



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)

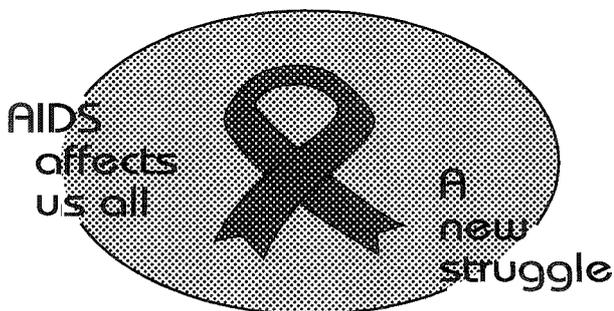
PIETERMARITZBURG,

Vol. 4

26 AUGUST 2010
26 AUGUSTUS 2010
26 kuNCWABA 2010

No. 495

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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ISIKHANGISO

Ezingxubevange (bheka uhlu oluseceleni, ekhasini 29)

IMPORTANT NOTICE

The
KwaZulu-Natal Provincial Gazette Function
will be transferred to the
Government Printer in Pretoria
as from 26 April 2007

NEW PARTICULARS ARE AS FOLLOWS:

Physical address:

Government Printing Works
149 Bosman Street
Pretoria

Postal address:

Private Bag X85
Pretoria
0001

New contact persons: Louise Fourie Tel.: (012) 334-4686
Mrs H. Wolmarans Tel.: (012) 334-4591

Fax number: (012) 323-8805

E-mail addresses: Louise.Fourie@gpw.gov.za
Hester.Wolmarans@gpw.gov.za

Contact persons for subscribers:

Mrs J. Wehmeyer Tel.: (012) 334-4734
Tel.: (012) 334-4753
Fax.: (012) 323-9574

This phase-in period is to commence from **26 April 2007**, which is the closing date for all adverts to be received for the publication date of **3 May 2007**.

Subscribers and all other stakeholders are advised to send their advertisements directly to the **Government Printing Works**, one week (five working days) before the date of printing, which will be a Thursday.

Payment:

- (i) Departments/Municipalities: Notices must be accompanied by an order and official letterhead, including financial codes, contact person and address of Department.
- (ii) Private persons: Must pay in advance before printing.

Advertising Manager

IT IS THE CLIENTS RESPONSIBILITY TO ENSURE THAT THE CORRECT AMOUNT IS PAID AT THE CASHIER OR DEPOSITED INTO THE GOVERNMENT PRINTING WORKS BANK ACCOUNT AND ALSO THAT THE REQUISITION/COVERING LETTER TOGETHER WITH THE ADVERTISEMENTS AND THE PROOF OF DEPOSIT REACHES THE GOVERNMENT PRINTING WORKS IN TIME FOR INSERTION IN THE PROVINCIAL GAZETTE.

No ADVERTISEMENTS WILL BE PLACED WITHOUT PRIOR PROOF OF PRE-PAYMENT.

$\frac{1}{4}$ page **R 215.43**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

**A PRICE
INCREASE OF
14.97% WILL BE
EFFECTIVE ON
ALL TARIFFS
FROM
1 JUNE 2010**

$\frac{1}{4}$ page **R 430.87**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

$\frac{1}{4}$ page **R 646.31**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt

$\frac{1}{4}$ page **R 861.74**

Letter Type: Arial Size: 10

Line Spacing: At:
Exactly 11pt



REPUBLIC
OF
SOUTH AFRICA

LIST OF FIXED TARIFF RATES AND CONDITIONS

FOR PUBLICATION OF LEGAL NOTICES
IN THE *KwaZulu-Natal PROVINCE*
PROVINCIAL GAZETTE

COMMENCEMENT: 1 JUNE 2010

CONDITIONS FOR PUBLICATION OF NOTICES

CLOSING TIMES FOR THE ACCEPTANCE OF NOTICES

1. (1) The *KwaZulu-Natal Provincial Gazette* is published every week on Thursday, and the closing time for the acceptance of notices which have to appear in the *KwaZulu-Natal Provincial Gazette* on any particular Thursday, is **15:00 one week prior to the publication date**. Should any Thursday coincide with a public holiday, the publication date remains unchanged. However, the closing date for acceptance of advertisements moves backwards accordingly, in order to allow for 5 working days prior to the publication date.
- (2) The date for the publication of an **Extraordinary** *KwaZulu-Natal Province Provincial Gazette* is negotiable.
2. (1) Notices received **after closing time** will be held over for publication in the next *KwaZulu-Natal Provincial Gazette*.
- (2) Amendments or changes in notices cannot be undertaken unless instructions are received **before 10:00 on Fridays**.
- (3) Notices for publication or amendments of original copy can not be accepted over the telephone and must be brought about by letter, by fax or by hand. The Government Printer will not be liable for any amendments done erroneously.
- (4) In the case of cancellations a refund of the cost of a notice will be considered only if the instruction to cancel has been received on or before the stipulated closing time as indicated in paragraph 2(2).

