

**TOWARDS A MODEL LOCAL GOVERNMENT
FOR THE DEVELOPMENT CONTROL DEPARTMENT OF
A LOCAL AUTHORITY**

by

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ABSTRACT

Title of Treatise: Towards a Model Local Government
 For the Development Control Department of a
 Local Authority

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The objective of this treatise was to devise a testing instrument to determine the effectiveness of a local government department. The aim was to provide a tool for staff development that would also assist management in functional evaluation. This necessitated making comprehensible the legislative principles set out in The Municipal Systems Act of 2000. A pivotal finding in the treatise was the discovery that Shah's criteria for determining a model local government in a developing country embody, in a user-friendly format, the criteria set out in the more inaccessible Act. Shah's five criteria are legislative conformance, fiscal health, responsiveness, efficiency and accountability. The KwaDukuza's Ballito Office for Development Control was the local body involved in this

study. The investigative methods were in-depth interviews, a questionnaire, local newspaper articles and municipal records. The study revealed the effectiveness of the questionnaire as a tool to obtain valuable and extensive information. Staff perceptions and means of improving the running of the department were elicited. The primary contribution of the study is that the testing instrument developed is transferable to multiple contexts for use in staff development and management enhancement. Minor phrasing changes to the questionnaire it would render it applicable to other municipalities. To this extent, the treatise offers an original contribution – a tool devised to promote efficient management of local authorities.

DECLARATION

I declare that this research is entirely my own, unaided work, except where otherwise stated. All sources referred to are adequately acknowledged in the text and listed.

I accept the rules of assessment of the University of Pretoria and the consequences of transgressing them.

This treatise is being submitted in partial fulfilment of the requirements for the degree of MSc (Project Management) at the University of Pretoria.

It has not been submitted before for any degree or examination at any other university.

Signature of Student

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ABSTRACT

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LIST OF ABBREVIATIONS

BC:	Building Control
BCO:	Building Control Officer
CCKDM:	Corporate Communications Kwa Dukuza [sic] Municipality
CPM:	Critical Path Method
DC:	Development Control
DP:	Development Planning
EDP:	Economic Development and Planning
EIA:	Environmental Impact Assessment
EXCO:	Executive Committee

DRC:	Development Review Committee
IDP:	Integrated Development Plan
NBR:	National Building Regulations
NBRBS:	National Building Regulations and Building Standards Act 103 of 1977
PERT:	Program Evaluation and Review Technique
SABS:	South African Bureau of Standards
SEA:	Strategic Environmental Assessment
UDF:	Urban Design Framework

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QUESTIONNAIRE

CHAPTER 1: INTRODUCTION

1.1 Introduction

The researcher is an architect whose background and experience is mainly in residential architecture and who practices from Salt Rock in KwaZulu Natal, which falls under the jurisdiction of the KwaDukuza Local Authority. It is this capacity the researcher has become aware of the development in the area and has perceived the need for an evaluative framework to allow staff at the municipal offices to engage in critical self-assessment of their effectiveness. Such a framework exists in the form of *The Municipal Systems Act* of 2000. However, a more user-friendly and accessible set of criteria have been developed by Shah and outlined in the *Public Services Delivery: Public Sector Governance and Accountability Series*. (Shah, 2005). In addition, Shah's criteria have been specifically designed for developing countries. Not only does South Africa fall into this category, but the area serviced by the KwaDukuza Municipality has experienced unprecedented growth. For these reasons, Shah's criteria can be used as the basis for municipal employee self-evaluation and for reflection on means to improve service delivery. This is the focus of the dissertation.

1.2 Definition of the main problem

Is the Ballito Office of the KwaDukuza Municipality's Development Control Department coping in relation to these criteria?

According to Shah (2005, p 80), a 'model government [in a developing country] would

- conform to legislation, process and structure
- maintain its fiscal health (in outcomes and processes)
- do the right things (be responsive)
- do them right in the right way (with maximum efficiency)
- be accountable to its constituents (in processes and for its outputs and outcomes)'.

The study will begin with a comparison of Shah's five criteria for a model government with the data gathered by the KwaDukuza municipality and the perceptions of the KwaDukuza municipal stakeholders. With the aim of proposing, if necessary, ways in which the Local Authority can more closely align themselves to Shah's ideal model for a local government in a developing country.

1.3 Sub-problems

The terms Shah (2005, p 80) allocates for the five criteria to determine the ideal local government in a developing country are: legislative conformance, fiscal health, responsiveness, efficiency, and accountability. These categories will form the focal areas for the five sub-problems investigated. These criteria are also clearly endorsed as values in the Municipal Systems Act (2000).

The first sub-problem: Legislative conformance

To what extent is the KwaDukuza Municipality's Ballito Office for Development Control meeting its legislative obligation in terms of the time frames set down by the National Building Regulations and Building Standards Act 103 of 1977, for the approval of building plans?

Section 7 (1) of Act 103 of 1977 states that

the local authority shall grant or refuse, as the case may be, its approval in respect of any application where the architectural area of the building to which the application relates is less than 500, within a period of 30 days after receipt of the application and, where the architectural area of such building is 500m² or larger, within a period of 60 days after receipt of the application. (1977, p 8)

The Municipal Systems Act (2000, p 3) acknowledges that the ‘need to develop a strong system of local government **capable of exercising the functions and powers assigned to it**’ [my emphasis].

The second sub-problem: Fiscal health

Is the KwaDukuza Municipality’s Ballito Office for Development Control losing money as a result of legal disputes during the plan approval process?

‘There is a need to ensure **financially and economically viable** [my emphasis] municipalities.’ (Municipal Systems Act, 2000, p 3)

The third sub-problem: Responsiveness

Is the KwaDukuza Municipality’s Ballito Office for Development Control responsive in terms of flexibility and implementing change?

The Municipal Systems Act (2000, p 54) states that a municipality is enabled to ‘organise its ... administration in a **flexible way in order to respond to changing priorities and circumstances** [my emphasis], ... assign clear responsibilities for the management and co-ordination of

these administrative units and mechanisms ... maximize efficiency of communication and decision-making within the administration, delegate responsibility to the most effective level within the administration' The responsiveness criterion involves the degree to which a municipal organisation is able to respond to change.

The fourth sub-problem: Efficiency

To what degree is the service offered by the KwaDukuza Municipality's Ballito Office for Development Control efficient?

'The new system of local government requires an **efficient, effective** [my emphasis] ... local public administration that conforms to constitutional principals' (Municipal Systems Act, 2000, p 2).

The fifth sub-problem: Accountability

To what degree can the Ballito Office for Development Control Department of the KwaDukuza Municipality be described as accountable?

The issue of accountability is clearly defined in Shah (2005) and in the Municipal Systems Act of 2000 in the following quotations:

The Municipal Systems Act (2000, p 20) states that the council of a municipality has the duty to 'use the resources of the municipality in the best interests of the local community ... encourage the involvement of the local community'.

A fundamental aspect of the new local government system is active engagement of communities in the affairs of municipalities of which they are an integral part, and in particular in planning, service delivery and performance management. (Municipal Systems Act, 2000, p 2)

In order for citizens to hold local governments accountable, however, they need channels through which they can mount such challenges (and respond to information they receive). Strong monitoring and evaluation and voice and exit mechanisms facilitate this. (Shah, 2005, p79)

The accountability criterion involves **a reciprocal relationship between the council and the public, which requires transparency and challenge mechanisms** in the event of perceived infringements to this relationship.

1.4 Hypotheses

The first hypothesis: Legislative conformance

The KwaDukuza Municipality is not meeting time requirements for approval of plans as set out in the National Building Regulations and Buildings Standards Act of 1977.

The second hypothesis: Fiscal health

Legal disputes during the plan approval stage increase the cost to the Ballito Office of the KwaDukuza Municipality's Development Control Department for plan approval.

The third hypothesis: Responsiveness

The majority (over 50%) of the Ballito Office of the KwaDukuza Municipality's Development Control Department's personnel believe that they are flexible, in being able to react timeously to change.

The fourth hypothesis: Efficiency

The majority (over 50%) of the KwaDukuza Municipality's Ballito Office for Development Control's personnel believe that they are efficient.

The fifth hypothesis: Accountability

The majority (over 50%) of the Ballito Office of the KwaDukuza Municipality's Development Control Department's personnel believe that they are accountable to the public and that the need for transparency is being met.

1.5 Delimitations

This is an analysis of the functioning of the Development Control Department of an office of a single local authority, namely the Ballito Offices of the KwaDukuza Local Authority. This administrative centre has been selected because of the researcher's working experience in that area and because it exemplifies a small local authority in a developing country. The degree to which the findings can be generalized is a limitation of the study.

The accuracy of the data obtained from the KwaDukuza Municipality's own records, is not subjected to independent testing.

Data gathered from the KwaDukuza Municipality's records will be limited to plans submitted for approval in 2005 and will include plan approvals granted in the first ten months of 2006. This restriction on the admissibility of data will be implemented in order to allow sufficient time for the plans to pass through the entire approval process.

Legal conformance is restricted to the degree to which timeframes for plan approval meet the legislative criteria set out in Section 7 of the National Building Regulations and Building Standards Act 103 of 1977.

Financial viability is restricted to the impact of legal disputes during the plan approval process. A comprehensive study of the fiscal health of the Ballito Office for Development Control Department of the KwaDukuza Municipality falls outside the scope of this dissertation.

The perceptions of the personnel of the KwaDukuza Municipality relating to responsiveness, efficiency and accountability are restricted to data generated from questionnaires.

Perceptions of the KwaDukuza Municipality's stakeholders with regard to the local authority's the plans approval process is limited to articles and letters obtained from a randomly-selected one month's publications, of a local newspaper.

As the researcher deals with the Ballito Office for Development Control of the KwaDukuza Local Authority in her professional life, any specific cases relating to projects submitted by her will be excluded from the study.

1.6 Definition of Terms

Legislative conformance: In the context of this study, legislative conformance's definition is limited to the Local Authority's ability to meet the plan approval time frames dictated in Section 7 (1) of National Building Regulations and Building Standards Act 103 of 1977. This Act states that

the local authority shall grant or refuse, as the case may be, its approval in respect of any application where the architectural area of the building to which the application relates is less than 500, within a period of 30 days after receipt of the application and, where the architectural area of such building is 500m² or larger, within a period of 60 days after receipt of the application. (1977, p 8)

Fiscal health: For this dissertation, the definition of this term is limited to the financial wellbeing of the local authority, when examining the economic effect of legal disputes during the plan approval process.

Responsiveness: In the context of this dissertation, responsiveness is the ability to respond flexibly and timeously to change in reaction to varying situations and concerns. Responsiveness involves the extent to which a Municipal Organisation is able to adapt to change. Key indicators of this would be open lines of communication, effective decision-making and efficient delegation.

Efficiency: This is defined as an administrative organisation that is businesslike, capable, competent, effective, skilful and well-organised.

Accountability: This term involves a reciprocal relationship between Municipal personnel and the public, specifically with regards to communication, involvement, service delivery and performance.

1.7 Assumptions

The first assumption:

It is assumed that Shah's five criteria for determining a model local government in a developing country are credible core criteria for evaluation of the effectiveness of a municipal body.

The second assumption:

The work being done in the Ballito Office for Development Control Department of the KwaDukuza Municipality can be classified into Shah's five criteria.

The third assumption:

Core staff of the Ballito Office for Development Control Department of the KwaDukuza Municipality will be able to grasp the concepts underlying the five criteria and differentiate between them once they have read the definitions in the questionnaire.

The fourth assumption:

The definitions in the questionnaire are sufficient to explain the contextual meaning of Shah's core criteria to the municipal employees.

The fifth assumption:

The personnel, who have worked for the Ballito Office for Development Control Department of the KwaDukuza Municipality for longer than six months, will all complete a questionnaire. The assumption is that the personnel will be prepared to complete the questionnaire and that honest, valid data will be obtained. It is assumed that they are capable of critical self-evaluation and of identifying possible measures to improve the efficiency of the local authority, should this be necessary.

The sixth assumption:

The assumption is made that the questionnaire technique is an efficient means of data extraction.

The seventh assumption:

Adequate, honest and valid data will be obtained from the questionnaires to be able to rate the performance of the Ballito Office for Development Control Department of the KwaDukuza Municipality in relation to Shah's criteria on a five-point scale and to motivate the rating.

The eighth assumption:

The data obtained from reviewing plans submitted to the Ballito Office for Development Control Department of the KwaDukuza Municipality for approval in 2005, including plan approvals granted in the first ten months of 2006, will accurately reflect the functioning of the local authority.

The ninth assumption:

The records kept by the Ballito Office for Development Control Department of the KwaDukuza Municipality are accurate.

The tenth assumption:

Public opinion regarding the performance of the Ballito Office for Development Control Department of the KwaDukuza Municipality can be

accurately ascertained by examining articles dealing with building plan approvals in a local newspaper.

The eleventh assumption:

The articles and letters in one month's, randomly-selected publications, of a local newspaper, will accurately reflect the Ballito Office for Development Control Department of the KwaDukuza Municipality's stakeholder's perceptions of the plans approval process.

The twelfth assumption:

There are legal disputes during the plan approval process.

The thirteenth assumption:

Any delays in the plan approval process involve additional costs.

1.8 Importance of the study

Shah's five criteria underlie the Municipal Systems Act of 2000. However, the latter's density is not easily accessible to all. In contrast, Shah's criteria are terms that are relatively easy to comprehend and thus self-

assessment could be facilitated. If municipal personnel are made aware of Shah's five criteria, they would be more likely to implement self-evaluation. Input from grass-root level would hopefully feedback into an improved management system and other municipalities would ideally implement a similar self-evaluation. Systems could be suggested to improve the current performance. If implemented, this should be of practical value and should be generic enough to be usable in other local authorities. Benefits are likely to involve cost effectiveness, timely response, increased performance and improved stakeholder relations.

1.9 Summary

Shah's five criteria determine the ideal local government in a developing country are: legislative conformance, fiscal health, responsiveness, efficiency, and accountability. These criteria are also clearly endorsed as values in the Municipal Systems Act (2000). These categories will form the focal areas for the dissertation.

CHAPTER 2: LITERATURE SURVERY

2.1 Introduction

Shah's five criteria for a model government in a developing country incorporate a broad spectrum of concepts: legislative conformance, fiscal health, responsiveness, efficiency and accountability. All of these topics have been well researched and documented. Though, as with most subject matter, it is essential to fully understand and comprehend the context in which the problem is based.

2.2 KwaDukuza Municipal Area

Shah's five criteria to determine a model local government, form the basis of this study. To fully understand the present situation of the Local Authority, the context in which the KwaDukuza Municipality operates needs to be conveyed. The following information is taken from KwaDukuza's 2006 Integrated Development Plan, hereafter IDP. The data cited under this heading was complied by Corporate Communications Kwa Dukuza [sic] Municipality, hereafter CCKDM and only dates and page numbers will be referred to.

The KwaDukuza Municipality 'is one of the four municipalities that make up the Ilembe District Municipality. KwaDukuza functions as the district node and dominant commercial centre in the Ilembe District'. (2006, p 16)

The KwaDukuza Municipal area has a jurisdiction of approximately 633km in extent and a permanent population of 158 583 people according to Statistics South Africa's 2001 survey, as cited by CCKDM. (2006, p 16)

In KwaDukuza's Integrated Development Plan, the N2 Development Corridor is identified as a key feature (2006, p 16) which runs through the municipal area. The region is

also strategically located between two major ports, viz, Durban and Richards Bay Ports. This alone gives KwaDukuza an advantage of strategically re-aligning the district into a competitive and attractive investment destination. The close proximity of the Dube Trade Port is also an added advantage to the area in terms of investment attraction. (2006, p 17)

The KwaZulu-Natal Tourism Authority is also actively involved in the area and is presently involved in 'the King Shaka Cultural and Tourism Heritage Trail as part of the Gateway to the Zulu Kingdom programme.' (2006, p 27)

However, it is not just strategic commercial developments which are driving growth in the region; there is a flood of residential property expansion on the cards in the form of holiday letting and elite residential, eco- and golf estates. The KwaDukuza Municipality, in its Integrated Development Plan considers this active housing market to be 'one of the high [sic] prized unique selling propositions of the area'. (2006, p 27)

The KwaDukuza Municipality's Integrated Development Plan (2006, p 27) sites the following local residential developments, which are currently in progress:

- the Zimbali Golf and Leisure Estate extension,
- the Zimbali Lakes and Golf Estate development on the Tongaat River,
- Simbithi Eco-Estate,
- Seaward Estate Phases I and II,
- Dunkirk Estate,
- Nkwazi Ridge Estate,
- Brettonwood and
- Zululami Estates.

Even taking this massive influx of the residential development, scope for development on the KwaZulu North Coast in the KwaDukuza region, still exists as presently only the 'southern portions of the coastline are formally

developed and include areas such as Ballito and Salt Rock. The coastline to the north of Salt Rock is relatively underdeveloped with only smaller coastal settlements such as Tinley Manor Beach, Blythedale Beach and Zinkwazi located in this coastal strip.' (2006, p 27)

All of the above indicates that the municipal area's present rate of development shows no signs of slowing down. This fast-paced economic growth does not come without a price. This mass development is placing exceptional strain on the region's environment. To counter this pressure the KwaDukuza / Ileembe Coastal Working Group has been created, in which the KwaDukuza Municipality has an active role. According to the Integrated Development Plan, this unit is functioning well. (2006, p 25)

2.3 A model local government

There is a legislative requirement that all local authorities in South Africa are to adhere to the *The Municipal Systems Act of 2000*. This document sets out the prerequisites for municipal conformance. The Act goes into great depths for local authority governance and states that municipal services must be

- (a) be equitable and **accessible** [my emphasis]; (b) to be provided in a manner that is conducive to – (i) the prudent, economic, efficient, and effective use of the available resources; and (ii) the

improvement of standards of quality over time; (c) be financially sustainable; (d) be environmentally sustainable; and (e) be readily reviewed with a view to upgrading, extension and improvement. (The Municipal Systems Act, 2000, p 68)

This is a formidable, all-compassing task. Adhering to all these requirements would bring a Local Authority closer to becoming a model local government. However, external influences and environments are ever-changing, thus solutions have to be continually reviewed and updated.

The KwaDukuza Municipality strives for the distinction of a model local government. This is evident in the setting out of its Municipal Vision for 2010. This states that the KwaDukuza Municipality, by the stipulated year will, 'through unity and good governance be an economic powerhouse, delivering services in an affordable and sustainable manner within a safe and healthy environment.' (CCKDM, 2006, p 29)

The Municipal Systems Act of 2000 has the need for accessibility to municipal services, as one of its prominent requirements. This study considers that the need for accessibility is of such great importance, that it should transcend the services offered by municipal bodies and also be applicable to the understanding of the Act. Presently the Act is a 120-

page long document, filled with complex legal nuances, frequently referring to other legislation. An example of this intricacy is

‘in the absence of applicable provisional legislation, the provisions of section 2, 3, 4, 5 and 6 of the Commissions Act, 1947 (Act No. 8 of 1947), and the regulations made in terms of that Act apply, with the necessary changes as the context may require, to an investigation in terms of subsection (1)(b) (The Municipal Systems Act, 2000, p 96)

This style of writing exemplifies text in need of a Plain English translation to make it easily comprehensible.

To achieve the obligation of accessibility, one must look to other means to simplify the judging of local authorities. Shah has undertaken such a study and has developed five multi-dimensional factors for evaluating a model local government in a developing country ‘in terms of both processes and outcomes’. These factors are legislative conformance, fiscal health, responsiveness, efficiency, and accountability. It is argued that such evaluation provides

a more complete, applied, and appropriate view of local government quality in developing countries than other alternatives, which typically concentrate on legal conformance and fiscal health alone. The evaluation approach is also designed to facilitate

observation-based evaluation, so that interested parties will be able to identify good local governments in the developing world by what they see. (Shah, 2005, p 80)

Shah's five requirements which require scrutiny could be used for accessible self-assessment from a grassroots level upwards. This simple evaluation technique could ensure that a local authority's personnel would be able to test if their municipality is on track on all levels and is moving towards the ideal of a model local government.

