



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)

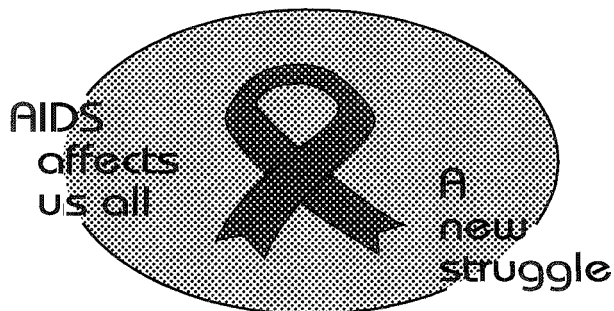
Vol. 4

PIETERMARITZBURG,

11 NOVEMBER 2010
11 KULWEZI 2010

No. 519

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

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IMPORTANT NOTICE

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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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IMI KHANGISO

Ezingxubevange (bheka uhlu oluseceleni, ekhasini 34)

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

The following notices are published for general information.

Onderstaande kennisgewings word vir algemene inligting gepubliseer.

300 Langalibalele Street
Pietermaritzburg
30 September 2010

MR R. GOVENDER
Acting Director-General

MNR. R. GOVENDER
Waarnemende Direkteur-generaal

Langalibalelestraat 300
Pietermaritzburg
30 September 2010

Izaziso ezilandelayo zikhishelwe ulwazi lukawonkewonke.

300 Langalibalele Street
Pietermaritzburg
30 kuMandulo 2010

MNU. R. GOVENDER
iBamba loMqondisi-Jikelele

No. 199

11 November 2010

Umtshezi Municipality

KWAZULU PLANNING AND DEVELOPMENT ACT, 2008 : DELEGATIONS UMTSHEZI MUNICIPALITY.

The Umtshezi Municipality adopted the delegations 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)

Ms P. N Njoko
Municipal Manager
Umtshezi Municipality

KEY TO DELEGATIONS OF POWER

DESCRIPTION	ABBREVIATION
Building Inspector	BI
Chief Financial Officer	CFO
Director Planning, Economic & Community Services	D: PECS
Executive Committee of Umtshezi Municipal Council	EXCO
Infrastructure Committee	IC
Municipal Manager	MM
Registered Planner (Umtshezi Municipality / shared)	RP

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)

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	Section 4(2): 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.	Note: - Accompanied by a written motivation and an request specifying the amount of additional time required in terms of section 4(3)	EXCO
2	Section 7: To review schemes within six months after Council adopted an Integrated Development Plan for its elected term.		EXCO MM D:PECS
3	Section 8: 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		D: PECS RP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
4	<p>Section 9(1), 22(1), 39(1), 51(1) and 61(1): To initiate proposals on behalf of the Municipality</p>	<p>Notes:</p> <ul style="list-style-type: none"> - Proposals to: <ul style="list-style-type: none"> • Adopt or replace a scheme • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land - 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) 	EXCO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
5	Sections 9(2), 22(2), 39(2), 51(2) and 61(2): To receive and administer applications	Notes: <ul style="list-style-type: none"> - Applications to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land - Process in accordance with Part 1 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 - Status of legal successor-in-title in accordance with section 9(3) - Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3) 	MM D: PECS RTP
6	Sections 11, 24, 41, 53, and 63: 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	Note: <ul style="list-style-type: none"> - Person must be a registered planner - Matters relevant in determining the merits of proposals or applications are contained in sections 12, 25, 42, 54, and 64 	RTP
7	Section 13(1): To approve, with or without alterations, or to refuse the <u>adoption</u> or <u>replacement</u> of a scheme	Control Measure: <ul style="list-style-type: none"> - Decision must be informed by a registered planner or on advice of a registered planner in accordance with section 11 - 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) Notes: <ul style="list-style-type: none"> - Decision may not be delegated to an official or another municipality in terms of section 156(1) - Timeframes in accordance with items 12 and 21 of Schedule 1 - Effective date of decision as per section 16 	N/A

