



KWAZULU-NATAL PROVINCE
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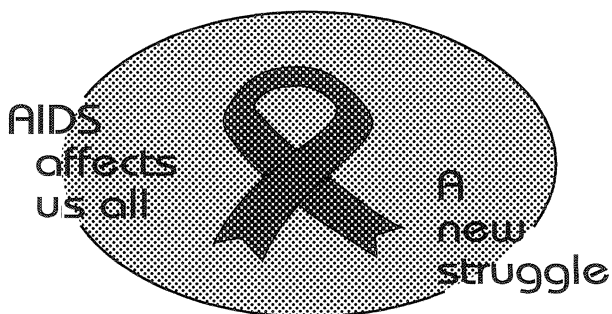
Vol. 5

PIETERMARITZBURG,

2 JUNE 2011
2 JUNIE 2011
2 kuNHLANGULANA 2011

No. 587

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

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MUNICIPAL NOTICE

No. 62**2 June 2011**

**MTHONJANENI MUNICIPALITY :
ADOPTION OF DELEGATED POWERS
IN TERMS OF THE KWAZULU-NATAL
PLANNING & DEVELOPMENT 2008 (ACT 6 OF 2008)**

Notice is hereby given that the Mthonjaneni Municipality has adopted the delegated powers as set out in the schedule attached to this notice in terms of Section 156(1) of KwaZulu-Natal Planning and Development Act 2008 (Act 6 of 2008) read with Section 59 of Local Government : Municipal Systems Act 2000 (Act 32 of 2000)

**F A ELS
MUNICIPAL MANAGER**

Mthonjaneni Municipality
Civic Buildings
Reinhold Street
Melmoth
3835

**DELEGATION OF POWERS
PLANNING DEVELOPMENT ACT**

(APPLICABLE TO MTHONJANENI MUNICIPALITY)

KEY TO DELEGATED OFFICIALS

DESCRIPTION	SYMBOL
Chief Financial Officer	CFO
Chief Planner – Shared Services	CP(DPSS)
Council	COL
Executive Committee	EXCO
Municipal Manager	MM
Town Planner/Development Administrator	TP(DPSS) DA(DPSS)

1. DEFINITIONS

- 1.1 Control Measures :** means a condition of a delegation that is not contained in legislation
- 1.2 Note :** A note alerts the official to whom the power has been delegated to important information contained in legislation. This includes a reference to a related power; criteria that has to be considered when making a decision; persons who have to be consulted before the power can be exercised.
- 1.3 Registered Planner :** means a person registered as a town and regional 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 person for which the work has been reserved.
- 1.4 Area of jurisdiction :** means the area of jurisdiction of the Mthonjaneni Municipality and Council.
- 1.5 The Municipality :** means the Mthonjaneni Municipality.

2. LEGISLATION TO BE TAKEN COGNISANCE OF AND READ IN CONJUNCTION WITH

- | |
|--|
| <p>2.1 The Local Government : Municipal Systems Act 2000 (Act 32 of 2000)</p> <p>2.2 The Local Government Municipal Finance Management 2003 (Act 56 of 2003)</p> <p>2.3 The KwaZulu-Natal Planning & Development Act 2008 (Act 6 of 2008)</p> <p>2.4 Section 67bis of Town Planning Ordinance 27 of 1949</p> <p>2.5 The Subdivision of Agricultural Land Act 1970 (Act 70 of 1970)</p> <p>2.6 The Land Survey Act 1997 (Act 8 of 1997)</p> |
|--|

(1) 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 amend proposals for council-owned land prior to approval by the Municipality
- (bb) To reply to a person who submitted comments on an application
- (cc) To grant or refuse special consent applications
- (dd) 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
- (ee) To consent to the alteration, amendment, partial cancellation or total cancellation of a general plan
- (ff) 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
- (gg) 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
- (hh) 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
- (ii) 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

(2) 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 issue certificates of compliance with conditions of approval
- (f) To receive certified copies of the approved diagrams or general plan
- (g) 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
- (h) To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan
- (i) To issue and withdraw contravention notices
- (j) To serve contravention notices on persons suspected of certain offences

