



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)

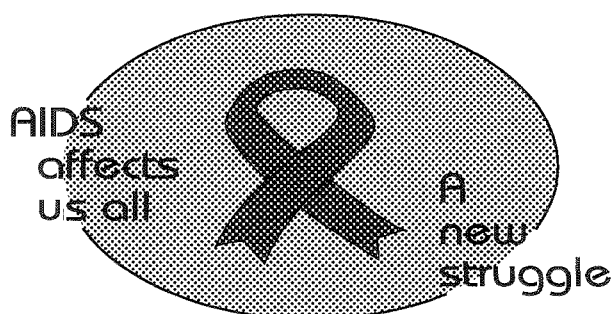
Vol. 5

PIETERMARITZBURG,

10 NOVEMBER 2011
10 KULWEZI 2011

No. 661

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**

$\frac{1}{2}$ page **R 458.75**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

$\frac{3}{4}$ 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 NOTICES—PROVINSIALE KENNISGEWINGS—IZAZISO ZESIFUNDAZWE

The following notices are published for general information.

Onderstaande kennisgewings word vir algemene inligting gepubliseer.

300 Langalibalele Street
Pietermaritzburg
10 November 2011

MR N.V.E. NGIDI
Director-General

Langalibalelestraat 300
Pietermaritzburg
10 November 2011

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

Izaziso ezilandelayo zikhishelwe ulwazi lukawonkewonke.

300 Langalibalele Street
Pietermaritzburg
10 kuLwezi 2011

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

No. 128

10 November 2011

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

In terms of Section 5 of the KwaZulu-Natal Land Administration Act 2003 (Act No. 3 of 2003), I, Magesvarie Govender, Member of the Executive Council for Human Settlements and Public Works of the KwaZulu-Natal Provincial Government hereby give notice that I intend letting a portion of the under mentioned Provincial State property situated at Osindisweni Hospital for a period of 3 years.

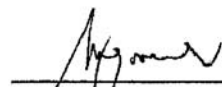
- | | |
|--------------------------|--|
| 1. Property Description | Portion 306 of Erf 828 of Roode Krans No.828 |
| 2. Street Address | Oakford Road, Verulam |
| 3. Extent | 34,2m ² |
| 4. Title Deed | T 20643 / 1989 |
| 5. Applicable conditions | The property will only be used as a tuckshop facility. |
| 6. Current Zoning | Health Institution |
| 7. Improvements | A tuckshop building in extent 34,2m ² |

Written representations in regard to the said letting can be made, within thirty (30) days of the publication of this notice to:-

Contact details

Head: Public Works
Private Bag X9041
Pietermaritzburg
3200

Telephonic Enquiries: Mr. S. Sithole
Tel. No. 031-203 2300
Fax. No.031-203 2115



MS. MAGESVARIE GOVENDER:
MEMBER OF THE EXECUTIVE COUNCIL FOR HUMAN SETTLEMENTS AND PUBLIC WORKS
KWAZULU NATAL PROVINCIAL GOVERNMENT

Date: 22/09/2011

No. 129

10 November 2011

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

In terms of Section 5 of the KwaZulu-Natal Land Administration Act 2003 (Act No. 3 of 2003), I, Magesvarie Govender, Member of the Executive Council for Human Settlements and Public Works of the KwaZulu-Natal Provincial Government hereby give notice that I intend letting a portion of the under mentioned Provincial State property situated at Clairwood Hospital for a period of 3 years.

- | | | |
|----|------------------------------|--|
| 1. | Property Description | Erf 3355 of Mobeni |
| 2. | Street Address | 1 Higginson Highway |
| 3. | Extent | 45,88m ² |
| 4. | Title Deed | T24514 / 1992 |
| 5. | Applicable conditions | The property will only be used as a tuckshop facility. |
| 6. | Current Zoning | Health Institution |
| 7. | Improvements | A tuckshop building in extent 45,88m ² |

Written representations in regard to the said letting can be made, within thirty (30) days of the publication of this notice to:-

Contact details

Head: Public Works
Private Bag X9041
Pietermaritzburg
3200

Telephonic Enquiries: Mr. S. Sithole
Tel. No. 031-203 2300
Fax. No.031-203 2115


MS. MAGESVARIIE GOVENDER:

MEMBER OF THE EXECUTIVE COUNCIL FOR HUMAN SETTLEMENTS AND PUBLIC WORKS
KWAZULU NATAL PROVINCIAL GOVERNMENT

Date: 22/09/2011

No. 130

10 November 2011

KWAZULU-NATAL DEPARTMENT OF PUBLIC WORKS

KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT No. 3 OF 2003)

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

In terms of Section 5 of the KwaZulu-Natal Land Administration Act 2003 (Act No. 3 of 2003), I, Magasvarie Govender, Minister of Public Works of the KwaZulu-Natal Provincial Government hereby give notice that I intend letting a portion of the under mentioned Provincial State property situated at Portion 63 of New Farm No. 15382 for a period of three (3) years.

- | | |
|--------------------------|---|
| 1. Property Description | Portion 63 of New Farm No. 15382 |
| 2. Street Address | 66 Pandora Street Longcroft (Phoenix) |
| 3. Extent | 1080m ² |
| 4. Title Deed | T15448 / 1995 |
| 5. Applicable conditions | The property will only be used as an HIV/AIDS Prevention Research Unit of the Medical Council |
| 6. Current Zoning | Government & Municipal |
| 7. Improvements | Vacant land in extent of 1080m ² |

Written representations in regard to the said letting can be made, within thirty (30) days of the publication of this notice to:-

Contact details

Head: Public Works
Private Bag X9041
Pietermaritzburg
3200

Telephonic Enquiries: Mr. S. Sithole
Tel. No. 031-203 2300
Fax. No. 031-203 2115


MS. MAGESVARIE GOVENDER:
MEMBER OF THE EXECUTIVE COUNCIL FOR HUMAN SETTLEMENT AND PUBLIC WORKS
KWAZULU NATAL PROVINCIAL GOVERNMENT