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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
9	Section 13(6), 26(6), 43(6), 55(4), 65(5): To correcting an error in the wording of the Municipality's decision on a proposal or an application	Note: The correction may not constitute a change in its decision or an alteration, suspension or deletion of a condition of its approval	EXCO
10	Section 14(1), 27(1), 44(1), 56(1), 66(1): To inform persons who have commented on a proposal or an application of Municipality's decision	Notes: - 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 D: PECS RP
11	Section 14(5), 27(5), 44(5), 56(5), 66(5): 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	Notes: - 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 D: PECS RP
	Section 17: To receive and administer an application for consent, approval or permission	Control measure: 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	N/A
	Sections 18: 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	Control measure: 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	N/A
	Section 20: To approve, with or without alterations, or to refuse proposals or applications for permission in terms of a scheme	Control measure: 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	N/A
	Section 22(1): See delegation 4		
	Section 22(2): See delegation 5		
	Section 26(1): See delegation 8		
	Section 26(6): See delegation 9		
	Section 27(1): See delegation 10		
	Section 27(5): See delegation 11		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
12	Sections 31(1), 31(3), 31(5), 34(2), 48(1), 48(3), and 48(5): To issue certificates of compliance with conditions of approval	Control measure: In consultation with relevant departments Notes: - 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	D:PECS RP
	Sections 31(3): See delegation 12		
	Sections 31(5): See delegation 12		
13	Section 32(1)(b): To receive certified copies of the approved diagrams or general plan		D: PECS RP
14	Sections 33(1), 35 and 70: 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	Note: - Section 33(2) and 37(2) relating to lapsing of approval.	D: PECS RP
	Section 34(2): See delegation 12		
	Section 35: See delegation 14		
15	Section 37(3), 37(4), 49(1) and 49(2): To give an applicant a specified amount of time to complete a development	Notes: - 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
16	Section 37(4) and 49(2): To withdraw a notice giving an applicant a specified amount of time to complete a development		EXCO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
17	Section 37(5) and 49(3): 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)		EXCO
	Section 39(1): See delegation 4		
	Section 39(2): See delegation 5		
	Section 43(1): See delegation 8		
	Section 43(6): See delegation 9		
	Section 44(1): See delegation 10		
	Section 44(5): See delegation 11		
	Section 48(1): See delegation 12		
	Section 48(3): See delegation 12		
	Section 48(5): See delegation 12		
	Section 49(1): See delegation 15		
	Section 49(2): See delegation 16		
	Section 49(3): See delegation 17		
	Section 51(1): See delegation 4		
	Section 51(2): See delegation 5		
18	Section 52(2): To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan	Note: - Notice must comply with section 52(3)-(4)	RP
	Section 55(1): See delegation 8		
	Section 55(4): See delegation 9		
	Section 56(1): See delegation 10		
	Section 56(5): See delegation 11		
	Section 61(1): See delegation 4		
	Section 61(2): See delegation 5		
	Section 65(1): See delegation 8		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Section 65(5): See delegation 9		
	Section 66(1): See delegation 10		
	Section 66(5): See delegation 11		
	Section 70: See delegation 14		
	Section 71(1): To initiate an application for the permanent closure of municipal roads or public places	Control measure: 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	N/A
	Section 71(2): To receive and administer an application for the permanent closure of municipal roads or public places	Control measure: 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	N/A
	Section 71(2)(e): To approve, with or without alterations, or to refuse the permanent closure of municipal roads or public places	Control measure: 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	N/A
	Sections 72: 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	Control measure: 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	N/A
19	Section 76(1): 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		MM CFO
20	Section 79(1): To issue and withdraw contravention notices and to consider comments lodged in response to a contravention notice	Notes: - 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	MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
21	Section 79(1): To serve contravention notices on persons suspected of certain offences	Note: - Serving of notices must comply with section 158	RP BI
22	Section 81(1): To consider comments lodged in response to a contravention notice		EXCO