APPROVAL OF NOTICES (This only applies to Private Companies)

3. In the event where a cheque, submitted by an advertiser to the Government Printer as payment, is dishonoured, then the Government Printer reserves the right to refuse such client further access to the *KwaZulu-Natal Provincial Gazette* until any outstanding debts to the Government Printer is settled in full.

THE GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

4. The Government Printer will assume no liability in respect of—
 - (1) any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - (2) erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

- (3) any editing, revision, omission, typographical errors, amendments to copies or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

5. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

COPY

6. Notices must be typed on one side of the paper only and may not constitute part of any covering letter or document.
7. At the top of any copy, and set well apart from the notice, the following must be stated:

Where applicable

- (1) The heading under which the notice is to appear.
- (2) The cost of publication applicable to the notice, in accordance with the "Word Count Table".

PAYMENT OF COST (This only applies to Private Companies)

9. **With effect from 26 April 2007 no notice will be accepted for publication unless the cost of the insertion(s) is prepaid in CASH or by CHEQUE or POSTAL ORDERS. It can be arranged that money can be paid into the banking account of the Government Printer, in which case the deposit slip accompanies the advertisement before publication thereof.**
10. (1) The cost of a notice must be calculated by the advertiser in accordance with the word count table.

(2) Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the **Advertising Section, Government Printing Works, Private Bag X85, Pretoria, 0001 [Fax: (012) 323-8805], before publication.**
11. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and the notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or by cheque or postal orders, or into the banking account.

12. *In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the Government Printing Works.*
13. The Government Printer reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the Word Count Table, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

14. **Copies of the *KwaZulu-Natal Provincial Gazette* which may be required as proof of publication, may be ordered from the Government Printer at the ruling price.** The Government Printer will assume no liability for any failure to post such *KwaZulu-Natal Provincial Gazette(s)* or for any delay in despatching it/them.

GOVERNMENT PRINTERS BANK ACCOUNT PARTICULARS

Bank:	ABSA
	BOSMAN STREET
Account No.:	4057114016
Branch code:	632-005
Reference No.:	00000006
Fax No.:	(012) 323 8805

Enquiries:

Mrs. L. Fourie	Tel.: (012) 334-4686
Mrs. H. Wolmarans	Tel.: (012) 334-4591

PROVINCIAL NOTICES—PROVINSIALE KENNISGEWINGS—ISAZISO ZESIFUNDAZWE

The following notices are published for general information.

Onderstaande kennisgewings word vir algemene inligting gepubliseer.

300 Langalibalele Street
Pietermaritzburg
26 August 2010

MR R. GOVENDER
Acting Director-General

MNR. R. GOVENDER
Waarnemende Direkteur-generaal

Langalibalelestraat 300
Pietermaritzburg
26 Augustus 2010

Izaziso ezilandelayo zikhishelwe ulwazi lukawonkewonke.

300 Langalibalele Street
Pietermaritzburg
26 kuNcwaba 2010

MNU. R. GOVENDER
iBamba loMqondisi-Jikelele

ENDUMENI MUNICIPALITY
DELEGATION OF POWERS
KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT No. 6 OF 2008

The Endumeni Municipality has, at its meeting held on 28 July 2010, adopted the delegations as set out in the schedule to this notice in terms of Section 156(1) of the Kwazulu-Natal Planning and Development Act No. 6 of 2008, which delegations shall come into effect upon the date of publication hereof in the Kwazulu-Natal Provincial Gazette.

J B MALTMAN
 Acting Municipal Manager

KEY TO DELEGATIONS OF POWER

DESCRIPTION	ABBREVIATION
Executive Committee of Endumeni Municipal Council	EXCO
Municipal Manager	MM
Chief Financial Officer	CFO
Town Planner (Registered Planner)	TP
Manager Corporate Services	M: CS
Building Inspector (Building Control Officer)	BI
Traffic Officer	TO

1. DEFINITIONS

Control measure: A control measure is a condition of a delegation that is not contained in legislation.

Note: A note alerts the person to whom a power has been delegated to important information contained in the legislation. This includes: a reference to a related power, criteria that has to be considered when making a decision, and persons who need to be consulted before the power can be exercised.

"registered planner" means a person registered as a registered planner or a technical planner contemplated in section 13(4) of the Planning Profession Act, unless the South African Council for Planners has reserved the work to be performed by a registered planner in terms of this Act for a particular category of registered persons in terms of section 16(2) of the Planning Profession Act, in which case a registered planner shall mean that category of registered persons for which the work has been reserved.