Date: 22/09/2011

No. 131

10 November 2011

KWAZULU-NATAL NATURE CONSERVATION BOARD**CONSULTATION PROCESS IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003): INTENTION TO DECLARE THE FOREST SIDE, MICHAELHOUSE AND CLAIRMONT MOUNTAIN NATURE RESERVES**

Notice is hereby given by the Minister of the Executive Council (MEC) Agriculture, Environmental Affairs and Rural Development Affairs in KwaZulu-Natal, The Honourable Mrs L. Johnson, in terms of section 33(1) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) of the intention to declare the Forest Side Nature Reserve, Michaelhouse Nature Reserve and Clairmont Mountain Nature Reserve, in terms of section 23 of the National Environmental Management: Protected Areas Act, 2003. These proposed Nature Reserves are located on the following properties:

Forest Side Nature Reserve: Portion 1 of the Farm Number 7831 found in SG diagram 3541/47, measuring 179 Hectares owned by Denzil Brian Armour Family Trust and located in the uMuziwabantu Local Municipality, under Ugu District Municipality

Michaelhouse Nature Reserve: The Farm St Michael's Mount 17799, found in SG diagram 6069/59, measuring 233, 7164 hectares owned by the St Michael's Diocesan College and located in the Umngeni Municipality

Clairmont Mountain Nature Reserve: Portion 0 of Lot 4 Number 12669, Portion 0 of Lot S 88 Number 5209, Portion 0 of Lot S 89 Number 5244, Portion 0 of Lot S 90 Number 4856, Portion 0 of Lot S 91 Number 5173, measuring 863 Hectares, owned by Sappi Manufacturing (Pty) Ltd and located in the Ingwe Local Municipality, under Sisonke District Municipality

Members of the public are hereby invited to submit written representation on or objections to the notice to the proposed declaration of the above-mentioned Nature Reserves, within 60 days of its publication. Written submissions must be lodged with the Chief Executive Officer: KwaZulu-Natal Nature Conservation Board, P.O. Box 13053, Cascades, 3202

No. 132

10 November 2011

KWAZULU-NATAL NATURE CONSERVATION BOARD**CONSULTATION PROCESS IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003): INTENTION TO DECLARE THE WEZA, MOUNT SHANNON, EXCELSIOR AND SADDLE TREE PROTECTED ENVIRONMENTS**

Notice is hereby given by the Minister of the Executive Council (MEC) Agriculture, Environmental Affairs and Rural Development Affairs in KwaZulu-Natal, The Honourable Mrs L. Johnson, in terms of section 33(1) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) of the intention to declare the Weza Protected Environment, Mount Shannon Protected Environment, Saddle Tree Protected Environment and Excelsior Protected Environment in terms of section 28 of the National Environmental Management: Protected Areas Act, 2003. These proposed Protected Environments are located on the following properties:

Weza Protected Environment: Portion 1 of the Farm Number 12475, Farm Number 12476, Portion 0 of the Farm Number 12475, Portion 0 of the Farm Number 15617, Portion 1 of the Farm Number 15617, Farm Number 17258, Farm Number 17260, Farm Number 17271, Farm Number 17272, Farm Number 17273, Farm Number 17352, Portion 1 of the Farm Number 4530, Portion 0 of the Farm Number 5982, Portion 1 of the Farm Number 4925, Portion 0 of the Farm Number 4950, Portion 0 of the Farm Number 5017, Portion 0 of the Farm Number 5043, Portion 0 of the Farm Number 5044, Portion 0 of the Farm Number 5204, Portion 1 of the Farm Number 5204, Portion 0 of the Farm Number 5261, Portion 1 of the Farm Number 5261, Portion 2 of the Farm Number 5261, Portion 0 of the Farm Number 5563, Portion 0 of the Farm Number 5670, Portion 0 of the Farm Number 5714, Portion 0 of the Farm Number 5816, Portion 0 of the Farm Number 6084, Portion 1 of the Farm Number 6235, Portion 0 of the Farm Number 6237, Portion 1 of the Farm Number 6298, Portion 0 of the Farm Number 6298, Portion 0 of the Farm Number 6501, Portion 0 of the Farm Number 6590, Portion 0 of the Farm Number 6731, Portion 0 of the Farm Number 6747, Portion 0 of the Farm Number 6915, Portion 0 of the Farm Number 6944, Portion 0 of the Farm Number 7095, Portion 0 of the Farm Number 7242, Portion 0 of the Farm Number 7473, Portion 0 of the Farm Number 7477, Farm Number 7676, Portion 0 of the Farm Number 7677, Portion 0 of the Farm Number 7831, Portion 0 of the Farm Number 7902, Portion 0 of the Farm Number 7920, Portion 0 of the Farm Number 7921, Portion 0 of the Farm Number 7945, Portion 0 of the Farm Number 8037, Portion 1 of the Farm Number 8106, Portion 0 of the Farm Number 8107, Portion 0 of the Farm Number 8233, Portion 0 of the Farm Number 8609, Portion 0 of the Farm Number 8649, Portion 0 of the Farm Number 8769, located in the uMuziwabantu Local Municipality, under Ugu District Municipality

Mount Shannon Protected Environment: Portion 1 of Dingley Dell Number 2133, Portion 0 of Mount Shannon Number 1816, Portion 0 of Dingley Dell Number 2133, Portion 2 of Dingley Dell Number 2133, Portion 0 of Good Hope Number 962, Portion 14 of Good Hope Number 962, Portion 0 of Edzell Number 2257, Portion 0 of Cheviot Number 2256, Portion 1 of Cheviot Number 2256, Portion 0 of Norwood Number 2244 located in the Impendle Local Municipality, under uMgungundlovu District Municipality

Saddle Tree Protected Environment: Portion 0 of Saddle Tree Number 11491, Portion 0 of Longlands Number 12879 located in the Impendle Local Municipality, under uMgungundlovu District Municipality

Excelsior Protected Environment: Portion 1 of Lot FP 346 Number 9638, Portion 0 of Lot FP 172 Number 8272, Portion 0 of Lot FP 349C Number 9486, Portion 0 of FP 348 Number 9570, Portion 0 of Melissa Number 15627 located in the KwaSani Local Municipality, under Sisonke District Municipality