23	Section 81(2): To issue a prohibition order	Notes: - 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
24	Section 81(2)(a): To serve a prohibition order issued by SMCD	Note: - Serving of orders must comply with section 158	RP BI
25	Section 81(2)(b), 84(1), 84(2) and 94: 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	Notes: - Consider section 84 - Consider section 98 - Notices must comply with section 85	EXCO Demolition Order MM Interdict
26	Section 83 and 86: To display order on site		RP BI
	Section 84(1): To take action where irreparable harm will be caused by an illegal development: See delegation 25		EXCO MM
27	Section 84(1): To serve urgent prevention orders issued by the High Court and to display orders on site	Note: - Serving of orders must comply with section 158	RP BI
28	Section 84(3): To apply to the High Court for the withdrawal of an urgent prevention order		EXCO MM
29	Section 84(4): To serve a notice to the person on whom the urgent prevention order was served, if the order is withdrawn	Note: - Serving of notices must comply with section 158	RP BI
	Section 86: See delegation 26		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
30	Section 89(2): To receive and administer subsequent applications for authorisation	Note: - Purpose of a subsequent application in terms of section 89(1)	D: PECS
31	Section 89(3): To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties	Notes: - Approvals must include conditions as set out in section 89(3) - EXCO may impose other conditions in accordance with 89(3)	EXCO
32	Section 90(1): To carry out site inspections for enforcement purposes	Note: - Inspector must adhere to sections 90(1)-(6) and section 92	RP BI
33	Section 90(2): To issue a certificate stating that a person has been designated as a town planning inspector		MM
34	Section 91(1): To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes	Note: - Conditions listed in section 91(1) to (3)	MM D:PECS
35	Section 94: To authorise an application to court for the demolition, removal or alteration of buildings, structures or works, or for rehabilitation of land	Consult with IC and RTP	EXCO
36	Section 95(1), 96(1), 97(1), and 98: To receive, administer and negotiate applications for compensation	Note: 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	EXCO
37	Section 95(1), 96(1), 97(1), and 98: To consider applications for compensation	Note: 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	EXCO
	Section 96(1): See delegations 36 and 37		
	Section 97(1): See delegations 36 and 37		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Section 98: See delegations 36 and 37		
38	Section 99(1): To agree on the amount of compensation	Note: Compensation arising from: arising from: <ul style="list-style-type: none"> • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions 	EXCO
	Section 113(2)(a): To receive memoranda of appeals	Control measure: - Not delegated. Act requires memorandum to be served on the Municipal Manager Note: - In relation to appeals under section 15, section 28, section 45, section 57, section 67	N/A
39	Section 114(1) and (3) and 116(2): To lodge a responding memorandum	Notes: - Contents of a responding memorandum in accordance with section 114(2) - Responding memorandum must be served in accordance with section 114(3)	D: PECS
40	Section 116(2): To withdraw a responding memorandum	In consultation with RP	D: PECS
41	Section 117(2): To represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit		D: PECS RP
42	Section 120: To represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal hearing		D: PECS RP
43	Section 120(2)(a): To appoint legal counsel to represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal hearing		MM
44	Section 123: To decide the manner in which the Municipality must be notified of the decision of the KwaZulu-Natal Planning and Development Appeal Tribunal		D: PECS RP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
45	Section 125(2)(c)(i): To receive an affidavit from an applicant for the late lodging of an appeal		MM
46	Section 126: To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit		MM D: PECS RP
47	Section 126: To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit		MM D: PECS RP
48	Section 129: To receive notice of the ruling in relation to the late lodging of an appeal		MM D: PECS RP
49	Section 132(3): To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)		CFO
50	Section 132(3): To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)		CFO
	Section 156(1) and (8): To delegate, amend or revoke any power conferred on the Municipality in terms of the Act to any official employed by it	Control measure: EXCO cannot delegate the power to delegate Notes: - EXCO may not delegate the responsibility to adopt or replace a scheme as contemplated in section 13 - EXCO may impose conditions in accordance with section 156(2). - 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)	EXCO
51	Section 156(7)(b) and 156(9): Placing of notices in the Gazette		MM D: PECS

