



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)*

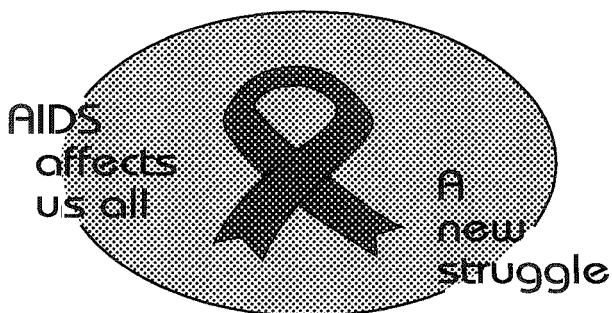
**Vol. 4**

**PIETERMARITZBURG,**

4 NOVEMBER 2010  
4 KULWEZI 2010

**No. 518**

**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**



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**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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**IMIKHANGISO**

Ezingxubevange (bheka uhlu oluseceleni, ekhasini 38)

# 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—IZAZISO ZESIFUNDAZWE**

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The following notices are published for general information.

Onderstaande kennisgewings word vir algemene inligting gepubliseer.

300 Langalibalele Street  
Pietermaritzburg  
30 September 2010

MR R. GOVENDER  
Acting Director-General

MNR. R. GOVENDER  
Waarnemende Direkteur-generaal

Langalibalelestraat 300  
Pietermaritzburg  
30 September 2010

Izaziso ezilandelayo zikhishelwe ulwazi lukawonkewonke.

300 Langalibalele Street  
Pietermaritzburg  
30 kuMandulo 2010

MNU. R. GOVENDER  
iBamba loMqondisi-Jikelele

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**No. 196****4 November 2010****KWADUKUZA MUNICIPALITY****KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, 2006: DELEGATIONS, KWADUKUZA MUNICIPALITY**

The KwaDukuza Municipality adopted the delegations set out in the Schedule to this notice in terms of section 156(1) of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008).

Adopted by KwaDukuza Municipality on 1 September 2010 by EXCO and confirmed, Vide Council Resolution C 1016 by Council on 29 September 2010.

**MR MOS Zungu**, Municipal Manager: KwaDukuza Municipality

**SCHEDULE****KEY TO DELEGATIONS OF POWER**

<b>DESCRIPTION</b>	<b>ABBREVIATION</b>
KwaDukuza Municipal Council	KDMC
Executive Committee of KwaDukuza Municipal Council	EXCO
Municipal Manager	MM
Executive Director: Economic Development and Planning	ED:EDP
Director: Development and Planning	D:DP
Deputy Director: Development Control	DD:DC
Deputy Director: Building Control	DD:BC
Chief Financial Officer	CFO
Traffic Officer	TO
Registered Planner	RP
Senior Town Planner	STP
Planning Admin Assistant	PAA
Applicant	APP
Chief Fire Officer	FO
Building & Drainage Inspector	BI
Town Planning Technician / Town Planner	TT
Director: Admin and Legal	D:AL
Information Officer	IO

DESCRIPTION	ABBREVIATION
Executive Director: Technical Services	ED:TS

## 1. DEFINITIONS

In this code of delegations, any word or expression which is defined in any law mentioned in paragraph 2(1) hereof shall have the meaning that is assigned to it in terms of that law; provided that if the meaning assigned to a word or expression in terms of the KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008) ("the PDA") is in conflict with the meaning assigned to the same word or expression in terms of any other law mentioned in paragraph 2(1) the meaning in the PDA shall prevail.

**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 purpose of this Code of Delegations is to delegate any power conferred upon the KwaDukuza Municipality ("the Municipality") in terms of any law mentioned in paragraph 2(1) hereof to any official or structure of the Municipality, including the following powers that 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).
- (e) The Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

(2) The following decisions have been entrusted upon the **KwaDukuza Municipality**:

- (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 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
- (d) To initiate proposals on behalf of the Municipality
- (e) To receive and administer applications
- (f) 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
- (g) To approve, with or without alterations, or to refuse the adoption or replacement of a scheme
- (h) To approve, with or without alterations, or to refuse a proposal or an application
- (i) To correcting an error in the wording of the Municipality's decision on a proposal or an application
- (j) To Informing persons who have commented on a proposal or an application of Municipality's decision
- (k) 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
- (l) To issue certificates of compliance with conditions of approval
- (m) To receive certified copies of the approved diagrams or general plan
- (n) 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
- (o) To give an applicant a specified amount of time to complete a development
- (p) To withdraw a notice giving an applicant a specified amount of time to complete a development
- (q) 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)
- (r) To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan
- (s) To initiate an application for the permanent closure of municipal roads or public places
- (t) To receive and administer an application for the permanent closure of municipal roads or public places
- (u) To approve, with or without alterations, or to refuse the permanent closure of municipal roads or public places
- (v) 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
- (w) 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
- (x) To issue and withdraw contravention notices and to consider comments lodged in response to a contravention notice
- (y) To serve contravention notices on persons suspected of certain offences
- (z) To consider comments lodged in response to a contravention notice
- (aa) To issue a prohibition order
- (bb) To serve a prohibition order
- (cc) 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

- (dd) To display order on site
- (ee) To take action where irreparable harm will be caused by an illegal development: See delegation 25
- (ff) To serve urgent prevention orders issued by the High Court and to display orders on site
- (gg) To apply to the High Court for the withdrawal of an urgent prevention order
- (hh) To serve a notice to the person on whom the urgent prevention order was served, if the order is withdrawn
- (ii) To receive and administer subsequent applications for authorisation
- (jj) To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties
- (kk) To carry out site inspections for enforcement purposes
- (ll) To issue a certificate stating that a person has been designated as a town planning inspector
- (mm) To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes
- (nn) To authorise an application to court for the demolition, removal or alteration of buildings, structures or works, or for rehabilitation of land
- (oo) To receive, administer and negotiate applications for compensation
- (pp) To consider applications for compensation
- (qq) To agree on the amount of compensation
- (rr) To receive memoranda of appeals
- (ss) To lodge a responding memorandum
- (tt) To withdraw a responding memorandum
- (uu) To represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal site visit
- (vv) To represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
- (ww) To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
- (xx) To decide the manner in which the Municipality must be notified of the decision of the Kwazulu-Natal Planning and Development Appeal Tribunal
- (yy) To receive an affidavit from an applicant for the late lodging of an appeal
- (zz) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
- (aaa) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
- (bbb) To receive notice of the ruling in relation to the late lodging of an appeal
- (ccc) To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
- (ddd) To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
- (eee) To delegate, amend or revoke any power conferred on the Municipality in terms of the Act to any official employed by it
- (fff) Placing of notices in the Gazette
- (ggg) To enter into agency agreements for performance of functions
- (hhh) To maintain access to information