Members of the public are hereby invited to submit written representation on or objections to the notice to the proposed declaration of the above-mentioned Protected Environments, within 60 days of its publication. Written submissions must be lodged with the Chief Executive Officer: KwaZulu-Natal Nature Conservation Board, P.O. Box 13053, Cascades, 3202

No. 131

10 kuLwezi 2011

IBHODI LEZOKONGIWA KWEMVELO KWAZULU-NATALI

Isikhangiso esizophuma emaphephandabeni

UHLELO LOKUXHUMANA NGOKULAWULA KOMTHETHO KAZWELONKE WOKUPHATHWA KWEMVELO: IZINDAWO EZIVIKELWE NGOKOMTHETHO KA-2003 (UMTHETHO WAMA-57 KA-2003): INJONGO YOKUMEMEZELA I-FOREST SIDE, MICHAELHOUSE NE-CLAIRMONT MOUNTAIN NJENGEZIWI

UNgqongqoshe wezoLimo nezeMvelo nokuThuthukiswa koMphakathi waseMakhaya KwaZulu-Natali, umhlonishwa uMrs L. Johnson, ukhipha isaziso, ngokulawula kwesigaba 33 (1) soMthetho Kazwelonke Wokuphathwa Kwemvelo: Izindawo Ezivikelwe, ngokoMthetho ka-2003 (UMthetho ongunombolo 57 ka-2003) ngenjongo yokumemezela i-Forest Side, i-Michaelhouse ne-Clairmont Mountain njengeziwi ngokulawula kwesigaba 23 soMthetho Kazwelonke Wokuphathwa Kwemvelo: Izindawo Ezivikelwe, uMthetho ka-2003. Leziziqwi zisezindaweni ezibizwa ngokulandelayo:

Forest Side Nature Reserve: 'Portion' 1 wePulazi Namba 7831, tholakala ku SG diagram 3541/47, engamakhakela angama 179, umniniyo kuyi- Denzil Brian Armour Family Trust etholakala kuMasipala uMuziwabantu ongaphansi ko-Ugu 'District Municipality'

Michaelhouse Nature Reserve: Ipulazi i-St Michael's Mount Namba 17799, etholakala ku-SG diagram 6069/59, engamakhakela angama-233, 7164, umniniyo kuyi-St Michael's Diocesan College, etholakala kuMasipala waseMngeni

Clairmont Mountain Nature Reserve: 'Portion' 0 wePulazi i-'Lot 4' Namba 12669, 'Portion' 0 wePulazi i-'Lot S 88' Namba 5209, 'Portion' 0 wePulazi i-'Lot S 89' Namba 5244, 'Portion' 0 wePulazi i-'Lot S 90' Namba 4856, 'Portion' 0 wePulazi i-'Lot S 91' Namba 5173, engamakhakela angama 863, umniniyo kuyi-Sappi Manufacturing (Pty) Ltd etholakala kuMasipala i-Ingwe ongaphansi kwe-Sisonke 'District Municipality'

Amalunga omphakathi ayaminywa ukuba alethe izethulo zawo ezibhalwe phansi mayelana nesaziso noma aphikisane nesaziso salokhu kumenyezela okuhlongoziwe kwalezi ziqwi ezibhalwe ngenhla, zingakapheli izinsuku ezingama 60 sikhishiwe isaziso. Izethulo kufanele zithunyelwe kule mininingwane: Mphathi Omkhulu Womkhandlu: KwaZulu-Natal Nature Conservation Board, P.O. Box 13053, Cascades, 3202,

No. 132

10 kuLwezi 2011

IBHODI LEZOKONGIWA KWEMVELO KWAZULU-NATALI

Isikhangiso esizophuma emaphephandabeni

UHLELO LOKUXHUMANA NGOKULAWULA KOMTHETHO KAZWELONKE WOKUPHATHWA KWEMVELO: IZINDAWO EZIVIKELWE NGOKOMTHETHO KA-2003 (UMTHETHO WAMA-57 KA-2003): INJONGO YOKUMEMEZELA I-WEZA, MOUNT SHANNON, SADDLE TREE NE-EXCELSIOR NJENGE NDAWO EVIKELEKILE

UNgqongqoshe wezoLimo nezeMvelo nokuThuthukiswa koMphakathi waseMakhaya KwaZulu-Natali, umhlonishwa uMrs L. Johnson, ukhipha isaziso, ngokulawula kwesigaba 33 (1) soMthetho Kazwelonke Wokuphathwa Kwemvelo: Izindawo Ezivikelwe, ngokoMthetho ka-2003 (UMthetho ongunombolo 57 ka-2003) ngenjongo yokumemezela i-Weza, Mount Shannon, Saddle Tree ne-Excelsior njengeNdawo Evikelekile ngokulawula kwesigaba 28 soMthetho Kazwelonke Wokuphathwa Kwemvelo: Izindawo Ezivikelwe, uMthetho ka-2003. Lezizindawo Ezivikelekile zisezindaweni ezibizwa ngokulandelayo:

Weza Protected Environment: 'Portion' 1 wePulazi Namba 12475, Pulazi Namba 12476, 'Portion' 0 wePulazi Namba 12475, 'Portion' wePulazi Namba 15617, 'Portion' 1 wePulazi Namba 15617, Pulazi Namba 17258, F 17260, Pulazi Namba 17271, Pulazi Namba 17272, Pulazi Namba 17273, Pulazi Namba 17352, 'Portion' 1 wePulazi Namba 4530, 'Portion' 0 wePulazi Namba 5982, 'Portion' 1 wePulazi Namba 4925, 'Portion' 0 wePulazi Namba 4950, 'Portion' 0 wePulazi Namba 5017, 'Portion' 0 wePulazi Namba 5043, 'Portion' 0 wePulazi Namba 5044, 'Portion' 0 wePulazi Namba 5204, 'Portion' 1 wePulazi Namba 5204, 'Portion' 0 wePulazi Namba 5261, 'Portion' 1 wePulazi Namba 5261, 'Portion' 2 wePulazi Namba 5261, 'Portion' 0 wePulazi Namba 5563, 'Portion' 0 wePulazi Namba 5670, 'Portion' 0 wePulazi Namba 5714, 'Portion' 0 wePulazi Namba 5816, 'Portion' 0 wePulazi Namba 6084, 'Portion' 1 wePulazi Namba 6235, 'Portion' 0 wePulazi Namba 6237, 'Portion' 1 wePulazi Namba 6298, 'Portion' 0 wePulazi Namba 6298, 'Portion' 0 wePulazi Namba 6501, 'Portion' 0 wePulazi Namba 6590, 'Portion' 0 wePulazi Namba 6731, 'Portion' 0 wePulazi Namba 6747, 'Portion' 0 wePulazi Namba 6915, 'Portion' 0 wePulazi Namba 6944, 'Portion' 0 wePulazi Namba 7095, 'Portion' 0 wePulazi Namba 7242, 'Portion' 0 wePulazi Namba 7473, 'Portion' 0 wePulazi Namba 7477, Pulazi Namba 7676, 'Portion' 0 wePulazi Namba 7677, 'Portion' 0 wePulazi Namba 7831, 'Portion' 0 wePulazi Namba 7902, 'Portion' 0 wePulazi Namba 7920, 'Portion' 0 wePulazi Namba 7921, 'Portion' 0 wePulazi Namba 7945, 'Portion' 0 wePulazi Namba 8037, 'Portion' 1 wePulazi Namba 8106, 'Portion' 0 wePulazi Namba 8107, 'Portion' 0 wePulazi Namba 8233, 'Portion' 0 wePulazi Namba 8609, 'Portion' 0 wePulazi Namba 8649, 'Portion' 0 wePulazi Namba 8769, ezitholakala kuMasipala uMuziwabantu ongaphansi ko Ugu 'District Municipality'

Mount Shannon Protected Environment: 'Portion' 1 wePulazi i-'Dingley Dell' Namba 2133, 'Portion' 0 wePulazi i-'Mount Shannon' Namba 1816, 'Portion' 0 wePulazi i-'Dingley Dell' Namba 2133, 'Portion' 2 wePulazi i-'Dingley Dell' Namba 2133, 'Portion' 0 wePulazi i-'Good Hope' Namba 962, 'Portion' 14 wePulazi i-'Good Hope' Namba 962, 'Portion' 0 wePulazi i-'Edzell' Namba 2257, 'Portion' 0 wePulazi i-'Cheviot' Namba 2256, 'Portion' 1 wePulazi i-'Cheviot' Namba 2256, 'Portion' 0 wePulazi i-'Norwood' Namba 2244, ezitholakala kuMasipala i-Impendle ongaphansi ko- uMgungundlovu 'District Municipality'.

Saddle Tree Protected Environment: 'Portion' 0 wePulazi i-'Saddle Tree' Namba 11491, 'Portion' 0 wePulazi i-'Longlands' Namba 12879, ezitholakala kuMasipala i-Impendle ongaphansi ko- uMgungundlovu 'District Municipality'

Excelsior Protected Environment: 'Portion' 1 wePulazi i-'Lot FP 346' Namba 9638, 'Portion' 0 wePulazi i-'Lot FP' 172 Namba 8272, 'Portion' 0 wePulazi i-'Lot FP 349C' Namba 9486, 'Portion' 0 wePulazi i-'FP 348' Namba 9570, 'Portion' 0 wePulazi i-'Melissa' Namba 15627 ezitholakala kuMasipala i-KwaSani ongaphansi kuka-Sisonke 'District Municipality'

Amalunga omphakathi ayamenywa ukuba alethe izethulo zawo ezibhalwe phansi mayelana nesaziso noma aphikisane nesaziso salokhu kumenyezela okuhlongoziwe kwezindawo ezivikelwe ezibalwe ngenhla, zingakapheli izinsuku ezingama 60 sikhishiwe isaziso. Izethulo kufanele zithunyelwe kule mininingwane: Mphathi Omkhulu Womkhandlu: KwaZulu-Natal Nature Conservation Board, P.O. Box 13053, Cascades, 3202.

MUNICIPAL NOTICES—MUNISIPALE KENNISGEWINGS—IZAZISO ZIKAMASIPALA

No. 150**10 November 2011****CITY OF UMHLATHUZE****PUBLIC NOTICE****CALLING FOR INSPECTION OF THE TENTH SUPPLEMENTARY VALUATION ROLL AND
LODGING OF OBJECTIONS AGAINST THE VALUATION OF A PROPERTY**

Notice is hereby given in terms of Section 49(1)(a)(i) read together with section 78(2) of the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004), that the Tenth Supplementary Valuation Roll for the period July 2008 to June 2012 is open for public inspection at the office of the Senior Manager: City Development, Room C128 (First Floor), uMhlathuze Municipality, 5 Mark Strasse, Central Business District, Richards Bay and the Empangeni library as well as the Township Manager's offices at eSikhaleni, eNseleni and Ngwelezane, until 9 January 2012 during office hours. In addition the Tenth Supplementary Valuation Roll is available on Council's website at www.richemp.org.za

Property owners, or any other person(s) who may wish to do so, are hereby invited in terms of Section 49(1)(a)(ii) of the Act to lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from, the Tenth Supplementary Valuation Roll within the abovementioned period.

Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act an objection must be in relation to the valuation of a specific individual property and not against the Valuation Roll as such. Owners wishing to object to their property's valuation, or a valuation of a specific individual property, must submit an objection in writing on the prescribed manner. Objection forms can be collected at the office of the Senior Manager: City Development, Room C128 (First Floor), uMhlathuze Municipality, 5 Mark Strasse, Central Business District, Richards Bay during office hours. An objection form can also be downloaded from Council's website: www.richemp.org.za

The completed forms must be returned on or before 9 January 2012 to Private Bag X1004, Richards Bay, 3900 or to the Senior Manager: City Development, Room C128 (First Floor), uMhlathuze Municipality, 5 Mark Strasse, Central Business District, Richards Bay.