- (k) To consider comments lodged in response to a contravention notice
- (l) To serve a prohibition order
- (m) To display an order on site
- (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 serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
- (p) To receive and administer subsequent applications for authorisation
- (q) To carry out site inspections for enforcement purposes
- (r) To issue a certificate stating that a person has been designated as a town planning inspector
- (s) To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes
- (t) To receive, administer and negotiate applications for compensation
- (u) To lodge a responding memorandum
- (v) To withdraw a responding memorandum
- (w) To represent Council at a KwaZulu-Natal Planning and Development Appeal Tribunal site visit
- (x) To represent Council at a KwaZulu-Natal Planning and Development Appeal Tribunal hearing
- (y) To appoint legal counsel to represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal hearing
- (z) To decide the manner in which the Municipality must be notified of the decision of the KwaZulu-Natal Planning and Development Appeal Tribunal
- (aa) To receive an affidavit from an applicant for the late lodging of an appeal
- (bb) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
- (cc) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
- (dd) To receive notice of the ruling in relation to the late lodging of an appeal
- (ee) To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
- (ff) To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
- (gg) Placing of notices in the Gazette
- (hh) To maintain access to information
- (ii) To serve and require documents
- (jj) To give public notice
- (kk) 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
- (ll) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
- (mm) To decide whether a site inspection is necessary
- (nn) To represent Council during a site visit or public hearing
- (oo) To decide whether a public hearing is necessary
- (pp) To reply to a person who submitted comments on an application
- (qq) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
- (rr) 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
- (ss) 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
- (tt) 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
- (uu) 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

(4) Delegations to the CFO.

The preparation of oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)..

(5) The following actions have been delegated to CP (DPSS):

- (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 prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
- (y) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
- (z) To receive notice of the ruling in relation to the late lodging of an appeal
- (aa) To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
- (bb) To maintain access to information
- (cc) To serve and require documents
- (dd) To give public notice
- (ee) 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
- (ff) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
- (gg) To request an amendment of an application prior to approval
- (hh) To decide whether a site inspection is necessary
- (ii) To represent Council during a site visit or public hearing
- (jj) To decide whether a public hearing is necessary
- (kk) To reply to a person who submitted comments on an application
- (ll) 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
- (mm) 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
- (nn) 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
- (oo) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan

- (pp) 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 Planner(DPSS) / DA (DPSS):**
- (a) To receive certified copies of the approved diagrams or general plan
- (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

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 CP(DPSS)
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 CP(DPSS)
6	Sections 11, 24, 41, 53, and 63: To evaluate and make recommendations on proposals or applications in terms of the Act, and to issue certificates confirming that the proposals or applications comply with the Act	Note: <ul style="list-style-type: none"> - Matters relevant in determining the merits of proposals or applications are contained in sections 12, 25, 42, 54, and 64 	CP(DPSS)
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	Notes: <ul style="list-style-type: none"> - Applications to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land - Decision must be informed by advice of a registered planner in accordance with section 11, 24, 41, 53 and 63 - Decision to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Alter, suspend or delete a restriction relating to land <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	Note: The correction may not constitute a change in its decision or an alteration, suspension or deletion of a condition of its approval	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	Notes: <ul style="list-style-type: none"> - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158 	MM CP(DPSS)

