  
(ACT 6 OF 2008)**

**PART 1**

**JUNE 2010**

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	<b>Section 4(2):</b> To apply to the Member of the Executive Council for an extension of the period in which to adopt a scheme or schemes for its whole area of jurisdiction.	<b>Note:</b> - Accompanied by a written motivation and an request specifying the amount of additional time required in terms of section 4(3)	EXCO
2	<b>Section 7:</b> To review schemes within six months after Council adopted an Integrated Development Plan for its elected term.		COUNCIL
3	<b>Section 8:</b> To compile and maintain an up-to-date version of the Scheme and make it available for inspection and copying at all reasonable times by any person		MM MED RP
4	<b>Section 9(1), 22(1), 39(1), 51(1) and 61(1):</b> To initiate proposals on behalf of the Municipality	<b>Notes:</b> - Proposals to: <ul style="list-style-type: none"> <li>• Adopt or replace a scheme</li> <li>• Amend a scheme</li> <li>• Subdivide and consolidate land</li> <li>• Develop land situated outside the area of a scheme</li> <li>• Phase or cancel an approved layout</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> - The Municipality must be the land owner or act with the owner's consent in the case for the subdivision of land, the consolidation of land and the development of land situated outside the area of a scheme - Process in accordance with Part 2 of Schedule 1, except for the phasing or cancellation of an approved layout - Process for the phasing or cancellation of an approved layout in accordance with section 52 - Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3) - Right to amend a proposal after notice has been given thereof in terms of Schedule 1 item 17(1) - Right to amend scheme to avoid having to pay compensation in section 95(2)	COUNCIL

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
5	<p><b>Sections 9(2), 22(2), 39(2), 51(2) and 61(2):</b> To receive and administer applications</p>	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- Applications to: <ul style="list-style-type: none"> <li>• Amend a scheme</li> <li>• Subdivide and consolidate land</li> <li>• Develop land situated outside the area of a scheme</li> <li>• Phase or cancel an approved layout</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> </li> <li>- Process in accordance with Part 1 of Schedule 1, except for the phasing or cancellation of an approved layout</li> <li>- Process for the phasing or cancellation of an approved layout in accordance with section 52</li> <li>- Status of legal successor-in-title in accordance with section 9(3)</li> <li>- Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3)</li> </ul>	<p>MM MED RP</p>
6	<p><b>Sections 11, 24, 41, 53, and 63:</b> To evaluate and make recommendations on proposals or applications in terms of the Act, and to issue certificates confirming that the proposals or applications comply with the Act</p>	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>- Matters relevant in determining the merits of proposals or applications are contained in sections 12, 25, 42, 54, and 64</li> </ul>	<p>RP</p>
7	<p><b>Section 13(1):</b> To approve, with or without alterations, or to refuse the <u>adoption</u> or <u>replacement</u> of a scheme</p>	<p><b>Control Measure:</b></p> <ul style="list-style-type: none"> <li>- Decision must be informed by a registered planner or on advice of a registered planner in accordance with section 11</li> <li>- Decision may not be in conflict with provincial planning and development norms and standards or the municipality's IDP as per section 13(2) and 13(3)</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- Decision may not be delegated to an official or another municipality in terms of section 156(1)</li> <li>- Timeframes in accordance with items 12 and 21 of Schedule 1</li> <li>- Effective date of decision as per section 16</li> </ul>	<p>COUNCIL See notes</p>

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
8	<p><b>Section 13(1), 26(1), 43(1), 55(1) and 65(1):</b> To approve, with or without alterations, or to refuse a proposal or an application</p>	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- Applications to: <ul style="list-style-type: none"> <li>• Amend a scheme</li> <li>• Subdivide and consolidate land</li> <li>• Develop land situated outside the area of a scheme</li> <li>• Phase or cancel an approved layout</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> </li> <li>- Decision must be informed by advice of a registered planner in accordance with section 11, 24, 41, 53 and 63</li> <li>- Decision to: <ul style="list-style-type: none"> <li>• Amend a scheme</li> <li>• Subdivide and consolidate land</li> <li>• Develop land situated outside the area of a scheme</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> <p>may not be in conflict with provincial planning and development norms and standards or the municipality's IDP as per section 13(2), 26(2), 43(2) and 65(2)</p> </li> <li>- Decision to: <ul style="list-style-type: none"> <li>• Subdivide and consolidate land</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> <p>may not be in conflict with scheme as per section 26(2) and 65(2)</p> </li> <li>- Timeframes in accordance with items 12 and 21 of Schedule 1</li> <li>- EXCO may impose conditions in accordance with section 13(4), 26(3) and (4), 43(3) and (4), 55(2) and 65(3)</li> <li>- Reasons for decision must comply with section 13(5), 26(5), 43(5), 55(3) and 65(4)</li> <li>- Effective date of decision as per section 16, 29, 46, 58 and 68</li> <li>- Section 59 relating to the legal effect of approval of phasing or cancellation of approved layout plans (including transfer of land and ownership)</li> <li>- May not suspend or remove a mineral right registered against the title of any land in accordance with section 60(3)</li> </ul>	COUNCIL
9	<p><b>Section 13(6), 26(6), 43(6), 55(4), 65(5):</b> To correct an error in the wording of the Municipality's decision on a proposal or an application</p>	<p><b>Note:</b> The correction may not constitute a change in its decision or an alteration, suspension or deletion of a condition of its approval</p>	RP MED