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Section 157(1): To enter into agency agreements for performance of functions	<p>Control measure: Power not delegated.</p> <p>EXCO will enter into agency agreements, if necessary.</p> <p>Notes: - After it has applied the criteria contemplated in section 78 of the Municipal Systems Act, 2000 (Act No. 32 of 2000)</p>	EXCO
52	Section 160: To maintain access to information	<p>Notes: Including:</p> <ul style="list-style-type: none"> • Proposals and applications • Comments on proposals and applications • Evaluation by registered planner • Certificate by registered planner that proposal or application complies with the Act • Decision on proposal or application 	D: PECS RP
53	Schedule 1 item 2(1)(a), 4(1), 9(1), 10(2), 11(2), 19(1), 20(4): To serve and require documents	<p>Notes:</p> <ul style="list-style-type: none"> - Serving of documents: <ul style="list-style-type: none"> • Request additional information • Notice application complete • Copies of comments on proposal or application to applicant • Notice of site inspection • Notice of hearing - Serving of notices must comply with section 158 - Calculation of number of days in accordance with section 159 - Notice of a hearing must comply with Schedule 1 item 11(3) and 20(2) and 20(5) 	D: PECS RP BI
	Schedule 1 item 4(1): See delegation 53		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
54	Schedule 1 item 5(1), 6(1), 8(2) and (3), 14(1), 15(1) and 17(2) and 17(3): To give public notice	Notes: - Including: <ul style="list-style-type: none"> • Site notice • Personal notice • Newspaper notice • Obtaining proof of notice • Notice of amendment to proposal or application - Notices must comply with Schedule 1 items 5(2)-(3), 6(1), 7(1), 14(2)-(3), 15(3), 16. - Public notice not required in cases listed in terms of section 10(3), 23(2), 62(2)	D: PECS RP BI
	Schedule 1 item 6(1): See delegation 54		
55	Schedule 1 item 6(2)-(3): 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		D: PECS RP
56	Schedule 1 items 6(4) and 15(2): To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application		D: PECS RP
57	Schedule 1 item 8(1)(b): To request an amendment of an application prior to approval		D: PECS RP
	Schedule 1 item 8(2) and (3): See delegation 54		
	Schedule 1 item 9(1): See delegation 53		
58	Schedule 1 item 10(1): To decide whether a site inspection is necessary	Control measure: In consultation with the relevant Ward Councillor	D: PECS RP
59	Schedule 1 item 10(1) and 11(4): To represent Council at a site visit or public hearing	Control measure: In consultation with RP Note: - Conditions contained in section 10(3)-(5)	D: PECS RP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Schedule 1 item 10(2): See delegation 53		
60	Schedule 1 item 11(1) and 20(1): To decide whether a public hearing is necessary.	Control measure: In consultation with the relevant Ward Councillor and RP	D: PECS RP
	Schedule 1 item 11(2): See delegation 53		
	Schedule 1 item 14(1): See delegation 54		
	Schedule 1 item 15(1): See delegation 54		
	Schedule 1 items 15(2): See delegation 56		
61	Schedule 1 item 17(1): To amend proposals for council-owned land prior to approval by the Municipality	Note: - Subject to Schedule 1 item 17(2)-(3) - In consultation with IC	D: PECS
	Schedule 1 item 17(2): See delegation 54		
	Schedule 1 item 17(3): See delegation 54		
62	Schedule 1 item 18: To reply to a person who submitted comments on an application		D: PECS RP
	Schedule 1 item 19(1): See delegation 53 for notice of site inspection		
	Schedule 1 item 19(1): See delegation 58 for decision to conduct site inspection		
	Schedule 1 item 20(1): See delegation 60		
	Schedule 1 item 20(4): 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	Section 67bis: To grant or refuse special consent applications	In consultation with RP	EXCO