- (iii) To serve and require documents
- (jjj) To give public notice
- (kkk) 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
- (III) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
- (mmm) To request an amendment of an application prior to approval
- (nnn) To decide whether a site inspection is necessary in liaison with the relevant Ward Councillor
- (ooo) To represent Council during a site visit or public hearing
- (ppp) To decide whether a public hearing is necessary in liaison with the relevant Ward Councillor
- (qqq) To amend proposals for council-owned land prior to approval by the Municipality
- (rrr) To reply to a person who submitted comments on an application
- (sss) To grant or refuse special consent applications
- (ttt) 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
- (uuu) 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
- (vvv) 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
- (www) 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
- (xxx) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
- (yyy) To consent to the alteration, amendment, partial cancellation or total cancellation of a general plan
- (zzz) 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

# KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, 2008

## (ACT 6 OF 2008)

### PART 1

**September 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	<b>Section 4(1):</b> To adopt a scheme or schemes for its whole area of jurisdiction..	<b>Note:</b> - Within 5 years from the commencement of the Act as required in terms of section 4(1)	KDMC  Not delegated, it has to be KDMC
2	<b>Section 4(2):</b> To apply to the Member of the Executive Council for an extension of the period in which to adopt a scheme or schemes for its whole area of jurisdiction.	<b>Note:</b> - Accompanied by a written motivation and a request specifying the amount of additional time required in terms of section 4(3)	EXCO D: DP
3	<b>Section 7:</b> To review schemes within six months after Council adopted an Integrated Development Plan for its elected term.		EXCO D: DP DD:DC STP
4	<b>Section 8:</b> To compile and maintain an up-to-date version of the Scheme and make it available for inspection and copying at all reasonable times by any person		D:DP STP DD:DC

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
5	<b>Section 9(1), 22(1), 39(1), 51(1), 61(1) and 95(2):</b> To initiate proposals on behalf of the Municipality	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Proposals to: <ul style="list-style-type: none"> <li>• Adopt or replace a scheme</li> <li>• Amend a scheme</li> <li>• Consent in terms of a scheme</li> <li>• Subdivide and consolidate land</li> <li>• Develop land situated outside the area of a scheme</li> <li>• Phase or cancel an approved layout</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> </li> <li>- 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</li> <li>- Process in accordance with Part 2 of Schedule 1, except for the phasing or cancellation of an approved layout</li> <li>- Process for the phasing or cancellation of an approved layout in accordance with section 52</li> <li>- Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3)</li> <li>- Right to amend a proposal after notice has been given thereof in terms of Schedule 1 item 17(1)</li> <li>- Right to amend scheme to avoid having to pay compensation in section 95(2)</li> </ul>	KDMC EXCO ED: EDP D:DP DD:DC STP
6	<b>Sections 9(2), 22(2), 39(2), 51(2) and 61(2):</b> To receive and administer applications	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Applications to: <ul style="list-style-type: none"> <li>• Amend a scheme</li> <li>• For consent in terms of the Scheme</li> <li>• Subdivide and consolidate land</li> <li>• Develop land situated outside the area of a scheme</li> <li>• Phase or cancel an approved layout</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> </li> <li>- Process in accordance with Part 1 of Schedule 1, except for the phasing or cancellation of an approved layout</li> <li>- Process for the phasing or cancellation of an approved layout in accordance with section 52</li> <li>- Status of legal successor-in-title in accordance with section 9(3)</li> <li>- Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3)</li> </ul>	D:DP DD:DC STP PAA
7	<b>Sections 11(a) &amp; (b), 24(a) &amp; (b), 41(a) &amp; (b), 53(a) &amp; (b), and 63(a) &amp; (b):</b> To evaluate and make recommendations on proposals or applications in terms of the Act, and to issue certificates confirming that the proposals or applications comply with the Act	<b>Note:</b> <ul style="list-style-type: none"> <li>- Matters relevant in determining the merits of proposals or applications are contained in sections 12, <u>12A</u>, 25, 42, 54, and 64 and has to be taken into account by the relevant RP when evaluating an application and when issuing a certificate of compliance</li> </ul> <b>Control measure:</b> <ul style="list-style-type: none"> <li>- Not delegated. Act reserves these functions for RP</li> </ul>	RP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
8	<b>Section 13(6), 26(6), 43(6), 55(4), 65(5), 74(5):</b> For correcting an error in the wording of the Municipality's decision on a proposal or an application	<b>Note:</b> The correction may not constitute a change in its decision or an alteration, suspension or deletion of a condition of its approval	KDMC EXCO  D:DP DD:DC
9	<b>Sections 11(a) &amp; (b), 24(a) &amp; (b), 41(a) &amp; (b), 53(a) &amp; (b), and 63(a) &amp; (b):</b> To evaluate, make recommendations on proposals or applications and to consider merits of applications in terms of the Act, and based on the certificate issued by a RP confirming that the proposals or applications comply with the Act	<b>Note:</b> - Matters relevant in determining the merits of proposals or applications are contained in sections 12, <u>12A</u> , 25, 42, 54, and 64 and has to be taken into account by the relevant decision – maker when taking a decision in the matter	KDMC EXCO MM ED:EDP D:DP DD:DC STP RP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
10	<p><b>Section 13(1), 26(1), 43(1), 55(1) and 65(1):</b> To approve, with or without alterations, or to refuse a proposal or an application</p> <p>Read with <b>Schedule 1 item 5(1A), 5(1B), 5(1C), 5(1D)</b>. Refers to applications for which exemption to give public notice has been granted</p>	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>- Applications to: <ul style="list-style-type: none"> <li>• Amend a scheme</li> <li>• Consent in terms of a scheme</li> <li>• Subdivide and consolidate land</li> <li>• Develop land situated outside the area of a scheme</li> <li>• Phase or cancel an approved layout</li> <li>• Alter, suspend or delete a restriction relating to land</li> </ul> </li> <li>- Decision must be informed by a registered planner or on advice of a registered planner in accordance with section 11(a), 24(a), 41(a), 53(a) and 63(a) and must be informed by the certificate signed by a registered planner in accordance with section 11(b), 24(b), 41(b), 53(b) and 63(b)</li> <li>- Decision to: <ul style="list-style-type: none"> <li>• Amend a scheme</li> <li>• Consent in terms of a scheme</li> <li>• Subdivide and consolidate land</li> <li>• Develop land situated outside the area of a scheme</li> <li>• Alter, suspend or delete a restriction relating to land may not be in conflict with provincial planning and development norms, the DFA Principles and standards or the municipality's IDP as per section 13(2), 26(2), 43(2), 65(2) and 161(1)</li> </ul> </li> <li>- Decision to: <ul style="list-style-type: none"> <li>• Subdivide and consolidate land</li> <li>• Alter, suspend or delete a restriction relating to land may not be in conflict with scheme as per section 26(2) and 65(2)</li> </ul> </li> <li>- Timeframes in accordance with items 12 and 21 of Schedule 1</li> <li>- KwaDukuza Municipality may impose conditions in accordance with section 13(4), 26(3) and (4), 43(3) and (4), 55(2) and 65(3)</li> <li>- Reasons for decision must comply with section 13(5), 26(5), 43(5), 55(3) and 65(4)</li> <li>- Effective date of decision as per section 16, 29, 46, 58 and 68</li> <li>- Section 59(1) &amp; (2) relating to the legal effect of approval of phasing or cancellation of approved layout plans (including transfer of land and ownership)</li> <li>- May not suspend or remove a mineral right registered against the title of any land in accordance with section 60(3)</li> </ul>	<p>KDMC EXCO ED:EDP D:DP DD:DC</p> <p><b>Control Measure:</b> <b>1. RE: Consent in terms of a Scheme</b> - Where no objections received and favourable RP Certificate of Compliance and RP recommendation received THEN delegation rests with officials to approve application - Where objections received or unfavourable RP Certificate of Compliance and or recommendation received then EXCO or KDM to resolve on the matter <b>2. RE: Subdivision of land with less than 30 sites and consolidation of land within scheme</b> - Where no objections received and favourable RP Certificate of Compliance and RP recommendation received THEN delegation rests with officials to approve application - Where objections received or unfavourable RP Certificate of Compliance and or recommendation received then EXCO or KDM to resolve on the matter <b>3. All other applications</b> - EXCO or KDM to resolve</p>