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
10	<b>Section 14(1), 27(1), 44(1), 56(1), 66(1):</b> To inform persons who have commented on a proposal or an application of Municipality's decision	<b>Notes:</b> - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158	MM MED RP
11	<b>Section 14(5), 27(5), 44(5), 56(5), 66(5):</b> To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval	<b>Notes:</b> - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158	MM MED RP
	<b>Section 17:</b> To receive and administer an application for consent, approval or permission	<b>Control measure:</b> Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	NOT YET IMPLEMENTED
	<b>Sections 18:</b> To evaluate and make recommendations on proposals or applications for permission in terms of a scheme, and to issue certificates confirming that the proposals or applications comply with the Act	<b>Control measure:</b> Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	NOT YET IMPLEMENTED
	<b>Section 20:</b> To approve, with or without alterations, or to refuse proposals or applications for permission in terms of a scheme	<b>Control measure:</b> Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	NOT YET IMPLEMENTED
<b>Section 22(1):</b> See delegation 4 of this document			
<b>Section 22(2):</b> See delegation 5 of this document			
<b>Section 26(1):</b> See delegation 8 of this document			
<b>Section 26(6):</b> See delegation 9 of this document			
<b>Section 27(1):</b> See delegation 10 of this document			
<b>Section 27(5):</b> See delegation 11 of this document			
12	<b>Sections 31(1), 31(3), 31(5), 34(2), 48(1), 48(3), and 48(5):</b> To issue certificates of compliance with conditions of approval	<b>Notes:</b> - Referring to conditions imposed in accordance with sections 26(4), 43(4) and 65(3); - Provisions of section 31(4) and 48(4) relating to occupation of a building/structure	RP
<b>Sections 31(3):</b> See delegation 12 of this document			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
<b>Sections 31(5):</b> See delegation 12 of this document			
13	<b>Section 32(1)(b):</b> To receive certified copies of the approved diagrams or general plan		MM MED TPDA
14	<b>Sections 33(1), 35 and 70:</b> To lodge plans and documents with the Surveyor General's and Deeds Offices in cases where land is subdivided or consolidated, or where application is made for the alteration, suspension or deletion of restriction relating to land by the Municipality	<b>Note:</b> - Section 33(2) and 37(2) relating to lapsing of approval.	MM MED DEV ADMIN RP
<b>Section 34(2):</b> See delegation 12 of this document			
<b>Section 35:</b> See delegation 14 of this document			
15	<b>Section 37(3), 37(4), 49(1) and 49(2):</b> To give an applicant a specified amount of time to complete a development	<b>Notes:</b> - Section 37(5) and 49(3) relating to cancel the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled - Notices must comply with section 37(3) or 49(1) - Serving of notices must comply with section 158	EXCO COUNCIL
16	<b>Section 37(4):</b> To withdraw a notice giving an applicant a specified amount of time to complete a development		EXCO MM COUNCIL
17	<b>Section 37(5) and 49(3):</b> To initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled in accordance with sections 37(3) and 49(1)		COUNCIL
<b>Section 39(1):</b> See delegation 4 above			
<b>Section 39(2):</b> See delegation 5 above			
<b>Section 43(1):</b> See delegation 8 above			
<b>Section 43(6):</b> See delegation 9 above			
<b>Section 44(1):</b> See delegation 10 above			
<b>Section 44(5):</b> See delegation 11 above			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Section 48(1): See delegation 12 above		
	Section 48(3): See delegation 12 above		
	Section 48(5): See delegation 12 above		
	Section 49(1): See delegation 15 above		
	Section 49(2): See delegation 16 above		
	Section 49(3): See delegation 17 above		
	Section 51(1): See delegation 4 above		
	Section 51(2): See delegation 5 above		
18	Section 52(2): To administer issuing public notice of an application for the phasing or cancellation of an approved layout plan	<b>Note:</b> - Notice must comply with section 52(3)-(4)	MM MED RP
	Section 55(1): See delegation 8 above		
	Section 55(4): See delegation 9 above		
	Section 56(1): See delegation 10 above		
	Section 56(5): See delegation 11 above		
	Section 61(1): See delegation 4 above		
	Section 61(2): See delegation 5 above		
	Section 65(1): See delegation 8 above		
	Section 65(5): See delegation 9 above		
	Section 66(1): See delegation 10 above		
	Section 66(5): See delegation 11 above		
	Section 70: See delegation 14 above		
	Section 71(1): To initiate an application for the permanent closure of municipal roads or public places	<b>Control measure:</b> Not delegated.  Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	NOT YET IMPLEMENTED