2.4 Legislative conformance

Legislative conformance is of utmost importance for any institution and is a legal requirement for municipal bodies, as can be seen in *The Municipal Systems Act of 2000*. The Act is unambiguous when it states that municipalities must 'establish essential national standards and minimum standards for any municipal service'. (2000, p 96) Information regarding the extent of this authority should be relayed to the stakeholders. De Visser maintains that the 'areas of governance over which local government has final decision-making powers must be *clearly demarcated*.' (2005, p 40)

Plan approval times are clearly defined in Section 7 (1) of the National Building Regulations and Building Standards Act 103 of 1977. The Act states that

the local authority shall grant or refuse, as the case may be, its approval in respect of any application where the architectural area of the building to which the application relates is less than 500, within a period of 30 days after receipt of the application and, where the architectural area of such building is 500m² or larger, within a period of 60 days after receipt of the application.' (1977, p 8) The consequences of non-compliance are equally unequivocally stipulated. Section 8 (1) of the same Act, asserts that if 'a local authority fails to grant or refuse timeously its approval in accordance with section 7 in respect of an application, a court may, on the application of the applicant concerned make an order directing such local authority to perform its duties and exercise its powers in accordance with that section within the period stated in such order, or make such order as it may deem just. (1977, p 9)

It is evident that legislation exists which defines any South African local authority's standards and lawful duties, as far as plan approval times are concerned. De Visser goes on to stipulate that if 'the institutional framework results in local governments being unsure as to what exactly

their powers are, it will result in either trepidation or unnecessary legal wrangling.’ (2005, p 40)

Municipal bodies must be certain of their lawful powers, as well as their legislative duties. Legal disputes regarding plan approval time frames, would likely be limited if all local authority personnel from grassroots’ level, upwards where made aware of the plan approval time limits, as set out in The National Building Regulations and Building Standards Act 103 of 1977.

2.5 Fiscal health

The Municipal Systems Act states that the council of a municipality has the duty to ‘strive to ensure that the municipal services are provided to the local community in a financially and environmentally sustainable manner’. (2000, p 20) De Visser attributes Local Authority income to ‘own income, equitable share and other governmental transfers’, although, he maintains that ‘the largest portion of local government revenue is generated by the municipalities themselves’ (de Visser, 2005, p 84) As most municipal income is self-generated, expenditure can be budgeted for based on past revenue trends.

As with any process, 'any cost control system is only as good as the original plan against which performance will be measured.' (Kerzer, 2001, p 814) Therefore the initial plan needs to be based on accurate data and a well-constructed plan. Financial performance monitoring requires evaluation. Lavender states that financial planning and control involves 'setting targets, monitoring progress, taking remedial action ... and revising targets'. (1996, p 124-125) Kerzer has similar thoughts and discusses them in more depth, maintaining that 'cost control is not only "monitoring" of costs and recording perhaps massive quantities of data, but also analysing of the data in order to take corrective action before it is too late. Cost control should be performed by all personnel who incur costs, not merely the project office.' (2001, p 813) This is of particular importance to take cognisance of, as governmental bodies are divided into various department, one of them being the financial department, which maintain all monetary information.

The definition of project success is deemed to include (amongst others) being 'within the allocated time period, within the budgeted cost and with acceptance by the consumer / user.' (Kerzer, 2001, p 5) This is shown in the figure on the following page. Lavender maintains that there is a trade-off between time and cost. That costs will increase if time constraints are applied and visa versa. (1996, p 152-153)



Figure 1: Overview of Project Management (Kerzer, 2001, p 5)

Shah states that using outcome data helps to ‘determine budget allocations’, as well as to assist ‘managers improve their programs.’ (2005, p 100) The programs and budgets that are devised need to be affordable, relevant and appropriate. Intervention must be selective as ‘over-ambitious attempts to control not only lead to frustration and failure but also encourage corruption, as people seek ways around the controls.’ (Devas, 1993, p 270)

Responsiveness

The Municipal Systems Act (2000: 2) states that one of its core principles is ‘to establish a simple and enabling framework for the core processes of planning, performance management, resource mobilisation and

organisational change which underpin the notion of developmental local government.’ For a structure to remain relevant, one of the key aspects that the planning must acknowledge is change. External environments are constantly changing. According to Sylvia & Sylvia, how an organisation interacts to ‘external forces may determine organizations’ [sic] effectiveness and even survival.’ (2004, p 10)

It is well documented that ‘planning is a future-orientated activity’ (Sylvia & Sylvia, 2004, p 32) and effectiveness in this field requires prospective forecasting. However, the accuracy of this planning is only as strong as the information on which the predictions are based. Devas states that this ‘management of individual urban services can be achieved only on the basis of reliable information and forecasts about the general urban situation within which the services will operate.’ (1993, p 133)

As mentioned when developing a facilitating framework, future and varying external environments should be taken into account. However, introspection is equally important and an honest appraisal of the present situation is crucial. Devas terms this approach, realism. A truthful examination of the size of the task at hand, ‘so that the solutions developed match the scale of the needs. Realism about the limited resources - financial, skilled personnel, management capacity - available to tackle these problems, so that the best possible use can be made of

those resources.’ (Devas, 1993, p 270) Sylvia & Sylvia also refer to aspects which planning must take cognisance of, one of which is the state of technology (2004, p 10)

Before commencing with planning, goals must be established. Sylvia & Sylvia (2004, p 35-37) state that these should be determined by a system for setting priorities, developing alternatives, evaluating alternatives and selecting the optimal alternative.

‘Planning fulfils several important functions for the organization.

First, a plan defines the activities and direction of activities for organization members ...

Second, a good plan establishes criteria for managerial decision making ...

Third, a well-constructed plan permits evaluation. ...

Fourth, planning limits the quality and quantity of control information that is gathered. ...

Fifth, effective planning can minimize costs by smoothing workload fluctuations. ...

Sixth, planning permits the agency to schedule tasks, personnel, facilities, outside contracts and monetary resources – especially when using techniques such as PERT [Program Evaluation and

Review Technique] and CPM [Critical Path Method].’ (Sylvia & Sylvia, 2004, p 26-27)

Once the organisation’s plan has been developed it cannot be left unaided, to function as intended. Traditionally, however this would have been the case. In the past planning ‘has been regarded as a linear sequence of survey-analysis-plan-implementation’. (Devas, 1993, p 44) Presently, there is awareness that this is ‘a considerably more complex, cyclical process. The cycle of activities involved in the planning/policy/management process may include:

Survey and analysis...

Development of strategy and policies ...

Implementation ...

Monitoring and Evaluation’. (Devas, 1993, p 44-45)

It is the emphasis on monitoring and evaluation, which distinguishes this process from a sheer linear progression. As the process is evaluated and improvements or flaws are noted the cycle should begin again with analysis. This system of feedback allows the process to adapt; no change is necessary if positive feedback is gathered. However negative feedback expresses the need for adjustment. ‘All program plans need to contain feedback systems so that program errors and limitations can be corrected. Feedback, moreover, is the sum and substance of program evaluation.’

(Sylvia & Sylvia, 2004, p 14) Feedback requires evaluation and potentially indicates the need for planning revision. This is a responsive situation.

Information which is gathered as an output of processes should be used effectively and not simply filed away. Shah recommends using this data for review or as the basis for 'how are we doing?' staff meetings. These meetings would encourage personnel input 'on what is causing problems identified in the latest report and to obtain suggestions for corrective actions'. (Shah, 2005, p 101) Once these suggestions have been implemented, their success can be tracked in relation to the desired outcome. Over an extended period of time trends can be identified which will help 'to determine whether they are winning or losing the game.' (Shah, 2005, p 101)

2.6 Efficiency

The KwaDukuza Municipality's mission statement is 'to achieve highest economic status though:

Driving local economic development;

Delivering a high standard of essential services;

Encouraging public participation;

Overcoming debt and achieving cost recovery on services provided.'

(CCKDM, 2006, p 29)

In the development of mission statements full staff participation should be encouraged. This involvement is thought to 'maximize worker commitment, both to the mission itself and to good-faith efforts to bringing the idealized state into being'. (Sylvia & Sylvia, 2004, p 14-15). Once the mission statement has been finalised it should be circulated to all employees.

Shah states that regardless of a country's financial position, the goals which a government can be expected to pursue are 'to

- (a) ensure political transparency and a voice for all citizens,
- (b) provide efficient and effective public services,
- (c) promote the health and well-being of its citizens, and
- (d) create a favourable climate for stable economic growth' (Shah, 2005, p 40)

Using these criteria, KwaDukuza's mission statement encourages all of these aims, some more expressly than others. The exception is the concept of efficiency.

Sylvia & Sylvia have a different set of factors for determining a good set of program goals stating that these should include 'service goals, effectiveness goals and efficiency goals.' (2004, p 35) KwaDukuza's mission statement encompasses two of these ideals. The striving for a

high standard of essential services relates to service objectives and driving the local economic development and ambitions of the highest economic status alludes to aims of effectiveness. However, none of the mission statement's aspirations strive towards efficiency. Streamlining and planning would assist in ensuring that the goals of the mission statement are more easily obtainable.

The judging of efficiency is often determined solely by response time. This is the 'time from when a request for service was made until the time the service organisation provided a response'. (Shah, 2005, p 99) The Municipal Systems Act (2000, p 26) encourages this reaction, stating that a municipality may develop and adopt policies, plans, strategies and programs which include setting targets for delivery. This establishment of objectives for delivery, although on the right track, does not stipulate the level of assistance which the public can expect to receive. Shah goes further to state that 'although response times are important to customers (and therefore should be tracked so that improvements can be made), such data do not tell anything about the outcome of the service the customer received.' (2005, p 100) A high standard of service is essential, and the quality thereof should be tracked. It is also important to note when the response is finalised.

The KwaDukuza Local Authority is aware that service quality is important and in the IDP it is stated that 'improving the level of service delivery is one of the critical challenges that require serious attention. A proper strategy and programme must be developed in order for the KwaDukuza Municipality to address the challenge.' (CCKDM, 2006, p 30)

The benefits of efficiency are vast. Shah maintains that the course which local governments are on can be determined by examining 'judicial efficiency, bureaucratic efficiency, and lack of corruption.' (2005, p 40) It could be deduced that by actively encouraging efficiency, a Local Authority, is aiming to best serve its public and striving to improve. If this is the true orientation of a local government then 'bureaucratic red tape and corruption will be minimal.' (Shah, 2005, p 48)

2.7 Accountability

According to de Visser, a 'municipality's administration is governed by the principles of section 195(1) of the Constitution. These are the so-called *Batho Pele* (People First) principles ... Section 6(2) of the Municipal System Act further defines these and instructs the administration... to ... give members of the community accurate communication about the level and standard of services they are entitled to receive and about the persons in charge of the municipal management. The municipal

administration must be economical, effective, efficient and *accountable*.’
(2005, p 101)

In the KwaDukuza’s IDP it is clear that the municipal body is aware of their legal responsibilities to ‘act in a more developmental way, and to provide an enabling environment for all its stakeholders to engage in a meaningful partnership with the council.’ (CCKDM, 2006, p 31) Six strategies were formulated in their IDP document ‘to ensure integrated and sustainable development within the municipality’. Two of the strategies, founded on an outcomes-based approach, encourage municipal accountability. Integrated development focuses ‘on the co-ordination of the spatial and service delivery component to improve the management of Municipal responsibilities ... to ensure integration and optimum organisation capacities.’ The objective for good governance is to encapsulate ‘the Municipality’s commitment to the provision of the highest quality of service to its constituents and to ensure that all the strategies and objectives are adhered to, resulting in a productive and sustainable Municipality. This strategy aims at establishing a network of Municipal service delivery throughout the Municipal area.’ (CCKDM, 2006, p 34 - 36)

The strategies for integrated development and good governance align with the legislative requirements of the Municipal Systems Act. The Act requires ‘a more harmonious relationship between municipal councils,

municipal administrations and the local communities through the acknowledgement of reciprocal rights and duties' to be created. (2000, p 3) De Visser believes that 'citizen participation improves the quality of decision-making', that group brainstorming of a single idea would improve and result in a more holistic solution. This involvement would serve to enhance and strengthen 'relations between citizen and the state and serves as a check on the use of administrative authority.' (de Visser, 2005, p 38) 'The effectiveness of local autonomy also depends on the ability of local citizens to participate in local government affairs and to hold councillors and officials accountable.' (de Visser, 2005, p 8)

2.8 Summary

The area falling under KwaDukuza's jurisdiction is growing at a rapid pace. The appropriate application of the principles stipulated for legislative conformance, fiscal health, responsiveness, efficiency and accountability are vital for the effective governance of the region, in particular in times of rapid growth. This can only be achieved once there is awareness of these criteria, their importance and the advantages of implementing them.

CHAPTER 3: THE DATA AND THE TREATMENT OF THE DATA

3.1 The data and the means for obtaining the data

This study will involve analysis of data obtained and empirical research in the form of structured questionnaires to establish the degree to which local authorities are performing in each of Shah's five categories.

Data will be obtained from records kept by the KwaDukuza municipality.

Structured questionnaires will be issued to all personnel of the Ballito Office of the KwaDukuza Municipality's Development Control Department. These will provide insight into the perceptions of how the KwaDukuza municipality's personnel view the local authority's effectiveness in terms of Shah's criteria for model local government. They will be able to identify areas they perceive to be in need of improved management, should this prove to be the case.

Initially, the more time-intensive method of structured interviews was selected over the questionnaire, as a structured interview tends to generate a deeper comprehension of the subject. This is due to the interviewer being able to identify areas in which the interviewee has specific knowledge and explore in depth those subjects. However, when

requesting permission to conduct these interviews from the Director for Development Control, one was asked to 'be mindful of their activities, busy schedules'. For this reason questionnaires were issued to the 16 employees of the Ballito office. The questionnaire was structured in such a way as to allow for many open-ended questions to gain an in-depth understanding of the individual employee's interpretation of the role and effectiveness of the local authority.

Qualitative data regarding the KwaDukuza municipality's stakeholder perceptions needed to be obtained. This was gathered through articles and letters in one month's randomly selected publications, of a local newspaper, *The North Coast Courier*.

3.2 The criteria for admissibility of the study

The data examined will be of plans submitted for approval in 2005. This restriction on the admissibility of data has been put in place in order to allow adequate time for the plans to go through the entire approval process. This will include plan approvals granted in the first ten months of 2006. No plan submissions by the author of this dissertation can be regarded as admissible to ensure objectivity and limit bias.

In order to be issued with a questionnaire, work experience of personnel at the Ballito branch of the KwaDukuza Municipality's Development Control Department has to exceed six months. This is necessary to ensure that a comprehensive overview of the workings of the building section of the KwaDukuza municipality can be assumed.

The KwaDukuza municipality's public stakeholders perceptions will be restricted to a randomly selected month's publications of a local weekly newspaper.

3.3 Research methodology

The quantitative data obtained from the KwaDukuza Municipality will be numeric. The municipality's plan approval performance will be compared to Shah's criteria for legislative, fiscal and efficiency conformance. This will be achieved through the analysis of the quantitative data relating to plan submission and approval rates in the Ballito Office of the KwaDukuza Municipality's Development Control Department. This in turn will either validate or refute these hypotheses.

The completed questionnaires will supply quantitative data on a five-point scale relating to all five hypotheses. This will provide quantitative data relating to perceptions of staff of the degree to which conformance has

been reached in each of the five categories. However, richer, qualitative data will also be obtained from the open-ended questions. This will explain perceptions; explore which, if any, of Shah's five key criteria, personnel believe require improvement and, if required, what these measures could be. The qualitative data is vital to the study because of the small number of personnel in the building department of the KwaDukuza municipality. According to Leedy (2001, p 113), if the subjects involved in a study are small in number, as is the case here, qualitative data is vital to ensure that the study is to have sufficient depth.

3.4 Specific treatment of the data for each sub-problem

The first sub-problem: Legislative conformance

To what extent is the KwaDukuza Municipality's Ballito Office for Development Control meeting its legislative obligation in terms of the time frames set down by the National Building Regulations and Building Standards Act 103 of 1977, for the approval of building plans?

a. The data needed to address the sub-problem

The data required is that which reflects the plans submitted in 2005 and approved before 31 October 2006. The KwaDukuza Development Control

Department keeps records of all plan submissions and approvals, as well as time spent in the various departments, for example, Development Planning or Building Control. The area of the plans submitted will have to be examined in order to determine which category they fall into, either equal to or above 500m² or below 500m², as the legislative time frames vary depending in which of the two categories the plan submission falls. This data will be obtained by requisitioning the necessary records from the staff member/s involved in keeping these records.

The questionnaires with KwaDukuza's Ballito Office municipal personnel will include questions to determine:

- if the individual regards the time periods set out in the National Building Regulations and Building Standards Act for plan approval to be adequate or if they feel that the time frames are unrealistic and
- whether they feel that legislative conformance, if required, could be improved.

b. The treatment of the data

From the data obtained from the KwaDukuza municipal records comparisons will be made with the time frames for plan approval

prescribed in the legislature, namely the National Building Regulations and Building Standards Act 103 of 1977.

The information gained from the queries in the questionnaire's open-ended responses will be appraised to determine if there are any general trends. This form of questioning should provide valuable qualitative data of depth for further discussion of personnel's perceptions.

Factual data obtained from the KwaDukuza municipal records involving building plan approval time frames will be compared to the perceptions of the personnel.

The second sub-problem: Fiscal health

Is the KwaDukuza Municipality's Ballito Office for Development Control losing money as a result of legal disputes during the plan approval process?

a. The data needed to address the sub-problem

The record of legal disputes, restricted to those involving plan approval for plans submitted in 2005 and finalised by 31 October 2006, will be obtained from the KwaDukuza municipal offices. The details of these disputes will

include the time spent by municipal personnel and the costs incurred by the KwaDukuza municipality.

The questionnaires completed by the KwaDukuza Municipality's Ballito Office for Development Control Department's personnel will include questions to:

- ascertain if they have any personal knowledge of or involvement in legal disputes arising from the plan submission process,
- if applicable, determine how many such incidents have affected them from January 2005 to 31 October 2006,
- if applicable, to estimate the amount of time spent on legal disputes monthly,
- if applicable, speculate on the costs arising from each such legal action,
- give their opinion of the main reasons for these disputes and
- suggest means of limiting the KwaDukuza municipality's exposure to legal action.

b. The treatment of the data

The factual data obtained from the KwaDukuza municipal records of legal disputes during the stipulated time period for the plan approval phase will be tabulated and the information evaluated. The emphasis will be on the

number of cases, reasons for cases and the costs involved. The number of cases that are still ongoing will be given.

The information received in the open-ended queries in the questionnaires will be evaluated to determine trends. This will be labour-intensive, but the open-ended nature of the qualitative data will allow for a richness of discussion of personnel's perceptions.

A comparison will be made in which the factual data obtained from the KwaDukuza municipal records of legal action against them will be compared to the perceptions of the personnel.

The third sub-problem: Responsiveness

Is the KwaDukuza Municipality's Ballito Office for Development Control responsive in terms of flexibility and implementing change?

a. The data needed to address the sub-problem

The questionnaires given to the municipal personnel from the KwaDukuza's Ballito Office for Development Control will include enquiries to determine:

- what varying situations and concerns, in the past, have necessitated alterations or adaptations of existing systems,
- if these alterations or adaptations have been implemented,
- the time period involved from conceptualisation to implementation of the changes,
- how frequently changes are made to the systems in place,
- if open channels of communication exist to allow input from personnel to management,
- if effective decision-making systems are in place,
- if there is there efficient delegation to ensure implementation of change,
- if in their opinion, the municipality pre-empted future demand and make necessary allowances to adequately manage prospective needs and
- whether, if necessary, responsiveness could be improved.

b. The treatment of the data

The information from the questionnaires will be evaluated to determine overriding perceptions. The labour-intensive approach involved in the open-ended questions should provide comprehensive, qualitative data relating to personnel's perceptions.

The fourth sub-problem: Efficiency

To what degree is the service offered by the KwaDukuza Municipality's Ballito Office for Development Control efficient?

a. The data needed to address the sub-problem

The records, reflecting the time periods that plans, in the process of approval, spend in the various departments, is required. This data, restricted to those involving plan approval for plans submitted in 2005 and finalised by 31 October 2006, will be obtained from the KwaDukuza municipal records.

The questionnaires completed by the KwaDukuza municipal personnel will include questions relating to:

- on average, the length of time that plans remain in the department in which the personnel member operates,
- how efficiency, with respect to time spent on plan approval in the individual's department, can be improved,
- whether the approval of plans is handled in a manner which could be defined as businesslike, capable, competent, effective, skilful

and well-organised. This response will need to be substantiated and

- whether, if required, efficiency could be improved.

Additional data required involves determining the process which takes the initial submission through the various stages and departments to final approval. As part of the questionnaire, KwaDukuza municipal personnel will be required to provide a diagrammatic illustration with time frames (flowchart) of the process showing the movement of plans from submission through the various departments and meetings until final approval is granted, with the plans being collected.

b. The treatment of the data

A comparison will be made in which the factual data obtained from the KwaDukuza municipal records relating to time spent on approval in various departments will be compared to the perceptions of the personnel.

The information gained from the answers to open-ended queries in the questionnaire will be appraised to determine if there are any broad tendencies. This form of non-limiting questioning should provide valuable qualitative data of depth.

Factual data obtained from the KwaDukuza municipal records involving time spent on plan approval in the various departments will be compared to the perceptions of the personnel. This comparison should bring light to areas which need to be streamlined to obtain optimal efficiency.

The flowcharts drawn by the personnel, involving the process which takes the initial submission through the various stages and departments to final approval will be analysed. Any discrepancies will be evaluated and the implications of the divergent opinions will be analysed. A composite flowchart which accurately describes the process which takes the initial submission through the various stages will be developed. Once all the data for the dissertation have been evaluated, a more streamlined, and hopefully optimal, flowchart will be developed, if required.