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
10a	<b>Section 13(1):</b> To adopt or replace a scheme	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Applications to: <ul style="list-style-type: none"> <li>• Adopt- or replace a scheme (section 13(1)) may not be delegated by KDMC, not even to EXCO. A future amendment of the PDA, 2008 is envisaged that will allow the power to adopt or replace a scheme to be delegated to EXCO</li> </ul> </li> <li>- Decision must be informed by a registered planner or on advice of a registered and must be informed by the certificate signed by a registered planner in accordance with section</li> <li>- Decision to: <ul style="list-style-type: none"> <li>• Adopt- or replace a scheme may not be in conflict with provincial planning and development norms, the DFA Principles and standards or the municipality's IDP as per section 13(2)</li> </ul> </li> <li>- KwaDukuza Municipality may impose conditions in accordance with section 13(4)</li> <li>- Reasons for decision must comply with sections 12 &amp; 13(5)</li> <li>- Effective date of decision as per section 16</li> <li>- The power to perform the duties as set out in section 14 shall rest with the Municipal Manager, ED:EDP, D:DP and DD:DP</li> </ul>	<p>KDMC</p> <p>Not delegated, it has to be KDMC</p>
11	<b>Section 14(1), 27(1), 44(1), 56(1), 66(1):</b> To Inform persons who have commented on a proposal or an application of Municipality's decision	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4)</li> <li>- Serving of notices must comply with section 158</li> </ul>	<p>D:DP</p> <p>DD:DC</p> <p>STP</p>
12	<b>Section 14(5), 27(5), 44(5), 56(5), 66(5):</b> To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4)</li> <li>- Serving of notices must comply with section 158</li> </ul>	<p>MM</p> <p>ED:EDP</p> <p>D:DP</p> <p>DD:DC</p> <p>STP</p>
13	<b>Section 16B and 16C:</b> Initiation of cancellation by Municipality of consent in terms of scheme if rights have not been fully exercised or exercised at all	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Notices and procedures must comply with section 16B(1)(i) &amp; (ii), 16B(2) - (4), 16C(8) - (10)</li> <li>- Before considering an application for the cancellation of its consent in terms of a scheme the evaluation and recommendation of a RP shall be obtained in accordance with section 16C(5) and consideration shall be given to items in section 16C(4) &amp; (6)</li> <li>- Timeframes in accordance with section 16A, 16B(2) - (4), 16C(7)</li> </ul>	<p>KDMC</p> <p>EXCO</p> <p>MM</p> <p>ED:EDP</p> <p>D:DP</p> <p>DD:DC</p> <p>STP</p> <p>RP</p>
<b>Section 22(1):</b> See delegation 5			
<b>Section 22(2):</b> See delegation 6			
<b>Section 26(1):</b> See delegation 10			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
<b>Section 26(6):</b> See delegation 8			
<b>Section 27(1):</b> See delegation 11			
<b>Section 27(5):</b> See delegation 12			
14	<b>Sections 31(1), 31(3), 31(5), 34(2), 48(1), 48(3), and 48(5):</b> To issue certificates of compliance with conditions of approval	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Referring to conditions imposed in accordance with sections 26(3), 26(4), 43(4) and 65(3);</li> <li>- Provisions of section 31(4), 31(5) and 48(4) relating to transfer of land and occupation of a building/structure</li> </ul> <b>Control:</b> <ul style="list-style-type: none"> <li>- Referring to conditions imposed in a Services Agreement between the Municipality and an applicant / developer</li> </ul>	KDMC EXCO MM ED:EDP D:DP DD:DC ED:TS CFO
15	<b>Section 32(1)(b):</b> To receive certified copies of the approved diagrams or general plan	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Timeframes in accordance with provisions of section 32(1)(b) and 32(2)</li> </ul>	D:DP DD:DC STP PAA
16	<b>Sections 33(1), 35 and 70:</b> To lodge plans and documents with the Surveyor General's and Deeds Offices in cases where land is subdivided or consolidated, or where application is made for the alteration, suspension or deletion of restriction relating to land by the Municipality	<b>Note:</b> <ul style="list-style-type: none"> <li>- Section 33(2) and 37(2) relating to lapsing of approval.</li> </ul>	D:DP DD:DC STP
17	<b>Section 37(3), 37(4), 49(1) and 49(2):</b> To give an applicant a specified amount of time to complete a development and to withdraw a notice giving an applicant a specified amount of time to complete a development	<b>Notes:</b> <ul style="list-style-type: none"> <li>- 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</li> <li>- Notices must comply with section 37(3) or 49(1)</li> <li>- Serving of notices must comply with section 158</li> </ul>	KDMC EXCO MM ED:EDP D:DP DD:DC D:AL
18	<b>Section 37(5) and 49(3):</b> To initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled in accordance with sections 37(3) and 49(1)		KDMC EXCO MM ED:EDP D:DP DD:DC D:AL
<b>Section 39(1):</b> See delegation 5			
<b>Section 39(2):</b> See delegation 6			
<b>Section 43(1):</b> See delegation 10			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<b>Section 43(6):</b> See delegation 8		
	<b>Section 44(1):</b> See delegation 11		
	<b>Section 44(5):</b> See delegation 12		
	<b>Section 48(1):</b> See delegation 14		
	<b>Section 48(3):</b> See delegation 14		
	<b>Section 48(5):</b> See delegation 14		
	<b>Section 49(1):</b> See delegation 17		
	<b>Section 49(2):</b> See delegation 17		
	<b>Section 49(3):</b> See delegation 18		
	<b>Section 51(1):</b> See delegation 5		
	<b>Section 51(2):</b> See delegation 6		
19	<b>Section 52(2):</b> To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan	<b>Note:</b> - Notice must comply with section 52(3)-(4)	D:DP DD:DC STP RP
	<b>Section 55(1):</b> See delegation 10		
	<b>Section 55(4):</b> See delegation 8		
	<b>Section 56(1):</b> See delegation 11		
	<b>Section 56(5):</b> See delegation 12		
	<b>Section 61(1):</b> See delegation 5		
	<b>Section 61(2):</b> See delegation 6		
	<b>Section 65(1):</b> See delegation 10		
	<b>Section 65(5):</b> See delegation 8		
	<b>Section 66(1):</b> See delegation 11		
	<b>Section 66(5):</b> See delegation 12		
	<b>Section 70:</b> See delegation 16		