**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	Section 4(2)(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	Control measure: Advice must be given by a registered planner or on advice of a registered planner.	D: PECS RP
2	Section 4(2)(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	Control measure: Decision must be made by a registered planner or on advice of a registered planner.	D: PECS RTP
3	Section 4(3): 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	Note: Condition imposed in terms of section 4(2)(b) of the Act.	EXCO
4	Section 4(4): 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	Control measure: Decision must be made by a registered planner or on advice of a registered planner. Note: Condition imposed in terms of section 4(2)(b) of the Act.	D: PECS RP

**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	Section 37(2): To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan	Notes: Read with section 37(3) of the Act. *Delegation by the Premier.	D:PECS
2	Section 37(2): To consent to the alteration, amendment, partial cancellation or total cancellation of a general plan	Control measure: Decision must be made by a registered planner or on advice of a registered planner. Notes: 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.	D: PECS RP
3	Section 37(2): 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	Notes: 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.	D: PECS RP

LEGAL RULES GOVERNING THE DELEGATION OF POWERS (COMMON LAW)

ANNEXURE A

JANUARY 2010

Based on L. Baxter, Administrative Law (1984), Y. Burns, Administrative Law Under The 1996 Constitution and M. Wiechers, Administrative Law (1985)

1. A power that has been "assignment" is fully transferred. A functionary who assigned a power may not exercise the power that has been assigned. The functionary to whom a power has been assigned is fully responsible for the exercising thereof. "Assignment" of powers is sometimes also referred to as the decentralisation of powers.
2. A power that has been "delegated" is not fully transferred. A functionary who delegated a power (delegator/ delegans) may exercise the power himself or herself and remains fully responsible for the exercising thereof. However, once the functionary who the power have been delegated to (delegatee/ delegate) has exercised the power in relation to a particular case the delegator may no longer exercise the power in relation to that instance. "Delegation" of powers is sometimes also referred to as the deconcentration of powers.
3. A power is not conferred upon a government department generally. A power is conferred upon a functionary, for example, "the Administrator", "the MEC responsible for Local Government", "the Head of Department" or "the Development Tribunal".
4. A power that is conferred upon a functionary may as a rule only be exercised by that functionary. This is because there is a danger that if delegations are allowed the power may be exercised by a person who is not as qualified or as politically or otherwise responsible as the person who the legislature has in mind. The delegation of powers in the absence of express or implied authority in a law is considered to be the abdication of authority.

5. Powers delegated to a functionary may not be delegated further by that functionary. This does not prevent the functionary from obtaining the assistance of others in exercising the power or making the decision and obtaining the assistance of other with the implementation of the decision.
6. Where a discretionary power has been conferred upon an organ of state, the organ of state may not delegate that power unless expressly empowered to do so in a law. A statutory body may therefore not delegate its powers further. The Town Planning Ordinance, 1949, provides expressly for the further delegation of certain powers of the KZNPDC.
7. Abdication of powers can occur in three ways: Acting through unlawful delegation, acting under dictation from another person or body and failure to act.
8. A power may not be delegated to more than one functionary in the absence of an express provision in an empowering law.
9. Where the law provides for institutional separation it must be honoured. A functionary cannot monitor itself or make a recommendation to itself.
10. A functionary must be appointed properly and must meet all the prescribed requirements relating qualifications, experience, conditions of the delegation etc. An action taken by a functionary who has not been appointed properly or who did not meet all the requirements and conditions of the delegation is invalid.
11. Where an appointment is personal, like the appointment of a member of a statutory body or a designated officer, another person may not exercise the appointee's powers.
12. Where several persons are appointed to exercise a power, for example a statutory body, they must act together as a body, unless the law expressly provides otherwise. The body may appoint a subcommittee to investigate certain facts but must exercise the discretionary power itself. The law often specifies a quorum of members who must be present when a decision is taken.
13. A statutory body cannot take over the powers of another functionary. Where the law empowers a designated officer to extend the time in which plans must be lodged with the Surveyor General the Development Tribunal cannot grant the extension of time.
14. The existence of an implied power to delegate depends on the following factors:
 - (a) the degree of devolution of the power;
 - (b) the importance of the original delegatee;

- (c) the complexity and extent of discretion;
 - (d) the impact of the power; and
 - (e) practical necessity.
15. A power may be delegated where a delegation is limited and the delegator retains full control over the final decision.
16. A power may be delegated where the delegation will ensure that the decision is taken by a better qualified or experienced functionary.
17. Powers which require little or no discretion are usually delegable (mechanical acts).
18. Powers which require significant discretion are usually not delegable, especially in the case of unguided discretions (no criteria in the law, no standards, no recommendation that must be considered etc).
19. Powers which may infringe on a persons rights are usually not delegable.