The fifth sub-problem: Accountability

To what degree can the Ballito Office for Development Control Department of the KwaDukuza Municipality be described as accountable?

a. The data needed to address the sub-problem

Public opinion of the performance of the Ballito Office for Development Control of the KwaDukuza Municipality will be ascertained by examining

articles dealing with building plan approvals in the local newspaper, *The North Coast Courier*, a free weekly publication. A randomly-selected one month of publications will be examined. The month of *The North Coast Courier* will be randomly selected. Back-dated-copies of past newspapers are available at their offices. The month chosen will be in answer to a request for any one month's copies of the newspaper.

The questionnaires issued to the KwaDukuza municipal personnel will include questions to find out their perceptions relating to the following issues:

- how does the individual perceive the relationship between the KwaDukuza Municipality's Development Control Department and the public it serves, to be,
- how open and transparent are the channels of communication between the individual's department and the public with respect to involvement, service delivery and performance,
- what channels of appeal are available to the public in the case of dissatisfaction with the outcome of the building plan approval process,
- the frequency that these channels used,
- the effectiveness, when these are channels used and
- whether, if necessary, accountability could be improved.

b. The treatment of the data

The newspapers of the selected month will be evaluated to determine public interest and opinion of the KwaDukuza Municipality's accountability. Likewise, a qualitative approach will have allowed municipal personnel to verbalise their perceptions with respect to the accountability of council. Trends will be defined and these perceptions will be compared and contrasted with those in evidence in any newspaper articles dealing specifically with the public's perception of the issue.

3.5 Summary

The systematic exploration of the problem will involve the following quantitative data:

- Municipal records relating to legislative conformance with respect to the prescribed legal time frames permissible for plan approval,
- Fiscal health as determined by municipal records relating to legal disputes arising from plan submissions and
- To determine efficiency, municipal records reflecting the time periods that plans, in the process of approval, spend in the various departments.

Qualitative data will be obtained through methodical examination. The following methods will provide the data:

- The questionnaires will provide qualitative and quantitative data relating to the KwaDukuza Municipality's personnel's perception of their performance in terms of Shah's five criteria.
- Accountability will be gauged by examining the way that the building department of the KwaDukuza municipality is presented in articles that appeared in the local newspaper, *The North Coast Courier*, over a randomly-selected one month period.

CHAPTER 4: RESEACH FINDINGS

4.1 Introduction

This treatise is based on analysis on the Ballito Office for Development Control of the KwaDukuza Local Authority. As the Municipality forms part of Local Government, official channels have to be used to gain permission to conduct research. Initially, a telephonic conversation was held with KwaDukuza's Acting Municipal Manager, outlining the proposed research study. His consent was given and further information requests were submitted to the Director for Development Control, whose portfolio encompasses such studies. Requests for information and permission to submit questionnaires to current employees of the KwaDukuza's Ballito Office for Development Control were sent to the director.

Once consent for the study had been authorised by the KwaDukuza Municipality, a broad range of methods were employed to gather supporting data, on which to base accurate research findings.

Raw data and additional supporting documentation was obtained through records, maintained by the relevant departments of the KwaDukuza Municipality.

An anonymous research questionnaire was drafted to obtain perceptions of the individual employees of KwaDukuza's Ballito Office for Development Control. The questionnaire covers topics which related to each of Shah's criteria for a model local government, as well as background questions on the individual. Once the questionnaire had been drafted an interview was arranged with a past Building Control Officer, hereafter BCO, for the Ballito Municipality who had recently resigned to follow a new career path. This interview was used as a pilot study for the questionnaire, to determine whether or not the questionnaire was self-explanatory, easily understood and to ensure that the questions posed were accurate and meaningful. An additional advantage of this interview was to gain the opinions and perceptions of an ex-employee, as it was probable that a very honest assessment of the situation at the Local Authority would be conveyed, as the need to 'toe the party line' would be greatly diminished. After the pilot study was conducted, the questionnaires were issued to the KwaDukuza's Ballito Office for Development Control's employees. The completed questionnaires were collected directly from the individual employees.

Of the 16 employees of KwaDukuza's Ballito Office for Development Control, one was on maternity leave, one had a family crisis and one was on leave when the questionnaires were collected. Ten of the potential 13 respondents completed the questionnaire. This represents a 76.9%

response rate. The completed questionnaire of the ex-BCO was also analysed.

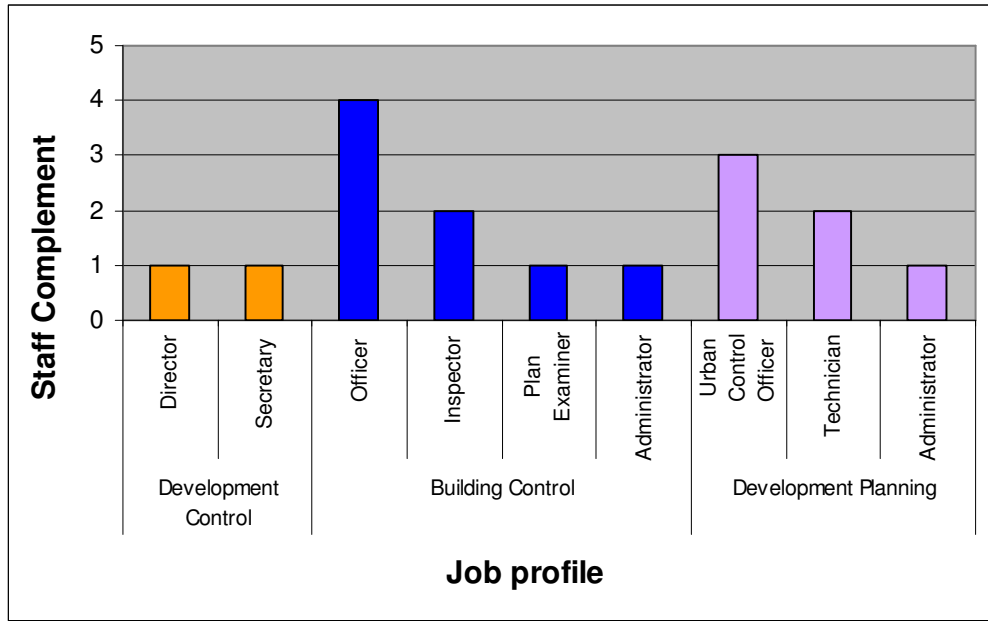


Table 1: Breakdown of the current staff compliment of KwaDukuza’s Ballito Office for Development Control Department

Four issues of a randomly selected month of publications of *The North Coast Courier*, were obtained from the newspaper’s offices in Ballito.

4.2 Legislative conformance

In the context of this study, legislative conformance’s definition is limited to the local authority’s ability to meet the plan approval time frames dictated

in Section 7 (1) of National Building Regulations and Building Standards Act 103 of 1977. This Act states that ‘the local authority shall grant or refuse, as the case may be, its approval in respect of any application where the architectural area of the building to which the application relates is less than 500, within a period of 30 days after receipt of the application and, where the architectural area of such building is 500m² or larger, within a period of 60 days after receipt of the application.’ (1977, p 8)

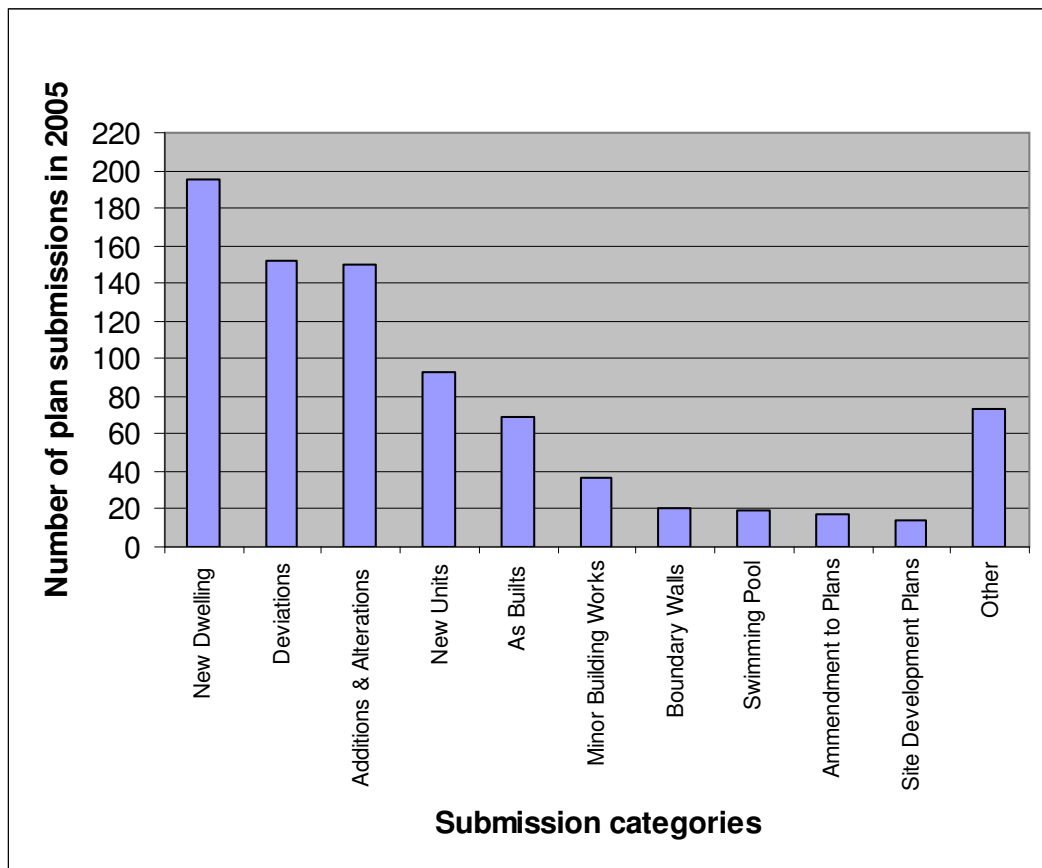


Table 2: Breakdown of submissions submitted during 2005

When posed the question, do you feel that the KwaDukuza Municipality's Ballito Office for Development Control is conforming to legislative requirements, in terms of the time frames set out in the National Building Regulations and Building Standards Act 103 of 1977, for the approval of building plans? The response from KwaDukuza's Ballito Office for Development Control Department's employees was as follows:

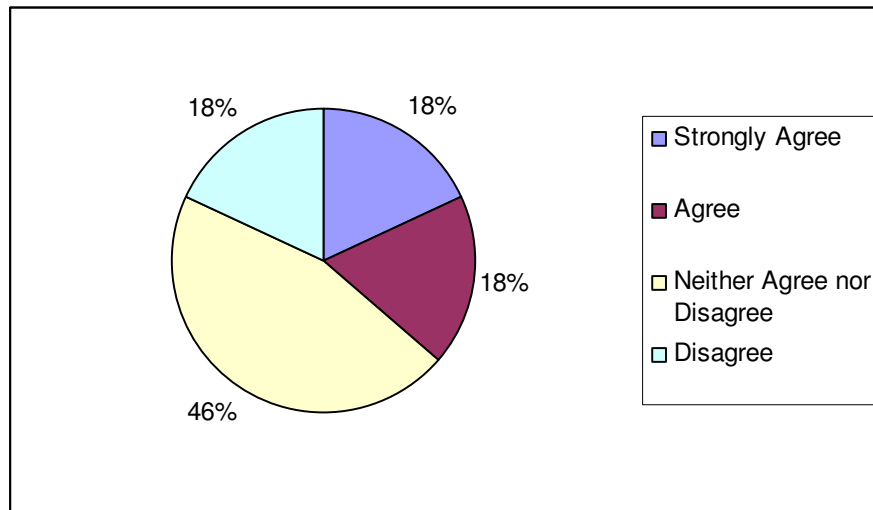


Figure 2: Perceptions on Legislative Conformance

When reviewing the completed questionnaires it is apparent that KwaDukuza's Development Control Department's employees are all aware of Section 7 (1) of National Building Regulations and Building Standards Act 103 of 1977 regarding plans approval timeframes. However, opinions concerning the adequacy of the time periods stipulated in the legislation for plan approval, are divided.

Those respondents, who consider the specified time periods to be adequate, still had the following comments:

- An increase in competent staff is required to scrutinise the submitted plans;
- Plan approvals are frequently delayed due to referrals, which the applicant must correct;
- The different types of applications and the varying timeframes to scrutinise the different plan submission types was raised. They stated that plan approvals in the stipulated periods were feasible for more minor applications such as deviations, additions and alterations [refer to Table 1 for a breakdown of submissions submitted during 2005]; and
- It was also suggested that a further time category be introduced for plans larger than 1000m².

The employees, who considered the legally specified time periods to be insufficient, cited reasons such as:

- The legislation not taking workload into consideration;
- Shortage of competent staff;
- The vast number of submissions which require site inspections; and
- Time required to circulate the plans to all departments.

A valid point was raised, that the discussed legislation was drafted in 1977 and that since then the scales of development have increased drastically.

Analysis of the actual approval timeframes from submission to approval indicate that the stipulated timeframes (30 days for plans less than 500m² and 60 days for those greater) are significantly exceeded. Cognisance should be taken that these approval timeframes were calculated based on actual information maintained and excluded records were no information is available as well as plans not yet approved.

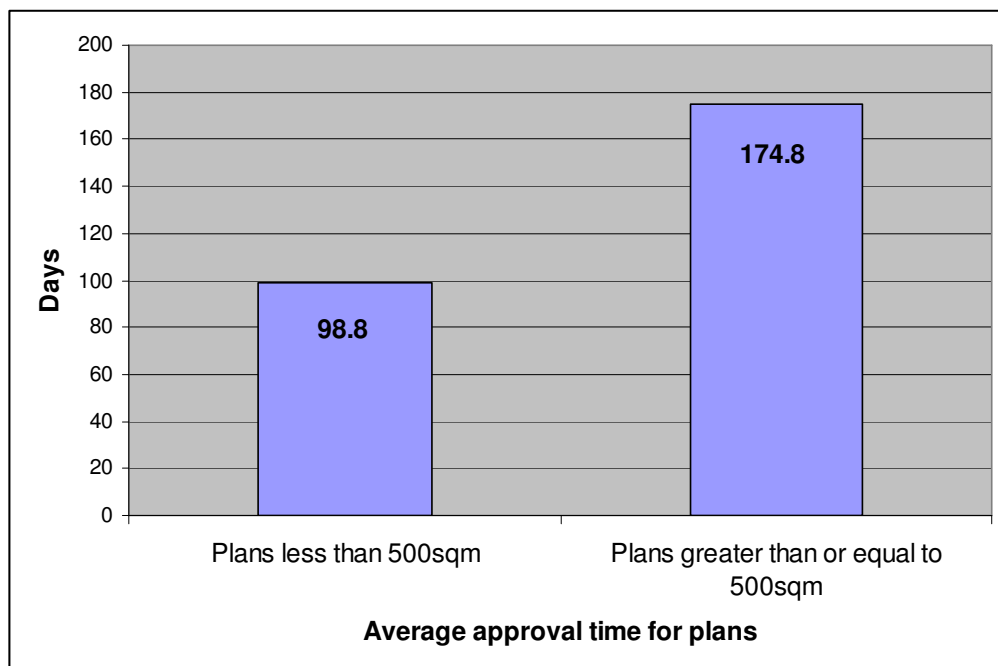


Table 3: Average number of days required to approve plans falling into the two area categories

When viewing Table 2's plan approval periods it is important to note that in Section 7 (1) of National Building Regulations and Building Standards Act 103 of 1977, it is specifically stated that 'the local authority shall **grant or refuse** [my emphasis], as the case may be, its approval in respect of any application ...'. (1977, p 8) The records which are maintained by the KwaDukuza Municipality do not capture information with regard to the refusal of building plan applications. Additionally, no electronic records are kept of which plans require referrals, including when and if notification thereof was sent out. In these cases plan approval can be delayed due to the time which the applicant takes to make the necessary corrections. When calculating the approval time periods the approval dates were noted as the 15th of the month, as only general monthly records are maintained for plan approvals. The 15th of the relevant month is appropriate estimation of the approval date as an additional stumbling block which hinders plan approval compliance is the requirement that plans must be presented to the EDP and EXCO meetings. Both of these meetings are held only once a month. The EDP meeting takes place towards the end of the month and EXCO roughly a week thereafter. Presently, only once a plan has been tabled at both of these meetings is it eligible for approval. Before the plans can be finally approved a council resolution number must be noted on the plans. This number is generally released one to two weeks after EXCO. The plans must be signed by representatives from both Development Planning and Building Control.

Further analysis of the approval timeframes noted that 58% of plans submitted were approved in the same calendar year, with 20% being approved in the subsequent year. Approximately 22% of plans submitted during 2005 were still not approved by 31 October 2006. [refer to Figure 3 for further details].

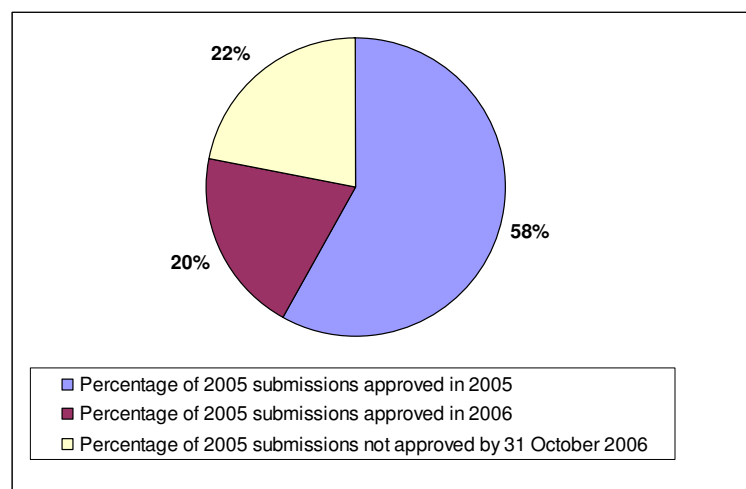


Figure 3: Analysis of the 842 plans submitted for approval in 2005

Based on the analysis of available data, the hypothesis that the KwaDukuza Municipality is not meeting time requirements for approval of plans as set out in the National Building Regulations and Buildings Standards Act of 1977, is confirmed when viewing average plan approval timeframes.

4.3 Fiscal health

For this dissertation, the definition of fiscal health is limited to the financial wellbeing of the local authority, when examining the economic effect of legal disputes during the plan approval process.

When gathering information with regard to legal disputes, specifically those relating to the following:

- The number of legal disputes, restricted to those involving plan approvals, for plans submitted in 2005 and finalised by 31 October 2006;
- Time spent by municipal personnel on these legal disputes; and
- Costs incurred by the KwaDukuza municipality on these legal disputes.

It became clear that no comprehensive records were maintained, monitored or readily available regarding legal matters arising from the plan approval process.

Initially, the Director for Development Control referred all requests for information to the Building Control administrative staff. As neither of these personnel maintain such records. They recommended approaching the KwaDukuza Records Department. On approaching this department it was

discovered that they were unable to assist regarding general statistics and could only search for information concerning specific sites. This was not feasible given the size of the jurisdiction of KwaDukuza's Ballito Office for Development Control. A referral was given to approach the Finance Department. This department was questioned and again a referral was given, this time to the Corporate Department. When this course of investigation was not successful, it led to the Assistant Director of the Legal and Estates Department. A telephonic interview was held with the Assistant Director and this was followed up with an electronic confirmation of the conversation. An acknowledgement of this confirmation to date has not yet been received. The request for confirmation was repeated, please see Appendix 25.

It transpired during this conversation that if the Development Control Department requires the services of a consultant for a legal matter the correct process is that that individual involved is to contact KwaDukuza's Assistant Director of the Legal and Estates Department. From here the Assistant Director would go through a database of people with the necessary expertise (this database is gathered through the legally stipulated channels for tendering and involves advertising, whereby people tender listing their fields of expertise) and the KwaDukuza employee would be referred to a consultant with the appropriate skills (taking care not to use a 'Rolls Royce' consultant when a 'Beetle' one

would perform the work adequately). That consultant is then given an order number for billing purposes. This is so that the consultant is authorized to bill the Finance Department directly on that specific matter.

However, in the opinion of the Assistant Director, in practice appointing a consultant for a legal matter is frequently done as a knee-jerk reaction. The consultant is appointed directly by a KwaDukuza employee without following the required protocol. This then comes to light when the consultant sends an invoice to the Finance Department without an order number. This invoice then goes to Assistant Director of the Legal and Estates Department to authorize, but as the Assistant Director has no knowledge of the matter, it is sent to the employee concerned and they approve it. Once this approval is given the Finance Department makes payment.

Funding for legal consultants for the Development Control Department comes from the one legal vote, which falls under Council General's allocated annual budget.

