



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

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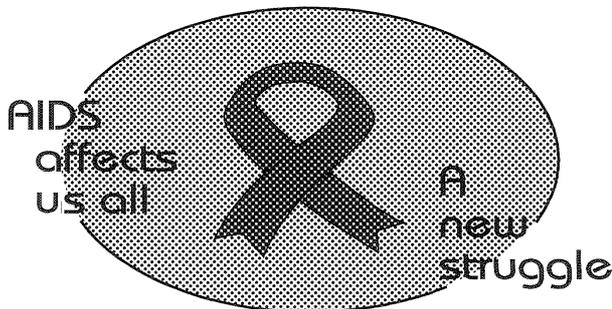
**Vol. 5**

**PIETERMARITZBURG,**

29 JUNE 2011  
29 JUNIE 2011  
29 kuNHLANGULANA 2011

**No. 599**

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



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

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**PROVINCIAL NOTICE**

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**No. 65**

**29 June 2011**

**DELEGATION OF POWERS**

**DEVELOPMENT PLANNING AND HUMAN  
SETTLEMENTS**

**NEWCASTLE MUNICIPALITY**

**FEBRUARY 2011**

**NEWCASTLE MUNICIPALITY****KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, 2008: DELEGATIONS, NEWCASTLE MUNICIPALITY**

The Newcastle 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).

**Mr. Kebone Masange,**

Municipal Manager: Newcastle Municipality

**1. PRINCIPLES**

The document deals with delegations in respect of the following laws:

- Part 1: The KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008).
- Part 2: Section 67*bis* of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949).
- Part 3: The Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970).
- Part 4: The Land Survey Act, 1997 (Act No 8 of 1997).

**2. 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**

**FEBRUARY 2011**

***Commencement dates:***

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

**KEY TO DELEGATIONS OF POWER**

<b>DESCRIPTION</b>	<b>ABBREVIATION</b>
Assistant Town Planner	ATP
Chief Financial Officer	CFO
Director: Town Planning	D:TP
Executive Committee of Newcastle Municipal Council	EXCO
Manager: Land Use Management	M:LUM
Municipal Manager	MM
Senior Technical Planner: Land Use Management	STP:LUM
Strategic Executive Director: Corporate Services	SED:CS
Strategic Executive Director: Development Planning & Human Settlements	SED:DP&HS
Technical Planner: Land Use Management	TP:LUM
Town Planning Clerk	TPC

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	<b>Section 4(2):</b> To apply to the Member of the Executive Council for an extension of the period in which to adopt a scheme or schemes for its whole area of jurisdiction.	<b>Note:</b> - Accompanied by a written motivation and an request specifying the amount of additional time required in terms of section 4(3)	EXCO
2	<b>Section 7:</b> To review schemes within six months after Council adopted an Integrated Development Plan for its elected term.		EXCO
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		SED:DP&HS
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

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>	SED:DP&HS
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>	D: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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
8	<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><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	<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><b>Note:</b></p> <p>The correction may not constitute a change in its decision or an alteration, suspension or deletion of a condition of its approval</p>	EXCO
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	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4)</li> <li>- Serving of notices must comply with section 158</li> </ul>	D: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	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4)</li> <li>- Serving of notices must comply with section 158</li> </ul>	M:LUM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<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	N/A
	<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	N/A
	<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	N/A
	<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		
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	D: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		TP:LUM
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.	SED:DP&HS
	<b>Section 34(2):</b> See delegation 12		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<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		
	<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)	D:TP
	<b>Section 55(1):</b> See delegation 8		
	<b>Section 55(4):</b> See delegation 9		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<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		
	<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	N/A
	<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	N/A
	<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	N/A
	<b>Sections 72:</b> To evaluate and make recommendations on proposals or applications for the permanent closure of municipal roads an public places, and to issue certificates confirming that the proposals or applications comply with the Act	<b>Control measure:</b> Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	N/A
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		MM EXCO
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
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	D:TP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
22	<b>Section 81(1):</b> To consider comments lodged in response to a contravention notice		D:TP
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	M:LUM
25	<b>Section 81(2)(b), 84(1), 84(2) and 94:</b> To apply to the High Court for the issuing or withdrawal of an order restraining a person from continuing an illegal activity or for a demolition order	<b>Notes:</b> - Consider section 84 - Consider section 98 - Notices must comply with section 85	EXCO
26	<b>Section 83 and 86:</b> To display order on site		TP:LUM
	<b>Section 84(1):</b> To take action where irreparable harm will be caused by an illegal development: See delegation 25		EXCO
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	D:TP
28	<b>Section 84(3):</b> To apply to the High Court for the withdrawal of an urgent prevention order		EXCO
29	<b>Section 84(4):</b> To serve a notice to the person on whom the urgent prevention order was served, if the order is withdrawn	<b>Note:</b> - Serving of notices must comply with section 158	D:TP
	<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)	M:LUM
31	<b>Section 89(3):</b> To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties	<b>Notes:</b> - Approvals must include conditions as set out in section 89(3) - may impose other conditions in accordance with 89(3)	EXCO
32	<b>Section 90(1):</b> To carry out site inspections for enforcement purposes	<b>Note:</b> - Inspector must adhere to sections 90(1)-(6) and section 92	STP:LUM TP:LUM ATP TPC