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
20	<b>Section 71(1):</b> To initiate an application for the permanent closure of municipal roads or public places	<b>Control measure:</b> <ul style="list-style-type: none"> <li>- Not delegated as yet. 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.</li> <li>- Delegations will come into effect on date when Amendment Act comes into effect.</li> </ul>	KDMC EXCO MM ED:EDP D:DP DD:DC D:AL
21	<b>Section 71(2):</b> To receive and administer an application for the permanent closure of municipal roads or public places	<b>Control measure:</b> <ul style="list-style-type: none"> <li>- 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</li> <li>- Delegations will come into effect on date when Amendment Act comes into effect.</li> </ul>	D:DP DD:DC STP RP PAA
22	<b>Section 71(2)(e):</b> To approve, with or without alterations, or to refuse the permanent closure of municipal roads or public places	<b>Control measure:</b> <ul style="list-style-type: none"> <li>- 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</li> <li>- Delegations will come into effect on date when Amendment Act comes into effect.</li> <li>- Timeframes and notice to interested and affected persons in accordance with provisions in <u>section 74(1), 74A(1) - (5)</u></li> <li>- Decision to:               <ul style="list-style-type: none"> <li>• Approve an application for the permanent closure of a road or public place may not be in conflict with provincial planning and development norms, the scheme, the DFA Principles and Standards or the municipality's IDP as per section 74(2) and 161(1)</li> </ul> </li> <li>- KwaDukuza Municipality may impose conditions in accordance with <u>section 74(3)</u></li> <li>- Reasons for decision must be given in compliance with <u>section 74(4) and 74A(5)</u></li> </ul>	KDMC EXCO MM ED:EDP D:DP DD:DC D:AL
23	<b>Section 72:</b> To evaluate and make recommendations on proposals or applications for the permanent closure of municipal roads and public places, and to issue certificates confirming that the proposals or applications comply with the Act	<b>Control measure:</b> <ul style="list-style-type: none"> <li>- 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</li> <li>- Delegations will come into effect on date when Amendment Act comes into effect.</li> </ul>	ED:EDP D:DP DD:DC STP RP
24	<b>Section 74B:</b> Vesting of ownership of road or public place	<b>Control measure:</b> <ul style="list-style-type: none"> <li>- Ensure compliance with Land Survey Act and Deeds Registration are complied with</li> <li>- Ensure compliance with Municipality Finance Management Act in so far as Municipal Assets are concerned</li> </ul>	KDMC EXCO ED:EDP D:DP D:AL CFO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
25	<b>Section 76(1):</b> To request the court to summarily enquire into and determine the monetary value of any advantage which a person may have gained as a result of an offence		KDMC EXCO MM ED:EDP D:DP D:AL CFO
26	<b>Section 79(1):</b> To issue and withdraw contravention notices and to consider comments lodged in response to a contravention notice	<b>Notes:</b> - Offences listed as per section 75(1), 77(1), 78(1), 90(7) and Schedule 1 item 10(6) - Timeframe & Contents of contravention notices as per section 79(2) and 80	KDMC EXCO MM ED:EDP D:DP DD:DC DD:BC D:AL FO TO FO
27	<b>Section 79(1):</b> To serve contravention notices on persons suspected of certain offences	<b>Note:</b> - Serving of notices must comply with section 158	D:DP DD:DC DD:BC D:AL CFO STP BI & BCO TT TO FO
28	<b>Section 81(1):</b> To consider comments lodged in response to a contravention notice		KDMC EXCO MM ED:EDP D:DP DD:DC DD:BC D:AL CFO TO FO BCO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
29	<b>Section 81(2):</b> To issue a prohibition order	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Offences listed as per section 75(1), 77(1), 78(1), 90(7) and Schedule 1 item 10(6)</li> <li>- Contents of prohibition orders as per section 81(2) and 82</li> <li>- Consider section 81(3)-(5)</li> </ul>	KDMC EXCO MM ED:EDP D:DP DD:DC DD:BC D:AL CFO TO FO BCO
30	<b>Section 81(2)(a):</b> To serve a prohibition order issued	<b>Note:</b> <ul style="list-style-type: none"> <li>- Serving of orders must comply with section 158</li> </ul>	D:DP DD:DC DD:BC D:AL CFO STP BI BCO TT TO FO
31	<b>Section 81(2)(b), 84(1), 84(2), 84(3) and 94:</b> To apply to the High Court for the issuing or withdrawal of an order restraining a person from continuing an illegal activity or for a demolition order	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Consider section 84</li> <li>- Consider section 98</li> <li>- Notices must comply with section 85</li> </ul>	KDMC EXCO MM ED:EDP D:AL D:DP
32	<b>Section 83 and 86:</b> To display order on site		DD:DC D:AL STP DD:BC BCO TT TO FO BI