The Assistant Director of the Legal and Estates Department suggested requesting information regarding plan approval legal matters, from the Director of Development Control. A brief meeting was held in which the information request was conveyed and followed up with an electronic

request. This information has to date not been forthcoming from the Finance Department. Therefore alternative avenues of information had to be considered. When reviewing a random month of issues of the local newspaper for incidents on accountability, two articles concerning legal disputes regarding plan approval were noted.

The North Coast Courier reported on an on-going legal battle between the two largest shopping centres in Ballito regarding the extension of one of the centres, which was designed to cater for the expanding population in the vicinity. At the time of the writing of the article, an appeal had been submitted, concerning the KwaDukuza Municipality's agreement to grant a rezoning. It was turned down. An appeal was then lodged 'with the provincial commission and simultaneously launched an attempt to stop construction through the Durban high court.' (Junction and Lifestyle centre slug it out, 27 October 2003, p 2). This lawsuit was also not successful. A large group of stakeholders met to hear the second appeal, one of which was the KwaDukuza municipality. This article points to the gruelling process involved in defending a matter of a legal nature. This process would naturally equate to a substantial amount of time, and in turn money being spent on defending the issue.

There was a second account of the KwaDukuza municipality going to Durban high court to stop the construction of a building in Kudu Road,

Ballito. The owner previously ignored two stop work notices. The background from the article is that the owner of the property was originally granted special consent from the Local Authority for a building line relaxation, third storey and an external wall exceeding 1.8m in height. He was given permission to start with building works on site, up to ground floor level, without yet obtaining full plan approval. The owner commenced construction and exceeded the height for which he was given permission to build. However, it was noted that during the special consent application process, the municipality received a number of objections from closely situated neighbours. The residents now claim 'that they were never informed of their right to appeal council's decision'. (Gibson, 27 October 2006, p 4). This report makes mention of two stop work notices and a high court application; all of these matters require painstaking processes to be followed, which involve both time and financial implications. This case also alludes to the problems which can arise from an individual initiating construction without full plan approval, though one must also question why the owner had to request permission to build before approval was granted. It is speculated that this was ventured, as waiting for full plan approval would have substantially delayed the construction of the house. No specific costs were given in this article, though it can be deduced that there were significant costs in both money and personal time spent.

Analysis of the completed questionnaires determined that 70% of KwaDukuza's Ballito Office employees in the Development Control Department did not have personal knowledge or involvement in legal disputes arising from the plan submission process. The remaining 30% of the personnel did have dealings with legal challenges. The main reasons cited for these disputes were:

- The time limits set down for plan approval being exceeded;
- Miscommunication;
- Developer negligence
- Incorrect understanding or unawareness of the relevant legislation;
- and
- Objections to plan refusal.

The statement posed to municipal employees was 'The KwaDukuza Municipality's Ballito Office for Development Control is losing money as a result of legal disputes during the plan approval process'. The personnel were asked to indicate what they consider to be the most accurate representation of their opinion of this statement. The results are provided on the following page:

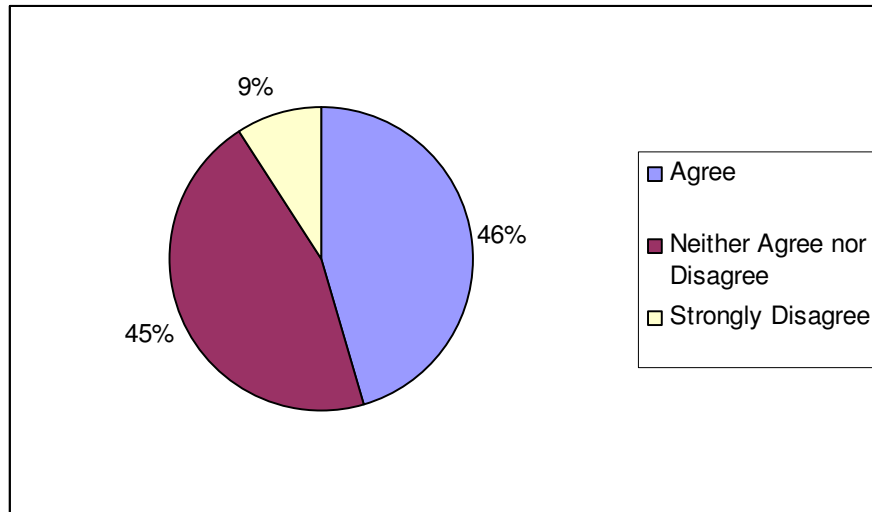


Figure 4: Perceptions on Fiscal Health

An average of five disputes arising from plans submitted in 2005, affected the personnel who had dealings with legal disputes. The amount of working hours spent each month on legal challenges is estimated from ten and 70 hours. Speculation relating to the average cost of each legal dispute ranged between R50 000 to R100 000, although it is noted that the employees of the KwaDukuza Municipality expect to recover these fees should they win the case. It has been extrapolated, based on an average of five legal debates multiplied by an average cost of R75 000 per dispute (which is the mean of R50 000 to R100 000), that it is the perception of the KwaDukuza's Ballito Office employees in the Development Control Department that an estimate of R375 000 was required for legal costs, to fight or defend legal challenges concerning plans submitted for approval in 2005.

The average estimate of R75 000 per case is feasible, as in a follow-up article in *The North Coast Courier*, the municipality was ordered to pay costs resulting from a failed high court application, in an attempt to stop work on the previously-mentioned, Kudu road project. The article states that 'the KwaDukuza municipality will have to foot the bill – anything from R50 000 to nearly R100 000 – in legal costs' (Gibson, 1 December 2006, p 9). In the same article, the owner of this house is quoted as saying 'this business of trying to stop people from building is costing the ratepayers of this town a lot.' (Gibson, 1 December 2006, p 9)

It is important to note, however, that the questionnaire called for average costs (fees payable to consultants, employee man-hours and other indirect costs) to the Ballito Office of the KwaDukuza Development Control Department arising from each such legal dispute. The questionnaire did not however, call for speculation of the other parties' legal costs, which increases the municipality's exposure risk, should the judgement favour the opposing faction. Though, as previously mentioned if the municipality is successful, it would be likely that their legal fees could be partially recovered.

A revenue of R2 823 193.05 was generated for plans submissions made in 2005. The estimate for legal costs for the same plan submission is R375 000, that is 13.28% of fees charged.

When examining the information gathered and the perceptions of the municipal employees, it is clear that the hypothesis that legal disputes during the plan approval stage increase the cost to the Ballito Office of the KwaDukuza Municipality's Development Control Department for plan approval, is confirmed.

4.4 Responsiveness

In the context of this dissertation, responsiveness is the ability to respond flexibly and timeously to change in reaction to varying situations and concerns. Responsiveness involves the extent to which a municipal organisation is able to adapt to change. Key indicators of this would be open lines of communication, effective decision-making and efficient delegation.

The statement posed to municipal employees was 'The KwaDukuza Municipality's Ballito Office for Development Control is responsive in terms of flexibility and implementing change'. The personnel were asked to

indicate what they consider to be the most accurate representation of their opinion of this statement. The results are provided below:

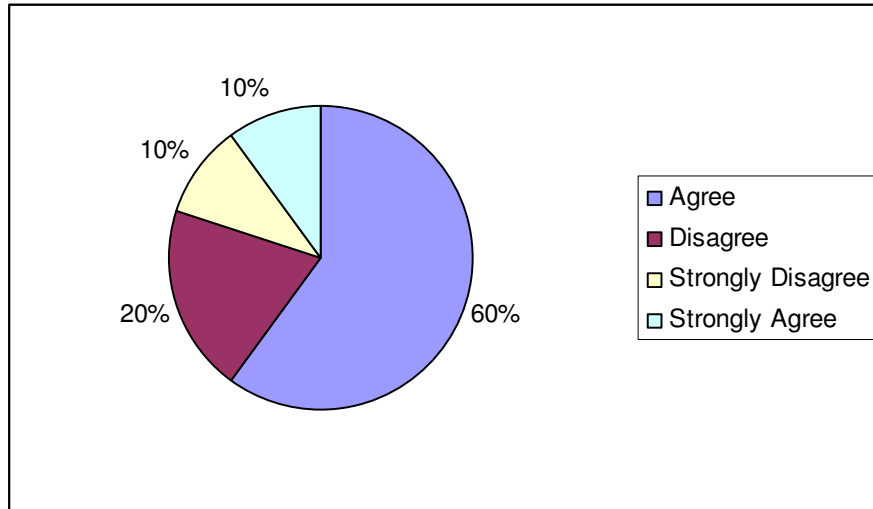


Figure 5: Perceptions on Responsiveness

As assessed in the survey, 60% of the personnel from the Ballito Office of the KwaDukuza Municipality's Development Control Department who completed the questionnaire perceived there to be no varying situations and concerns which necessitated alterations or adaptations to the plan approval processes or systems, in the past year.

The remaining 40% of staff who highlighted the need for adaptations to the plan approval process changes fall under the Building Control department, bar one. The situations which necessitated process adjustment were noted as;

- The requirement for plans to be submitted to both an Economic Development and Planning meeting, hereafter EDP, and then to an Executive Committee meeting, hereafter EXCO. These meetings were put in place to limit legal disputes.
- Plan details and departmental locations are now captured in Excel to facilitate tracking. Captured details now include the site's physical address.

All of these modifications to the then-present systems have been introduced. No time periods from conceptualisation to implementation of the changes were noted. All the personnel who completed the questionnaire felt the changes to plan approval systems were seldom to never implemented, the most frequent timeframe estimation was twice a year.

73% of the employees considered there to be open channels of communication to allow input from personnel to management regarding change management. An open-door policy was frequently mentioned and Development Planning personnel discussed monthly to bi-monthly meetings, in which anyone could make suggestions. Official channels of communication were highlighted, in that staff members could speak to their direct manager, if the outcome is unsatisfactory then the Director could be approached and failing that, the Executive Director. On the other

side of the spectrum, all of the remaining 27% of employees who considered there to be little to no communication between management and staff were from Building Control. It was cited that staff meetings are rare to non-existent and that upper management makes decisions without consultation from officials below them.

A near even division of opinion was raised for both the questions relating to decision-making systems and efficient delegation. 55% of the officials felt that there are effective decision-making systems in place and efficient delegation exists, to ensure the implementation of change. All of the Development Planning personnel hold this perception. It was stated that recently a Development Review Committee, hereafter DRC, was created. In this working group 'plans and applications are tabled in order to reach consensus and to make informed decisions'. One respondent noted that the council make the most decisions and the department officials merely make recommendations. Although this respondent agreed that effective decision-making processes exist, this statement does not suggest a reciprocal relationship. There are instances in which individuals are delegated authorisation to make binding decisions. Building Control inspectors are given this mandate for site assessments. The recent appointment of the Director for Development Planning is viewed as constructive and officials hope that this appointment will enable and assist in the implementation of positive change.

Of the remaining 45% of personnel questioned, who did not agree with the affirmative sentiments relating to decision-making and delegation, all fall under the Building Control department. Senior management is viewed to lack the capability to make informed decisions, therefore change is virtually impossible to implement. Rubber stamping is listed as a concern which is created by senior management lacking operational awareness of departmental functioning. This lack of understanding is seen to stem from insufficient management meetings, skills and knowledge.

The services of specialists have recently been engaged to undertake a Strategic Environmental Assessment, hereafter SEA, for the Municipality, according to substantiations made in the questionnaire. An Urban Design Framework, hereafter UDF, is also currently underway to discuss issues for future demand. It was noted that the DRC, as part of its mandate examines the potential impact of proposed developments and how to manage them. If the Municipality cannot deal with the impact of a development, it will not be approved. The growth of the Development Planning Department was emphasised, as a reaction to the increasing demand placed on the department. The average length of employment of the personnel who completed the questionnaire in the Development Planning Department is 2.4 years, compared to the 3.4 years of service from the Building Control Staff. The above-mentioned reasons are cited by 55% of the personnel confirming that the Local Authority pre-empts

future demand and make the necessary allowances to adequately manage prospective needs. 45% of staff did not share this outlook, stating that the Municipality can barely cope with the present workload, let alone future demand, which is not being catered for. Officials are expected to make-do with present resources, due to management being content with the present status quo, due to lack of knowledge of the situation of staff.

When studying the four issues of *The North Coast Courier's* for the month of October 2006, it becomes apparent the vast amount of building work proposed and scheduled for the region.

There were four full page adverts for Palm Lakes Estate, in Tinley Manor Beach and a single one for Brettenwood Coastal Estate, in Sheffield Beach. Both of these estates fall under KwaDukuza's Ballito Office for Development Control.

Overall, twelve town planning applications or notices were printed, for the following reasons:

- a boutique hotel application with a building line relaxation in Tinley Manor Beach,
- the erection of a telephone antenna in Sheffield Beach,
- three building line relaxations in Ballito,

- the establishment of proposed residential dwellings in Tongaat,
- the establishment of proposed residential dwellings with commercial component at a farm on Compensation,
- an Environmental Impact Assessment, hereafter, EIA for the development of a Polo Estate in Ballito and surrounds,
- an EIA for the establishment of a proposed residential estate in KwaDukuza, on the outskirts of Ballito and
- amendments to the Umhlali Town Planning Scheme where listed three times in two publications.

It is important to note that all these notices and applications fall under the Ballito Office for Development Control of the KwaDukuza Local Authority, barring the Tongaat application.

The publication dated 20, October 2006, reported the launch of the R3 billion Blythedale Coastal Resort, which stated 'when finished the development will be the size of a small town.' (Mahabeer, 20 October 2006, p 2) Although it will fall under KwaDukuza's jurisdiction, this development it will be processed by the Stanger Office for Development Control.

Two articles reported on a planned polo field. Although various sites were being considered, it would be likely the new polo field would fall under the

Ballito Office for Development Control of the KwaDukuza Local Authority.
(Knoll, 13 October 2006, p 6), (Murugan, 27 October 2006, p 5)

The role for change management and future forecasting cannot be emphasised enough when reviewing the expected increase in plan approvals in the near future.

The hypothesis that the majority (over 50% of candidates responding to the questionnaire) of the Ballito Office of the KwaDukuza Municipality's Development Control Department's personnel believe that they are flexible, in being able to react timeously to change, is confirmed.

4.5 Efficiency

This is defined as an administrative organisation that is businesslike, capable, competent, effective, skilful and well-organised.

The flowchart [refer to Annexure 1] shows the current process flow of plans from submission (being brought to the front desk) through the various departments and meetings until final approval is granted (and plans are collected). The compiled flowchart is based on non-commercial plan submissions, as business-related proposals must be presented to the

Civil, Fire, Water, Health and Traffic Departments, in addition to the customary Building Control and Development Planning. Although no formal documentation exists which demonstrates the plan approval process, it is clear that all the parties who completed the illustration of the process, were aware of the full process. This comprehensive understanding was not dependant on the sub-department that the individual employee operates under.

It is noted that a building plan submission for a non-commercial building requires four sets of drawings (three of them being coloured to SABS regulations) be submitted. All of these sets are distributed, as a whole to each individual throughout the plan approval process. It can be speculated therefore that when a submission goes astray the entire file is lost.

The illustrated flowchart shows the linear nature of the plan approval process, where until one operation is fully completed, the process cannot advance. The flowchart also highlights the importance of the roles of the development planning technicians, plan examiner and the building inspectors in this progression. However, when reviewing the breakdown of the present staff component of the Development Control Department, only one plan examiner is presently employed by the KwaDukuza Municipality. Thus, if this individual is not at work, the approval process is

likely to grind to a halt. Another aspect of the approval process which often results in delays in the approval process are the EDP and EXCO meetings. Both of these meetings are only held once a month, with the EXCO meeting generally taking place one week after the EDP meeting, which is held at the end of the month.

The statement posed to municipal employees was 'The service offered by the KwaDukuza Municipality's Ballito Office for Development Control is efficient'. The personnel were asked to indicate what they consider to be the most accurate representation of their opinion of this statement. The results are provided below:

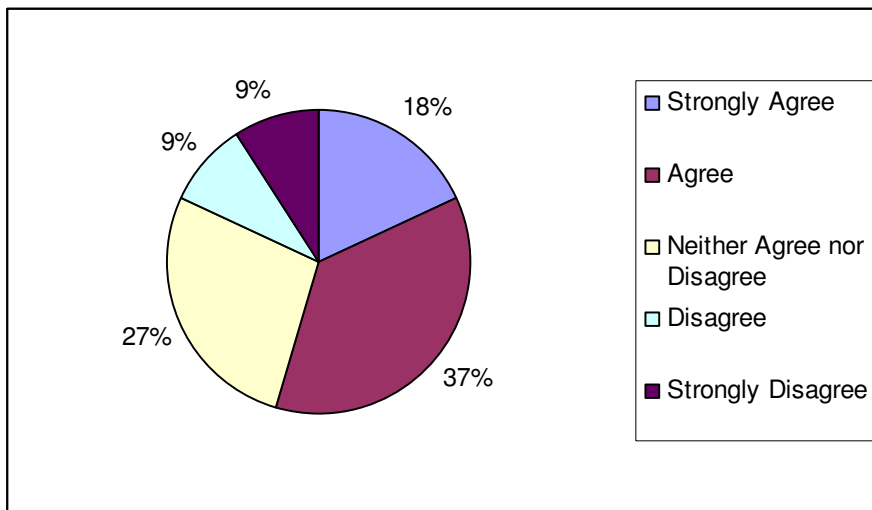


Figure 6: Perceptions on Efficiency

When questioned on the average length of time that plans in the approval process remain in Development Planning, the estimate was just under six working days. The times given were justified, stating that they were dependant on workload and the plans receiving no referrals. One person estimated that to gain full plan approval took two months.

A summary of the actual processing timeframes from development planning to plan examiner are provided below and on the following page. The information compiled for the noted processing timeframes, has been based on data captured from 169 submissions of a total of 842. Complete records of these dates were only maintained for 20% of all plan submissions.

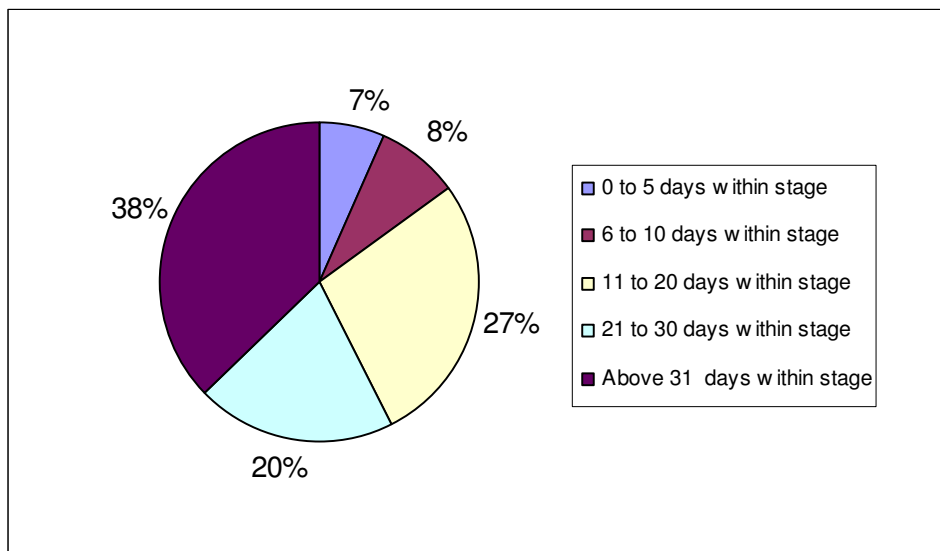


Figure 7: Development planning to plan examiner (less than 500m²)

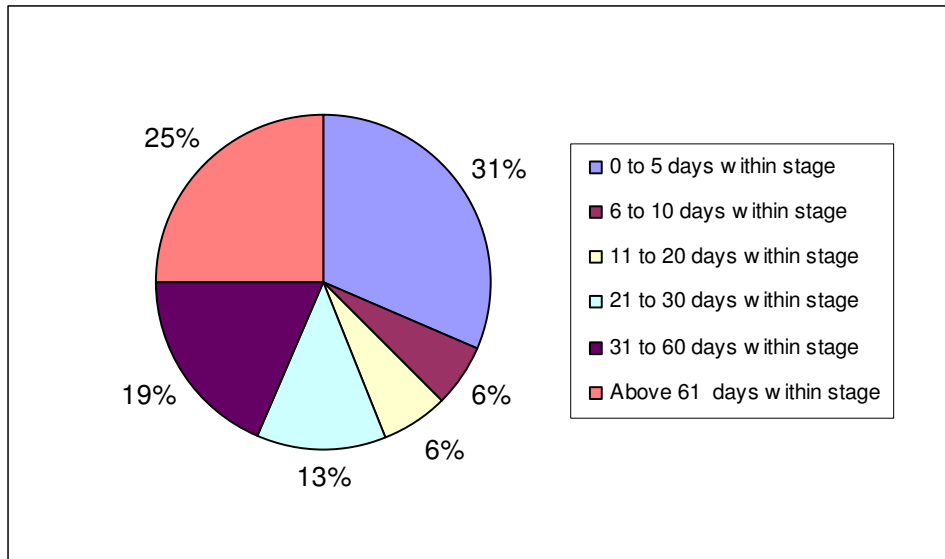


Figure 8: Development planning to plan examiner (greater than or equal to 500m²)