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 correct an error in the wording of the Municipality's decision on a proposal or an application
- (g) To give an applicant a specified amount of time to complete a development
- (h) To withdraw a notice giving an applicant a specified amount of time to complete a development
- (i) 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)
- (j) 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
- (k) To issue and withdraw contravention notices
- (l) To consider comments lodged in response to a contravention notice
- (m) To issue a prohibition order
- (n) 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
- (o) To apply to the High Court for the withdrawal of an urgent prevention order
- (p) To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties
- (q) To carry out site inspections for enforcement purposes
- (r) To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes
- (s) To authorise an application to court for the demolition, removal or alteration of buildings, structures or works, or for rehabilitation of land
- (t) To receive, administer and negotiate applications for compensation
- (u) To consider applications for compensation
- (v) To agree on the amount of compensation
- (w) To lodge a responding memorandum
- (x) To withdraw a responding memorandum
- (y) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal site inspection
- (z) To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
- (aa) To enter into agency agreements for performance of functions
- (bb) To amend proposals for council-owned land prior to approval by the Municipality
- (cc) To reply to a person who submitted comments on an application
- (dd) To grant or refuse special consent applications
- (ee) 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
- (ff) 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 serve a prohibition order
- (l) To display an order on site
- (m) To apply to the High Court for the issuing or withdrawal of an order restraining a person from continuing an illegal activity or for a demolition order
- (n) To serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
- (o) To receive and administer subsequent applications for authorisation

- (p) To carry out site inspections for enforcement purposes
 - (q) To issue a certificate stating that a person has been designated as a town planning inspector
 - (r) To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes
 - (s) To receive, administer and negotiate applications for compensation
 - (t) To lodge a responding memorandum
 - (u) To withdraw a responding memorandum
 - (v) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal site visit
 - (w) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
 - (x) To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
 - (y) To decide the manner in which the Municipality must be notified of the decision of the Kwazulu-Natal Planning and Development Appeal Tribunal
 - (z) To receive an affidavit from an applicant for the late lodging of an appeal
 - (aa) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (bb) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (cc) To receive notice of the ruling in relation to the late lodging of an appeal
 - (dd) To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
 - (ee) To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
 - (ff) Placing of notices in the Gazette
 - (gg) To maintain access to information
 - (hh) To serve and require documents
 - (ii) To give public notice
 - (jj) To agree with a person who has an interest in any specific matter to give notice on behalf of the Municipality and to request proof from that person that public notice has been given as required
 - (kk) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
 - (ll) To decide whether a site inspection is necessary
 - (mm) To represent Council during a site visit or public hearing
 - (nn) To decide whether a public hearing is necessary
 - (oo) To reply to a person who submitted comments on an application
 - (pp) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
- (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 M: CS:
- (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
- (5) The following actions have been delegated to TP:
- (a) To compile and maintain an up-to-date version of the Scheme and make it available for inspection and copying at all reasonable times by any person
 - (b) To receive and administer applications
 - (c) To evaluate and make recommendations on proposals or applications in terms of the Act, and to issue certificates confirming that the proposals or applications comply with the Act
 - (d) To inform persons who have commented on a proposal or an application of Municipality's decision
 - (e) To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval
 - (f) To issue certificates of compliance with conditions of approval
 - (g) To receive certified copies of the approved diagrams or general plan
 - (h) To lodge plans and documents with the Surveyor General's and Deeds Offices in cases where land is subdivided or consolidated, or where application is made for the alteration, suspension or deletion of restriction relating to land by the Municipality
 - (i) To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan
 - (j) To issue and withdraw contravention notices
 - (k) To serve contravention notices on persons suspected of certain offences
 - (l) To consider comments lodged in response to a contravention notice
 - (m) To serve a prohibition order
 - (n) To display an order on site
 - (o) To serve urgent prevention orders issued by the High Court and to display orders on site
 - (p) To serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
 - (q) To receive and administer subsequent applications for authorisation
 - (r) To carry out site inspections for enforcement purposes
 - (s) To lodge a responding memorandum
 - (t) To withdraw a responding memorandum
 - (u) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal site visit
 - (v) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
 - (w) To decide the manner in which the Municipality must be notified of the decision of the Kwazulu-Natal Planning and Development Appeal Tribunal

