



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)

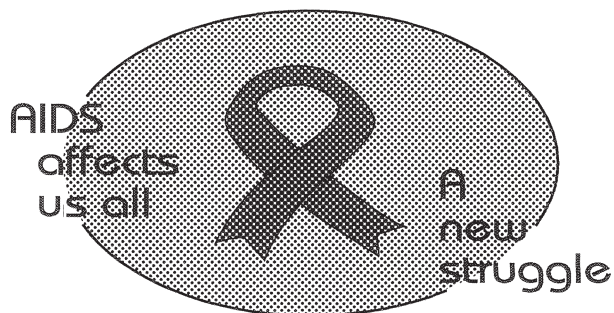
Vol. 5

PIETERMARITZBURG,

20 OCTOBER 2011
20 OKTOBER 2011
20 kuMFUMFU 2011

No. 652

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



9771994455008

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.

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**

¹/₂ page **R 458.75**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

³/₄ page **R 688.15**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

Full 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

The following notices are published for general information.

Onderstaande kennisgewings word vir algemene inligting gepubliseer.

300 Langalibalele Street
Pietermaritzburg
20 October 2011

MR N.V.E. NGIDI
Director-General

Langalibalelestraat 300
Pietermaritzburg
20 Oktober 2011

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

Izaziso ezilandelayo zikhishelwe ulwazi lukawonkewonke.

300 Langalibalele Street
Pietermaritzburg
20 kuMfumfu 2011

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

PROVINCIAL NOTICE

No. 124

20 October 2011

EMNAMBITHI/LADYSMITH MUNICIPALITY

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

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)

NOTICE NO. 156/2011 DATED 11 OCTOBER 2011.

N J MDAKANE
MUNICIPAL MANAGER: EMNAMBITHI/LADYSMITH MUNICIPALITY

KEY TO DELEGATIONS OF POWER

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

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

- 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
- To review schemes within six months after Council adopted an Integrated Development Plan for its elected term
- To initiate proposals on behalf of the Municipality
- To correct an error in the wording of the Municipality's decision on a proposal or an application
- To give an applicant a specified amount of time to complete a development
- To withdraw a notice giving an applicant a specified amount of time to complete a development

- (g) 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)
- (h) 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
- (i) To issue and withdraw contravention notices
- (j) To consider comments lodged in response to a contravention notice
- (k) To issue a prohibition order
- (l) 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
- (m) To apply to the High Court for the withdrawal of an urgent prevention order
- (n) To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties
- (o) To carry out site inspections for enforcement purposes
- (p) To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes
- (q) To authorise an application to court for the demolition, removal or alteration of buildings, structures or works, or for rehabilitation of land
- (r) To receive, administer and negotiate applications for compensation
- (s) To consider applications for compensation
- (t) To agree on the amount of compensation
- (u) To lodge a responding memorandum
- (v) To withdraw a responding memorandum
- (w) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal site inspection
- (x) To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
- (y) To enter into agency agreements for performance of functions
- (z) To amend proposals for council-owned land prior to approval by the Municipality
- (aa) To reply to a person who submitted comments on an application
- (bb) To grant or refuse special consent applications
- (cc) 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
- (dd) 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
 - (qq) To approve, with or without alterations, or to refuse the adoption or replacement of a scheme
 - (rr) To approve, with or without alterations, or to refuse a proposal or an application
- (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
- (6) **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
- (7) **THE FOLLOWING ACTIONS HAVE BEEN DELEGATED TO TPD:**
- (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	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.		COUNCIL
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		MM MED RP
4	Section 9(1), 22(1), 39(1), 51(1) and 61(1): To initiate proposals on behalf of the Municipality	Notes: - Proposals to: • 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	MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
		<ul style="list-style-type: none"> - 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) 	
		<ul style="list-style-type: none"> - 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) 	
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 MED RP
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"> - Matters relevant in determining the merits of proposals or applications are contained in sections 12, 25, 42, 54, and 64 	RP
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 	MM See notes
8	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	Notes: <ul style="list-style-type: none"> - Applications to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land 	MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
		<ul style="list-style-type: none"> • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land <p>- Decision must be informed by advice of a registered planner in accordance with section 11, 24, 41, 53 and 63</p> <p>- Decision to:</p> <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> <p>- Decision to:</p> <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> <p>- Timeframes in accordance with items 12 and 21 of Schedule 1</p> <p>- EXCO may impose conditions in accordance with section 13(4), 26(3) and (4), 43(3) and (4), 55(2) and 65(3)</p> <p>- Reasons for decision must comply with section 13(5), 26(5), 43(5), 55(3) and 65(4)</p> <p>- Effective date of decision as per section 16, 29, 46, 58 and 68</p> <p>- Section 59 relating to the legal effect of approval of phasing or cancellation of approved layout plans (including transfer of land and ownership)</p> <p>- May not suspend or remove a mineral right registered against the title of any land in accordance with section 60(3)</p>	
9	Section 13(6), 26(6), 43(6), 55(4), 65(5): To correct 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	RP MED
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: <ul style="list-style-type: none"> - 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	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: <ul style="list-style-type: none"> - 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
	Section 17: To receive and administer an application for consent, approval or permission	Control measure: 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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	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: 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
	Section 20: To approve, with or without alterations, or to refuse proposals or applications for permission in terms of a scheme	Control measure: 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
Section 22(1): See delegation 4 of this document			
Section 22(2): See delegation 5 of this document			
Section 26(1): See delegation 8 of this document			
Section 26(6): See delegation 9 of this document			
Section 27(1): See delegation 10 of this document			
Section 27(5): See delegation 11 of this document			
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	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	RP
Sections 31(3): See delegation 12 of this document			
Sections 31(5): See delegation 12 of this document			
13	Section 32(1)(b): To receive certified copies of the approved diagrams or general plan		MM MED TPDA
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.	MM MED DEV ADMIN RP
Section 34(2): See delegation 12 of this document			
Section 35: See delegation 14 of this document			
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 COUNCIL