Building Control's time estimations were considerably higher than those of Development Planning, an average of slightly over 62 working days. It is assumed that the times given account for complete plans approval from submission, as Building Control manages the plan approval process from start to finish. The information compiled for the processing timeframes noted below, has been based on data captured from 274 submissions of a total of 842. Complete records of these dates were only maintained for 32.5% of all plan submissions. A summary of the actual processing timeframes from plan submission to development planning are provided on the following page:

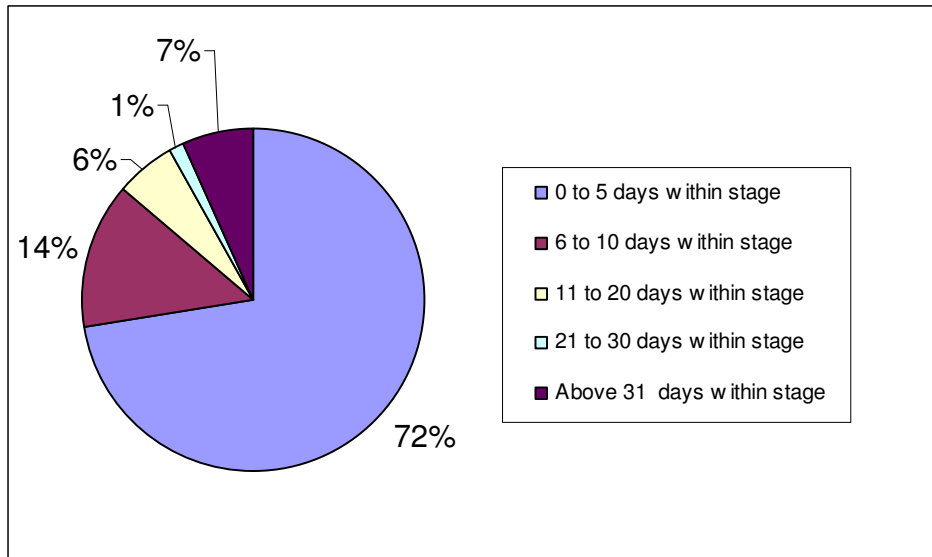


Figure 9: Plan submission to development planning (less than 500m²)

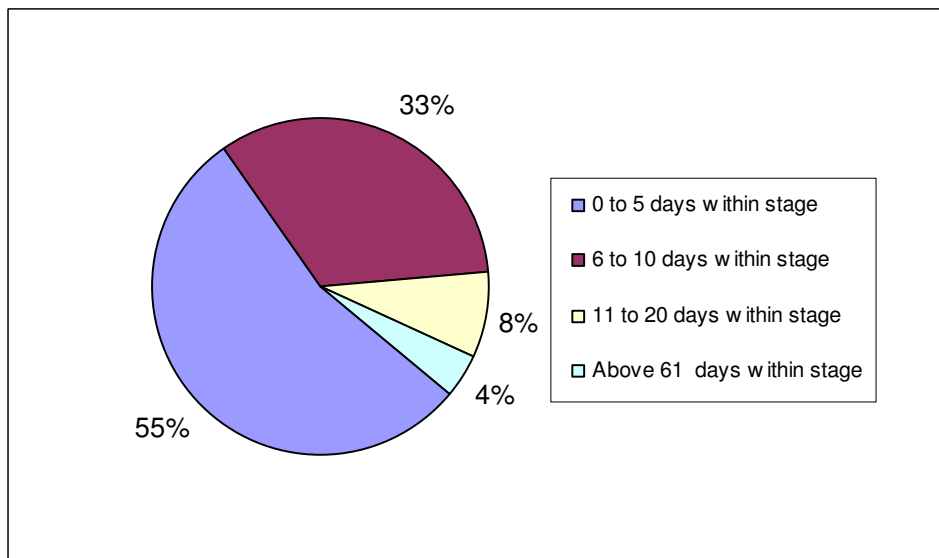


Figure 10: Plan submission to development planning (greater than or equal to 500m²)

A summary of the actual processing timeframes from plan submission to plan examiner are provided below and on the following page. The information compiled for the noted processing timeframes, has been based on data captured from 384 submissions of a total of 842. Complete records of these dates were only maintained for 45.6% of all plan submissions.

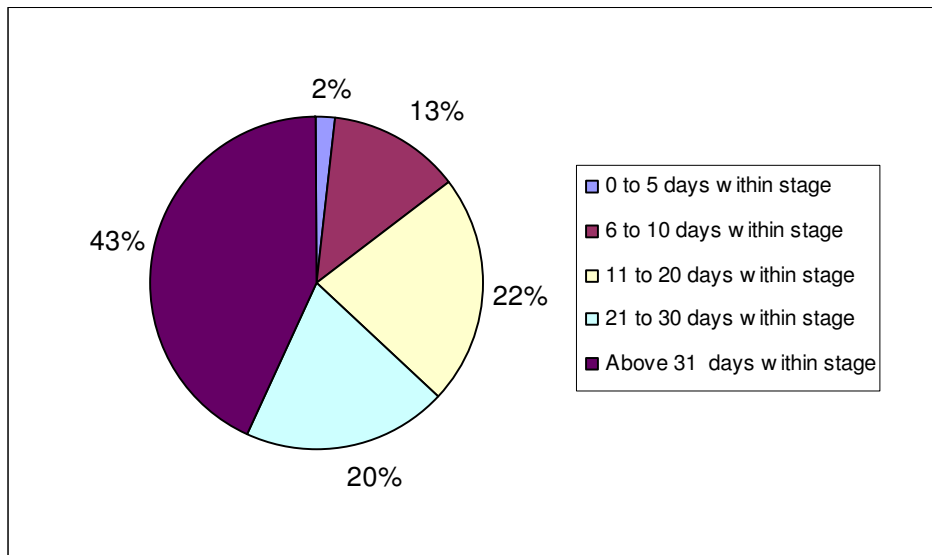


Figure 11: Plan submission to plan examiner (less than 500m²)

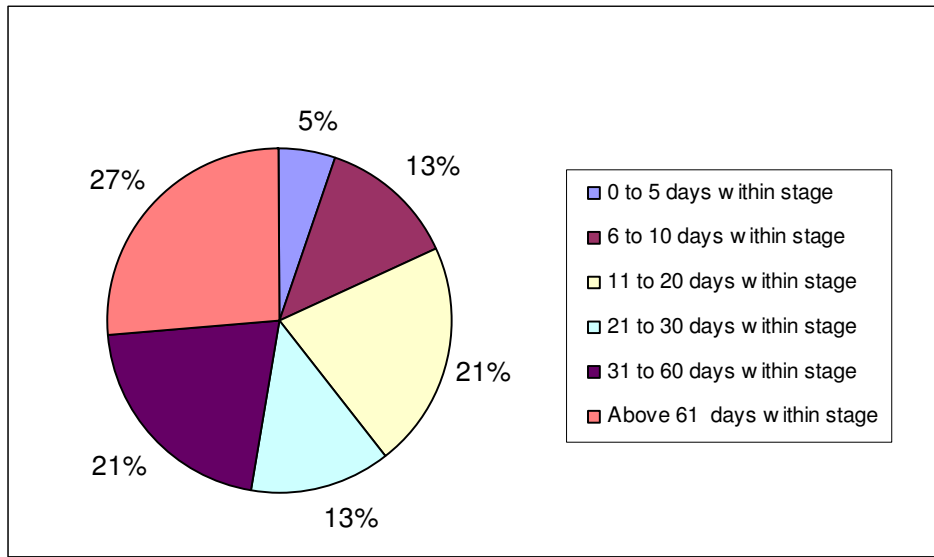


Figure 12: Plan submission to plan examiner (greater than or equal to 500m²)

80% of the personnel of KwaDukuza's Ballito Office for Development Planning believe that the plan approval process is handled in a manner which could be defined as businesslike, capable, competent, effective, skilful and well-organised. This conviction is upheld, as the administration of the plan approval process and the process itself is seen to be handled in a diligent manner. It was also asserted that all members of the team must play their part to ensure efficiency. It was however noted that the influx of building plans and lack of capacity are having a direct impact on efficiency. Better controls could be achieved regarding plan circulation with increased computer resources. Additional employment requirements such as producing statistics for national bodies, general administration

and public queries draw on time, which could be spent assisting with the plan approval process.

The remaining 20% of employees stated that the plans approval process is not handled in an efficient manner attributed these sentiments to insufficient management meetings, skills and knowledge. It was mentioned that due to lack of capacity, the approval of plans is not given due importance.

The hypothesis that the majority (over 50% of candidates responding to the questionnaire) of the KwaDukuza Municipality's Ballito Office for Development Control's personnel believe that they are efficient is confirmed.

4.6 Accountability

This term involves a reciprocal (mutual) relationship between the municipality personnel and the public, specifically with regards to communication, involvement, service delivery and performance.

The relationship between KwaDukuza Local Authority's Ballito Office for Development Control Department and the public it serves is perceived by majority of the questioned personnel, to be good to excellent and very

supportive. A desire was expressed to further improve this rapport, but restrictions due to workload and time constraints influenced the ability to achieve this. Those staff members who alleged that there is a difficult relationship between the Local Authority and the public, cited the main reasons as a lack of capacity, time and poor staff attitude.

90% of the municipal employees found there to be transparency concerning service delivery and performance between the Local Authority and the public. One employee compared KwaDukuza to Ethekewini (Durban) Municipality, stating the KwaDukuza allowed staff to interact with clients on a regular basis. It was stated that Ethekewini does not entertain the ratepayer or applicant, but only issue referral letters. This open-door policy emphasises transparency, to the KwaDukuza personnel who completed the questionnaire.

In the event of dissatisfaction, with the outcome of the building plan approval process, KwaDukuza employees generally note that written objections could be issued to either the Building Control Officer or the Urban Control Officer. Objections could also be raised verbally; verbal objections are perceived to be issued on an almost daily basis. Written objections are seen to be delivered with less frequency. The effectiveness for these objections is based on the validity of the complaint and the impact on direct neighbours. Two KwaDukuza employees stated that objections

could be lodged, according to the Municipal Systems Act 62 of 2000. Other channels of appeal are available to the public mentioned were the South African Bureau of Standards, hereafter SABS and the Town Planning Ordinance. The SABS has a Review Committee in terms of the National Building Regulations, hereafter NBR and objections could be made under Section 67 of the Town Planning Ordinance. The general consensus of staff members, who are aware of these formal appeal procedures, is that these channels were used more often than they should be. The process is not that effective due to its legal nature, though experts and specialists who adjudicate the appeals ensure proper procedures are being followed.

All of KwaDukuza's Ballito Office for Development Planning Department employees who completed the questionnaire feel that the manner in which the Local Authority is characterized in the media is not fair. They view the press representation to be poor and focusing only on negative issues. Generally the subject is of a technical nature which is often incorrectly reported. This misinformation occurs as municipal employees are not allowed to issue comments or statements to the press. Therefore facts are not confirmed. It is felt that the positive stories do not gain as much coverage or interest, as the negative ones.

A randomly selected month's publications of the local weekly newspaper, *The North Coast Courier*, were obtained from their office in Ballito. These newspapers were scrutinised to see the manner in which the Ballito Office for Development Control of the KwaDukuza Local Authority is presented in the press. In turn this analysis was used as a basis to gauge public perception.

The month of October 2006 newspapers were reviewed, four in total, each of which had an average of 35 pages. Items of interest appeared in each of these publications relating to the KwaDukuza Municipality. They are broken down as follows:

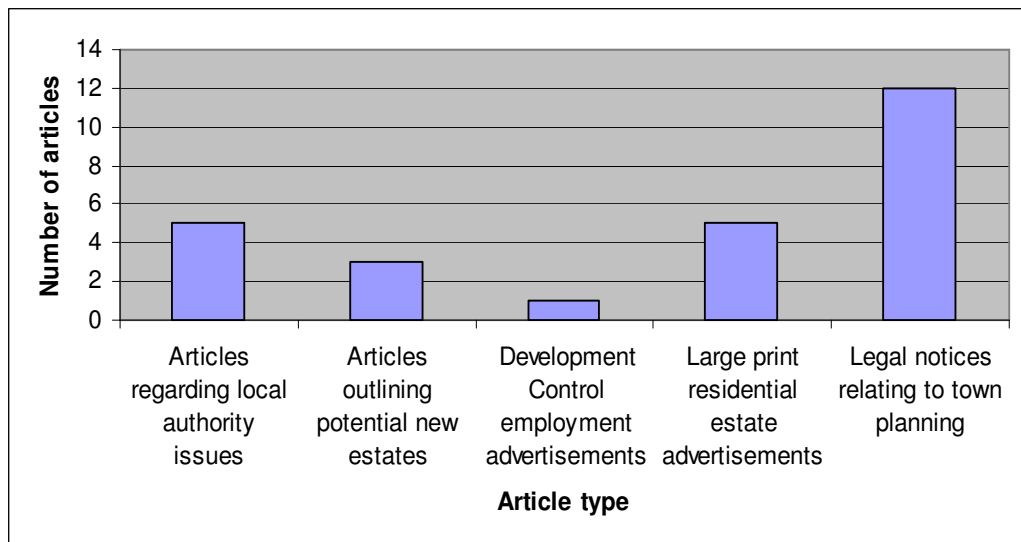


Table 4: Breakdown of articles from *The North Coast Courier* in October 2006 relating to the KwaDukuza Municipality

The legal notices and residential estate advertisements and related articles have been reviewed under the heading, Responsiveness. Certain of the articles which allude to legal matters have been examined in the Fiscal Health analysis.

6 October's publication had local councillor's Ann McDonnell's report back which among other matters stated that

Local issues are scary at the moment ... Most of the town planning problems are densification applications, and the intention of our different town planning schemes is being challenged at every turn. As a result of intense pressure, the department which was under-resourced, was unable to keep up and this stress has affected them negatively. We are getting a much better response lately though, so things are looking up. (6 October 2006, p 12)

This article while having a downbeat subject, has been reported in an understanding manner, pointing to the intense pressure which the under-resourced department is experiencing and that matters are improving. The underlying sentiment of this article is a positive one. Coincidentally in that same publication a vacancy was advertised for a Deputy Director for Development Control with a salary of R183 373.30 per annum (KwaDukuza Municipality, 6 October 2006, p 14)

The following week, in another councillor's report back, it was noted that

The filling of key positions at council is taking place regularly and we now have ... a town planner and two building control managers to ease the pressures of the activities in our borough. (Marsh, 13 October 2006, p 14)

The overall impression of this report is encouraging, that although there is allusion to past strain, it seems to the author that personnel placements are now habitual. All three of these staff members would fall under the Development Control Department. However, it is not clear to which office, Ballito or Stanger, these new employees would be assigned.

The Ballito promenade will be extended according to news in *The North Coast Courier*. This article highlights that this extension was put forward by the KwaDukuza coastal working group which is 'headed up by the town-planning department'. (Knoll, 20 October 2006, p 4). This demonstrates the multi-faceted work of the personnel of the Development Control Department. This is a very positive reflection of the work undertaken by the Local Authority.

The matter of the KwaDukuza municipality going to Durban high court in an attempt to stop the construction of a house in Kudu Road, Ballito, portrays the Development Control Department in a very negative light.

This subject has been partially discussed previously, under the heading Fiscal Health. The owner had previously ignored two stop work notices, which were issued on the project. The article is one-sided as no comments were made on behalf of the municipality. In the article the owner's lawyer was quoted as saying that

The KwaDukuza municipality is solely responsible for [the] predicament in which they find themselves which is simply due to their own administrative incompetence and an inability or refusal to properly investigate what did or did not happen.

The obvious chaos within the town planning department is inexcusable.

It is submitted [that] the court should not show its approval of the urgent application by stopping work simply because municipality has lost or misfiled its own paperwork. (Gibson, 27 October 2006, p 4)

All the articles obtained from the *The North Coast Courier* for the month of October 2006 and discussed are written by different individuals, so no overall bias is apparent. Of the four articles examined, only one portrays the KwaDukuza municipality in an unfavourable light. However, this is the only article which has a plan approval matter as its core focus. It is also a substantially more sensational story, than the other 3 articles, which are rather mundane. Prominence is given to the report on page four, which

takes up almost half a page, with a large picture of the property with the headline 'Building chaos in Kudu Road'. This write-up is also the only article to be listed on the front cover of any of the newspapers. All the other reports do not have any attached images and headlines which do not refer in any way to the KwaDukuza Development Control Department. Both the articles written by the councillors are entitled 'Report Back' and the third is named 'New promenade for Willard Beach'. These pieces of writing are small and appear on pages 12, 14 and 4 respectively. Only when one reads these articles completely, does it come to light that the municipality, in part, is referred to and the uplifting nature of these reports. The articles which relate to the KwaDukuza Municipality's Development Control Department reflect a broad spectrum of the manner in which the council is presented to the public. However, startling articles relating to building chaos take precedence and tend to drive public opinion.

The statement posed to municipal employees was 'The KwaDukuza Municipality's Ballito Office for Development Control can be described as accountable'. The personnel were asked to indicate what they consider to be the most accurate representation of their opinion of this statement. The results are provided on the following page:

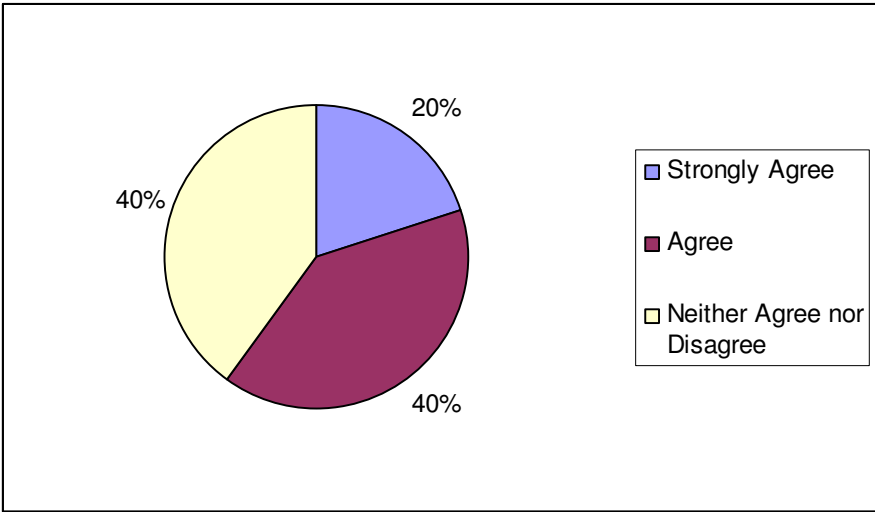


Figure 13: Perceptions on Accountability

The hypothesis that the majority (over 50% of candidates responding to the questionnaire) of the Ballito Office of the KwaDukuza Municipality’s Development Control Department’s personnel believe that they are accountable to the public and that the need for transparency is being met, is confirmed.

CHAPTER 5: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Summary and conclusions

The reliability of findings elicited from the questionnaire was increased, through triangulation. This was achieved through information gained from additional references to data from the KwaDukuza Municipality, as well as from newspaper articles.

The findings, though extensive, are specific to the KwaDukuza's Ballito Office for Development Control, a small department of a Local Authority and are thus not generalisable. The questionnaire, based on Shah's criteria, represents original research. As it is generic, it can be used as a tool to elicit valuable information for the improvement management and staff development for various local government departments, which oversee the plan approval process. The proof of its effectiveness lies in the numerous findings gained through its use at the KwaDukuza Municipality.

5.2 Recommendations

When completing the questionnaire, KwaDukuza's Ballito Office for Development Control's personnel were asked to suggest means, if they

deemed them to be necessary, to improve conformance to Shah's five criteria for judging a model local government in a developing country. Some of their recommendations have been noted, in conjunction with various other alternative solutions.

Suggestions to improve legislative conformance are:

- Exercise Section 28 of National Building Regulations and Building Standards Act 103 of 1977;
- Document tracking;
- Compliance audits and
- Additional staff.

Section 28 of National Building Regulations and Building Standards Act 103 of 1977 deals with the delegation of powers. Clause (1) of the Act states that 'the Minister may on such conditions as he may think fit, in writing delegate any power conferred on him by or under this Act.' (1977, p 21) Section 7 of the same Act refers to approval by local authorities in respect of erection of buildings, as discussed previously. Therefore the approval of plans is a power that can be conferred. It was suggested by Ballito's ex-BCO, that the council needs to consider seriously implementing Section 28 of Act 103 of 1977. This is due to the delay in plan approvals, as a direct result of EDP and EXCO meetings. Plans go before these meetings, as presently it is the council, which has the

authority to approve plans. If authority to determine which plans are to be approved would be conferred to a body of experts, then the need for EDP and EXCO meetings would be redundant, as far as plan approvals are concerned. This would prevent in the BCO from acting as judge and jury. Thus to prevent bias, the body of experts assigned to review plans would either approve or refuse, the submitted plans, not the BCO who has the final say. They would then present plans to the BCO for signature. On this recommendation the BCO would sign the plans and approval would be granted, where required. The council and the BCO would have reciprocal reporting duties.