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<b>Section 71(2):</b> To receive and administer an application for the permanent closure of municipal roads or public places	<b>Control measure:</b> Not delegated.  Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	NOT YET IMPLEMENTED
	<b>Section 71(2)(e):</b> To approve, with or without alterations, or to refuse the permanent closure of municipal roads or public places	<b>Control measure:</b> Not delegated.  Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	NOT YET IMPLEMENTED
	<b>Sections 72:</b> To evaluate and make recommendations on proposals or applications for the permanent closure of municipal roads an public places, and to issue certificates confirming that the proposals or applications comply with the Act	<b>Control measure:</b> Not delegated.  Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	NOT YET IMPLEMENTED
19	<b>Section 76(1):</b> To request the court to summarily enquire into and determine the monetary value of any advantage which a person may have gained as a result of an offence		EXCO COUNCIL SLA
20	<b>Section 79(1):</b> To issue and withdraw contravention notices	<b>Notes:</b> - Offences listed as per section 75(1), 77(1), 78(1), 90(7) and Schedule 1 item 10(6) - Contents of contravention notices as per section 79(2) and 80	EXCO MM MED RP TPT SLA
21	<b>Section 79(1):</b> To serve contravention notices on persons suspected of certain offences	<b>Note:</b> - Serving of notices must comply with section 158	MM MED RP TPT
22	<b>Section 81(1):</b> To consider comments lodged in response to a contravention notice		MM MED RP SLA
23	<b>Section 81(2):</b> To issue a prohibition order	<b>Notes:</b> - Offences listed as per section 75(1), 77(1), 78(1), 90(7) and Schedule 1 item 10(6) - Contents of prohibition orders as per section 81(2) and 82 - Consider section 81(3)-(5)	EXCO COUNCIL RP SLA

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
24	<b>Section 81(2)(a):</b> To serve a prohibition order	<b>Note:</b> - Serving of orders must comply with section 158	MED MM RP SLA TPT
25	<b>Section 81(2)(b), 84(1), 84(2) and 94:</b> To apply to the High Court for the issuing or withdrawal of an order restraining a person from continuing an illegal activity or for a demolition order	<b>Notes:</b> - Consider section 84 - Consider section 98 - Notices must comply with section 85	EXCO COUNCIL MM SLA
26	<b>Section 83 and 86:</b> To display order on site		MM MED TP TPT
27	<b>Section 84(1):</b> To serve urgent prevention orders issued by the High Court and to display orders on site	<b>Note:</b> - Serving of orders must comply with section 158	MM MED RP TPT TO
28	<b>Section 84(3):</b> To apply to the High Court for the withdrawal of an urgent prevention order		EXCO COUNCIL MM SLA
29	<b>Section 84(4):</b> To serve a notice on the person on whom the urgent prevention order was served, if the order is withdrawn	<b>Note:</b> - Serving of notices must comply with section 158	MM MED RP TPT TO
<b>Section 86:</b> See delegation 26			
30	<b>Section 89(2):</b> To receive and administer subsequent applications for authorisation	<b>Note:</b> - Purpose of a subsequent application in terms of section 89(1)	MM MED RP TPDA
31	<b>Section 89(3):</b> To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties	<b>Notes:</b> - Approvals must include conditions as set out in section 89(3) - EXCO may impose other conditions in accordance with 89(3)	COUNCIL
32	<b>Section 90(1):</b> To carry out site inspections for enforcement purposes	<b>Note:</b> - Inspector must adhere to sections 90(1)-(6) and section 92	EXCO MM MED RP SLA TO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
33	<b>Section 90(2):</b> To issue a certificate stating that a person has been designated as a town planning inspector		MM
34	<b>Section 91(1):</b> To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes	<b>Note:</b> - Conditions listed in section 91(1) to (3)	EXCO MM SLA
35	<b>Section 94:</b> To authorise an application to court for the demolition, removal or alteration of buildings, structures or works, or for rehabilitation of land		COUNCIL
36	<b>Section 95(1), 96(1), 97(1), and 98:</b> To receive, administer and negotiate applications for compensation	<b>Note:</b> Compensation arising from: arising from: • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions	COUNCIL MM CFO
37	<b>Section 95(1), 96(1), 97(1), and 98:</b> To consider applications for compensation	<b>Note:</b> Compensation arising from: arising from: • adoption or implementation of provisions of schemes • wrongful and intentional or negligent service of urgent prevention orders suspension or removal of restrictions	COUNCIL MM CFO
<b>Section 96(1):</b> See delegations 36 and 37			
<b>Section 97(1):</b> See delegations 36 and 37			
<b>Section 98:</b> See delegations 36 and 37			
38	<b>Section 99(1):</b> To agree on the amount of compensation	<b>Note:</b> Compensation arising from: arising from: • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions	COUNCIL MM CFO
	<b>Section 113(2)(a):</b> To receive memoranda of appeals	<b>Note:</b> - In relation to appeals under section 15, section 28, section 45, section 57, section 67 - Act requires memorandum to be served on the Municipal Manager	MM See notes