- (x) To receive an affidavit from an applicant for the late lodging of an appeal
 - (y) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (z) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (aa) To receive notice of the ruling in relation to the late lodging of an appeal
 - (bb) To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
 - (cc) To maintain access to information
 - (dd) To serve and require documents
 - (ee) To give public notice
 - (ff) To agree with a person who has an interest in any specific matter to give notice on behalf of the Municipality and to request proof from that person that public notice has been given as required
 - (gg) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
 - (hh) To request an amendment of an application prior to approval
 - (ii) To decide whether a site inspection is necessary
 - (jj) To represent Council during a site visit or public hearing
 - (kk) To decide whether a public hearing is necessary
 - (ll) To reply to a person who submitted comments on an application
 - (mm) To advise the Minister of Agriculture on the subdivision of agricultural land, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes
 - (nn) To determine conditions subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes
 - (oo) To vary or withdraw a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes
 - (pp) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
 - (qq) To advise the Surveyor General that the provisions of the laws relating to the permanent closing of any public place or part thereof have been complied with
- (6) The following actions have been delegated to 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 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.		EXCO
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 M: CS TP
4	Section 9(1), 22(1), 39(1), 51(1) and 61(1): To initiate proposals on behalf of the Municipality	Notes: - Proposals to: <ul style="list-style-type: none"> • Adopt or replace a scheme • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land - The Municipality must be the land owner or act with the owner's consent in the case for the subdivision of land, the consolidation of land and the development of land situated outside the area of a scheme - Process in accordance with Part 2 of Schedule 1, except for the phasing or cancellation of an approved layout - Process for the phasing or cancellation of an approved layout in accordance with section 52 - Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3) - Right to amend a proposal after notice has been given thereof in terms of Schedule 1 item 17(1) - Right to amend scheme to avoid having to pay compensation in section 95(2)	EXCO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
5	Sections 9(2), 22(2), 39(2), 51(2) and 61(2): To receive and administer applications	Notes: <ul style="list-style-type: none"> - Applications to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land - Process in accordance with Part 1 of Schedule 1, except for the phasing or cancellation of an approved layout - Process for the phasing or cancellation of an approved layout in accordance with section 52 - Status of legal successor-in-title in accordance with section 9(3) - Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3) 	MM M: CS TP
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 	TP
7	Section 13(1): To approve, with or without alterations, or to refuse the <u>adoption</u> or <u>replacement</u> of a scheme	Control Measure: <ul style="list-style-type: none"> - Decision must be informed by a registered planner or on advice of a registered planner in accordance with section 11 - Decision may not be in conflict with provincial planning and development norms and standards or the municipality's IDP as per section 13(2) and 13(3) Notes: <ul style="list-style-type: none"> - Decision may not be delegated to an official or another municipality in terms of section 156(1) - Timeframes in accordance with items 12 and 21 of Schedule 1 - Effective date of decision as per section 16 	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	<p>Notes:</p> <ul style="list-style-type: none"> - Applications to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land - Decision must be informed by advice of a registered planner in accordance with section 11, 24, 41, 53 and 63 - Decision to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Alter, suspend or delete a restriction relating to land <p>may not be in conflict with provincial planning and development norms and standards or the municipality's IDP as per section 13(2), 26(2), 43(2) and 65(2)</p> <ul style="list-style-type: none"> - Decision to: <ul style="list-style-type: none"> • Subdivide and consolidate land • Alter, suspend or delete a restriction relating to land <p>may not be in conflict with scheme as per section 26(2) and 65(2)</p> <ul style="list-style-type: none"> - 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	<p>Note:</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	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	<p>Notes:</p> <ul style="list-style-type: none"> - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158 	MM M: CS TP
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	<p>Notes:</p> <ul style="list-style-type: none"> - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158 	MM M: CS TP
	Section 17: To receive and administer an application for consent, approval or permission	<p>Control measure:</p> <p>Not delegated.</p> <p>Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended</p>	NA