No. 200

11 November 2010

KWAZULU-NATAL DEPARTMENT OF TRANSPORT**NOTICE IN TERMS OF SECTION 5(3) OF THE KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT NO. 3 OF 2003)**

In terms of section 5 of the KwaZulu-Natal Land Administration Act, 2003 (Act No. 3 of 2003), I, Willies Mchunu, Member of the Executive Council for transport, community safety and liaison for the KwaZulu-Natal Provincial Government hereby give notice of my intention to dispose of the following property:

Property description: Portion 6 (of 4) of the farm Ellerslie No. 1989 - GS

Street address: N/A

Extent: 1.1238 ha

Title Deed: Unregistered

Current zoning: Agriculture

Current usage: vacant


Improvements: None

Written representations with regard to the proposed disposal can be made for consideration within thirty (30) days of publication of this notice to –

Head of Transport
Private Bag X9043
PIETERMARITZBURG
3200

Enquiries: S Ngubo
Tel: (033) 3558973
Fax: (033) 3558967

Willies Mchunu



Member of the Executive Council for the province of KwaZulu-Natal
Responsible for transport, community safety and liaison

No. 200

11 November 2010

KWAZULU-NATAL DEPARTEMENT VAN VERVOER**KENNISGEWING INGEVOLGE ARTIKEL 5(3) VAN DIE KWAZULU-NATAL WET OP GRONDADMINISTRASIE, 2003 (WET NO. 3 VAN 2003)**

Ingevolge artikel 5 van die KwaZulu-Natal Wet op Grondadministrasie, 2003 (Wet No. 3 van 2003), gee ek, Willes Mchunu, Lid van die Uitvoerende Raad vir vervoer, gemeenskapsveiligheid en -skakeling van die KwaZulu-Natal Provinsiale Regering hiermee kennis van my voorneme om oor die volgende eiendom te beskik:

Eiendomsbeskrywing: Gedeelte 6 (van 4) van die Plaas Eilerslie No. 1969 - GS

Straatadres: Nie van toepassing nie

Grootte: 1.1238 ha

Transportakte: Ongeregistreerd

Huidige sonering: Landbou

Huidige gebruik: Vakant

Verbeterings: Geen

Skriftelike verhoë met betrekking tot die vermelde beskikking kan binne dertig (30) dae na die publikasie van hierdie kennisgewing gerig word aan –

Die Hoof van Vervoer

Privaatsak X9043

PIETERMARITZBURG

3200

Navrae: S Ngubo

Tel: (033) 3558973

Faks: (033) 3558967

Willes Mchunu



Lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal
verantwoordelik vir vervoer, gemeenskapsveiligheid en -skakeling

No. 200

11 kuLwezi 2010

ISAZISO NGOKWESIGABA 5(3) SOMTHETHO WOKUPHATHWA KOMHLABA WAKWAZULU-NATALI, 2003 (UMTHETHO NO. 3 KA 2003)

Ngokwesigaba 5 somthetho wokuPhathwa koMhlaba waKwaZulu-Natali, 2003 (uMthetho No. 3 ka 2003), mina, Willies Mchunu, iLungu loMkhandlu oPhethe elibhekele ezokuThutha, ukuPhepha nokuXhunyaniswa koMphakathi kuHulumeni wesiFundazwe saKwaZulu-Natali ngalokhu ngikhipha isaziso engihlose ngaso ukuchitha umhlaba obalulwe ngenzansi:

Incazelo yomhlaba: Ingxenye 6 (ka 4) yepulazi lase-Ellerslie No. 1969 - GS

Ikheli loMgwaqo: Allkho

Ubukhulu: 1.1238 wamahhakela

Ilayitela: Alibhalishwe

Oklanyelwe khona: Ezolimo

Osetshenziswaiwa khona: Lutho

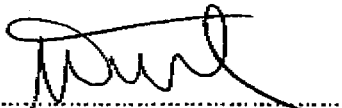
Ukuthuthukiswa komhlaba: Akukho

Izethulo ezibhaliwe maqondana nokuchithwa okuhlongozwayo zingenziwa kungakapheli izinsuku ezingamashumi amathathu (30) kushicilelwe lesi saziso zithunyelwe –