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
39	<b>Section 114(1) and (3) and 116(2):</b> To lodge a responding memorandum	<b>Notes:</b> - Contents of a responding memorandum in accordance with section 114(2) - Responding memorandum must be served in accordance with section 114(3)	EXCO MED MM RP
40	<b>Section 116(2):</b> To withdraw a responding memorandum		EXCO MED MM RP
41	<b>Section 117(2):</b> To represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal site visit		EXCO MM MED RP
42	<b>Section 120:</b> To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal hearing		MM MED RP Member of EXCO as authorised by Council
43	<b>Section 120(2)(a):</b> To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing		COUNCIL MM
44	<b>Section 123:</b> To decide the manner in which the Municipality must be notified of the decision of the Kwazulu-Natal Planning and Development Appeal Tribunal		MM MED RP
45	<b>Section 125(2)(c)(i):</b> To receive an affidavit from an applicant for the late lodging of an appeal		MM MED
46	<b>Section 126:</b> To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit		MM MED RP
47	<b>Section 126:</b> To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit		MM MED RP
48	<b>Section 129:</b> To receive notice of the ruling in relation to the late lodging of an appeal		MM MED RP
49	<b>Section 132(3):</b> To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)		MM CFO MED RP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
50	<b>Section 132(3):</b> To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)		MM
	<b>Section 156(1) and (8):</b> To delegate, amend or revoke any power conferred on the Municipality in terms of the Act to any official employed by it	<b>Notes:</b> <ul style="list-style-type: none"> <li>- EXCO cannot delegate the power to delegate</li> <li>- EXCO may not delegate the responsibility to adopt or replace a scheme as contemplated in section 13</li> <li>- EXCO may impose conditions in accordance with section 156(2).</li> <li>- Delegation or amendment comes into effect upon the publication of a notice in the Gazette, or if a later date is stated, from that date in accordance with section 156(7)(c)</li> </ul>	COUNCIL See notes
51	<b>Section 156(7)(b) and 156(9):</b> Placing of notices in the Gazette		MM MED
	<b>Section 157(1):</b> To enter into agency agreements for performance of functions	<b>Control measure:</b> Power not delegated.  EXCO will enter into agency agreements, if necessary.  <b>Notes:</b> <ul style="list-style-type: none"> <li>- After it has applied the criteria contemplated in section 78 of the Municipal Systems Act, 2000 (Act No. 32 of 2000)</li> </ul>	EXCO See control measure
52	<b>Section 160:</b> To maintain access to information	<b>Notes:</b> Including: <ul style="list-style-type: none"> <li>• Proposals and applications</li> <li>• Comments on proposals and applications</li> <li>• Evaluation by registered planner</li> <li>• Certificate by registered planner that proposal or application complies with the Act</li> <li>• Decision on proposal or application</li> </ul>	MM MED RP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
53	<b>Schedule 1 item 2(1)(a), 4(1), 9(1), 10(2), 11(2), 19(1), 20(4):</b> To serve and require documents	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Serving of documents:               <ul style="list-style-type: none"> <li>• Request additional information</li> <li>• Notice application complete</li> <li>• Copies of comments on proposal or application to applicant</li> <li>• Notice of site inspection</li> <li>• Notice of hearing</li> </ul> </li> <li>- Serving of notices must comply with section 158</li> <li>- Calculation of number of days in accordance with section 159</li> <li>- Notice of a hearing must comply with Schedule 1 item 11(3) and 20(2) and 20(5)</li> </ul>	MM MED RP
<b>Schedule 1 item 4(1):</b> See delegation 53			
54	<b>Schedule 1 item 5(1), 6(1), 8(2) and (3), 14(1), 15(1) and 17(2) and 17(3):</b> To give public notice	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Including:               <ul style="list-style-type: none"> <li>• Site notice</li> <li>• Personal notice</li> <li>• Newspaper notice</li> <li>• Obtaining proof of notice</li> <li>• Notice of amendment to proposal or application</li> </ul> </li> <li>- Notices must comply with Schedule 1 items 5(2)-(3), 6(1), 7(1), 14(2)-(3), 15(3), 16.</li> <li>- Public notice not required in cases listed in terms of section 10(3), 23(2), 62(2)</li> </ul>	MM MED RP
<b>Schedule 1 item 6(1):</b> See delegation 54			
55	<b>Schedule 1 item 6(2)-(3):</b> To agree with a person who has an interest in any specific matter to give notice on behalf of the Municipality and to request proof from that person that public notice has been given as required		MM MED RP
56	<b>Schedule 1 items 6(4) and 15(2):</b> To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application		MM MED RP
57	<b>Schedule 1 item 8(1)(b):</b> To request an amendment of an application prior to approval		RP
<b>Schedule 1 item 8(2) and (3):</b> See delegation 54			
<b>Schedule 1 item 9(1):</b> See delegation 53			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
58	<b>Schedule 1 item 10(1):</b> To decide whether a site inspection is necessary.		MM MED RP
59	<b>Schedule 1 item 10(1) and 11(4):</b> To represent Council during a site visit or public hearing	<b>Note:</b> - Conditions contained in section 10(3)-(5)	MM MED RP
<b>Schedule 1 item 10(2):</b> See delegation 53			
60	<b>Schedule 1 item 11(1) and 20(1):</b> To decide whether a public hearing is necessary.		MM MED RP
<b>Schedule 1 item 11(2):</b> See delegation 53			
<b>Schedule 1 item 14(1):</b> See delegation 54			
<b>Schedule 1 item 15(1):</b> See delegation 54			
<b>Schedule 1 items 15(2):</b> See delegation 56			
61	<b>Schedule 1 item 17(1):</b> To amend proposals for council-owned land prior to approval by the Municipality	<b>Note:</b> - Subject to Schedule 1 item 17(2)-(3)	EXCO COUNCIL
<b>Schedule 1 item 17(2):</b> See delegation 54			
<b>Schedule 1 item 17(3):</b> See delegation 54			
62	<b>Schedule 1 item 18:</b> To reply to a person who submitted comments on an application		MM MED RP
<b>Schedule 1 item 19(1):</b> See delegation 53 for notice of site inspection			
<b>Schedule 1 item 19(1):</b> See delegation 58 for decision to conduct site inspection			
<b>Schedule 1 item 20(1):</b> See delegation 60			
<b>Schedule 1 item 20(4):</b> See delegation 53			