For enquiries please contact Mr M Nel at telephone number 035 - 9075060 or Ms S Talanda at telephone number 035 - 9075058 or Ms L Ntuli at telephone number 035-9075098 or e-mail mnel@richemp.org.za / talandas@richemp.org.za / ntulilp@richemp.org.za

**Private Bag X1004
RICHARDS BAY
3900**

**DR N J SIBEKO
ACTING CITY MANAGER**

**MN72/2011
(759418)**

No. 150

10 November 2011

DIE STAD uMHLATHUZE**PUBLIEKE KENNISGEWING****KENNISGEWING VAN INSPEKSIE VAN DIE TIENDE TUSSENTYDSE WAARDASIEROL EN DIE INDIENING VAN BESWARE TEEN DIE WAARDASIE VAN 'N EIENDOM(ME)**

Kennis geskied hiermee ingevolge Artikel 49(1)(a)(i) saamgelees met Artikel 78(2) van die Plaaslike Regering: Munisipale Eiendomsbelastingwet, 2004 (Wet No 6 van 2004), dat die Tiende Tussentydse Waardasierol vir die periode Julie 2008 tot Junie 2012 gedurende kantoorure beskikbaar is ter insae van die publiek by die kantoor van die Senior Bestuurder: Stadsontwikkeling, Kamer C128 (1ste Vloer), uMhlathuze Munisipaliteit, Mark Strasse 5, Sentrale Besigheidsgebied, Richardsbaai, asook die Empangeni Biblioteek en die kantoor te eSikhaleni, eNseleni en Ngwelezane tot en met 9 Januarie 2012. Die Tiende Tussentydse Waardasierol is ook beskikbaar op die Raad se webwerf te www.richemp.org.za.

Eiendomseienaars, of enige ander persoon word ingevolge Artikel 49(1)(a)(ii) van die Wet uitgenooi om skriftelik beswaar by die Munisipale Bestuurder in te dien teen enige aspek soos aangeteken in die Waardasierol of wat daarvan uitgesluit is.

Die publiek se aandag word spesifiek daarop gevestig dat ingevolge Artikel 50(2) van die Wet, 'n beswaar slegs ten opsigte van die waardasie van 'n spesifieke eiendom ingedien mag word en nie teen die Waardasierol as sulks nie. Eienaars wat beswaar wil maak teen hulle eiendom(me) se waardasie(s), of teen die waardasie van 'n spesifieke individuele eiendom(me), moet skriftelike besware indien op die voorgeskrewe vorms. Beswaarvorms kan by die Kantoor van die Senior Bestuurder: Stadsontwikkeling, Kamer C128 (1ste vloer), uMhlathuze Munisipaliteit, Mark Strasse 5, Sentrale Besigheidsgebied, Richardsbaai gedurende kantoorure verkry word. Beswaarvorms kan ook van die Raad se webwerf te www.richemp.org.za verkry word.

Voltooide beswaarvorms moet die Munisipaliteit voor of op 9 Januarie 2012 te Privaatsak X1004, Richardsbaai, 3900 bereik of by die kantoor van die Senior Bestuurder: Stadsontwikkeling, Kamer C128 (1ste vloer), uMhlathuze Munisipaliteit, Mark Strasse 5, Sentrale Besigheidsgebied, Richardsbaai ingehandig word.

Vir enige verdere navrae kan u Mnr M Nel by telefoonnommer 035 - 9075060 of Ms S Talanda by telefoonnommer 035 - 9075058 of Ms L Ntuli by telefoonnommer 035-9075098 skakel of e-mail mnel@richemp.org.za / talandas@richemp.org.za / ntulilp@richemp.org.za

**Privaatsak X1004
RICHARDSBAAI
3900**

**DR N J SIBEKO
WAARNEMENDE STADSBESTUURDER**

**MN/2011
(759418)**

No. 150

10 kuLwezi 2011

IDOLOBHA LASE MHLATHUZE**ISAZISO SOMPHAKATHI****ISIMEMO SOKUZOHLOLA UMQINGO WESHUMI WOHLU LOKUHLAZIYA NOKUFAKWA KWEZIKHALAZO NGOKUCHANWA KOMUZI WAKHO**

Isaziso sikhishwa ngokwesigaba 49(1)(a)(i) sifundeka uhambisana neSigaba 78(2) sikaHulumeni waseKhaya: Umthetho wokuchana impahla ngokwaMasipala ka 2004 (uMthetho ongunombolo 6 ka 2004), ukuthi umqingo we Shumi wohlu lochano oluqala esikhathini sikaNtulikazi (July) 2008 kuya kuya kuNhlangulana (June) 2012 luvulelekile ukuhlolwa umphakathi ehhovisi loMphathi omkhulu wezoKuthuthukiswa kweDolobha, ikamelo C128 (isitezi sokuqala) kuMasipala waseMhlathuze, 5 Mark Strasse, Enkaben i yedolobha, eRichards Bay kanjalo namanye amahhovisi aseMpangeni Civic Centre, amahhovisi oNsumpa kumadolobha abamnyama eSikhaleni, eNseleni, naseNgwelezane kuze kube umhla ziyisishiyagalolunye 9 Ku Masingane (January) 2012 ngezikhathi zokusebenza. Ukwengeza umqingo we Shumi wohlu lochano uyatholakala kwi-website yoMkhandlu ku www.richemp.org.za.

Abanini bemizi, noma imuphi umuntu noma abantu bayamenywa ngokweSigaba 49(1)(a)(ii) soMthetho ukuthi bangafaka isikhalazo kuMphathi Kamasipala ngodaba oluqokethwe lapha phakathi noma olusale ngephutha kuMqingo we Shumi Wohlu Lochano phakathi kwesikhathi eshiwo ngenhla.

NgokweSigaba 50(2) soMthetho umuntu kufanele enze isikhalazo ngokuqhathinisa nezinye izakhiwo kodwa hayi ukuphikisa umqingo wohlu lochano. Abanini bemizi abafuna ukukhalaza ngochano lwezakhiwo zabo noma isakhiwo esithile somunye umuntu, makafake isikhalazo ngokubhala ngendlela efanele. Amafomu okukhalaza angatholakala ehhovisi kuMqondisi wezoKuphatha, Ikamelo C128 (isitezi sokuqala), uMasipala waseMhlathuze, 5 Mark Strasse, Enkaben i yedolobha, eRichards Bay ngezikhathi zokusebenza. Amafomu ezikhalazo ayatholakala kwi- website yoMkhandlu ku www.richemp.org.za

Amafomu okukhalaza asegcwalisiwe makabuyiselwe emva ngomhlaka noma ungakashayi umhla ziyisishiyagalolunye (9) ku Masingane (January) 2012 kulelikheli Private Bag X1004, Richards Bay, 3900 noma kuMphathii omkhulu wezoKuthuthukiswa kweDolobha, Ikamelo C128 (isitezi sokuqala), uMasipala waseMhlathuze, 5 Mark Strasse, Enkaben i yedolobha, eRichards Bay .