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	<b>Section 84(1):</b> To take action where irreparable harm will be caused by an illegal development: See delegation 31		KDMC EXCO MM ED:EDP D:DP DD:DC DD:BC BCO D:AL CFO TO FO
33	<b>Section 84(1), 85 &amp; 86:</b> To serve urgent prevention orders issued by the High Court and to display orders on site	<b>Note:</b> - Serving of orders must comply with section 158	DD:DC DD:BC STP BI TT TO FO BCO
34	<b>Section 84(3):</b> To apply to the High Court for the withdrawal of an urgent prevention order		KDMC EXCO MM ED:EDP D:DP D:AL CFO TO FO BCO
35	<b>Section 84(4):</b> To serve a notice to the person on whom the urgent prevention order was served, if the order is withdrawn	<b>Note:</b> - Serving of notices must comply with section 158	D:DP DD:DC DD:BC D:AL CFO STP BI & BCO TT TO FO
	<b>Section 86:</b> See delegation 33		
36	<b>Section 89(2):</b> To receive and administer subsequent applications for authorisation	<b>Note:</b> - Purpose of a subsequent application in terms of section 89(1)	D:DP DD:DC DD:BC STP PAA

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
37	<b>Section 89(3):</b> To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Approvals must include conditions as set out in section 89(3)</li> <li>- KwaDukuza Municipality may impose other conditions in accordance with 89(3)</li> </ul>	KDMC EXCO MM ED:EDP D:DP D:AL CFO TO FO
38	<b>Section 90(1):</b> To carry out site inspections for enforcement purposes	<b>Note:</b> <ul style="list-style-type: none"> <li>- Inspector must adhere to sections 90(1)-(6) and section 92</li> </ul>	KDMC EXCO MM ED:EDP D:DP DD:DC DD:BC D:AL CFO STP BI & BCO TT TO FO
39	<b>Section 90(2):</b> To issue a certificate stating that a person has been designated as a town planning inspector		MM
40	<b>Section 91(1):</b> To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes	<b>Note:</b> <ul style="list-style-type: none"> <li>- Conditions listed in section 91(1) to (3)</li> </ul>	KDMC EXCO MM ED:EDP D:DP D:AL
41	<b>Section 94:</b> To authorise an application to court for the demolition, removal or alteration of buildings, structures or works, or for rehabilitation of land		KDMC EXCO MM ED:EDP D:DP D:AL CFO
42	<b>Section 95(1), 96(1), 97(1), 97A, and 98:</b> To receive, administer and negotiate applications for compensation	<b>Note:</b> Compensation arising from: <ul style="list-style-type: none"> <li>• Adoption or implementation of provisions of schemes</li> <li>• Wrongful and intentional or negligent service of urgent prevention orders</li> <li>• Suspension or removal of restrictions</li> <li>• Closure of road or public place</li> </ul>	KDMC EXCO MM ED:EDP D:DP D:AL CFO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
43	<b>Section 95(1), 95(3), 96(1), 97(1), and 98:</b> To consider applications for compensation	<b>Note:</b> - Compensation arising from: <ul style="list-style-type: none"> <li>• adoption or implementation of provisions of schemes</li> <li>• wrongful and intentional or negligent service of urgent prevention orders</li> <li>• suspension or removal of restrictions</li> </ul> - With reference to section 95(3) ensure that all the requirements as set out in the Land Survey Act and Deeds Registration Act is complied with.	KDMC EXCO MM ED:EDP D:DP D:AL CFO
<b>Section 96(1):</b> See delegations 42 and 43			
<b>Section 97(1):</b> See delegations 42 and 43			
<b>Section 98:</b> See delegations 42 and 43			
44	<b>Section 99(1) and 99(2):</b> To agree on the amount of compensation and in the event that the parties fail to conclude an agreement contemplated in section 99(1), to approach the court to determine the amount thereof	<b>Note:</b> Compensation arising from: arising from: <ul style="list-style-type: none"> <li>• Adoption or implementation of provisions of schemes</li> <li>• Wrongful and intentional or negligent service of urgent prevention orders</li> <li>• Suspension or removal of restrictions</li> <li>• Closure of Road and Public Place by the Municipality</li> </ul>	KDMC EXCO MM ED:EDP D:DP D:AL CFO
44(a)	<b>Section 113(2)(a):</b> To receive memoranda of appeals	<b>Control measure:</b> - Not delegated. Act requires memorandum to be served on the Municipal Manager  <b>Note:</b> - In relation to appeals under section 15, section 28, section 45, section 57, section 67	MM
45	<b>Section 114(1) and (3) and 116(2):</b> To lodge a responding memorandum	<b>Notes:</b> - Contents of a responding memorandum in accordance with section 114(2) - Responding memorandum must be served in accordance with section 114(3)	KDMC EXCO MM ED:EDP D:DP D:AL DD:DC
46	<b>Section 116(2):</b> To withdraw a responding memorandum		KDMC EXCO MM ED:EDP D:DP D:AL DD:DC

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
47	<b>Section 117(2):</b> To represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal site visit	<b>Notes:</b> <ul style="list-style-type: none"> <li>- The KwaDukuza Municipality reserves the right to appoint a TAC (Technical Advisory Committee) to assist it and represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit.</li> <li>- Any party / person who enters upon land or enters a building for the purpose of an inspection has to adhere to the conditions in section 117(7).</li> </ul>	KDMC EXCO MM ED:EDP D:DP D:AL DD:DC CFO
48	<b>Section 118(1) and 120:</b> To request the presiding officer to subpoena any person to attend the proceedings in order to testify, and to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing	<b>Notes:</b> <ul style="list-style-type: none"> <li>- The KwaDukuza Municipality reserves the right to appoint a TAC (Technical Advisory Committee) to assist it and represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit.</li> </ul>	KDMC EXCO MM ED:EDP D:DP D:AL DD:DC CFO
49	<b>Section 120(2)(a):</b> To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing	<b>Notes:</b> <ul style="list-style-type: none"> <li>- The KwaDukuza Municipality reserves the right to appoint a TAC (Technical Advisory Committee) to assist it and represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit.</li> </ul>	KDMC EXCO MM ED:EDP D:DP D:AL
50	<b>Section 123:</b> To decide the manner in which the Municipality must be notified of the decision of the Kwazulu-Natal Planning and Development Appeal Tribunal		KDMC EXCO MM ED:EDP D:DP D:AL
51	<b>Section 125(2)(c)(i):</b> To receive an affidavit from an applicant for the late lodging of an appeal	<b>Control measure:</b> <ul style="list-style-type: none"> <li>- Not delegated. Act requires memorandum to be served on the Municipal Manager</li> </ul>	MM
52	<b>Section 126:</b> To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit	<b>Notes:</b> <ul style="list-style-type: none"> <li>- The KwaDukuza Municipality reserves the right to appoint a TAC (Technical Advisory Committee) to assist it and represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit.</li> </ul>	KDMC EXCO MM ED:EDP D:DP DD:DC D:AL
53	<b>Section 126:</b> To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit	<b>Notes:</b> <ul style="list-style-type: none"> <li>- The KwaDukuza Municipality reserves the right to appoint a TAC (Technical Advisory Committee) to assist it and represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit.</li> </ul>	MM ED:EDP D:DP D:AL