**TOWN PLANNING ORDINANCE, 1949**  
**(ORDINANCE NO. 27 OF 1949)**

**PART 2**

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	<b>Section 67bis:</b> To grant or refuse special consent applications	EXCO must get recommendation from a registered planner	MCM

**SUBDIVISION OF AGRICULTURAL LAND ACT  
(ACT NO. 70 OF 1970)**

**PART 3**

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	<b>Section 4(2)(b):</b> To advise the Minister of Agriculture on the subdivision of agricultural land, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	<b>Control measure:</b> Advice must be given by a registered planner or on advice of a registered planner.	RP TPT
2	<b>Section 4(2)(b):</b> To determine conditions subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	<b>Control measure:</b> Decision must be made by a registered planner or on advice of a registered planner.	RP TPT
3	<b>Section 4(3):</b> To enforce a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	<b>Note:</b> Condition imposed in terms of section 4(2)(b) of the Act.	COUNIL
4	<b>Section 4(4):</b> To vary or withdraw a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	<b>Control measure:</b> Decision must be made by a registered planner or on advice of a registered planner.  <b>Note:</b> Condition imposed in terms of section 4(2)(b) of the Act.	TP TPT

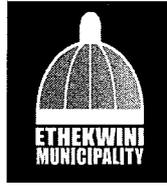
**LAND SURVEY ACT, 1997  
(ACT NO. 8 OF 1997)**

**PART 4**

NO	SCOPE	CONTROL MEASURE / NOTE	LEVEL
1	<b>Section 37(2):</b> To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan	<b>Notes:</b> Read with section 37(3) of the Act.  *Delegation by the Premier.	MM MED RP
2	<b>Section 37(2):</b> To consent to the alteration, amendment, partial cancellation or total cancellation of a general plan	<b>Control measure:</b> Decision must be made by a registered planner or on advice of a registered planner.  <b>Notes:</b> The delegate may impose conditions.  Read with section 37(3) of the Act and section 30 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008)  *Delegation by the Premier.	EXCO
3	<b>Section 37(2):</b> To advise the Surveyor General that the provisions of the laws relating to the permanent closing of any public place or part thereof have been complied with	<b>Notes:</b> In relation to the alteration, amendment, partial cancellation or total cancellation of a general plan.  Read with section 37(3) of the Act.  *Delegation by the Premier.	NOT YET IMPLEMENTED

NOTICE NUMBER 126/2010 DATED 29 JULY 2010.

N J MDAKANE  
MUNICIPAL MANAGER



# PUBLIC NOTICE

## STATUTORY NOTICE NO. 2613

### NOTICE OF EXPROPRIATION

Issued by the eThekweni Municipality  
In terms of Section 9(3) of the Housing Act, 1997 (Act No. 63 of 1997)  
Read with Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act, 1975 (Act No. 63 of 1975).