Siyacela kwabanemibuzo ukuba bathintane noMnuz M Nel kulenombolo yocingo 035 - 9075060 noma Ms S Talanda kulenombolo yocingo 035 - 9075058 noma Ms L Ntuli kulenombolo 035 - 9075098 uthumele kule e-mail mnel@richemp.org.za / talandas@richemp.org.za / ntulilp@richemp.org.za

**Private Bag X1004
RICHARDS BAY
3900**

**MN/2010
(759418)**

**DR N J SIBEKO
OBAMBELE ISIKHULU SOKUPHATHA
SEDOLOBHA**

No. 151

10 November 2011



NQUTHU MUNICIPALITY
UMASIPALA WASE NQUTHU
Private Bag X5521, NQUTHU, 3135
Tel: +27(0) 34 271 6100, Fax: +27(0) 34 271 6111

DELEGATION OF POWERS
PLANNING AND DEVELOPMENT
NQUTHU LOCAL MUNICIPALITY

JUNE 2010

KEY TO DELEGATIONS OF POWER

DESCRIPTION	ABBREVIATION
Building Inspector	BI
Chief Financial Officer	CFO
Chief Planner (Registered Planner)	CP
Director Planning and Local Economic Development	D: P&LED
Executive Committee of Nquthu Municipal Council	EXCO
Municipal Manager	MM
Senior Planner	SP
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.

2. PRINCIPLES

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

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

(2) The following actions have been delegated to EXCO:

- (a) To apply to the Member of the Executive Council for an extension of the period in which to adopt a scheme or schemes for its whole area of jurisdiction
- (b) To review schemes within six months after Council adopted an Integrated Development Plan for its elected term
- (c) To initiate proposals on behalf of the Municipality
- (d) To approve, with or without alterations, or to refuse the adoption or replacement of a scheme
- (e) To approve, with or without alterations, or to refuse a proposal or an application
- (f) To give an applicant a specified amount of time to complete a development
- (g) To withdraw a notice giving an applicant a specified amount of time to complete a development

- (h) 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)
 - (i) 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
 - (j) To issue and withdraw contravention notices
 - (k) To consider comments lodged in response to a contravention notice
 - (l) To issue a prohibition order
 - (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 apply to the High Court for the withdrawal of an urgent prevention order
 - (o) To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties
 - (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
- (3) 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 display an order on site
 - (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 serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
 - (n) To receive and administer subsequent applications for authorisation
 - (o) To carry out site inspections for enforcement purposes

- (p) To issue a certificate stating that a person has been designated as a town planning inspector
 - (q) To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes
 - (r) To receive, administer and negotiate applications for compensation
 - (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 appoint legal counsel to represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal hearing
 - (x) To decide the manner in which the Municipality must be notified of the decision of the KwaZulu-Natal Planning and Development Appeal Tribunal
 - (y) To receive an affidavit from an applicant for the late lodging of an appeal
 - (z) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (aa) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (bb) To receive notice of the ruling in relation to the late lodging of an appeal
 - (cc) To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
 - (dd) To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
 - (ee) Placing of notices in the Gazette
 - (ff) To maintain access to information
 - (gg) To serve and require documents
 - (hh) To give public notice
 - (ii) 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
 - (jj) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
 - (kk) To decide whether a site inspection is necessary
 - (ll) To represent Council during a site visit or public hearing
 - (mm) To decide whether a public hearing is necessary
 - (nn) To reply to a person who submitted comments on an application
 - (oo) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
- (3) 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.
- (4) The following actions have been delegated to D:P&LED:
- (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 serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
 - (n) To receive and administer subsequent applications for authorisation
 - (o) To carry out site inspections for enforcement purposes
 - (p) To lodge a responding memorandum
 - (q) To withdraw a responding memorandum
 - (r) To represent Council at a KwaZulu-Natal Planning and Development Appeal Tribunal site visit
 - (s) To represent Council at a KwaZulu-Natal Planning and Development Appeal Tribunal hearing
 - (t) To decide the manner in which the Municipality must be notified of the decision of the KwaZulu-Natal Planning and Development Appeal Tribunal
 - (u) To receive an affidavit from an applicant for the late lodging of an appeal
 - (v) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (w) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (x) To receive notice of the ruling in relation to the late lodging of an appeal
 - (y) Placing of notices in the Gazette
 - (z) To maintain access to information
 - (aa) To serve and require documents
 - (bb) To give public notice
 - (cc) 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
 - (dd) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
 - (ee) To decide whether a site inspection is necessary
 - (ff) To represent Council during a site visit or public hearing
 - (gg) To decide whether a public hearing is necessary
 - (hh) To reply to a person who submitted comments on an application
 - (ii) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
 - (jj) To correct an error in the wording of the Municipality's decision on a proposal or an application
- (5) The following actions have been delegated to CP:
- (a) 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) 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
 - (c) To issue certificates of compliance with conditions of approval
 - (d) 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
 - (e) To issue and withdraw contravention notices
 - (f) To serve contravention notices on persons suspected of certain offences
 - (g) To consider comments lodged in response to a contravention notice
 - (h) To receive and administer subsequent applications for authorisation
 - (i) To lodge a responding memorandum
 - (j) To withdraw a responding memorandum
 - (k) To represent Council at a KwaZulu-Natal Planning and Development Appeal Tribunal site visit
 - (l) To represent Council at a KwaZulu-Natal Planning and Development Appeal Tribunal hearing