Head of Transport
Private Bag X9043
PIETERMARITZBURG
3200

Imibuzo iqondiswa ku: **S Ngubo**
Ucingo: **(033) 3558973**
Ifeksi: **(033) 3558967**

Willies Mchunu



iLungu loMkhandlu oPhethe elibhekele ezokuThutha, ukuPhepha nokuXhunyaniswa koMphakathi

ADVERTISEMENTS—IMIKHANGISO

DFA APPLICATION
Regulation 21(10) of the Development Facilitation Regulations in terms of the Development Facilitation Act, 1995

The Fieldsend Trust has lodged an application in terms of the Development Facilitation Act, 1995, for a development on Portion 1, 10 and 15 of the Farm Kort Krans Kloof No 1012, uMshwathi Municipality. The development will consist of Wellness Centre and 21 unit country living estate. The relevant plans, documents and information are available for inspection at the offices of the Designated Officer and at the offices of Peter Jewell Consulting Services, 12 Leonards Road, Hilton (T) 033 3433821, (C) 082 4456446, p.jewell@mweb.co.za for a period of 21 days from 4 November 2010.

The application will be considered at a Tribunal hearing to be held at the, uMshwathi Council Chambers, New Hanover on 8 February 2011 at 10h00 and the prehearing conference will be held at the uMshwathi Council Chambers, New Hanover on 23 November 2010 at 10h00. You may attend an inspection in loco of the land development area which will be conducted by the Tribunal on 7 February 2011 at 14h00.

Any person having an interest in the application should please note: 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 if your comments constitute an objection to any aspect of the land development application, you must appear in person or through a representative before the Tribunal at the prehearing conference, on the date mentioned above. Any written objection or representation must be delivered to the designated officer Mr A Hay, Private Bag X29, Wartburg, 3233, and you may contact the designated officer if you have any queries at the following : (T) : 033 5020282 (F) : 033 5020286

DFA APPLICATION
[Umthetho 21(10) wemithetho yokuKhuthaza iNtuthuko ngokulandela uMthetho wokuKhuthaza iNtuthuko ka-1995]

Fieldsend Trust ufake isicelo ngokulandela uMthetho wokuKhuthaza iNtuthuko mayelana nokumiswa kwendawo yokuthuthukiswa on Portion 1, 10 and 15 of the Farm Kort Krans Kloof No 1012, uMshwathi Municipality. Ukuthuthukisa kubabandakanya lokhu okulandelayo: Wellness Centre and 21 unit country living estate. Ipulani (amapulani), incwadi (izincwadi) neminingwane edingekayo ukuze ihlolwe itholakala: the offices of the Designated Officer, futhi Peter Jewell Consulting Services, 12 Leonards Road, Hilton (T) 033 3433821 (C) 082 4456446, p.jewell@mweb.co.za, isikhathi esiyizinsuku ezingama-21 kusukela 4 November 2010.

Isicelo siyocutshungulwa eNkundleni yokulalela izicelo eyohlala uMshwathi Council Chambers, New Hanover mhla ka 8 February 2011 ngo 10h00 kanti umhlangano wokwendulela uyoba uMshwathi Council Chambers, New Hanover mhla ka 23 November 2010 ngo 10h00. Ungaba khona lapho kuhlolwa mathupha indawo ethuthukiswayo okuyokwenziwa yiNkundla yokulalela izicelo mhla ka 7 February 2011 ngo 14h00

Yinoma yimuphi umuntu onentshisekelo mayelana nesicelo kumele aqaphele lokhu: Ezinsukwini ezingu-21 lesi sazizo sokuqala simenyezwe, unganikeza isiphathi-mandla esiqokiwe isikhalo noma umbono wakho obhalwe phansi; noma uma umbono wakho kuyisikhalo esiqondene nokuthile mayelana nesicelo sokuthuthukisa umhlaba, kumele ube khona mathupha noma umelwe ummeli eNkundleni ngosuku olubalulwe ngenhla. Noma yisiphi isikhalo noma umbono obhalwe phansi kumele uthunyelwe kwisiphathi-mandla esiqokiwe Mr A Hay, Private Bag X29, Wartburg, 3233, futhi ungathintana nesiphathi-mandla lapha (T) :033 5020282 (F) :033 5020286