TO: Estate Late Ebrahim Cassim Paruk, c/o Mr C Paruk, P O Box 3756, Durban, 4000

AND TO: All other persons claiming any right to or interest in the land described in this Notice of Expropriation whether by virtue of registration or otherwise, and particularly any lessee, buyer or builder contemplated in Section 9(1)(d) of the Expropriation Act, 1975.

NOTICE is hereby given in terms of Section 7, read with Section 5(2) of the Expropriation Act No. 63 of 1975 (the Act) that the eThekweni Municipality (the Municipality), being unable to purchase the said land on reasonable terms through negotiation with the owners of the land and having obtained the permission of the member of the Executive Committee of the Province of KwaZulu-Natal responsible for housing matters in that province on 15 April 2010 hereby expropriates the land described hereunder under powers vested in it by Section 9(3) of the Housing Act No. 107 of 1997 (the Housing Act) and Section 5 of the Act, for public purposes, in particular for the purposes of a national housing programme as defined in Section 1 of the Housing Act.

#### The land being expropriated is described as follows:

1. The Farm Lot A H Sterkspruit, measuring 60,0705;
2. Portion 15 of the Farm Zig Zag No. 9064, measuring 82,4277 ha; and
3. Portion 16 of the Farm Zig Zag No. 9064, measuring 72,7169 ha

Registration Division FT, Province of KwaZulu-Natal held under Deed of Transfer No. T1562/1928.

#### PLEASE NOTE THE FOLLOWING:

- a. The date of expropriation shall be 15 April 2010 with effect from which date, where applicable, ownership of the said land will pass to the Municipality.
- b. The date upon which the Municipality will take possession of the said property shall be 15 April 2010.
- c. Where land is expropriated, with effect from the date of possession of the land by the Municipality, but not before such date, the Owner(s) will be relieved of the obligation to take care of and maintain the land and to pay taxes and other charges thereon, and will no longer be entitled to the use of and any income from the land.
- d. Where the property has been partially expropriated, at the request of the Owner(s) this notice shall be deemed to include the remainder of the property or part thereof in terms of Section 2 of the Act, provided that the Municipality is satisfied that such remainder has been rendered useless by the expropriation.
- e. The costs of the survey required and the survey itself will be borne and undertaken by the Municipality.

In terms of section 10(1) of the Expropriation Act, 1975, read with section 25(3) of the Constitution of the Republic of South Africa, 1966, the Municipality hereby offers compensation to the Owners in the sum of R1 500 000 (One comma Five Million Rand) for the land hereby expropriated which compensation is determined in terms of section 12(1) of the Expropriation Act, 1975, read with section 25(3) of the Constitution of the Republic of South Africa Act,

1996, together with the sum of R50 000 in terms of section 12(2)(b) of the Expropriation Act.

PAYMENT of the compensation offered will be made in terms of section 11 of the Expropriation Act, 1975.

ATTENTION is drawn to the fact that if a lessee has a right by virtue of a lease contemplated in section 9(1)(d)(i) of the Act, in respect of the land expropriated of which the Municipality has no knowledge on the date of this Notice, the aforementioned offer of compensation may be withdrawn.

YOUR ATTENTION is directed to the provisions of Section 9(1) and 12, (in particular sub-sections 3(a)(ii) and (4) highlighted below) of the Act and in particular to the obligations which you must comply with under the said sections. For your convenience, the sections are reproduced here (please read Municipality where it states 'Minister' or 'State').

#### 9. Duties of owner of property expropriated or which is to be used by State.—

- (1) An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the Minister a written statement indicating-
  - (a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
  - (b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
  - (c) if the property expropriated is land and any amount is claimed in terms of paragraph (a) or (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;
  - (d) if the property being expropriated is land-
    - (i) which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing;
    - (ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;
    - (iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof;
    - (iv) .....
  - (e) indicate the address to or at which you desire that further documents in connection with the expropriation may be posted or delivered.

Provided that the Minister may at his discretion extend the said period of sixty days, and that, if the owner requests the Minister in writing within thirty days as from the date of notice to extend the said period of sixty days, the Minister shall extend such period by a further sixty days.

- (2) .....
- (3) You are hereby requested, within sixty (60) days of the date of this notice, to -
  - (a) deliver or cause to be delivered to the Municipality at the address

stated hereunder the title deeds of the property hereby expropriated or, if such document is not in your possession or under your control, the name and address of the person in whose possession or under whose control it is;

(b) .....

**12. Basis on which compensation is to be determined. –**

**1** The amount of compensation to be paid in terms of this Act to an owner in respect of property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, of a right to use property, shall not, subject to the provisions of subsection (2), exceed-

- (a) in the case of any property other than a right, excepting a registered right to minerals, the aggregate of-
  - (i) the amount which the property would have realized if sold on the date of Notice in the open market by a willing seller to a willing buyer, and
  - (ii) an amount to make good any actual financial loss caused by the expropriation; and
- (b) in the case of a right, excepting a registered right to minerals, an amount to make good any actual financial loss caused by the expropriation or the taking of the right: Provided that where the property expropriated is such nature that there is no open market therefore, compensation therefor may be determined-
  - (aa) on the basis of the amount it would cost to replace the improvements on the property expropriated, having regard to the depreciation thereof for any reason, as determined on the date of notice; or
  - (bb) in any other suitable manner.