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
16	Section 37(4): To withdraw a notice giving an applicant a specified amount of time to complete a development		EXCO MM COUNCIL
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)		COUNCIL
Section 39(1): See delegation 4 above			
Section 39(2): See delegation 5 above			
Section 43(1): See delegation 8 above			
Section 43(6): See delegation 9 above			
Section 44(1): See delegation 10 above			
Section 44(5): See delegation 11 above			
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	Note: - 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			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	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	NOT YET IMPLEMENTED
	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	NOT YET IMPLEMENTED
	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	NOT YET IMPLEMENTED
	Sections 72: 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	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	NOT YET IMPLEMENTED
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		EXCO COUNCIL SLA
20	Section 79(1): To issue and withdraw contravention notices	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	EXCO MM MED RP TPT SLA
21	Section 79(1): To serve contravention notices on persons suspected of certain offences	Note: - Serving of notices must comply with section 158	MM MED RP TPT
22	Section 81(1): To consider comments lodged in response to a contravention notice		MM MED RP SLA
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 COUNCIL RP SLA
24	Section 81(2)(a): To serve a prohibition order	Note: - Serving of orders must comply with section 158	MED MM RP SLA TPT

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
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 COUNCIL MM SLA
26	Section 83 and 86: To display order on site		MM MED TP TPT
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	MM MED RP TPT TO
28	Section 84(3): To apply to the High Court for the withdrawal of an urgent prevention order		EXCO COUNCIL MM SLA
29	Section 84(4): To serve a notice on the person on whom the urgent prevention order was served, if the order is withdrawn	Note: - Serving of notices must comply with section 158	MM MED RP TPT TO
Section 86: See delegation 26			
30	Section 89(2): To receive and administer subsequent applications for authorisation	Note: - Purpose of a subsequent application in terms of section 89(1)	MM MED RP TPDA
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)	COUNCIL
32	Section 90(1): To carry out site inspections for enforcement purposes	Note: - Inspector must adhere to sections 90(1)-(6) and section 92	EXCO MM MED RP SLA TO
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)	EXCO MM SLA
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		COUNCIL MM
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	COUNCIL MM CFO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
37	Section 95(1), 96(1), 97(1), and 98: To consider applications for 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	COUNCIL MM CFO
Section 96(1): See delegations 36 and 37			
Section 97(1): See delegations 36 and 37			
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 	COUNCIL MM CFO
	Section 113(2)(a): To receive memoranda of appeals	Note: <ul style="list-style-type: none"> - 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
39	Section 114(1) and (3) and 116(2): To lodge a responding memorandum	Notes: <ul style="list-style-type: none"> - 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	Section 116(2): To withdraw a responding memorandum		EXCO MED MM RP
41	Section 117(2): To represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal site visit		EXCO MM MED RP
42	Section 120: To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal hearing		MM MED RP Member of EXCO as authorised by Council
43	Section 120(2)(a): To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing		COUNCIL 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		MM MED RP
45	Section 125(2)(c)(i): To receive an affidavit from an applicant for the late lodging of an appeal		MM MED
46	Section 126: To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit		MM MED RP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
47	Section 126: To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit		MM MED RP
48	Section 129: To receive notice of the ruling in relation to the late lodging of an appeal		MM MED 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)		MM CFO MED RP
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)		MM
	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	Notes: <ul style="list-style-type: none"> - EXCO cannot delegate the power to delegate - 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) 	COUNCIL See notes
51	Section 156(7)(b) and 156(9): Placing of notices in the Gazette		MM MED
	Section 157(1): To enter into agency agreements for performance of functions	Control measure: Power not delegated. EXCO will enter into agency agreements, if necessary. Notes: <ul style="list-style-type: none"> - After it has applied the criteria contemplated in section 78 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) 	EXCO See control measure
52	Section 160: To maintain access to information	Notes: Including: <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 	MM MED 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	Notes: <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) 	MM MED RP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
Schedule 1 item 4(1): See delegation 53			
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: <ul style="list-style-type: none"> - 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) 	MM MED RP
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		MM MED 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		MM MED RP
57	Schedule 1 item 8(1)(b): To request an amendment of an application prior to approval		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.		MM MED RP
59	Schedule 1 item 10(1) and 11(4): To represent Council during a site visit or public hearing	Note: <ul style="list-style-type: none"> - Conditions contained in section 10(3)-(5) 	MM MED RP
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.		MM MED 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: <ul style="list-style-type: none"> - Subject to Schedule 1 item 17(2)-(3) 	EXCO COUNCIL
Schedule 1 item 17(2): See delegation 54			
Schedule 1 item 17(3): See delegation 54			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
62	Schedule 1 item 18: To reply to a person who submitted comments on an application		MM MED 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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	Section 67bis: 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	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.	RP TPT
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.	RP TPT
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.	COUNIL
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.	TP TPT

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

PART 4

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.	MM MED RP

NO	SCOPE	CONTROL MEASURE / NOTE	LEVEL
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.	MM
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.	NOT YET IMPLEMENTED