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
11	Section 14(5), 27(5), 44(5), 56(5), 66(5): To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval	Notes: - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158	MM CP(DPSS)
	Section 17: To receive and administer an application for consent, approval or permission	Control measure: Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	NA
	Sections 18: To evaluate and make recommendations on proposals or applications for permission in terms of a scheme, and to issue certificates confirming that the proposals or applications comply with the Act	Control measure: Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	NA
	Section 20: To approve, with or without alterations, or to refuse proposals or applications for permission in terms of a scheme	Control measure: Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	NA
Section 22(1): See delegation 4			
Section 22(2): See delegation 5			
Section 26(1): See delegation 8			
Section 26(6): See delegation 9			
Section 27(1): See delegation 10			
Section 27(5): See delegation 11			
12	Sections 31(1), 31(3), 31(5), 34(2), 48(1), 48(3), and 48(5): To issue certificates of compliance with conditions of approval	Control measure: In consultation with M:IPD 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	MM CP(DPSS)
Sections 31(3): See delegation 12			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
Sections 31(5): See delegation 12			
13	Section 32(1)(b): To receive certified copies of the approved diagrams or general plan		CP(DPSS) DA(DPSS)
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.	CP(DPSS) DA(DPSS)
Section 34(2): See delegation 12			
Section 35: See delegation 14			
15	Section 37(3), 37(4), 49(1) and 49(2): To give an applicant a specified amount of time to complete a development	Notes: - Section 37(5) and 49(3) relating to cancel the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled - Notices must comply with section 37(3) or 49(1) - Serving of notices must comply with section 158	EXCO
16	Section 37(4): To withdraw a notice giving an applicant a specified amount of time to complete a development		EXCO
17	Section 37(5) and 49(3): To initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled in accordance with sections 37(3) and 49(1)		EXCO
Section 39(1): See delegation 4			
Section 39(2): See delegation 5			
Section 43(1): See delegation 8			
Section 43(6): See delegation 9			
Section 44(1): See delegation 10			
Section 44(5): See delegation 11			
Section 48(1): See delegation 12			
Section 48(3): See delegation 12			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	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 of 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 CP(DPSS)
	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
	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

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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
26	Section 83 and 86: To display order on site		MM CP(DPSS)
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 CP(DPSS)
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 CP(DPSS)
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 CP(DPSS)
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 CP(DPSS)
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: (In consultation with CFO) Compensation arising from: • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions	EXCO MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
37	Section 95(1), 96(1), 97(1), and 98: To consider applications for compensation	Note: (In consultation with CFO) Compensation 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 96(1): See delegations 36 and 37			
Section 97(1): See delegations 36 and 37			
Section 98: See delegations 36 and 37			
38	Section 99(1): To agree on the amount of compensation	Note: In consultation with CFO Compensation 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 MM CP(DPSS)
40	Section 116(2): To withdraw a responding memorandum		EXCO MM CP(DPSS)
41	Section 117(2): To represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal site visit		EXCO MM CP(DPSS)
42	Section 120: To represent Council at a KwaZulu-Natal Planning and Development Appeal Tribunal hearing		MM CP(DPSS)
43	Section 120(2)(a): To appoint legal counsel to represent Council during a KwaZulu-Natal Planning and Development Appeal Tribunal hearing		EXCO MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
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 CP(DPSS)
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 CP(DPSS)
47	Section 126: To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit		MM CP(DPSS)
48	Section 129: To receive notice of the ruling in relation to the late lodging of an appeal		MM CP(DPSS)
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 CP(DPSS)
50	Section 132(3): To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)		MM
	Section 156(1) and (8): To delegate, amend or revoke any power conferred on the Municipality in terms of the Act to any official employed by it	Notes: <ul style="list-style-type: none"> - EXCO cannot delegate the power to delegate - EXCO may not delegate the responsibility to adopt or replace a scheme as contemplated in section 13 - EXCO may impose conditions in accordance with section 156(2). - Delegation or amendment comes into effect upon the publication of a notice in the Gazette, or if a later date is stated, from that date in accordance with section 156(7)(c) 	EXCO See notes
51	Section 156(7)(b) and 156(9): Placing of notices in the Gazette		MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	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: - 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 CP(DPSS)
53	Schedule 1 item 2(1)(a), 4(1), 9(1), 10(2), 11(2), 19(1), 20(4): To serve and request additional documents	Notes: - 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 CP(DPSS)
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: - 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 CP(DPSS)
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 CP(DPSS)
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 CP(DPSS)
57	Schedule 1 item 8(1)(b): To request an amendment of an application prior to approval		CP(DPSS)
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 CP(DPSS)
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 CP(DPSS)
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 CP(DPSS)
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 CP(DPSS)
Schedule 1 item 19(1): See delegation 53 for notice of site inspection			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	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
	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.	EXCO MM CP(DPSS)
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.	EXCO MM CP(DPSS)
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

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
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.	EXCO MM CP(DPSS)

**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 CP(DPSS)
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.	EXCO MM CP(DPSS)