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
54	<b>Section 129:</b> To receive notice of the ruling in relation to the late lodging of an appeal	<b>Control measure:</b> - Not delegated. Act requires memorandum to be served on the Municipal Manager	MM
55	<b>Section 132(3):</b> To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)	<b>Notes:</b> - The KwaDukuza Municipality reserves the right to appoint a TAC (Technical Advisory Committee) to assist it and represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit.	KDMC EXCO MM ED:EDP D:DP D:AL CFO
56	<b>Section 132(3):</b> To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)	<b>Notes:</b> - The KwaDukuza Municipality reserves the right to appoint a TAC (Technical Advisory Committee) to assist it and represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit.	MM ED:EDP D:DP D:AL CFO
56(a)	<b>Section 156(1) and (8):</b> To delegate, amend or revoke any power conferred on the Municipality in terms of the Act to any official employed by it	<b>Notes:</b> - KwaDukuza Municipal Council cannot delegate the power to delegate - KDMC may not delegate the responsibility to adopt or replace a scheme as contemplated in section 13. - Council 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)	KDMC  Not delegated, it has to be KDMC
57	<b>Section 156(7)(b) and 156(9):</b> Placing of notice in the Gazette		MM D:DP D:AL DD:DC
57(a)	<b>Section 157(1):</b> To enter into agency agreements for performance of functions	<b>Control measure:</b> Power not delegated but signatories to the agreement will be inter alia the MM  EXCO will enter into agency agreements, if necessary.  <b>Notes:</b> - After it has applied the criteria contemplated in section 78 of the Municipal Systems Act, 2000 (Act No. 32 of 2000)	KDMC EXCO MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
58	<b>Section 160:</b> To maintain access to information	<b>Notes:</b> Including: <ul style="list-style-type: none"> <li>• Proposals and applications</li> <li>• Comments on proposals and applications</li> <li>• Evaluation by registered planner</li> <li>• Certificate by registered planner that proposal or application complies with the Act</li> <li>• Decision on proposal or application</li> <li>• Enforcement</li> <li>• Appeals</li> <li>• Norms and Standards</li> <li>• Delegations</li> <li>• Agency Agreements</li> </ul>	ED:EDP D:DP DD:DC D:AL IO STP
59	<b>Schedule 1 item 2(1)(a), 3(1), 4(1), 9(1), 10(2), 11(2), 19(1), 20(4):</b> To serve and require documents	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Serving of documents:               <ul style="list-style-type: none"> <li>• Request additional information</li> <li>• Extension of time for additional information</li> <li>• Notice application complete</li> <li>• Copies of comments on proposal or application to applicant</li> <li>• Notice of site inspection</li> <li>• Notice of hearing</li> </ul> </li> <li>- Serving of notices must comply with section 158</li> <li>- Calculation of number of days in accordance with section 159</li> <li>- Notice of a hearing must comply with Schedule 1 item 11(3) and 20(2) and 20(5)</li> <li>- See Part 5 Delegation 1</li> </ul>	EXCO MM ED:EDP D:DP DD:DC STP D:AL
	<b>Schedule 1 item 4(1):</b> See delegation 59		
60	<b>Schedule 1 item 5(1), <u>5(1A)</u>, <u>5(1B)</u>, <u>5(1C)</u>, <u>5(1D)</u>, 6(1), 8(2) and (3), 9(1), 14(1), 15(1) and 17(2) and 17(3):</b> To give notice and to give public notice	<b>Notes:</b> <ul style="list-style-type: none"> <li>- Including:               <ul style="list-style-type: none"> <li>• Site notice</li> <li>• Personal notice</li> <li>• Newspaper notice</li> <li>• Obtaining proof of notice</li> <li>• Notice of amendment to proposal or application</li> </ul> </li> <li>- Notices must comply with Schedule 1 items 5(2)-(3), 6(1), 7(1), 14(2)-(3), 15(3), 16.</li> <li>- Public notice not required in cases listed in terms of section 10(3), 23(2), 62(2). Sections 10(3) and 23(2) will be deleted with coming into effect of First Amendment Act.</li> <li>- Notice not required for applications listed in sections <u>5(1A)</u>, <u>5(1B)</u>, <u>5(1C)</u> and <u>5(1D)</u>.</li> <li>- See Part 5 delegation 1</li> </ul>	MM ED:EDP D:DP DD:DC STP D:AL
<b>Schedule 1 item 6(1):</b> See delegation 60			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
61	<b>Schedule 1 item 6(2)-(3):</b> To agree with a person who has an interest in any specific matter to give notice on behalf of the Municipality and to request proof from that person that public notice has been given as required	<b>Notes:</b> - Refer to KwaDukuza PDA Bylaw and application form in this regard – Form AA and Form A	D:DP DD:DC STP APP
62	<b>Schedule 1 items 6(1A) and 15(1A):</b> To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application	<b>Notes:</b> - The KwaDukuza Municipality reserves the right to appoint a TAC (Technical Advisory Committee) to assist it and represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit.	MM ED:EDP D:DP DD:DC DD:BC STP D:AL
63	<b>Schedule 1 item 8(1)(b):</b> To request an amendment of an application prior to approval		MM ED:EDP D:DP DD:DC STP
<b>Schedule 1 item 8(2) and (3):</b> See delegation 60			
<b>Schedule 1 item 9(1):</b> See delegation 60			
64	<b>Schedule 1 item 10(1):</b> To decide whether a site inspection is necessary in liaison with the relevant Ward Councillor		MM ED:EDP D:DP D:AL
65	<b>Schedule 1 item 10(1) and 11(4):</b> To represent Council during a site visit or public hearing	<b>Note:</b> - Conditions contained in schedule 1 item 10(3)-(5) - The KwaDukuza Municipality reserves the right to appoint a TAC (Technical Advisory Committee) to assist it and represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit.	KDMC EXCO MM ED:EDP D:DP DD:DC DD:BC STP D:AL BCO
<b>Schedule 1 item 10(2):</b> See delegation 60			
66	<b>Schedule 1 item 11(1) and 20(1):</b> To decide whether a public hearing is necessary in liaison with the relevant Ward Councillor		MM ED:EDP D:DP D:AL
<b>Schedule 1 item 11(2):</b> See delegation 66			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
<b>Schedule 1 item 14(1):</b> See delegation 60			
<b>Schedule 1 item 15(1):</b> See delegation 60			
<b>Schedule 1 items 15(1A):</b> See delegation 66			
67	<b>Schedule 1 item 17(1):</b> To amend proposals for council-owned land prior to approval by the Municipality	<b>Note:</b> - Subject to Schedule 1 item 17(2)-(3)	KDMC EXCO ED: EDP D:DP DD:DC STP
<b>Schedule 1 item 17(2):</b> See delegation 60			
<b>Schedule 1 item 17(3):</b> See delegation 60			
68	<b>Schedule 1 item 18:</b> To reply to a person who submitted comments on an application		MM ED: EDP D:DP DD:DC STP D:AL
69	<b>Schedule 1 item 19(1):</b> See delegation 60 for notice of site inspection	<b>Note:</b> - The KwaDukuza Municipality reserves the right to appoint a TAC (Technical Advisory Committee) to assist it and represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit.	KDMC EXCO MM ED:EDP D:DP DD:DC DD:BC STP D:AL
<b>Schedule 1 item 19(1):</b> See delegation 64 for decision to conduct site inspection			
<b>Schedule 1 item 20(1):</b> See delegation 66			
<b>Schedule 1 item 20(4):</b> See delegation 60			