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Sections 18: To evaluate and make recommendations on proposals or applications for permission in terms of a scheme, and to issue certificates confirming that the proposals or applications comply with the Act	Control measure: 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	TP
	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		MM M: CS TPO
14	Sections 33(1), 35 and 70: To lodge plans and documents with the Surveyor General's and Deeds Offices in cases where land is subdivided or consolidated, or where application is made for the alteration, suspension or deletion of restriction relating to land by the Municipality	Note: - Section 33(2) and 37(2) relating to lapsing of approval.	MM M: CS TPO
	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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
17	Section 37(5) and 49(3): To initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled in accordance with sections 37(3) and 49(1)		EXCO
	Section 39(1): See delegation 4		
	Section 39(2): See delegation 5		
	Section 43(1): See delegation 8		
	Section 43(6): See delegation 9		
	Section 44(1): See delegation 10		
	Section 44(5): See delegation 11		
	Section 48(1): See delegation 12		
	Section 48(3): See delegation 12		
	Section 48(5): See delegation 12		
	Section 49(1): See delegation 15		
	Section 49(2): See delegation 16		
	Section 49(3): See delegation 17		
	Section 51(1): See delegation 4		
	Section 51(2): See delegation 5		
18	Section 52(2): To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan	Note: - Notice must comply with section 52(3)-(4)	MM M: CS TP
	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 an public places, and to issue certificates confirming that the proposals or applications comply with the Act	Control measure: Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	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 M: CS TP BI
21	Section 79(1): To serve contravention notices on persons suspected of certain offences	Note: - Serving of notices must comply with section 158	MM M: CS TP BI TO
22	Section 81(1): To consider comments lodged in response to a contravention notice		EXCO MM M: CS TP BI
23	Section 81(2): To issue a prohibition order	Notes: - Offences listed as per section 75(1), 77(1), 78(1), 90(7) and Schedule 1 item 10(6) - Contents of prohibition orders as per section 81(2) and 82 - Consider section 81(3)-(5)	EXCO
24	Section 81(2)(a): To serve a prohibition order	Note: - Serving of orders must comply with section 158	M: CS MM TP 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 M: CS TP BI TO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
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 M: CS TP BI TO
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 M: CS TP BI TO
Section 86: See delegation 26			
30	Section 89(2): To receive and administer subsequent applications for authorisation	Note: - Purpose of a subsequent application in terms of section 89(1)	MM M:CS TP
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	EXCO MM M: CS TP 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
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: • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions	EXCO MM
37	Section 95(1), 96(1), 97(1), and 98: To consider applications for compensation	Note: Compensation arising from: arising from: • adoption or implementation of provisions of schemes • wrongful and intentional or negligent service of urgent prevention orders suspension or removal of restrictions	EXCO
Section 96(1): See delegations 36 and 37			
Section 97(1): See delegations 36 and 37			
Section 98: See delegations 36 and 37			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
38	Section 99(1): To agree on the amount of compensation	Note: Compensation arising from: arising from: <ul style="list-style-type: none"> • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions 	EXCO
	Section 113(2)(a): To receive memoranda of appeals	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 M: CS MM TP
40	Section 116(2): To withdraw a responding memorandum		EXCO M: CS MM TP
41	Section 117(2): To represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal site visit		EXCO MM M: CS TP
42	Section 120: To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal hearing		MM M: CS TP
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 M: CS TP
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 M: CS TP
47	Section 126: To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit		MM M: CS TP
48	Section 129: To receive notice of the ruling in relation to the late lodging of an appeal		MM M: CS TP
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 M: CS TP
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 M: CS
	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 M: CS TP
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 M: CS TP
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 M: CS TP
Schedule 1 item 6(1): See delegation 54			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
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 M: CS TP
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 M: CS TP
57	Schedule 1 item 8(1)(b): To request an amendment of an application prior to approval		TP
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 M: CS TP
59	Schedule 1 item 10(1) and 11(4): To represent Council during a site visit or public hearing	Note: - Conditions contained in section 10(3)-(5)	MM M: CS TP
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 M: CS TP
Schedule 1 item 11(2): See delegation 53			
Schedule 1 item 14(1): See delegation 54			
Schedule 1 item 15(1): See delegation 54			
Schedule 1 items 15(2): See delegation 56			
61	Schedule 1 item 17(1): To amend proposals for council-owned land prior to approval by the Municipality	Note: - Subject to Schedule 1 item 17(2)-(3)	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 M: CS TP
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
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.	TP
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.	TP
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.	TP

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 M: CS TP

NO	SCOPE	CONTROL MEASURE / NOTE	LEVEL
2	Section 37(2): To consent to the alteration, amendment, partial cancellation or total cancellation of a general plan	Control measure: Decision must be made by a registered planner or on advice of a registered planner. Notes: The delegate may impose conditions. Read with section 37(3) of the Act and section 30 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008) *Delegation by the Premier.	EXCO
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.	TP

Notice No. 68 /2010

J B MALTMAN
Acting Municipal Manager



THE CREDIT CONTROL AND DEBT COLLECTION BYLAWS ARE AMENDED AS INDICATED BELOW:

Section 11.0 is hereby amended by the substitution of subsection (4) for the following subsection:

11.4 Any person contravening section 11.1, 2 or 3 hereof may have the services to his property disconnected or restricted and shall be guilty of an offence and liable for a fine or imprisonment for a period not exceeding one year or for both such fine and imprisonment.

The following section is hereby inserted in the bylaws after section 12.0:

12A Illegal Connections and Tampering

12A.1 No person shall connect to the Municipality's services without consent, or tamper with its services.

12A.2 The owner or occupier shall be deemed to be the person responsible for any illegal connections or tampered meters found on the property. The onus is on the owner or occupier to prove otherwise.

12A.3 The owner or occupier who tampers or illegally connects to Municipal services, shall be guilty of an offence and liable for a fine or imprisonment for a period not exceeding one year or for both such fine and imprisonment.

12A.4 Where any person is convicted of contravening section 12A.1, the court may, in addition to sentencing such person to such fine or imprisonment as it may lawfully impose, further order such person to pay any outstanding amount together with interest and administration charges as determined by resolution of council, on or before a date specified in that order.

The amendments to the Bylaws come into effect from the 1st day of the month following the month of publication.