- (m) To decide the manner in which the Municipality must be notified of the decision of the KwaZulu-Natal Planning and Development Appeal Tribunal
 - (n) To receive an affidavit from an applicant for the late lodging of an appeal
 - (o) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (p) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (q) To receive notice of the ruling in relation to the late lodging of an appeal
 - (r) To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
 - (s) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
 - (t) To request an amendment of an application prior to approval
 - (u) To decide whether a site inspection is necessary
 - (v) To represent Council during a site visit or public hearing
 - (w) To decide whether a public hearing is necessary
 - (x) To reply to a person who submitted comments on an application
 - (y) 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
 - (z) 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
 - (aa) 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
 - (bb) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
 - (cc) 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 SP:
- (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 serve contravention notices on persons suspected of certain offences
 - (i) To consider comments lodged in response to a contravention notice
 - (j) To serve a prohibition order
 - (k) To display an order on site
 - (l) To serve urgent prevention orders issued by the High Court and to display orders on site
 - (m) To serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
 - (n) To carry out site inspections for enforcement purposes
 - (o) To lodge a responding memorandum
 - (p) To withdraw a responding memorandum
 - (q) To represent Council at a KwaZulu-Natal Planning and Development Appeal Tribunal site visit
 - (r) To represent Council at a KwaZulu-Natal Planning and Development Appeal Tribunal hearing
 - (s) To decide the manner in which the Municipality must be notified of the decision of the KwaZulu-Natal Planning and Development Appeal Tribunal

- (t) To receive an affidavit from an applicant for the late lodging of an appeal
 - (u) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (v) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (w) To receive notice of the ruling in relation to the late lodging of an appeal
 - (x) To maintain access to information
 - (y) To serve and require documents
 - (z) To give public notice
 - (aa) 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
 - (bb) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
 - (cc) To request an amendment of an application prior to approval
 - (dd) To decide whether a site inspection is necessary
 - (ee) To represent Council during a site visit or public hearing
 - (ff) To decide whether a public hearing is necessary
 - (gg) To reply to a person who submitted comments on an application
 - (hh) 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
 - (ii) 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
 - (jj) 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
 - (kk) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
 - (ll) To advise the Surveyor General that the provisions of the laws relating to the permanent closing of any public place or part thereof have been complied with
- (7) The following actions have been delegated to BI:
- (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 TO:
- (a) To serve contravention notices on persons suspected of certain offences
 - (b) To serve a prohibition order
 - (c) To display an order on site
 - (d) To serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn

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

PART 1

JUNE 2010

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
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	Tribunal and provincial planning and development norms and standards
1 May 2010	Remainder of the Act, except for section 89(3), 161(1), and the repeal of Chapter 1 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949)
7 November 2010	Repeal of Chapter 1 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) relating to the KwaZulu-Natal Planning and Development Commission
To be announced	Section 89(3): civil penalty that must be paid before illegal development may be regularised Section 161(1): Prohibition on applications for planning and development approval in terms of the Development Facilitation Act, 1995 (Act No. 67 of 1995)

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	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.		D:P&LED
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 D:P&LED SP

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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
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 	CP
	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 	EXCO See notes

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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
10	Section 14(1), 27(1), 44(1), 56(1), 66(1): To inform persons who have commented on a proposal or an application of Municipality's decision	Notes: - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158	MM D:P&LED SP
11	Section 14(5), 27(5), 44(5), 56(5), 66(5): To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval	Notes: - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158	MM D:P&LED CP SP
	Section 17: To receive and administer an application for consent, approval or permission	Control measure: Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	NA
	Sections 18: To evaluate and make recommendations on proposals or applications for permission in terms of a scheme, and to issue certificates confirming that the proposals or applications comply with the Act	Control measure: Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	NA
	Section 20: To approve, with or without alterations, or to refuse proposals or applications for permission in terms of a scheme	Control measure: Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	NA
Section 22(1): See delegation 4			
Section 22(2): See delegation 5			
Section 26(1): See delegation 8			
Section 26(6): See delegation 9			
Section 27(1): See delegation 10			
Section 27(5): See delegation 11			
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	CP in Consultation with the Technical Department

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

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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	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	NA
	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	NA
	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	NA
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
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 D:P&LED CP
21	Section 79(1): To serve contravention notices on persons suspected of certain offences	Note: - Serving of notices must comply with section 158	MM D:P&LED CP SP
22	Section 81(1): To consider comments lodged in response to a contravention notice		EXCO MM D:P&LED CP SP
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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
24	Section 81(2)(a): To serve a prohibition order	Note: - Serving of orders must comply with section 158	D:P&LED SP BI TO
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 MM
26	Section 83 and 86: To display order on site		MM D:P&LED SP
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 D:P&LED SP
28	Section 84(3): To apply to the High Court for the withdrawal of an urgent prevention order		EXCO MM
29	Section 84(4): To serve a notice 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 D:P&LED SP
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 D:P&LED CP
31	Section 89(3): To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties	Notes: - Approvals must include conditions as set out in section 89(3) - EXCO may impose other conditions in accordance with 89(3)	EXCO
32	Section 90(1): To carry out site inspections for enforcement purposes	Note: - Inspector must adhere to sections 90(1)-(6) and section 92	D:P&LED SP BI
33	Section 90(2): To issue a certificate stating that a person has been designated as a town planning inspector		MM
34	Section 91(1): To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes	Note: - Conditions listed in section 91(1) to (3)	EXCO MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
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		EXCO
36	Section 95(1), 96(1), 97(1), and 98: To receive, administer and negotiate applications for compensation	Note: Compensation arising from: arising from: <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 	MM in Consultation with the CFO
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 	EXCO in Consultation with the 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 	EXCO in Consultation with the 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 D:P&LED MM CP SP
40	Section 116(2): To withdraw a responding memorandum		EXCO MM D:P&LED CP SP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
41	Section 117(2): To represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit		EXCO MM D:P&LED CP SP
42	Section 120: To represent Council at a KwaZulu-Natal Planning and Development Appeal Tribunal hearing		MM D:P&LED CP SP
43	Section 120(2)(a): To appoint legal counsel to represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal hearing		EXCO 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 D:P&LED CP SP
45	Section 125(2)(c)(i): To receive an affidavit from an applicant for the late lodging of an appeal		MM
46	Section 126: To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit		MM D:P&LED CP SP
47	Section 126: To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit		MM D:P&LED CP SP
48	Section 129: To receive notice of the ruling in relation to the late lodging of an appeal		MM D:P&LED CP SP
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 D:P&LED CP
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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	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) 	EXCO See notes
51	Section 156(7)(b) and 156(9): Placing of notices in the Gazette		MM D:P&LED
	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 D:P&LED SP
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 D:P&LED SP