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

**PART 2**

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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	<b>Section 67bis:</b> To grant or refuse special consent applications	<b>Note:</b> Reference is made to section 59 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998)	KDMC EXCO MM ED:EDP D:DP DD:DC

## SUBDIVISION OF AGRICULTURAL LAND ACT (ACT NO. 70 OF 1970)

### PART 3

#### *National legislation*

**Date of commencement: 2 January 1971**

**Note: The provisions of the act have not been assigned to the  
province of KwaZulu-Natal**

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	<b>Section 4(2)(b):</b> To advise the Minister of Agriculture on the subdivision of agricultural land, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	<b>Control measure:</b> Advice must be given by a registered planner or on advice of a registered planner. <b>Note:</b> Reference is made to section 59 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998)	KDMC EXCO MM ED:EDP D:DP DD:DC
2	<b>Section 4(2)(b):</b> To determine conditions subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	<b>Control measure:</b> Decision must be made by a registered planner or on advice of a registered planner. <b>Note:</b> Reference is made to section 59 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998)	KDMC EXCO MM ED:EDP D:DP DD:DC
3	<b>Section 4(3):</b> To enforce a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	<b>Note:</b> Condition imposed in terms of section 4(2)(b) of the Act. <b>Note:</b> Reference is made to section 59 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998)	KDMC EXCO MM ED:EDP D:DP DD:DC STP DD:BC BCO TO D:AL
4	<b>Section 4(4):</b> To vary or withdraw a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	<b>Control measure:</b> Decision must be made by a registered planner or on advice of a registered planner. <b>Note:</b> Condition imposed in terms of section 4(2)(b) of the Act. <b>Note:</b> Reference is made to section 59 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998)	KDMC EXCO MM ED:EDP D:DP DD:DC

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

### PART 4

#### *National legislation*

**Date of commencement: 11 April 1997**

NO	SCOPE	CONTROL MEASURE / NOTE	LEVEL
1	<b>Section 37(2):</b> To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan	<p><b>Notes:</b> Read with section 37(3) of the Act.</p> <p>*Delegation by the Premier.</p> <p><b>Note:</b> Reference is made to section 59 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998)</p>	<p>KDMC EXCO MM ED:EDP D:DP DD:DC STP PAA</p>
2	<b>Section 37(2):</b> To consent to the alteration, amendment, partial cancellation or total cancellation of a general plan	<p><b>Control measure:</b> Decision must be made by a registered planner or on advice of a registered planner.</p> <p><b>Notes:</b> The delegate may impose conditions.</p> <p>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)</p> <p>*Delegation by the Premier.</p> <p><b>Note:</b> Reference is made to section 59 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998)</p>	<p>KDMC EXCO MM ED:EDP D:DP DD:DC</p>
3	<b>Section 37(2):</b> To advise the Surveyor General that the provisions of the laws relating to the permanent closing of any public place or part thereof have been complied with	<p><b>Notes:</b> In relation to the alteration, amendment, partial cancellation or total cancellation of a general plan.</p> <p>Read with section 37(3) of the Act.</p> <p>*Delegation by the Premier.</p> <p><b>Note:</b> Reference is made to section 59 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998)</p>	<p>MM ED:EDP D:DP DD:DC STP D:AL</p>

**KWADUKZUA PLANNING AND DEVELOPMENT ACT BYLAW****PART 5**

***Assigned local municipal legislation***  
***Date of commencement: 1 September 2010***

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	<b>KwaDukuza PDA Bylaw:</b> To prepare , adopt and review the KwaDukuza PDA bylaw and publish same in the Provincial Gazette to give effect to the provisions of the Bylaw	<b>Notes:</b> Read with <u>Section 161(9) and (10)</u>	KDMC EXCO MM ED:EDP D:DP D:AL

No. 197

4 November 2010

**DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****TOWN PLANNING ORDINANCE, 1949: PRIVATE TOWNSHIP: ERVEN 860-911 HOWICK WEST, UMNGENI MUNICIPALITY**

In terms of section 23 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949), I declare Erven 860-911 Howick West (Portion 1 of Erf 842 Howick West), Registration Division-FT, uMngeni Municipality, an approved private township.

**MA DE LANGE**, Acting Deputy Manager: Development Administration

Date: 27 October 2010

File reference: 2008/932

No. 197

4 kuLwezi 2010

**UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU****I-ODINENSI YOKUHLELWA KWAMADOLOBHA, 1949: ILOKISHI ELIZIMELE; IZIZA 860 KUYA KU 911 E-HOWICK WEST, KUMASIPALA WASEMNGENI**

Ngokwesigaba 23 se-Odinensi yokuHlelwa kwamaDolobha, 1949 (i-Odinensi No. 27 ka 1949), ngimemezela iZiza 860 kuya ku 911 e-Howick West (iNgxenywe 1 yeSiza 842 e-Howick West), isiGaba sokuBhaliswa ngu-FT, kuMasipala waseMngeni, njengelokishi elizimele eligunyaziwe.

**MA DE LANGE**, iBamba leSekela-Mphathi wezokuPhathwa kweNtuthuko

Usuku: 27 uMfumfu 2010

Inkomba yefayela: 2008/932

No. 197

4 November 2010

**DEPARTEMENT VAN KOÖPERATIEWE REGERING EN TRADISIONELE SAKE****DORPBEPLANNINGSORDONNANSIE, 1949: PRIVAATDORP; ERWE 860-911 HOWICK WES, UMNGENI MUNISIPALITEIT**

Ingevolge artikel 23 van die Dorpbeplanningsordonnansie, 1949 (Ordonnansie No. 27 van 1949), verklaar ek erwe 860-911 Howick Wes, Registrasie-afdeling FT, uMngeni Munisipaliteit, 'n goedgekeurde privaatdorp.