**IMITHETHO KAMASIPALA YOKULAWULA IZIKWELETU
NOKUQOQWA KWAZO ICHITSHIYELWE NJENGOBA
KUKHONJISWE LAPHA NGENZANSI:**

Isigaba 11.0 sichitshiyelwe ngokufaka lesi sigatshana esilandelayo esikhundleni sesigatshana (4):

11.4 Noma ngubani owephula isigaba 11.1, 2 noma 3 salapha anganqanyulelwa noma ancishiselwe izinsizakalo azithunyelelwa nguMasipala endaweni yakhe futhi uyokwethweswa icala lokwephula umthetho abhekane nenhlawulo noma aboshwe isikhathi esingeqile onyakeni owodwa kumbe kwenzeke kokubili ukuboshwa nokukhokhiswa inhlawulo.

Kufakwa isigaba esilandelayo kule mithetho kaMasipala ngemva kwesigaba 12.0:

12A Ukuxhuma nokuphazamisa ngokungemthetho

12A.1 Akukho muntu ovunyelwe ukuzixhumela ngokwakhe ngaphandle kwemvume noma ukuphazamisa uhlelo lwezinsizakalo ezihlinzekwa nguMasipala.

12A.2 Noma yikuphi ukuxhuma noma ukuphazamisa amamitha ngokungemthetho okuyotholakala kwenziwe kuyobekwa emahlombe omnikazi noma wohlala khona. Kungumthwalo womnikazi noma wohlala khona ukuveza ubufakazi bokuthi akusiye.

12A.3 Umnikazi noma ohlala khona ophazamisa noma ozixhumela ngokwakhe ezintweni zikaMasipala uyokwethweswa icala lokwephula umthetho abhekane nenhlawulo noma aboshwe isikhathi esingeqile onyakeni owodwa kumbe kwenzeke kokubili ukuboshwa nokukhokhiswa inhlawulo.

12A.4 Lapho umuntu elahlwe yicala lokwephula isigaba 12A.1, ngale kokumhlawulisa noma ukumgquma ejele njengokugunyazwa ngumthetho, inkantolo ingamkhokhisa noma malini esilele kanye nenzalo nezindleko zokuphatha ezizonqunywa nguMkhandlu, ngosuku olukhonjwe emyalelweni kumbe lungakashayi.

Lezi zichibiyelo emithethweni kaMasipala ziyiqala ukusebenza kusukela ngosuku lokuqala enyangeni elandela leyo okushicilelwe ngayo lesi saziso.

ADVERTISEMENTS—ADVERTENSIES—ISIKHANGISO

**NOTICE IN TERMS OF REGULATION 21 (6) & 21 (10)
OF THE DEVELOPMENT FACILITATION ACT No. 67 / 1995**

NTOKOZWENI DEVELOPERS CC - No. CK 1987 / 009836 / 23, c/o D.E.K. Simpson, P.O. Box 38, Ladysmith, 3370, has lodged an application for a land development area in terms of the Development Facilitation Act No. 67 / 1995, in respect of land described as -

REMAINDER OF ERF 4271 LADYSMITH
EMNAMBITHI / LADYSMITH MUNICIPALITY
PROVINCE OF KWAZULU - NATAL

and consists of the establishment of a residential development, comprising 214 Special Residential erven, 4 General Residential erven, 1 Institutional erf (worship), parks and roads, within the northern residential area of Ladysmith between Lynwood and Observation Hill, which is to be known as Observation Park.

The application will be considered at a Tribunal hearing to be held at the Emnambithi Council Chambers at the Ladysmith Town Hall, Murchison Street, Ladysmith, on 12 November 2010, at 10 : 00 and the Prehearing Conference will be held at the same venue, on 17 September 2010, at 10 : 00.

Any person having an interest in the application is hereby informed that they may attend an inspection in loco of the land development area which will be conducted by the Tribunal on 11 November 2010 at 14 : 00.

Please note that in terms of the Development Facilitation Act No. 67 / 1995 -

1. You may within 21 days from 20 August 2010, provide the designated officer with written representations in support of the application, or any other written representations you wish to make not amounting to an objection, in which case you are not required to attend the tribunal hearing ; or
2. If your comments constitute an objection to any aspect of the land development application, you or your representative must appear in person before the tribunal on the date mentioned above, or on any other date of which you may be given notice.

Any written representation or objection must state the name and address of the person or body making the objection or representation, the interest that such person or body has in the matter, and the reasons for the objection or representation, and must be delivered to the designated officer at the address set out below within the said period of 21 days.

The relevant plans, documents and information are available for inspection at the office of the Designated Officer, for a period of 21 days from 20 August 2010.