**2 Notwithstanding anything to the contrary contained in this Act there shall be added to the total amount payable in accordance with subsection (1), an amount equal to: –**

- (a) ten per cent of such total amount, if it does not exceed R100 000; plus
- (b) five per cent of the amount by which it exceeds R100 000, if it does not exceed R500 000; plus
- (c) three per cent of the amount by which it exceeds R500 000, if it does not exceed R1 000 000; plus
- (d) one per cent (but not amounting to more than R10 000) of the amount by which it exceeds R1 000 000.

**3** (a) Interest at the standard interest rate determined in terms of section 26 (1) of the Exchequer Act, 1975 (Act No. 66 of 1975), shall, subject to the provision of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of section 8 (3) or (5) on any outstanding (1): Provided that –

- (i) in a case contemplated in section 21 (4), in respect of the period calculated from the termination of thirty days from the date on which-
    - (aa) the property was so taken possession of, if prior to that date compensation for the property was offered or agreed upon; or
    - (bb) such compensation was offered or agreed upon, if after that date it was offered or agreed upon, to the date on which the dispute was settled or the doubt was resolved or the owner and the buyer or the mortgagee or the builder notified the Minister in terms of the said section 21 (4) as to the payment of the compensation money, the outstanding portion of the amount so payable shall, for the purposes of the payment of interest, be deemed not to be an outstanding amount; and
  - (ii) if the owner fails to comply with the provision of section 9 within the appropriate period referred to in the said section, the amount so payable shall during the period of such failure and for the purpose of the payment of interest be deemed not to be an outstanding amount.
- (b) Interest payable in terms of paragraph (a) shall be deemed to have been paid on the date on which the amount has been made available or posted to the owner concerned.
- (c) Any deposit, payment or utilization of any amount in terms of section 11(1), 20 (2) or 21(1) or (4) shall be deemed to be a payment to the owner, and no interest shall in terms of paragraph (a) be payable on any such amount as from the date on which it has been so deposited, paid or utilized.

**4** If the owner of property which has been expropriated occupies or utilizes that property or any portion thereof, no interest shall, in respect of the period during which he so occupies or utilizes it, be paid in terms of subsection (3) on so much of the outstanding amount as, in the opinion of the Minister, relates to the property or utilized.

**5 In determining the amount of compensation to be paid in terms of this Act, the following rules shall apply, namely –**

- (a) no allowance shall be made for the fact that the property or the right to use property has been taken without the consent of the owner in question;
- (b) the special suitability or usefulness of the property in question for the purpose for which it is required by the State, shall not be taken into account if it is unlikely that the property would have been purchased for that purpose on the open market or that the right to use the property for that purpose would have been so purchased;
- (c) if the value of the property has been enhanced in consequence of the use thereof in a manner which is unlawful, such enhancement shall not be taken into account;
- (d) improvements made after the date of notice on or to the property in question (except where they were necessary for the property maintenance of existing improvements or where they were necessary for the property maintenance of existing improvements or where they were undertaken in pursuance of obligations entered into before that date) shall not be taken into account;
- (e) no allowance shall be made for any unregistered right in respect of any other property or for any indirect damage or anything done with the object of obtaining compensation therefor;
- (f) any enhancement or depreciation, before or after the date of notice, in the value of the property in question, which may be due to the purpose for which or in connection with which the property is being expropriated or is to be used, or which is a consequent of any work or act which the State may carry out or perform or already has carried out or performed or intends to carry out or perform in connection with such purpose, shall not be taken into account;
- (g) .....
- (h) Account shall also be taken of-
  - (i) any benefit which will ensure to the person to be compensated from any works which the State has built or constructed or has undertaken to build or construct on behalf of such person to compensate him in whole or in part for any financial loss which he will suffer in consequence of the expropriation or, as the case may be, the taking of the right in question;
  - (ii) any benefit, which will ensure to such person in consequence of the expropriation of the property or the use thereof for the purpose for which it was expropriated or, as the case may be, the right in question was taken;
  - (iii) .....
  - (iv) Any relevant quantity of water to which the person to be compensated is entitled or which is likely to be granted to him, in terms of the provisions of the Water Act, 1956 (Act No. 54 of 1956), or any other law.
- (i) .....
- (j) .....

COMMUNICATION with the Municipality in connection with any matter arising from or related to this Notice of Expropriation must be conducted with the Contact Person whose name is set out at the foot of this Notice and whose contact details are also set out there. Formal Notices required to be served on the Municipality must be delivered to the address provided in the Contact details at the foot of this Notice.