**ML POVALL**, Bestuurder: Ontwikkelingsadministrasie

Datum: 27 Oktober 2010

Lêerverwysing: 2008/1193

**No. 198****4 November 2010****DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****TOWN PLANNING ORDINANCE, 1949: PRIVATE TOWNSHIP; ERVEN 433-452 PRINCE'S GRANT, KWADUKUZA MUNICIPALITY**

In terms of section 23 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949), I declare Erven 433-452 Prince's Grant (Remainder of Erf 215 Prince's Grant), Registration Division FU, KwaDukuza Municipality, an approved private township.

**ML POVALL**, Manager: Development Administration

Date: 27 October 2010

File Reference: 2008/1193

**No. 198****4 kuLwezi 2010****UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU****I-ODINENSI YOKUHLELWA KWAMADOLOBHA, 1949: ILOKISHI ELIZIMELE; IZIZA 433 KUYA KU 452 E-PRINCE'S GRANT, KUMASIPALA KWADUKUZA**

Ngokwesigaba 23 se-Odinensi yokuHlelwa kwamaDolobha, 1949 (i-Odinensi No. 27 ka 1949), ngimemezela iZiza 433 kuya ku 452 e-Prince's Grant (Insalela yeSiza 215 e-Prince's Grant), isiGaba sokuBhaliswa ngu-FU, kuMasipala waseKwaDukuza, njengelokishi elizimele eligunyaziwe.

**ML POVALL**, uMphathi wezokuPhathwa kweNtuthuko

Usuku: 27 uMfumfu 2010

Inkomba yefayela: 2008/1193

**No. 198****4 November 2010****DEPARTEMENT VAN KOÖPERATIEWE REGERING EN TRADISIONELE SAKE****DORPBEPLANNINGSORDONNANSIE, 1949: PRIVAATDORP; ERWE 433-452 PRINCE'SGRANT, KWADUKUZA MUNISIPALITEIT**

Ingevolge artikel 23 van die Dorpbeplanningsordonnansie, 1949 (Ordonnansie No. 27 van 1949), verklaar ek erwe 433-452 Prince's Grant (Restant van Erf 215 Prince's Grant), Registrasie-afdeling FU, KwaDukuza Munisipaliteit, 'n goedgekeurde privaatdorp.

**ML POVALL**, Bestuurder: Ontwikkelingsadministrasie

Datum: 27 Oktober 2010

Lêerverwysing: 2008/1193

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**ADVERTISEMENTS—IMIKHANGISO**


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**DFA APPLICATION**
**Regulation 21(10) of the Development Facilitation Regulations in terms of the Development Facilitation Act, 1995**

The Fieldsend Trust has lodged an application in terms of the Development Facilitation Act, 1995, for a development on Portion 1, 10 and 15 of the Farm Kort Krans Kloof No 1012, uMshwathi Municipality. The development will consist of Wellness Centre and 21 unit country living estate. The relevant plans, documents and information are available for inspection at the offices of the Designated Officer and at the offices of Peter Jewell Consulting Services, 12 Leonards Road, Hilton (T) 033 3433821, (C) 082 4456446, [p.jewell@mweb.co.za](mailto:p.jewell@mweb.co.za) for a period of 21 days from 4 November 2010.

The application will be considered at a Tribunal hearing to be held at the, uMshwathi Council Chambers, New Hanover on 8 February 2011 at 10h00 and the prehearing conference will be held at the uMshwathi Council Chambers, New Hanover on 23 November 2010 at 10h00. You may attend an inspection in loco of the land development area which will be conducted by the Tribunal on 7 February 2011 at 14h00.

Any person having an interest in the application should please note: 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; or 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 at the prehearing conference, on the date mentioned above. Any written objection or representation must be delivered to the designated officer Mr A Hay, Private Bag X29, Wartburg, 3233, and you may contact the designated officer if you have any queries at the following : (T) : 033 5020282 (F) : 033 5020286

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**DFA APPLICATION**
**[Umthetho 21(10) wemithetho yokuKhuthaza iNtuthuko ngokulandela uMthetho wokuKhuthaza iNtuthuko ka-1995]**

Fieldsend Trust ufake isicelo ngokulandela uMthetho wokuKhuthaza iNtuthuko mayelana nokumiswa kwendawo yokuthuthukiswa on Portion 1, 10 and 15 of the Farm Kort Krans Kloof No 1012, uMshwathi Municipality. Ukuthuthukisa kubabandakanya lokhu okulandelayo: Wellness Centre and 21 unit country living estate. Ipulani (amapulani), incwadi (izincwadi) neminingwane edingekayo ukuze ihlolwe itholakala: the offices of the Designated Officer, futhi Peter Jewell Consulting Services, 12 Leonards Road, Hilton (T) 033 3433821 (C) 082 4456446, [p.jewell@mweb.co.za](mailto:p.jewell@mweb.co.za), isikhathi esiyizinsuku ezingama-21 kusukela 4 November 2010.

Isicelo siyocutshungulwa eNkundleni yokulalela izicelo eyohlala uMshwathi Council Chambers, New Hanover mhla ka 8 February 2011 ngo 10h00 kanti umhlango wokwendulela uyoba uMshwathi Council Chambers, New Hanover mhla ka 23 November 2010 ngo 10h00. Ungaba khona lapho kuhlolwa mathupha indawo ethuthukiswayo okuyokwenziwa yiNkundla yokulalela izicelo mhla ka 7 February 2011 ngo 14h00

Yinoma yimuphi umuntu onentshisekelo mayelana nesicelo kumele aqaphele lokhu: Ezinsukwini ezingu-21 lesi sazizo sokuqala simenyezwe, unganikeza isiphathi-mandla esiqokiwe isikhalo noma umbono wakho obhalwe phansi; noma uma umbono wakho kuyisikhalo esiqondene nokuthile mayelana nesicelo sokuthuthukisa umhlaba, kumele ube khona mathupha noma umelwe ummeli eNkundleni ngosuku olubalulwe ngenhla. Noma yisiphi isikhalo noma umbono obhalwe phansi kumele uthunyelwe kwisiphathi-mandla esiqokiwe Mr A Hay, Private Bag X29, Wartburg, 3233, futhi ungathintana nesiphathi-mandla lapha (T) :033 5020282 (F) :033 5020286