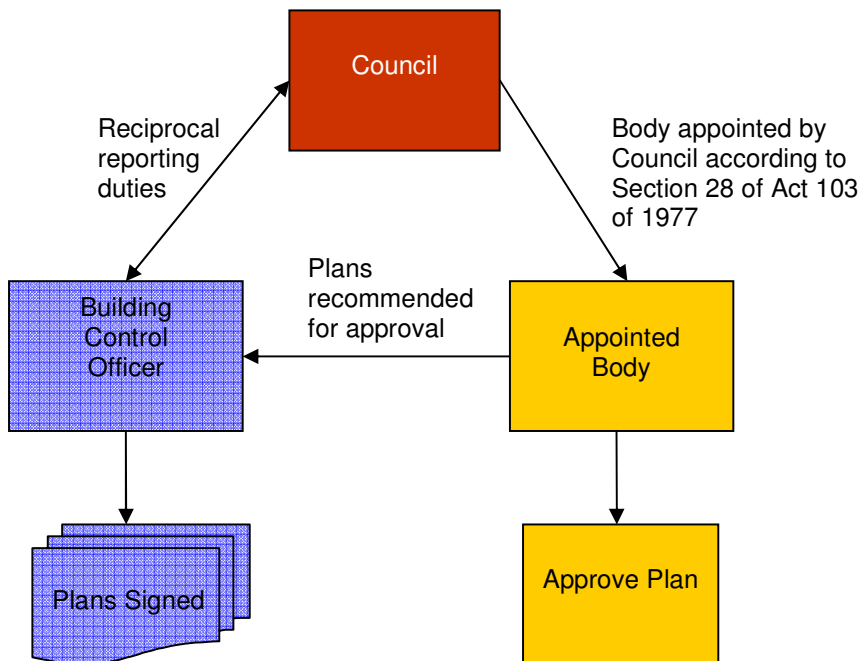


Figure 14: Diagram showing the recommended plan approval structure, implementing Section 28 of Act 103 of 1977

Section 7 (1) of National Building Regulations and Building Standards Act 103 of 1977 clearly states that ‘the local authority shall **grant or refuse** [my emphasis], as the case may be, its approval in respect of any application.’ (1977, p 8) Legislative conformance can only be accurately determined if the records which are maintained by the KwaDukuza Municipality are aligned with these requirements. It is therefore recommended that information captured includes refusals, as well as approvals of building plan applications. Electronic records should be kept which note referral dates, including when and if notification thereof was sent out. Additional data to be captured is information concerning how long an applicant removes the plans, to make the necessary corrections.

It is recommended that once accurate records are maintained, analysis of the data should occur. The statistics generated should be used to determine if the Municipality is legislatively compliant. These could form the basis for ‘how are we doing’ staff meetings. If after the new systems have been put in place and the department is still not complying with legal requirements, the process must be re-evaluated and revised recommendations implemented. Staff input into this process would be essential.

Although, the present systems warrants the appointment of additional human resources, the recommendation is made to initially put in place the

advised Section 28 of the Act 103 of 1977 variation, with the necessary efficiency amendments. Once these systems are put in place, a capacity audit of human resources should be undertaken. This would ensure that additional people are not employed unnecessarily.

Recommendations to improve fiscal health are:

- A formal legal register should be maintained;
- Independent consultation should be sought prior to the appointment of legal council and
- Negotiating legal disputes where possible.

To ensure that correct tracking of legal disputes, a formal legal register should be maintained by the legal department. Records should be kept with regards to matters relating to the Building Control Department. All legal matters, complaints and other claims should be gathered by the Legal Department. The progress and status of outstanding legal matters and their expected cost should be communicated at EXCO. Maintaining legal records as a unit would allow overall expenditure examined. In future, trends could be determined, as to what the overarching causes for litigation are. Once this has been established, measures could be put in place to limit KwaDukuza's exposure to litigation.

It was highlighted that often litigation from the Building Control Department is as a result of a knee-jerk reaction. Thus, any deviations from approved legal procedural systems should be viewed in serious light. It is recommended that independent consultation from for example, Professional Town Planners, Engineers and Architects, should be sought prior to the request for appointment of legal council. This would give an objective opinion of the strength of the Municipality's case. In addition, the potential cost should be measured against the benefit or nature of issues being disputed.

It is recommended that consideration should be given to negotiating legal disputes prior to costly, formal legal proceedings commencing. Mediation would only be feasible though, if both parties would be prepared to accept the appointed mediator's ruling.

Suggestions to improve responsiveness are:

- Open lines of communication;
- Effective decision-making;
- Efficient delegation;
- Future forecasting;
- Team building and
- Training.

It is suggested that regular status meetings, both internally and externally, be held. Updated accurate information should be presented in these meetings, as well as progress reports on previous corrective actions taken. If necessary, brainstorming sessions should be held to facilitate problem solving. Open lines of communication in these meetings should be maintained with individuals being encouraged to speak freely. To ensure effective decision-making, meetings should involve all relevant parties. This will serve to reduce processing times. Additionally, decisions made will take into account all stakeholders needs. Empowerment is encouraged through efficient delegation. The issuing of responsibility should result in a sense of pride in the tasks undertaken.

Future forecasting is essential when striving for responsiveness. When well-founded data are used as the basis for reactive decisions, generally the outcomes are inline with the desired result. Analysis of the local economy, building trends and developments to anticipate future capacity constraints, should be undertaken. The local newspapers are a good source of information, as well as Developer and Town Planners. Nationally maintained statistics could also be used to identify tendencies. All planned and approved residential and commercial development's build-by dates should be examined.

To improve group morale, team building is recommended. This should increase the sense of cohesion among staff members.

Training to improve skills, competency levels and to remain up-to-date with developments in building technology, financial management and the adoption a customer-centric approach, should be encouraged. This would be mutually beneficial, to both the personnel and the Municipality. To discourage individuals from receiving training and then resigning with enhanced skills, service contracts could be stipulated. This should also limit staff turnover.

Recommendations to improve efficiency are:

- Improve filing and document receipting process;
- Document processes;
- Process automation and streamlining;
- Access to technology;
- Training;
- Limit public interaction;
- Capacity audit and
- Employ additional plan examiners.

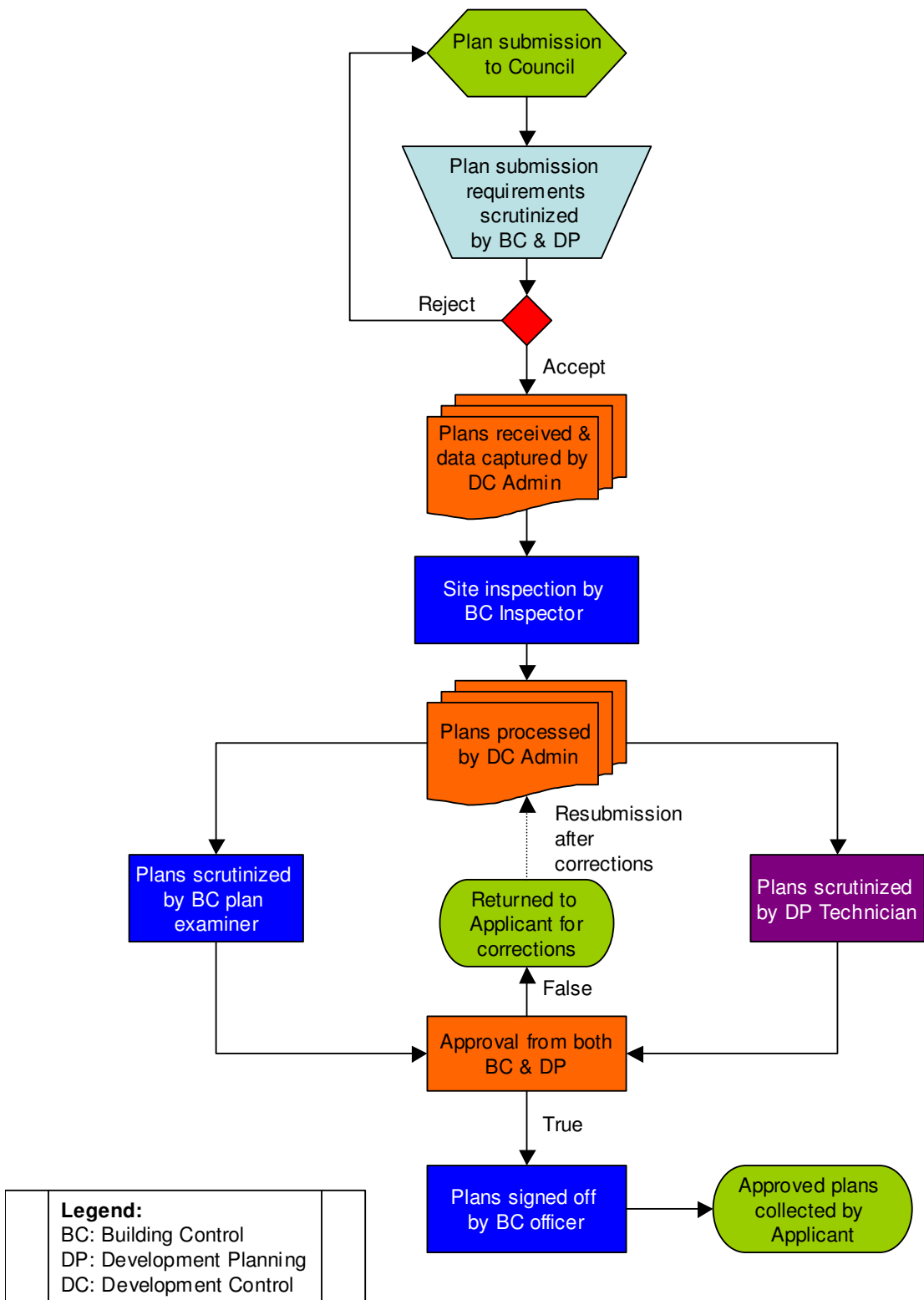


Figure 15: Suggested new plan approval process

The previous page shows the suggested streamlined plan approval process, which is to be combined with the implementation of Section 28 of Act 103 of 1977. It is recommended that there be one central administration, to prevent duplication of effort. At present, four sets of drawings are submitted, 3 coloured and one uncoloured. It is suggested that this requirement remain in place. However, on receipt of the plans, a coloured and uncoloured copy should be filed, to ensure that complete set is kept safe on record. A coloured set of drawings would be distributed to both Development Planning and Building Control. It is suggested that each department's scrutiny occur congruently, to save time. Only once both departments give their approval would the plans go to the Building Control Officer for signature. If both departments do not recommend the plan for approval, once the applicant has made the necessary corrections, the plans should be submitted back to both departments for re-scrutiny. This should be the case even if one department has already issued their approval. This will prevent a plan being past were the implemented changes requested for one department, change the approval status of the other. This will also serve to limit legal disputes.

The current filing and document receipting process should be improved to accurately and completely record all plans submissions throughout the approval process. This will allow for actual analysis of the situation, as it is only with a true reflection of the situation that informed decisions can be

made. The processes employed in the department should be documented, as currently only experience guides the personnel. New staff members have to be told how the systems works as there are no formal procedures set out. As far as possible the plan documentation and tracking process should be automated. This should result in streamlining and limit human error. To ensure that this automation is effectively implemented, staff must have access to appropriate technology, in the form of up-to-date hardware and software.

Training should be given to staff to improve skills. This should involve instruction on areas specific to the individual staff member's specialised job description as well as, in areas which would benefit the department as a whole such as, training in information systems.

An open-door policy to the public and various stakeholders encourages accountability. However, the continual, erratic interruption limits efficiency. Recently, the front desk, which is manned by the two Building Control administrators, limited its hours. It is now only open before lunch. This is the public's main point of interaction, though stakeholders can still bypass it and deal directly with Building Control and Development Planning staff. It is therefore recommended that all interaction with public should be limited to specific hours each day to allow office work to continue uninterrupted, for the remainder of the time. It is suggested that the public

be able to meet with the municipal staff twice a day, once in the morning and again in the afternoon. This would allow for the various working hours of the public.

A capacity audit of human resources should be undertaken. This should highlight job positions of exertion. When examining the current plan approval process it is evident that much reliance is placed on the sole plan examiner. This is therefore imperative that additional plan examiners be employed. As the plan approval process is not the sole task of the Development Control Department, the total work load for each individual position must be determined. However, it is recommended that other suggestions made be implemented first, to ensure that additional staff members are not hired unnecessarily.

Suggestions to improve accountability are:

- Keep media informed;
- Create a public relations position and
- Establish goals and objectives.

To ensure that the public receives an accurate understanding of the on-going plan approvals, it is recommended that the number of plan submissions and approval timeframes be published monthly in a local newspaper. This would allow the public to realise the number of plans

being submitted, as well as turnaround time thereof. This should also create a competitive spirit in the department, to try to improve on each set of statistics released. Presently, most of the printed information relating to the Development Control Department is not confirmed, as the KwaDukuza Municipality's personnel are not allowed to speak to the press. Therefore, it is suggested that a Public Relations contact person be appointed, as the single point of contact to verify facts. This person's responsibility should incorporate building the public image of the department

Departmental goals and objectives should be established and communicated to personnel. The accountability and responsibility for the achievement of these goals should be clearly established. This will assist with the review of an individual's performance.

5.3 Suggestions for further research

This study has been conducted on one aspect of the work undertaken by KwaDukuza's Ballito Office for Development Control Department. A future study should be undertaken examining the totality of the departmental, as well as the individual personnel's responsibilities. This would highlight the actual amount of work that the department can manage. The study should be grounded in Shah's principles, to determine where and how streamlining is required.

It would be advantageous to the KwaDukuza Development Control Office to undertake or outsource a detailed financial study of the cost implications of delayed plan approval.

It is suggested that further study could be done into the comparison between perceptions of the public and of the municipal personnel with respect to their reciprocal relationship.

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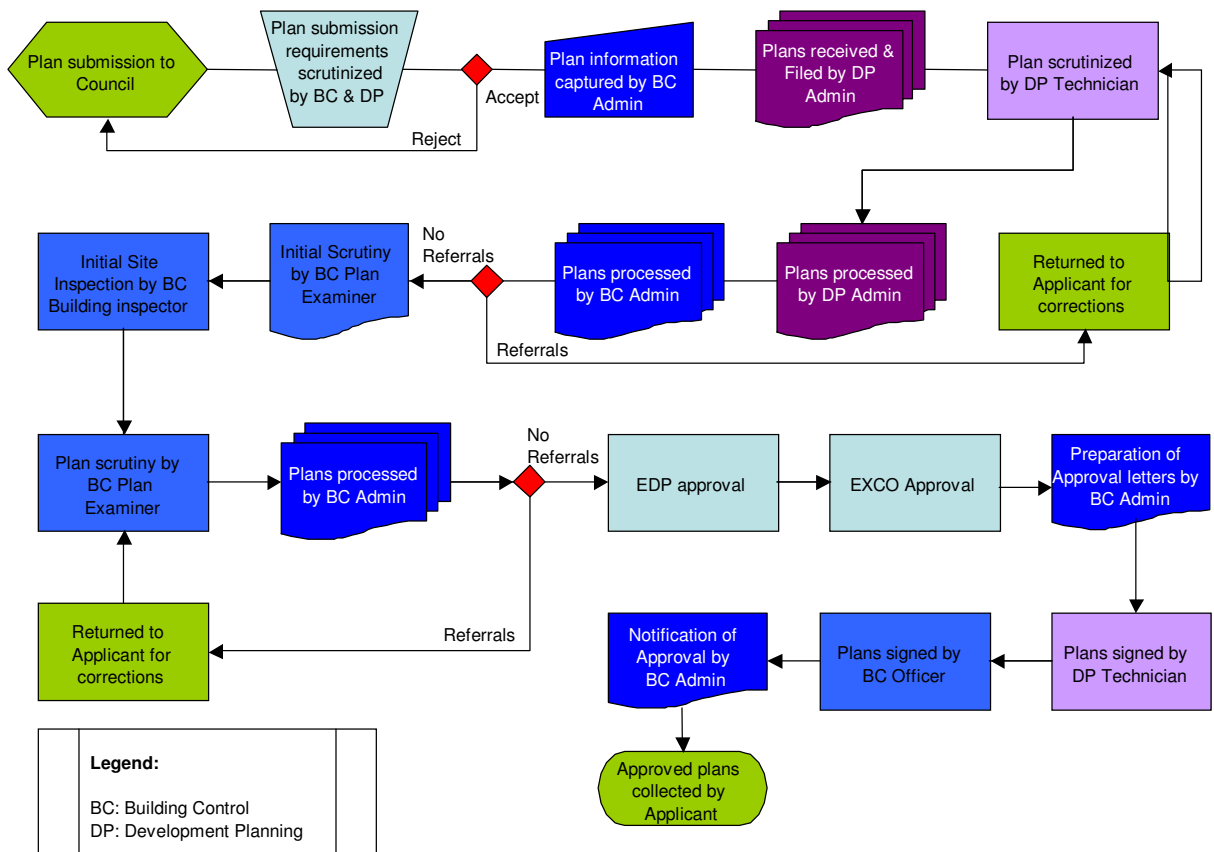
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ANNEXURE 1: Current Plan Approval Process Flowchart: KwaDukuza Municipality



ANNEXURE 2: Front Cover of *The North Coast Courier* for 27 October 2006 with the headline 'Interdict to stop building'

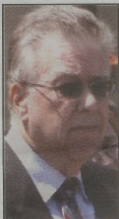


ANNEXURE 3: Junction and Lifestyle centre slug it out (27 October 2006, p 2)

Junction and Lifestyle Centre slug it out



Lifestyle Centre developer Bruce Rencken (centre left) explains to lawyers and members of the commission how the plant centre fits in with the expansion plans.



Michael Hands



Norman Brauteseth

In what appears to be a war of attrition, the Ballito Junction is trying for the third time in 13 months to hobble the Lifestyle Centre's expansion plans.

The Junction has boasted that when it is completed it will be three or four times the size of the Lifestyle Centre, but it seems prepared to go to extreme lengths to frustrate the Lifestyle Centre's ambitions.

Lawyers representing The Junction's owners, Absa bank and a Middelburg company, this week clashed with lawyers for Lifestyle owners Bruce and Paul Rencken. They were appearing before a special sitting at the Umhlabi country club of the provincial planning and development committee.

The Renckens applied last July for rezoning of the new extension to the Lifestyle Centre, which can be seen being built alongside the M4 coast road. KwaDukuza council agreed to the rezoning, which sparked what appears to be a long, drawn out war of attrition.

The Junction immediately appealed against that decision, but lost. They lodged an appeal

with the provincial commission and simultaneously launched an attempt to stop construction through the Durban high court. They lost that case as well.

This week Monday a seven-member commission, plus lawyers for the two parties and KwaDukuza municipality, descended on Ballito to hear the second appeal. They visited the two shopping centres and saw for themselves the extension to the Lifestyle Centre, which is four months away from completion.

The 11 000m² extension will grow the current 14 000m² centre to 25 000m² of lettable space. (The Junction, by contrast, has plans for 114 000m² of lettable space.)

While most of the day was taken up with dry legal argument, sparks flew over the so-called "need and desirability" of the Lifestyle expansion.

Junction lawyer Norman Brauteseth accused the Renckens of "naked motivation for their own interests" and said there was no consideration of the public interest in their plans. "Their application is com-

pletely tenant-driven. There is no traffic survey, no market analysis and they have totally abandoned the lifestyle concept.

"Their motivation is to get all the blue chip tenants for themselves and to maximise profits . . . at the expense of The Junction, which is battling to get tenants. What does the future hold for them?"

The Lifestyle expansion flew in the face of the KwaDukuza council's town planning scheme which, Brauteseth said, had allocated the greater portion of retail shopping space across the road at the Junction.

Advocate Angus Stewart, appearing for the Renckens, said it should come as no surprise to anyone who knew the unparalleled growth of the Ballito region that the Lifestyle centre needed more retail space. Ninety percent of the extension had already been taken up, mostly by the centre's existing tenants.

Appearing for the municipality, attorney Michael Hands said the council saw no reason not to approve the Renckens' rezoning application given the huge growth of the area's population. Developers like the Renckens responded to the demands of their tenants, who did their own market surveys.

Given the eventual size of the Junction when fully developed (114 000m²), council did not consider the Lifestyle Centre's expansion from 14 000m² to 25 000m² significant.

The hearing was adjourned to November 9 when the commission will hear argument on the effect of increased traffic in the area.

The commissioners are not expected to make a decision on the appeal much before the end of the year. Bruce Rencken said they hoped to open the extension by mid-March 2007, but a senior lawyer told the Courier: "This fight isn't over yet, by a long way."

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Building chaos in Kudu Road



Rynhart Kruger's beach home at 62 Kudu Road on Willard Beach.