The address, telephone and fax of the Designated Officer, (Ms. N. Msomi), is -

ADDRESS : c/o Emnambithi / Ladysmith Municipality, P. O. Box 3978, Ladysmith, 3370.
TELEPHONE : 036 - 637 2090 FAX : 036 - 637 2092

**ISAZISO SOMTHETHO 21 (16) & 21(10) OKUTHUTHUKISWA KOMHLABA ISIGABA
NO.67/1995**

INTOKOZWENI DEVELOPERS CC – CK 1987 / 009836 / 23, c/o D.E.K. Simpson, P.O. Box 38, Ladysmith, 3370, ifake isicelo sokuthuthukisa umhlaba

Umsilela wesiza 4271 ngaphansi KUKAMASIPALA WASEMNAMBITHI ESIFUNDAZWENI
SAKWAZULU NATALI

Isicelo siqukethe ukusungulwa kwentuthuko ezizeni zekhethele ezibalelwa emakhulwini amabili neshumi nane (214), iziza ezine (4) zokwakha imizi, isiza esisodwa (1) sendlu yokukhonzela, amapaki nemigwaqo enyakatho nedolobha laseMnambithi phakathi kwe Lynwood ne Observation Hill, osekuzokwaziwa njenge Observation Park.

Isicelo sizobuyekezwa ikomidi lomthetho emhlanganweni ozoba ezindlini zomhlangano wamakhansela ehholo ledobha laseMnambithi, emgwaqeni uMurchison khona eMnambithi mhla ziyishumi nambili enyangeni kaLwezi (12 November 2010) ngehora leshumi ekuseni eyobe yandulelwa ingqungquthela yokubuyekezwa kwemibono ezobanjelwa kulo ihholo ledolobha lase Mnambithi mhla ziyishumi nesikhombisa ku Mandulo kuwolonyaka (17 September 2010) ngehora leshumi ekuseni (10am)

Abanesifiso sokufaka izicelo zokuthuthukisa lendawo bayaziswa ngomhlangano wokuhlola umhlaba ozobe uholwa ikomidi lomthetho mhla ziyishumi nanye kuLwezi (11 November 2010) ngehora lesibili ntambama (14:00)

Qaphela okulandelayo ngokwemigomo yokuthuthukiswa komhlaba Isigaba No. 67/1995

1. Ezinsukwini ezingamashumi amabili nanye kusuka mhla zi ngamashumi amabili ku Ncwaba (20 August 2010) wamkelekile ukufaka imibono esekela isicelo uma uphikisana nalentuthuko uyacelwa ukuba awuvunyelwe ukuthamela lomhlangano.
2. Uma izikhalo zakho ziphikisa noma iyiphi imigomo ebekiwe yezentuthuko yomhlaba, wean noma ozokumela ningafika ukuzozwakalisa izikhalo zenu ngaphambi kosuku olubekwe ngenhla lomhlangano wekomidi lomthetho olwengamele udaba olungenhla noma olunye usuku enozo kwaziswa lona.

Kunoma yiliphi uhlobo lwezikhalo noma imibono makubhalwe ngokucacile igama nekheli lomuntu noma inhlangano efaka isikhalo noma imibono, isizathu somuntu noma inhlangano enaso mayelana naloludaba, esisekelayo noma esiphikisayo singathunyelwa esikulwini esiphathelene naloludaba ekhelini elingezansi, kungakapheli izinsuku zingamashumi amabili nanye.

Imininingwane namapulani, imiqingo kanye nolwazi okuphathelene naloludaba kuyatholakala ehhovisi eliqondene lesikhulu esiphathelene naloludaba ezinsukwini ezingamashumi amabili nanye kusuka mhla zingamashumi amabili ku Ncwaba (20 August 2010)

Ikheli Inombolo yocingo kanye neyesikhahlamezi yesikhulu esiphathelene naloludaba – Isikhulu (Ms N Msomi)

**Ikheli: c/o Emnambithi / Ladysmith Municipality, P. O. Box 3978, Ladysmith, 3370.
Inombolo Yocingo: 036-637 2090 Inombolo Yesikhahlamezi: 036-637 2092**

**PUBLIC NOTICE IN TERMS OF REGULATION 21(10) OF THE
DEVELOPMENT FACILITATION REGULATIONS IN TERMS OF
THE DEVELOPMENT FACILITATION ACT, NO. 67 OF 1995**

SSI Engineers and Environmental Consultants(Pty) Ltd acting on behalf of Mystic Blue Trading 89 (Pty) Limited, being the lessees and prospective developer of the Land Development Area, from the Emnambithi/Ladysmith Municipality who are the registered landowner, has lodged an application in terms of the Development Facilitation Act for the establishment of a land development area on the following Erven of Ladysmith:

1733	Portion/6927	3188	3192	3196	3200	3206	3213
Portion/Rem/1	Portion/12945	3189	3193	3197	3201	3207	3214
Portion/1/2434	Portion/13738	3190	3194	3198	3202	3211	3215
Portion/13740	Portion/Rem/243 4	3191	3195	3199	3205	3212	3216

This development is to be known as the Ladysmith Mall comprising 58 000m² of retail space.

