



**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)*

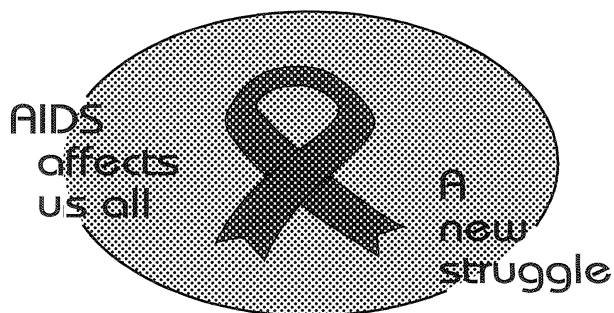
**Vol. 5**

**PIETERMARITZBURG,**

21 JULY 2011  
21 JULIE 2011  
21 kuNTULIKAZI 2011

**No. 606**

**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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# 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 229.40**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

**TAKE NOTE OF  
THE NEW TARIFFS  
WHICH ARE  
APPLICABLE  
FROM THE 1ST OF  
JUNE 2011**

$\frac{1}{4}$  page **R 458.75**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

$\frac{1}{4}$  page **R 688.15**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

$\frac{1}{4}$  page **R 917.55**

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 2011**

## 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 NOTICE**

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The following notices are published for general information.

Onderstaande kennisgewings word vir algemene inligting gepubliseer.

300 Langalibalele Street  
Pietermaritzburg  
21 July 2011

MR N.V.E. NGIDI  
Director-General

Langalibalelestraat 300  
Pietermaritzburg  
21 Julie 2011

MNR. N.V.E. NGIDI  
Direkteur-generaal

Izaziso ezilandelayo zikhishelwe ulwazi lukawonkewonke.

MNU. N.V.E. NGIDI  
Umqondisi-Jikelele

300 Langalibalele Street  
Pietermaritzburg  
21 kuNtulikazi 2011

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No. 71

21 July 2011

**KWA SANI MUNICIPALITY****KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, 2006: DELEGATIONS, KWA SANI MUNICIPALITY**

The Kwa Sani 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) and section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

**MR S P GWACELA**, Municipal Manager: Kwa Sani Municipality

**KEY TO DELEGATIONS OF POWER**

DESCRIPTION	ABBREVIATION
Executive Committee of Uphongolo Municipal Council	EXCO
Municipal Manager	MM
Chief Financial Officer	CFO
Town Planner (Registered Planner)	TP
Manager Planning & Community Services	M: PCS
Building Inspector (Building Control Officer)	BI
Traffic Officer	TO

**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****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 MPCS
2	<b>Section 7:</b> To review schemes within six months after Council adopted an Integrated Development Plan for its elected term.		EXCO MPCS
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 MPCS TP
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)	EXCO MPCS TP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
5	<b>Sections 9(2), 22(2), 39(2), 51(2) and 61(2):</b> To receive and administer applications	<b>Notes:</b> <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>	MM MPCS TP
6	<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	<b>Note:</b> <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>	TP
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 See notes

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>	EXCO
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>	EXCO

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 MPCS TP
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 MPCS TP
	<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	NA
	<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	NA
	<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	NA
<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			
<b>Section 27(5):</b> See delegation 11			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
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	TP
<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		MM MPCS TP
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 MPCS TP
<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> - 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	<b>Section 37(4):</b> To withdraw a notice giving an applicant a specified amount of time to complete a development		EXCO
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)		EXCO
<b>Section 39(1):</b> See delegation 4			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<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)	MM MPCS TP
	<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		
	<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		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<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	NA
	<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	NA
	<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	NA
	<b>Sections 72:</b> To evaluate and make recommendations on proposals or applications for the permanent closure of municipal roads and 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	NA
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 MM
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 MPCS TP BI
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 MPCS TP BI TO



NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
22	<b>Section 81(1):</b> To consider comments lodged in response to a contravention notice		EXCO MM MPCS TP BI
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
24	<b>Section 81(2)(a):</b> To serve a prohibition order	<b>Note:</b> - Serving of orders must comply with section 158	MPCS MM TP BI TO
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 MM
26	<b>Section 83 and 86:</b> To display order on site		MM MPCS TP BI TO
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 MPCS TP BI TO
28	<b>Section 84(3):</b> To apply to the High Court for the withdrawal of an urgent prevention order		EXCO MM
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 MPCS TP BI 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 MPCS TP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
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)	EXCO
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 MPCS TP BI
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
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
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	EXCO MM
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	EXCO
<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			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
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>	EXCO
	<b>Section 113(2)(a):</b> To receive memoranda of appeals	<b>Note:</b> <ul style="list-style-type: none"> <li>- In relation to appeals under section 15, section 28, section 45, section 57, section 67</li> <li>- Act requires memorandum to be served on the Municipal Manager</li> </ul>	MM See notes
39	<b>Section 114(1) and (3) and 116(2):</b> To lodge a responding memorandum	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Contents of a responding memorandum in accordance with section 114(2)</li> <li>- Responding memorandum must be served in accordance with section 114(3)</li> </ul>	EXCO MPCS MM TP
40	<b>Section 116(2):</b> To withdraw a responding memorandum		EXCO MPCS MM TP
41	<b>Section 117(2):</b> To represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal site visit		EXCO MM MPCS TP
42	<b>Section 120:</b> To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal hearing		MM MPCS TP
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 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 MPCS TP
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		MM MPCS TP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
47	<b>Section 126:</b> To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit		MM MPCS TP
48	<b>Section 129:</b> To receive notice of the ruling in relation to the late lodging of an appeal		MM MPCS TP
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 MPCS TP
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>	EXCO See notes
51	<b>Section 156(7)(b) and 156(9):</b> Placing of notices in the Gazette		MM MPCS
	<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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
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 MPCS TP
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 MPCS TP
<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 MPCS TP
<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 MPCS TP
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 MPCS TP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
57	<b>Schedule 1 item 8(1)(b):</b> To request an amendment of an application prior to approval		TP
<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.		MM MPCS TP
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 MPCS TP
<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 MPCS TP
<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
<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		EXCO MM MPCS TP
<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	EXCO

**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.	TP
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.	TP
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.	EXCO
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

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

**PART 4**

<b>NO</b>	<b>SCOPE</b>	<b>CONTROL MEASURE / NOTE</b>	<b>LEVEL</b>
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 MPCS TP
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.	TP