By HEIDI GIBSON

The KwaDukuza municipality has gone to the Durban high court in an attempt to stop a Johannesburg man from building his beach home at 62 Kudu Road in the Willard Beach area.

Rynhart Kruger, is building a three-storey, multi-million rand beach house and has ignored two stop work notices issued by the town-planning department in August this year.

The matter was to be heard in the high court in October but was later postponed to November 10.

Last August Kruger applied to council and was granted special consent to, among other things, build a third storey, move a building line and construct a wall over 1.8metres in height.

At the time council apparently received a number of objections to the special consent application from nearby residents who are now claiming that they

were never informed of their right to appeal council's decision.

In the meantime Kruger went ahead and submitted his building plans in May this year and was given the go-ahead in terms of the national building regulations to build up to ground floor level.

When it appeared Kruger was proceeding with construction beyond the limit set down by council, the residents approached attorney Richard Evans.

Evans then informed the KwaDukuza town-planning department of the matter.

The town planning department then withdrew their permission for Kruger to build and issued him with stop work notices on August 3 and August 18.

When these were ignored the matter went to court.

Kruger's attorney, Norman Brauteseth, has argued in papers that the reason for council issuing the stop work notices was because of the allegations made by the objectors and had nothing to do with

the actual building.

He dismissed as hearsay that the objectors had not received notification of the special consent approval.

Brauteseth said his client received notification of special consent by post and so it was strange that the objectors failed to receive the same.

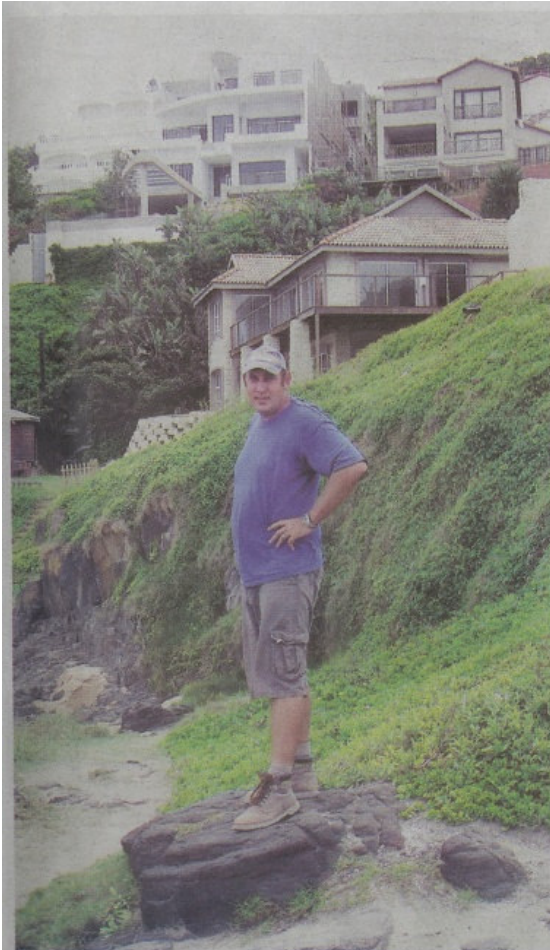
He argues that the KwaDukuza municipality is solely responsible for predicament in which they find themselves which is simply due to their own administrative incompetence and an inability or refusal to properly investigate what did or did not happen.

"The obvious chaos within the town planning department is inexcusable.

"It is submitted the court should not show its approval of the urgent application by stopping work simply because municipality has lost or misfiled its own paperwork."

The case is set down to be heard on November 10.

ANNEXURE 5: Municipality ordered to pay costs (Gibson, 1 December 2006, p 9)



Pretoria attorney Rynhard Kruger is happy that a Durban High court judge has given him approval to continue building his three storey beachfront mansion (above him) after the KwaDukuza municipality tried to stop him. The court challenge came over a year after he had started building.

Mabhida's body comes to town

Municipality ordered to pay costs

By HEIDI GIBSON

An eleventh hour attempt by the KwaDukuza municipality to stop a Pretoria attorney from completing his beachfront mansion in North Willard beach has failed.

Instead the KwaDukuza municipality will have to foot the bill – anything from R50 000 to nearly R100 000 – in legal costs.

The municipality applied to the Durban High court in early November to stop Rynhart Kruger from building after a number of residents objected.

The residents claimed they were never notified in writing when Kruger was granted special consent to build three storeys. He was given the go-ahead in August last year and permission to build to the height of ground floor level.

However before the matter went ahead, Kruger brought a counter application

through his attorney Norman Brauteseth to have the municipality's refusal to grant him permission to build set aside and to give him provisional authorization to carry on building.

Durban high court Judge Shayam Gyanda did just so but further ordered the municipality pay all of Kruger's costs in bringing the counter application.

"This business of trying to stop people from building is costing the ratepayers of this town a lot. What I can't understand was why the people who objected waited over a year to come forward," said Kruger.

He said he had done everything by the book and had ignored two stop work notices because he could see the municipality were being put up to it by the objectors.

"I think this whole thing could be because I am Afrikaans and they are English. I don't understand what the whole fuss is about.

They all have three storeys so why can't I?"

He said he had already lowered the height of his building because it would obstruct the view of his neighbour behind but this was never taken into account.

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ANNEXURE 6: Report Back (McDonnell, 6 October 2006, p 12)

report back

The Report Back column is open for periodic use by any representative of the local or regional councils who would like to report back to his or her constituency.

Councillor Ann McDonnell of Ward 6 reports:

Cell: 082 5727389 Email: anmacd@cybertrade.co.za



I have not communicated with you the residents of ward 6 and the wider KwaDukuza area for a while, for many reasons - all good - like a stunning holiday, turning the big six-o and celebrating properly, my parents 65th wedding anniversary plus trying to catch up, look after a boisterous puppy, and do the job you pay me to do! The holiday was a week in Italy and a week cruising the eastern Mediterranean - what an experience - we walked, swam, danced, laughed in every port and ate and drank as you only do on such a vacation.

Local issues are scary at the moment - town planning issues and the increase in crime - from housebreaking to what seems to me drug/drink-

related assault and even murder. Most of the town planning problems are densification applications, and the intention of our different town planning schemes is being challenged at every turn. As a result of intense pressure, the department, which was under-resourced, was unable to keep up and this stress has affected them negatively. We are getting a much better response lately though, so things are looking up.

On the crime front, I must congratulate both the Salt Rock and Upper Ballito neighbourhood watches for their dedication, but this is obviously not enough and I have appealed to the Mayor to urgently let us have some of our Protection Services doing just that - protecting us and our property. The department of safety and security are getting involved in the CPF structures, and are assisting us in getting the Umhlali CPF up and running. I have appealed to both neighbourhood watch organisations to be represented on this. National crime stats that have just been published are alarming to say the least. We are entitled to whinge and demand an improved and properly resourced police force.

Some good news - I believe that the money has been raised privately for the robots at the Seaforth intersection, and we now await their installation. I don't know what is holding them up but will find out. Also, the monster speed hump in Ballito Drive has been made navigable without damaging your vehicle. (thanks to Dave McCall for sitting up all night counting the screeches and bangs!) and the vicious humps in Simbithi will be normalised before the municipality takes ownership of that road so those should be easier on your car.

The new IDP process starts on Wednesday and I hope any organisation that has an interest has registered as an interested party. Otherwise contact me and I will raise your issues. Ward 6 has been strong on maintenance of infrastructure like stormwater and electricity, so we will soldier on to get the correct weighting on these. Wonderful new developments all feed their stormwater into our old system that has needed upgrading for years and lands up on our beaches which are our main asset! The problem is also very evident West of the highway with open channels not being cleaned and causing unnecessary flooding.

That is it for now . . .

Coast Courier Orphan Fund:

I have deposited my gift of R.....
 into the Bank Account
 of the Coast Courier Orphan Fund
 A/c No: 9109572488
 Branch: 630229

Tick boxes where applicable

My name & donation
 to the Coast Courier

I wish to remain anonymous

*Thank you to offer a regular gift
 to the Coast!*

ANNEXURE 7: Vacancies: Economic Development and Planning (KwaDukuza Municipality, 6 October 2006, p 14)



**KWADUKUZA
MUNICIPALITY**

**VACANCIES:
ECONOMIC DEVELOPMENT AND PLANNING**


**DEPUTY DIRECTOR:
DEVELOPMENT CONTROL Level 2 (R183 373.30 p.a.)**

Requirements
A National Diploma/Degree or NQF6 in Town and Regional Planning plus 4 years relevant experience, a valid driver's licence; Facilitation and negotiation skills, sound knowledge of Land Use and environmental management legislation.

Duties
Development control; administering town planning schemes and building regulations; evaluation of Town Planning applications; environmental management reporting to Council on planning and development control matters and overall management of the development control section.

ANNEXURE 8: Report Back (Marsh, 13 October 2006, p 14)

report back



**KwaDukuza Councillor
Colin Marsh**

083 7821011
swampy@netactive.co.za

time. Some good news is that the boardwalk will be extended in Ballito, both north and southwards. This will please our tourists and walkers. Thank you for the funds Kwazulu Wildlife.

Other good news is that the Umdebo is taking place from the 13 to 19 November. This is a worthy attempt at showcasing the Dolphin Coast. Support it if you can. Council

donated R120, 000 for this event. Talking about funding, Council also gave R300,000.00 to the Dolphin Coast Publicity Association to keep them going.

The filling of key positions at council is taking place regularly and we now have an H.R Manager, an engineer, a town planner and two building control managers to ease the pressures of the activities in our borough.

Had a walkout at Ilembe Council the other day. Non-compliance to standing council rules and some dictatorial pushing through of agendas by the ruling party were the prime cause. A new learning curve for me.

Have you noticed the signage pollution around the town lately? There is a proliferation of illegal signboards being erected willy-nilly everywhere. We have by laws. Be sure to report your concerns to the traffic dept, Mr. Boventura on 032 9468042.

Something else to think about, our resources are being strained to the limit. Here is an example: a big company wishes to establish a fine paper factory in the area. This should create 150 new jobs. The bad news is that they require lots of electricity and lots of water, neither of which is abundant. Pity about the jobs lost.

When we win soccer matches at Bafana level the whole country is on a high and yet when we get down to good governance things change a lot. On the one hand we stand united and on the other we face a new threat. Can I spell it out for you? It is the way in which the ruling party has become power hungry, cannot accept being defeated, and is doing very little about crime, health and education.

The next elections in the first quarter of 2009 will be the most crucial since 1994. We will get one last chance at establishing a stronger opposition. Please get registered now. Get your kids on board. Talk to them and mentor them regarding the importance of voting. Talk to your friends, talk to the middle class, talk to the fence sitters. Prepare now to secure our future. Do not let the 2010 soccer show detract from the real issues facing us.

Start preparing now.
Till next time.
Siyabonga, Siyaqhubeka,
Sahle Kahle-Qhude.

Gift to the North Coast Courier Orphan Fund:

I have deposited my gift of R..... directly into the Bank Account
Name: North Coast Courier Orphan Fund
Bank: ABSA
Account No: 9109572488
Branch Code: 630229

Tick boxes where applicable

Please publish my name & donation amount in The North Coast Courier

I wish my donation to remain anonymous

we encourage you to offer a regular gift the North Coast!

New promenade for Willard Beach

By LIEZL KNOLL

Ballito's beach promenade is to be extended north of Willard Beach.

This emerged at a KwaDukuza Coastal working group meeting this week called to discuss how to improve the North Coast's coastline.

The group is headed up by the town-planning department and includes ward councillors from Ballito, Tinley Manor, Zinkwazi and Blythedale as well as other relevant municipal departments.

The extended promenade will be 250 metres long and stretch from the new lifesaving tower at Willard Beach up to Surfers Lane.

It will be made from timber and will be funded by a R330 000 donation from eZemvelo KZN Wildlife.

An environmental impact assessment will determine where the boardwalk will be placed while civil aviation authorities will have to be consulted because of the location of the town's helipad at Willard Beach.

Ward six councillor Ann McDonnell said the building of the boardwalk should start early next year.

A second boardwalk may be built at a later stage if there are available funds.

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--	--	---

6)

Polo field planned for Frasers area

Members of the North Coast horse riding fraternity and anyone else involved in the equine industry are invited to attend a meeting about a proposed polo field.

A South African company called Stonefield estates will build the field – if it goes ahead. A business entrepreneur from the United Kingdom owns the company.

The same company has built two other polo fields in Kayalami Park and Plettenburg Bay.

The company is considering a number of different sites around the Hamlyn estate near Frasers.

The meeting takes place on October 17 at 6pm at the Catholic Church in Townsend road.

For further information contact Chris le Roux or Marti Moolman from Mawatsan public participation company on 012 362 2908.

Planning a polo field



A public meeting was held last week to bring residents up to speed on the proposed polo course plans. Pictured above (left to right) are Derrick Hamlyn, Rob Mattison, Ryall and Gina Hamlyn, project manager Dr Johan Jansen van Vuuren, environmental scientist Dr Ernst Bassoin, event co-ordinator Marti Moolman, scientist Theo Fischer and meeting facilitator David de Waal.

By SAMONA MURUGAN

The search for an appropriate site for a polo field on the North Coast has begun.

"The North Coast has been identified as a target area because of the stable climate. International tournaments can be held in both summer and winter and players can enjoy the sport all year round," said environmental scientist Theo Fisher.

He was speaking at a public meeting held last week, as part of the environmental impact assessment process into the development.

The man behind the development is a Johannesburg businessman and polo enthusiast Leo Baxter.

Baxter has built two other polo fields in Plettenberg Bay and Johannesburg in the name of his company Stonefield Polo estates. He is now looking to extend the franchise to the North Coast.

KwaZulu-Natal is described as the heartland of polo in South Africa and Baxter's wish is to provide a course that will attract international players to the coast, said Fisher.

Project managers, environmental scientists and

researchers told those present that various sites are being considered.

"Each site differs according to various factors and the available resources they offer including water, access, availability of land, sloping of land and environmental impacts," said project manager Johan Jansen van Vuuren.

"We have identified a site on the Compensations flats, along the R102 in Ballito and another in Groutville and are trying to find other suitable sites in the area. We will assess those sites and find the most feasible place," he said.

The development will include four polo fields, stables, a utility shed, a helicopter landing, store-rooms, and a sand-track for training horses.

Ballito horse owner Ricky Smit said, "There are a large number of polo enthusiasts in the area. We are all very excited about a polo field being built in the area."

"This will allow local polo players a chance to better their game and to play the on a competitive level internationally," said Smit.

ANNEXURE 13: Public notice of EIA for the proposed development of a polo estate, Ballito and surrounds (Public Notice, 13 October 2006, p 28)

PUBLIC NOTICE

**ENVIRONMENTAL IMPACT ASSESSMENT FOR
THE PROPOSED DEVELOPMENT OF A POLO
ESTATE, BALLITO AND SURROUNDS.**

NOTICE is given in terms of Regulation 56 of the regulations promulgated in Government Notice No. R358 under chapter 5 of the Environmental Management Act 1998 (Act No 107 of 1998) of the intent to explore the development of a Polo Estate on the Hamlyn Estate, 500m west of the intersection of the R102 Old Main Road, and Upper Tongaat – Compensation Road, Ballito, or other potentially suitable sites between Ballito and Zinkwazi.

The project proposed entails:

- * The construction of Polo fields and associated facilities and infrastructure,
- * The transformation of agricultural land to residential use,
- * The construction of helicopter landing facilities,
- * The possible reinstatement or construction of a dam.

AN INTRODUCTORY PUBLIC MEETING regarding the proposed project is scheduled for

DATE: 17 OCTOBER 2006
TIME: 18H00
VENUE: ALL SAINTS ROMAN CATHOLIC CHURCH, HALL 61 TOWNSEND ROAD, BALLITO.

All Interested and Affected Parties are hereby invited to attend the public meeting.

NAME OF PROPONENT: MR. L C BAXTER
ENVIRONMENTAL CONSULTANT:
ENVIRONMENTAL SCIENCE ASSOCIATES
PUBLIC PARTICIPATION CONSULTANT: AFROSEARCH

To ensure that you are identified as an interested and/or affected party, please submit your name, contact information and interest in the project to the contact person given below.

PUBLIC PARTICIPATION CONSULTANT
Contact: Marti Moolman
PO Box 13540, Hatfield, 0028
Tel: 012-3622908 Fax: 012-3622463
E-mail: marti@afrosearch.co.za

ANNEXURE 14: Full page colour advertisement for Brettenwood Coastal Estate

(Brettenwood Coastal Estate, 27 October 2006, p 21)



An award winning entrance to an award winning estate

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Brettenwood
COASTAL ESTATE

CB
Brettenwood
COASTAL ESTATE
SHEFFIELD BEACH

Contact the Hulett Development Company on
083 257 8001

www.brettenwood.co.za

ANNEXURE 15: Full page colour advertisement for Palm Lakes Estate (Palm Lakes Estate, 6 October 2006, p 9)

**Palm lakes
estate**

Get a life... Get to Palm Lakes Estate

Stands from
R 280,000
incl. vat.
No transfer duty

*New Release
of units from* **R 550,000**
incl. vat.
No transfer duty

KZN North Coast, 13 km north of Ballito

- Sectional title stands and completed units with beautiful landscaped gardens and water features
- Rock climbing and abseiling
- Bird-watching and aviary
- Skate-board park & quad course
- Horse-riding and hiking trails
- Golf driving range and tennis courts
- Recreational Parks and putt-putt
- Ten-pin bowling and golf
- 15 club-houses, each with sports-bar and swimming pool
- Fully equipped gym with all amenities
- Pre-school, Primary and High School on-site
- Hair salon, beauty salon and boutique hotel
- Restaurants within the estate
- Amazing scuba diving and snorkeling
- Beach club-house facilities
- ADSL / Internet connectivity to each home
- 24hr security with secure, perimeter fencing

Jeff: 082 452 8163
Gavin: 082 307 8012
Daisy: 083 660 7458
Colleen: 082 411 9738
Fiona: 082 551 2607
Jamie: 082 442 2080
Chad: 083 668 1414
Marion: 076 331 7033

olivia@royalpalmestates.net / www.royalpalmestates.net / Tel: (032) 946229516

ANNEXURE 16: Public notice of an environmental scoping meeting for the establishment of a proposed residential estate in KwaDukuza, on the outskirts of Ballito (Public Notice, 20 October 2006, p 32)


PUBLIC NOTICE

ENVIRONMENTAL IMPACT ASSESSMENT PROCESS in terms of R 387 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 1998

ENVIRONMENTAL SCOPING MEETING

ESTABLISHMENT OF PROPOSED RESIDENTIAL ESTATE

PORTION 365 OF LOT 56 (FARM NO 931) AND ERF 12 OF LOT 56 (FARM NO 931) KWADUKUZA



Notice is hereby given of the intention to carry out listed activities requiring authorization under R 386 and R 387 of S 24 and 24D of the National Environmental Management Act 1998.

In terms of the abovementioned regulations promulgated under NEMA, the proposed development requires approval from the Department of Agriculture and Environmental Affairs for the undertaking of the following activities:

Activity 2 of R 387 - "Any development activity, including associated structures and infrastructure, where the total area of the developed area, is intended to be 20 hectares or more"

and

Activity 1k of R 386 - "The bulk transportation of sewage and water including stormwater in pipelines with 1. an internal diameter of 0.36m or more or 2. a peak throughput of 120l per second"

and

Activity 15 of R 386 - "The construction of a road that is wider than 4m or that has a reserve wider than 6m"

and

Activity 18 of R 386 - "The subdivision of portions of land 9ha or larger into portions of 5 ha or less"

The applicant Turquoise Moon 359 (Pty) Ltd, represented by Mr J Nel, intends to submit a report to the Department of Agriculture and Environmental Affairs, following a scoping process that will identify issues and concerns relating to the proposed development. These issues will be evaluated and assessed in an environmental impact assessment process immediately following the acceptance of the ESR by the Department of Agriculture and Environmental Affairs.

The proposed development consists of the establishment of ± 3000 intermediate density residential units and associated infrastructure on approximately 92ha of land. The proposed development will be accessed from the MR 445. Please see attached site plan.