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
33	<b>Section 90(2):</b> To issue a certificate stating that a person has been designated as a town planning inspector		MM
34	<b>Section 91(1):</b> To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes	<b>Note:</b> - Conditions listed in section 91(1) to (3)	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	<b>Control measure:</b> - Exco to authorise - SED &D:TP to prepare the application	MM EXCO
36	<b>Section 95(1), 96(1), 97(1), and 98:</b> To receive, administer and negotiate applications for compensation	<b>Control measure:</b> The SED: DP&HS may submit the application for compensation to be approved by the MM and CFO.  <b>Note:</b> Compensation arising from: • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions	MM
37	<b>Section 95(1), 96(1), 97(1), and 98:</b> To consider applications for compensation	<b>Note:</b> Compensation arising from: • adoption or implementation of provisions of schemes • wrongful and intentional or negligent service of urgent prevention orders suspension or removal of restrictions	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		
38	<b>Section 99(1):</b> To agree on the amount of compensation	<b>Note:</b> Compensation arising from: • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions	EXCO
	<b>Section 113(2)(a):</b> To receive memoranda of appeals	<b>Control measure:</b> - Not delegated. Act requires memorandum to be served on the Municipal Manager  <b>Note:</b> - In relation to appeals under section 15, section 28, section 45, section 57, section 67	

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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<b>Section 156(1) and (8):</b> To delegate, amend or revoke any power conferred on the Municipality in terms of the Act to any official employed by it	<p><b>Control measure:</b> EXCO cannot delegate the power to delegate</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- EXCO may not delegate the responsibility to adopt or replace a scheme as contemplated in section 13</li> <li>- EXCO may impose conditions in accordance with section 156(2).</li> <li>- Delegation or amendment comes into effect upon the publication of a notice in the Gazette, or if a later date is stated, from that date in accordance with section 156(7)(c)</li> </ul>	
51	<b>Section 156(7)(b) and 156(9):</b> Placing of notices in the Gazette		SED:CS
	<b>Section 157(1):</b> To enter into agency agreements for performance of functions	<p><b>Control measure:</b> Power not delegated.</p> <p>EXCO will enter into agency agreements, if necessary.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- After it has applied the criteria contemplated in section 78 of the Municipal Systems Act, 2000 (Act No. 32 of 2000)</li> </ul>	EXCO
52	<b>Section 160:</b> To maintain access to information	<p><b>Notes:</b> Including:</p> <ul style="list-style-type: none"> <li>• Proposals and applications</li> <li>• Comments on proposals and applications</li> <li>• Evaluation by registered planner</li> <li>• Certificate by registered planner that proposal or application complies with the Act</li> <li>• Decision on proposal or application</li> </ul>	MM
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	<p><b>Notes:</b></p> <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>	D:TP M:LUM STP:LUM TP:LUM ATP
	<b>Schedule 1 item 4(1):</b> See delegation 53		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
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> - 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> - 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:TP M:LUM STP:LUM TP:LUM ATP
	<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		D: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		M:LUM STP:LUM TP:LUM
57	<b>Schedule 1 item 8(1)(b):</b> To request an amendment of an application prior to approval		D: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 in liaison with the relevant Ward Councillor		M:LUM STP:LUM TP:LUM
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)	M:LUM STP:LUM
	<b>Schedule 1 item 10(2):</b> See delegation 53		
60	<b>Schedule 1 item 11(1) and 20(1):</b> To decide whether a public hearing is necessary in liaison with the relevant Ward Councillor		M:LUM STP:LUM
	<b>Schedule 1 item 11(2):</b> See delegation 53		
	<b>Schedule 1 item 14(1):</b> See delegation 54		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<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)	SED:DP&HS
	<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		D:TP M:LUM STP:LUM TP:LUM ATP
	<b>Schedule 1 item 19(1):</b> See delegation 53 for notice of site inspection		
	<b>Schedule 1 item 19(1):</b> See delegation 58 for decision to conduct site inspection		
	<b>Schedule 1 item 20(1):</b> See delegation 60		
	<b>Schedule 1 item 20(4):</b> See delegation 53		

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

**PART 2**

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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	<b>Section 67bis:</b> To grant or refuse special consent applications		To grant special consent applications: SED:DP&HS D:TP  To refuse special consent applications: 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	<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.	SED:DP&HS D:TP M:LUM
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.	SED:DP&HS D:TP M:LUM
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 SED:DP&HS D:TP M:LUM
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.	MM EXCO SED:DP&HS D:TP M:LUM

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

**PART 4**

**National legislation**

**Date of commencement: 11 April 1997**

NO	SCOPE	CONTROL MEASURE / NOTE	LEVEL
1	<b>Section 37(2):</b> To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan	<b>Notes:</b> Read with section 37(3) of the Act.  *Delegation by the Premier.	D:TP M:LUM
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.	D:TP M:LUM