**Date: 5 May 2010**

**cc Registrar of Deeds  
Private Bag X9028  
PIETERMARITZBURG  
3200**

**CONTACT PERSON: Ronell Visser (Mrs.)**

**CONTACT DETAILS:**

**Physical Address: 90 Shepstone Road, New Germany**

**Postal Address : P O Box 49, Pinetown, 3600**

**Telephone No : 031 – 3116516**

**Fax No. : 031 – 3116522**

**e-Mail address : visserr@durban.gov.za**

(c)

*Dr M.O. Sutcliffe  
City Manager, Ethekwini Municipality*

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**ADVERTISEMENTS—ADVERTENSIES—ISIKHANGISO**

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**PUBLIC NOTICE IN TERMS OF REGULATION 21(10) OF THE DEVELOPMENT FACILITATION REGULATIONS IN TERMS OF THE DEVELOPMENT FACILITATION ACT, 1995, ACT NO. 67 OF 1995**

Udidi Project Development Company (Pty) Ltd acting on behalf of Mr D Kemp and Mrs Bosman, has lodged an application in terms of the Development Facilitation Act for the establishment of a land development area on the Portion 2 and 3 of the Farm Assaburg No. 246 and will consist of Middle Income Housing Development

The relevant plan(s), document(s) and information are available for inspection at Greater Kokstad Municipality for a period of 21 days from 05 August 2010.

A Pre-hearing Conference will be held at Mount Currie Inn, Kokstad on 07 September 2010 at 10h00.

All interested and affected parties are hereby informed that they may attend an inspection in loco at the land development area which will be conducted by the Tribunal on 28 October 2010 at 14h00.

The application will be considered at a Tribunal hearing to be held at Mount Currie Inn, Kokstad on 29 October 2010 at 10h00

Any person having an interest in the application should please note:

1. You may within a period of 21 days from the date of the first publication of this notice, provide the designated officer with your written objections or representations; or
2. If your comments constitute an objection to any aspect of the land development application, you may but you are not obliged to appear in person or through a representative before the Tribunal on the date mentioned above.

Any written objection or representation must be delivered to the designated officer - Mr Dumisani Mbongwa at:  
Greater Kokstad Municipality  
75 Hope Street Kokstad  
P. O Box 8  
Kokstad  
4700

And you may contact the designated officer if you have any queries on telephone no. 039 7976600 and fax no. 0865062523/ 039 727 5501

**ISAZISO SOMUGOMO 21 (10) WE DEVELOPMENT FACILITATION REGULATIONS  
NGOKWEMIALELO YOMTHETHO WE DEVELOPMENT FACILITATION ACT  
UMTHETHO NOMBOLO 67 KA 1995**

Inkampani UDIDI Project Development Company (Pty) Ltd, imele uMr D Kemp and Mrs Bosman, isifake isicelongokwemigomoye Development Facilitation Act mayelananokuthuthukiswakomhlaba oyisiqeshanasendawo eyisigaba 2 no 3 kwi Farm Assaburg No. 246, kantilentuthuko izokubayindawo yokwakha izindleziwu 42 zohlobolabantu abaphakathi ukuyaphezulungokwenzuzoyezimali.

Loluhlelonoma izinhlelo kanyenolwazilutholalaku Mkhandlu Greater Kokstad esikhathini esiyizinsukuezingu 21 kusukelakumhlaka 05 August 2010.

Inggungquthelayokulalelwakwezicelo izokuba se Mount Currie Inn, Kokstad ngomhlaka 07 September 2010 ngo 10h00.

Bonke abuthintekayonabanentshisekelo kulokhubayoziswaukuthibahambele ukubukwakwendawo ezothuthukiswaukuyokwenziwayisigunguesithatha izinqumongomhlaka 28 October 2010 ngo 14h00.

Lesicelosi zibhekiswaki Tribunal ezokuba se Mount Currie Inn, Kokstad ngomhlaka 29 October 2010 ngo 10h00

Nomangubanionentshisekelo galesicelokumele azilokhu:

1. Kumelengezinsukuezingu 21 kusukelango sukukhishwango isaziso (07 November 2008), wenze iziphakamiso noma izethulo zakho; noma
2. Uma ukuphawulakwakhokuphikisananoma isiphisicelosi hlelo lokuthuthukiswakomhlaba, ungakwenzalokhokodwa awuphoqele kile ukuthi uvele siqusakhokwi Tribunal ngosuku olunqunywenomangabe iluphi olunye usuku onganikezwango isaziso

Iziphakamiso zingathunyelwanomazilethweku Mr Dumisani Mbongwa e:  
Greater Kokstad Municipality  
75 Hope Street Kokstad  
P. O Box 8  
Kokstad  
4700

Ungaxhumananobhekeleloludabaoyi Designated Officer kulenombolo: 039 7976600  
noma ifax: ku 0865062523/ 039 727 5501