The relevant plans, documents and information in respect of both of the foregoing applications are available for inspection at the offices of the Emnambithi/Ladysmith Municipality, Ladysmith, for a period of 21 days from **27 August 2010**.

The application will be considered at Tribunal hearing to be held at the Council Chamber, Emnambithi/Ladysmith Municipality, 221 Murchison Street, Ladysmith, on **26 October 2010** at **10:00am**, and the pre-hearing conference, also to be held at the Emnambithi/Ladysmith Municipality Council Chamber, 221 Murchison Street, Ladysmith on **17 September 2010**, at **11:30am**.

Any person having an interest in the application should please note:

1. You may within a period of 21 days from the date of the first publication of this notice, provide the Designated Officer with your written objections or representations; and
2. If your comments constitute an objection to any aspect of the land development application, you must appear in person or through a representative before the Tribunal on the date mentioned above.

All interested and affected parties are hereby informed that they may attend the inspection *in loco* in relation to the land development area, which will be conducted by the Tribunal on **25 October 2010** at **14:00pm**.

Any written objection or representation must be delivered to the Designated Officer at Emnambithi/Ladysmith Municipality, P O Box 3978, Ladysmith, 3370 and you may contact the Designated Officer if you have any queries on telephone no. 036 – 637 2090, fax no. 036 – 637 2092 and email: npsomi@ladysmith.co.za

**ISAZISO SOMPHAKATHI MALUNGANA NISIGABA
SOMTHETHO 21(6) NEMIGOMO YOKUKHUTHAZA
INTUTHUKO NGOKULANDELA UMTHETHO WOKUKHUTHAZA INTUTHUKO KA 1995 UMTHETHO KA
67 KA 1995**

ISAZISO SOKUFAKA ISICELO SOKUTHUTHUKISWA KOMHLABA

USSI Engineers and Environmental Consultants (Pty) Ltd omele amalunga eMystic Blue Trading 89 (Pty) Limited abangabaqashi nabathuthukisi bomhlaba bakusasa, boMkhandlu waseMnambithi ongumnini mhlaba osemthethweni, bafake isicelo ngaphansi komthetho wokukhuthaza intuthuko ukuze kuqale ukuthuthukiswa komhlaba kuleziziqephu zendawo ezilandelayo eMnambithi.

Isicelo	Isicelo	3188	3192	3196	3200	3206	3213
1733	Portion/6927	3188	3192	3196	3200	3206	3213
Portion/Rem/1	Portion/12945	3189	3193	3197	3201	3207	3214
Portion/1/2434	Portion/13738	3190	3194	3198	3202	3211	3215
Portion/13740	Portion/Rem/2434	3191	3195	3199	3205	3212	3216

Le ntuthuko izokwaziwa njenge Ladysmith Mall enendawo engango 58 000m² yokudayisa.

Imidwebo, amabhuku nolwazi oluqondile mayelana nezicelo ezedlule ziyatholakala ukuba zibonwe emahhovisini omkhandlu waseMnambithi, eMnambithi, isikhathi esiyizinsuku ezingama-21 ukusuka komhla zingama **27 August 2010**.

Isicelo sizobhekwa kabanzi yikomiti elisemthethweni eliyohlala ezindlini zomkhandlu waseMnambithi, ku-221 Murchison Street, eMnambithi ngomhla zingama **26 October 2010** ngo **10:00am**, umhlangano wezethulo nawo uyoBanjwa ezindlini zomkhandlu waseMnambithi, ku-221 Murchison Street, eMnambithi ngomhla ziyi **17 September 2010** ngo **11:30am**.

Noma ngubani othintekayo kulesisicelo akaqaphele lokhu okulandelayo

1. Ungakwazi ukwenza izithulo nezikhalazo kwisisebenzi esiqokiwe zingakapheli izinsuku ezingama – 21 ukusuka osukwini lokumenyezela kwalesisaziso.
2. Uma izikhalo kaye nokuphawula kwakho kukhombisa ukungahambisani nanoma iyiphi ingxenye yalesisicelo sokuthuthukiswa komhlaba, kumele wena noma lowo okumele afike kwikomiti elisemthethweni ngosuku olushiwo ngenhla.

Bonke abantintekayo bayaziswa ukuthi bavumelekile ukuba khona ekuhlolweni ekuzoba khona kokuthuthukiswa komhlaba okuzokwenziwa yinkundla mhlaka **25 October 2010** ngo **14:00pm**.

Noma yisiphi isikhalo esibhaliwe kumele sithunyelwe kwisiphathimandla esiqokiwe somkhandlu waseMnambithi, P O Box 3978, Ladysmith, 3370 noma uthintane nesiphathimandla uma unemibuzo kulenombolo yocingo 036 637 2090, nenombolo yesi-khahlamezi mazwi 036 637 2092 noma yi-email: npmsomi@ladysmith.co.za