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 D:P&LED SP
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 D:P&LED SP
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 D:P&LED CP SP
57	Schedule 1 item 8(1)(b): To request an amendment of an application prior to approval		SP
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 D:P&LED SP in Consultation with the Ward Committee
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 D:P&LED SP in Consultation with the Ward Committee
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 D:P&LED SP in Consultation with the Ward Committee
Schedule 1 item 11(2): See delegation 53			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Schedule 1 item 14(1): See delegation 54		
	Schedule 1 item 15(1): See delegation 54		
	Schedule 1 items 15(2): See delegation 56		
61	Schedule 1 item 17(1): To amend proposals for council-owned land prior to approval by the Municipality	Note: - Subject to Schedule 1 item 17(2)-(3)	EXCO
	Schedule 1 item 17(2): See delegation 54		
	Schedule 1 item 17(3): See delegation 54		
62	Schedule 1 item 18: To reply to a person who submitted comments on an application		EXCO MM D:P&LED SP
	Schedule 1 item 19(1): See delegation 53 for notice of site inspection		
	Schedule 1 item 19(1): See delegation 58 for decision to conduct site inspection		
	Schedule 1 item 20(1): See delegation 60		
	Schedule 1 item 20(4): See delegation 53		

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

PART 2

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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	Section 67bis: To grant or refuse special consent applications	EXCO must get recommendation from a registered planner	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
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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.	CP SP
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.	CP SP
3	Section 4(3): To enforce a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	Note: Condition imposed in terms of section 4(2)(b) of the Act.	EXCO
4	Section 4(4): To vary or withdraw a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	Control measure: Decision must be made by a registered planner or on advice of a registered planner. Note: Condition imposed in terms of section 4(2)(b) of the Act.	CP SP

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

PART 4

**National legislation
Date of commencement: 11 April 1997**

NO	SCOPE	CONTROL MEASURE / NOTE	LEVEL
1	Section 37(2): To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan	Notes: Read with section 37(3) of the Act. *Delegation by the Premier.	MM D:P&LED CP SP
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.	EXCO

NO	SCOPE	CONTROL MEASURE / NOTE	LEVEL
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.	CP SP

LEGAL RULES GOVERNING THE DELEGATION OF POWERS (COMMON LAW)

ANNEXURE A

JANUARY 2010

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

1. A power that has been "assignment" is fully transferred. A functionary who assigned a power may not exercise the power that has been assigned. The functionary to whom a power has been assigned is fully responsible for the exercising thereof. "Assignment" of powers is sometimes also referred to as the decentralisation of powers.
2. A power that has been "delegated" is not fully transferred. A functionary who delegated a power (delegator/ delegans) may exercise the power himself or herself and remains fully responsible for the exercising thereof. However, once the functionary who the power have been delegated to (delegatee/ delegate) has exercised the power in relation to a particular case the delegator may no longer exercise the power in relation to that instance. "Delegation" of powers is sometimes also referred to as the deconcentration of powers.
3. A power is not conferred upon a government department generally. A power is conferred upon a functionary, for example, "the Administrator", "the MEC responsible for Local Government", "the Head of Department" or "the Development Tribunal".
4. A power that is conferred upon a functionary may as a rule only be exercised by that functionary. This is because there is a danger that if delegations are allowed the power may be exercised by a person who is not as qualified or as politically or otherwise responsible as the person who the legislature has in mind. The delegation of powers in the absence of express or implied authority in a law is considered to be the abdication of authority.
5. Powers delegated to a functionary may not be delegated further by that functionary. This does not prevent the functionary from obtaining the assistance of others in exercising the power or making the decision and obtaining the assistance of other with the implementation of the decision.
6. Where a discretionary power has been conferred upon an organ of state, the organ of state may not delegate that power unless expressly empowered to do so in a law. A statutory body may therefore not delegate its powers further. The Town Planning Ordinance, 1949, provides expressly for the further delegation of certain powers of the KZNPDC.
7. Abdication of powers can occur in three ways: Acting through unlawful delegation, acting under dictation from another person or body and failure to act.
8. A power may not be delegated to more than one functionary in the absence of an express provision in an empowering law.
9. Where the law provides for institutional separation it must be honoured. A functionary cannot monitor itself or make a recommendation to itself.

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10. A functionary must be appointed properly and must meet all the prescribed requirements relating qualifications, experience, conditions of the delegation etc. An action taken by a functionary who has not been appointed properly or who did not meet all the requirements and conditions of the delegation is invalid.
 11. Where an appointment is personal, like the appointment of a member of a statutory body or a designated officer, another person may not exercise the appointees powers.
 12. Where several persons are appointed to exercise a power, for example a statutory body, they must act together as a body, unless the law expressly provides otherwise. The body may appoint a subcommittee to investigate certain facts but must exercise the discretionary power itself. The law often specifies a quorum of members who must be present when a decision is taken.
 13. A statutory body cannot take over the powers of another functionary. Where the law empowers a designated officer to extend the time in which plans must be lodged with the Surveyor General the Development Tribunal cannot grant the extension of time.
 14. The existence of an implied power to delegate depends on the following factors:
 - (a) the degree of devolution of the power;
 - (b) the importance of the original delegatee;
 - (c) the complexity and extent of discretion;
 - (d) the impact of the power; and
 - (e) practical necessity.
 15. A power may be delegated where a delegation is limited and the delegator retains full control over the final decision.
 16. A power may be delegated where the delegation will ensure that the decision is taken by a better qualified or experienced functionary.
 17. Powers which require little or no discretion are usually delegable (mechanical acts).
 18. Powers which require significant discretion are usually not delegable, especially in the case of unguided discretions (no criteria in the law, no standards, no recommendation that must be considered etc).
 19. Powers which may infringe on a persons rights are usually not delegable.
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