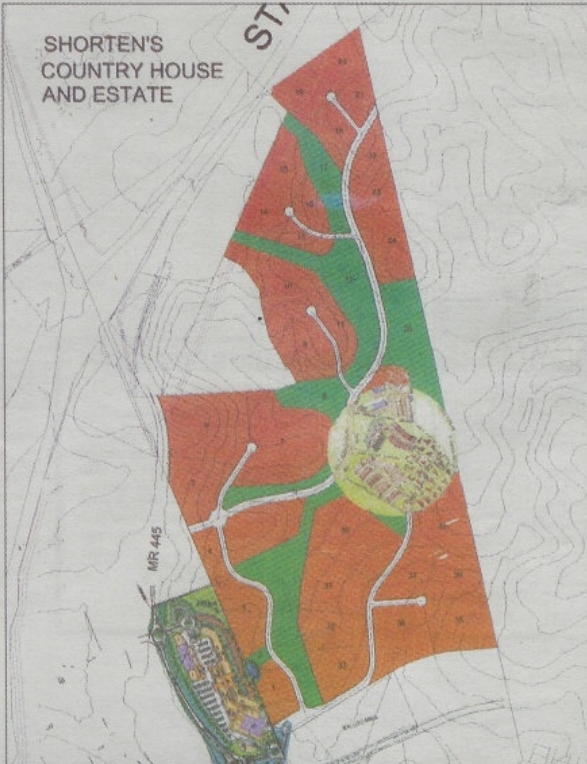
The applicant has appointed Simon C Bundy of Sustainable Development Projects CC as an independent environmental assessment practitioner who will carry out the environmental scoping process in terms of S 17 (1) of the Act. A public meeting has been scheduled for:

23 October 2006 commencing at 17h30 at the Ballito Clinic, Ballito Municipal Offices

All interested and affected parties are requested to register their interest in the proposed development or alternatively provide representation on the proposed development by **27 October 2006**.

Further information regarding the proposal may be obtained by contacting:


Sustainable Development Projects cc at: Tel: 032-9460685 / Fax 032-9460686 or e-mail : sdproj@mweb.co.za Postal : Box 1016, Ballito 4420



DRAFT LAYOUT


OVER THE FARM

BOGMORE AND SUNDRUM



DATE: 20/10/06	BY: [Signature]
SCALE: 1:1000	DRAWN BY: [Signature]

ANNEXURE 17: Notice of application for the establishment of proposed residential dwellings with commercial component on portion 155 (of 115) of the farm Compensation No. 868 (Notice of Application for Authorisation, 20 October 2006, p 31)



NOTICE OF APPLICATION FOR AUTHORISATION

BASIC ASSESSMENT PROCESS in terms of R 386 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 1998

ESTABLISHMENT OF PROPOSED RESIDENTIAL DWELLINGS WITH COMMERCIAL COMPONENT ON PORTION 155 (OF 115) OF THE FARM COMPENSATION NO. 868

Notice is hereby given of the intention to carry out listed activities requiring authorization under R 386 of S 24 and 24D of the National Environmental Management Act 1998.

In terms of R 386, regulations promulgated under NEMA, the proposed development requires approval from the Department of Agriculture and Environmental Affairs for the undertaking of the following activities:

Activity: 1 (k) – “The construction of facilities or infrastructure, including associated structures or infrastructure, for:
The bulk transportation of sewage and water, including storm water, in pipelines with – 1) and internal diameter of 0,36 metres or more; or 2) a peak through put of 120 litres per second or more.”

and

Activity: 1(m) – “The construction of facilities or infrastructure, including associated structures or infrastructure, for:
Any purpose in the one in ten year flood line of a river, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including – 1) canals; 2) channels; 3) bridges; 4) dams; and 5) weirs”

and

Activity: 16 –“ The transformation of undeveloped, vacant or derelict land to –
(a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares
(b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area is bigger than 1 hectare.”

The applicant Take Shape Properties 192 cc, represented by Mr. A Watson, intends to submit a **basic assessment** as contemplated in the abovementioned Act to the Department of Agricultural Affairs.

The proposed development consists of the establishment of approximately 148 residential complexes of 2 to 3 storeys (310 units in total), 76 single residential sites, 0,4 ha of land for commercial use and open space areas on a zoned agriculture property of approximately 6 ha on Portion 155 (of 115) of the Farm Compensation No. 866.


The applicant has appointed Simon C Bundy of Sustainable Development Projects cc as an independent environmental assessment practitioner who will carry out the environmental process in terms of S 17 (1) of the Act.

All interested and affected parties are requested to register or alternatively provide representation on the proposed development within 30 days of this notice.

Further information regarding the proposal may be obtained by contacting

**Sustainable Development Projects cc at Tel - 032-9460685
Cell: 082-4464847 or e-mail : sdproj@mweb.co.za
Postal Address: Box 1016, Ballito 4420**

ANNEXURE 18: Notice of application for the establishment of proposed residential dwellings - Lot 715, Tongaat (Notice of Application for Authorisation, 13 October 2006, p 28)



NOTICE OF APPLICATION FOR AUTHORISATION

BASIC ASSESSMENT PROCESS in terms of R 386 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 1998

ESTABLISHMENT OF PROPOSED RESIDENTIAL DWELLINGS - LOT 715 TONGAAT

Notice is hereby given of the intention to carry out listed activities requiring authorization under R 386 of S 24 and 24D of the National Environmental Management Act 1998.

In terms of R 386, regulations promulgated under NEMA, the proposed development requires approval from the Department of Agriculture and Environmental Affairs for the undertaking of the following activities:

Activity 2 – ‘Construction or earthmoving activities in the sea or within 100m inland of the high water mark of the sea, in respect of –

- (e) stabilising walls**
- (f) buildings**
- (g) infrastructure**

and

Activity 5 – ‘the removal or damaging of indigenous vegetation of more than 10 sm within a distance of 100m inland of the high water mark of the sea’

and

Activity 6 – ‘the excavation, moving, removal, depositing or compacting of soil, sand, rock or rubble covering an area exceeding 10sm in the sea or within a distance of 100m inland of the high water mark of the sea’

The applicant S Aryan Family Trust, represented by Mr S Aryan, intends to submit a basic assessment as contemplated in the abovementioned Act to the Department of Agricultural Affairs immediately following the prescribed notice period of 30 days after the date of this notice.

The proposed development consists of the establishment of 22 residential units of two storeys (7m above ground level), on a zoned residential property of 3145sm at 162 South Beach Road, La Mercy.

The applicant has appointed Simon C Bundy of Sustainable Development Projects cc as an independent environmental assessment practitioner who will carry out the environmental process in terms of S 17 (1) of the Act.

All interested and affected parties are requested to register or alternatively provide representation on the proposed development prior to the appointed consultants at the address below.

Sustainable Development Projects cc at Tel: 032-946 0685 Fax: 032-9460686
or e-mail : sdproj@mweb.co.za
Postal : P.O. Box 1016, Ballito 4420

ANNEXURE 19: Special consent application for a boutique hotel application with a building line relaxation in Tinley Manor Beach (KwaDukuza Municipality *Courier*, 6 October 2006, p 21)

**KWADUKUZA MUNICIPALITY
BALLITO TOWN PLANNING SCHEME IN
COURSE OF PREPARATION
SPECIAL CONSENT**

Notice is hereby given that application has been made for the Special Consent of the KwaDukuza Municipality: **Proposed new boutique hotel with special consent required for hotel rights and building line relaxation along beach frontage. AT: Ptns 193, Ptns 194 and Ptns 195, 193 Sea View Drive, Tinley Manor Beach**, Registration Division FU, situated in the KwaDukuza Municipal Area.

Any person desiring to object to this proposal may do so by lodging a written notice setting out the grounds of his / her objection on or before **27TH OCTOBER 2006** with: The Municipal Manager, KwaDukuza Municipality, 10 Leonora Drive, Ballito, or P.O. Box 5, Ballito, 4420.

Objectors must, in notifying the Municipal Manager, clarify that a copy of the notice has been served on the applicant at the address given below by registered or certified post or by hand. Any objection received after the prescribed date and / or where a copy has not been served on the applicant is not valid.

Plans and particulars relating to this application may be inspected during normal office hours Monday to Friday (excluding public holidays) at the Municipal Offices, Town Planning Section, 10 Leonora Drive, Ballito.

NAME AND ADDRESS OF APPLICANT:
PHILIP THORNHILL (TC DESIGN ARCHITECTS)
14 NUTTALL GARDENS, MORNINGSIDE, DURBAN, 4001

DATE OF PUBLICATION OF ADVERT: 6TH OCTOBER 2006

ANNEXURE 20: Special consent application for a building line relaxation
(KwaDukuza Municipality, 13 October 2006, p 28)

KWADUKUZA MUNICIPALITY
BALLITO TOWN PLANNING SCHEME IN
COURSE OF PREPARATION
SPECIAL CONSENT

Notice is hereby given that application has been made for the Special Consent of the KwaDukuza Municipality:

Relaxation of the front building line from 7.5m to 3.1m for construction of a new dwelling
AT: ERF 924, 53 Madelaine Drive, Ballito,
Registration Division FU, situated in the KwaDukuza Municipal Area.

Any person desiring to object to this proposal may do so by lodging a written notice setting out the grounds of his / her objection on or before **3RD NOVEMBER 2006** with: The Municipal Manager, KwaDukuza Municipality, 10 Leonora Drive, Ballito, or P.O. Box 5, Ballito, 4420.

Objectors must, in notifying the Municipal Manager, clarify that a copy of the notice has been served on the applicant at the address given below by registered or certified post or by hand. Any objection received after the prescribed date and / or where a copy has not been served on the applicant is not valid.

Plans and particulars relating to this application may be inspected during normal office hours Monday to Friday (excluding public holidays) at the Municipal Offices, Town Planning Section, 10 Leonora Drive, Ballito.

NAME AND ADDRESS OF APPLICANT:
GINA JOAQUIM, P.O. BOX 1319, BALLITO, 4420

DATE OF PUBLICATION OF ADVERT: 13TH OCTOBER 2006

ANNEXURE 21: Special consent application for building line relaxations, retaining wall and signage (KwaDukuza Municipality, 13 October 2006, p 28)

MASIPALA KWADUKUZA
BALLITO TOWN PLANNING SCHEME IN
COURSE OF PREPARATION
ISICELO SOSHINTSHO

Isaziso sesicelo esenziwe kuMasipala waKwa-Dukuza sokugunyaza ukuthi: **East boundary:** To relax the boundary line from 7.5m to 0m to erect a bin yard; to relax the boundary line from 7.5m to 3.5m to erect a workshop; a retaining wall to exceed the height to 2.5m below ground. **North boundary:** To relax the boundary line from 7.5m to 0m to erect a bin yard; to relax the boundary line from 7.5m to 2m to erect workshops below ground line. **West boundary:** To relax the side boundary line from 3m to 2m to erect a workshop. **South west boundary:** To relax the side boundary line from 3m to 1.3m to erect a bin yard; signage wall to exceed the height of 2m to 4m.

IGAMA LOMGWAQO: ERF 2574, Phase 2 Ballito Business Park, Ballitoville, Registration Division FU, situated in the KwaDukuza Municipal Area.

Bonke abafisa ukuphikisana nesicelo sokushintsha ukusetshenziswa kwendawo bangaletsha imibono yabo phambi kuka **3RD NOVEMBER 2006** kulelikheli elilandelayo: Umphakathi KaMasipala, Umasipala waKwaDukuza, 10 Lenora Drive, Ballito, or by post to: P.O. Box 5, Ballito, 4420.

Abaphikisayo kumelobaszise umphakathi wakwa Masipala bachaze kabanzi ukuthi ikhophi yesaziso sinikwe kulowo ofake isicelo kuleli kheli elingenzansi ngeposi noma ngokuyinikezela ngesandla. Isikhalazo esifika sekudlule nogkuyinikezela ngesandla. Isiskhalazo esifika sekudlule usuko olubhaliwe / noma isikhalazo esingafrikanga kulowo osifakile isicelo ngekesibalwe.

Imidwebo ne mininingwane ehambisana nalesicelo ingabonakala kumahhovisi kaMasipala kusukela ngo msombuluko kuya kulwesihlanu (ngaphandle kwaMaholidi) kusukela ngo 08h00 ekuseni kuyaku 16h00 ntambama.

IGAMA NEKHELI LALOWO OFAKA ISICELO:
MR B. VAN HOUTEN c/o P.O. Box 376, BALLITO, 4420

USUKU LOKUKHANGISA ISICELO: 13TH OCTOBER 2006

ANNEXURE 22: Special consent application for building line relaxation and boundary wall (KwaDukuza Municipality, 27 October 2006, p 36)

**KWADUKUZA MUNICIPALITY
BALLITO TOWN PLANNING SCHEME IN
COURSE OF PREPARATION
SPECIAL CONSENT**

Notice is hereby given that application has been made for the Special Consent of the KwaDukuza Municipality: **Encroachment of 9.5m building line to 0m and height of boundary wall exceeding 2m for the additions and alterations of existing Ballito Lifestyle Centre.**

AT: Erf 2564, (Toyota Balito), Lifestyle Centre, Ballito, Registration Division FU, situated in the KwaDukuza Municipal Area.

Any person desiring to object to this proposal may do so by lodging a written notice setting out the grounds of his / her objection on or before **17TH NOVEMBER 2006** with: The Municipal Manager, KwaDukuza Municipality, 10 Leonora Drive, Ballito, or P.O. Box 5, Ballito, 4420.

Objectors must, in notifying the Municipal Manager, clarify that a copy of the notice has been served on the applicant at the address given below by registered or certified post or by hand. Any objection received after the prescribed date and / or where a copy has not been served on the applicant is not valid.

Plans and particulars relating to this application may be inspected during normal office hours Monday to Friday (excluding public holidays) at the Municipal Offices, Town Planning Section, 10 Leonora Drive, Ballito.

NAME AND ADDRESS OF APPLICANT:
PAUL & BRUCE INVESTMENTS (PTY) LTD.
P.O. Box 6001, ZIMBALI, 4418

DATE OF PUBLICATION OF ADVERT: 27 OCTOBER 2006

ANNEXURE 23: Special consent application for the erection of a telephone antenna in Sheffield Beach (KwaDukuza Municipality, 6 October 2006, p 21)

**KWADUKUZA MUNICIPALITY
BALLITO TOWN PLANNING SCHEME IN
COURSE OF PREPARATION
SPECIAL CONSENT**

Notice is hereby given that application has been made for the Special Consent of the KwaDukuza Municipality:

Erection of telephone antennae/aerials at Sheffield, eThembini Hall, Shayamoya Township, eTete Councilor Office (Balkom) and eTete Township, Groutville Township office and Groutville Township, all schools with computers, Stanger and Stanger Council office, Ballito next to Siza Water offices and next to KwaDukuza Municipal offices, & at police stations, ambulances, hospitals and fire-stations.

AT: Registration Division FU, situated in the KwaDukuza Municipal Area.

Any person desiring to object to this proposal may do so by lodging a written notice setting out the grounds of his / her objection on or before **27TH OCTOBER 2006** with: The Municipal Manager, KwaDukuza Municipality, 10 Leonora Drive, Ballito, or P.O. Box 5, Ballito, 4420.

Objectors must, in notifying the Municipal Manager, clarify that a copy of the notice has been served on the applicant at the address given below by registered or certified post or by hand. Any objection received after the prescribed date and / or where a copy has not been served on the applicant is not valid.

Plans and particulars relating to this application may be inspected during normal office hours Monday to Friday (excluding public holidays) at the Municipal Offices, Town Planning Section, 10 Leonora Drive, Ballito.

NAME AND ADDRESS OF APPLICANT:

ANYCALL, P.O. BOX 6092, ZIMBALI, 4418

DATE OF PUBLICATION OF ADVERT: 6TH OCTOBER 2006

ANNEXURE 24: Notice for amendments to the Umhlali Town Planning Scheme, published three times in two publications (KwaDukuza Municipality, 27 October 2006, p 35)

KWADUKUZA MUNICIPALITY

**NOTICE OF PREPARATION OF TOWN PLANNING SCHEME :
SECTION 45 OF ORDINANCE NO. 27 OF 1949**

1. NOTICE IS HEREBY GIVEN, in terms of Section 45 of the Town Planning Ordinance No. 27 of 1949 (Natal), as amended, that the KwaDukuza Municipality by resolution taken on 23 September 2005 resolved to prepare a Town Planning Scheme in respect of the area under the jurisdiction of the Ballito Town Planning Scheme as shown on the plan in the Municipal office, and such resolution was approved by the Administrator on 25 October 2006, and has, therefore, taken effect from the latter date, which is hereinafter referred to as the date of effect.

A plan defining the area to which the said resolution applies may be inspected at the offices of the KwaDukuza Municipality at 10 Leonora Drive, Ballito during normal office hours, Monday to Friday (excluding public holidays).

This Plan relates to : Rem of Sub 1 (of 8) of Sub 3 of the Farm Compensation No. 868 (new description being Rem of 24 (of 21) Farm Compensation No. 868).

2. The effect of the resolution in question having been so approved, is that, pending approval of the Town Planning Scheme which is to be prepared :

(a) no person may, within the area defined in the plan mentioned above without the prior authority of the Municipality :

(i) erect, alter or extend a building or structure;

(ii) develop or use any land, or use any building or structure for any purpose different from the purpose for which it was being developed or used, as the case may be, at the date of effect;

(iii) use any building or structure erected after the date of effect for a purpose different from the purpose for which it was erected; or

(b) where there has been any interruption in the development or use of any land or the use of any building or structure after the date of effect for a continuous period exceeding eighteen months, or where any building or structure erected after the date of effect is not used for the purpose for which it was erected within eighteen months after its completion, it shall not be lawful to recommence such development or use or commence such use, as the case may be, without the authority of the local authority or, as the case may be, the joint committee, applied for and granted in the manner prescribed in sub-section (1).

If any building, alteration, addition or other work for which the authority of the Municipality is required, has been proceeded with without such authority being obtained, the Municipality may cause such buildings, alteration, addition or other work to be pulled down, demolished and destroyed, and may recover the expenses thereby incurred by it from the person responsible for the construction of the building or structure or the alteration, addition or other work, irrespective of any criminal proceedings which may have been instituted.

3. Any person who feels aggrieved by any decision or order of the Municipality in respect of any matter referred to in paragraph 2 above may, pursuant to Section 67 ter of the Ordinance, give notice to the Municipal Manager within 28 days of being notified of such decision or order, of his intention of appeal to the Town Planning Appeals Board, setting forth in such notice his grounds of appeal, and shall also lodge with the Secretary of the Appeals Board within 21 days of his giving such notice a memorandum setting out his grounds of appeal, and in all other respects comply with the procedure in connection with such appeals laid down in the said Section and in the "Regulation relating to the Town Planning Appeals Board and the Hearing of Appeals".

MUNICIPAL MANAGER **ADDRESS : KWADUKUZA MUNICIPALITY**
DATE : 27 October 2006 **PO BOX 5, BALLITO, 4420**

ANNEXURE 25: Confirmation of telephonic conversation with Mr van Rensburg
from Legal and Estates Department concerning the approval for legal fees

From: Wendy Bouwer [mailto:bridgewater@absamail.co.za]
Sent: Sunday, December 10, 2006 10:44 PM
To: 'darenr@kwadukuza.gov.za'
Subject: RE: Confirmation of Telephonic Conversation wrt the Approval for Legal Fees
Importance: High

Hi Mr van Rensburg,





I would appreciate it if you could please confirm the conversation we held on 24 November 2006, as noted below.

Thank you.

Kind Regards,

Wendy Bouwer
Pr Arch

Bridgewater Spencer Architecture CC

 +27 32 525 4245
 +27 32 525 4245
 +27 83 7799 775
 bridgewater@absamail.co.za

From: Wendy Bouwer [mailto:bridgewater@absamail.co.za]
Sent: Friday, November 24, 2006 12:19 PM
To: 'darenr@kwadukuza.gov.za'
Subject: Confirmation of Telephonic Conversation wrt the Approval for Legal Fees
Importance: High

Hi Mr van Rensburg,

Thank you for speaking to me earlier today wrt the approval for legal fees.

Please note below is my understanding of how the process works:

Mr D van Rensburg: Assistant Director of the Legal and Estates Department
(032) 437 5043

If the Development Control Department requires the services of a consultant for a legal matter the correct process is to contact yourself and you will go through a database of people with the necessary expertise (this database is gathered through the legally stipulated channels for tendering and involves advertising, whereby people tender listing their fields of expertise) and you put the Kwa Dukuza Employee onto the consultant with the necessary skills (taking care not to use a 'Rolls Royce' consultant when a 'Beetle' one would perform the work adequately). That consultant is then given an Order Number for billing purposes. This is so that the Consultant is authorized to directly bill the Finance Department on that specific matter.

However, in practice frequently appointing a consultant for a legal matter is done as a knee jerk reaction and the consultant is appointed directly without following the required protocol. This then comes to light when the consultant sends an invoice to the Finance Department without an Order Number. This invoice then goes to yourself to authorize, but as you have no knowledge of the matter, you send it to the Employee concerned and ask them to approve it. If they approve it the Finance Department makes payment.

Money for legal consultants for the Development Control Department comes from the 1 legal vote, which falls under Council General, which is allocated a specific budget each year.

I also understand that there are no general records wrt legal matters arising from the Ballito Office of the Development Control Department of KwaDukuza Municipality concerning cost to council or number of such matters.

Could you please confirm if everything is a correct reflection of what is meant to happen and what does happen?

I have thought of a few more questions, that I would appreciate if you could answer:

Is each legal matter that is given an Order Number given a set budget and if so can it be revised?

Does council ever refuse to keep paying for a matter which keeps on going on, without a foreseeable conclusion? Is there a maximum amount that the council is prepared to pay for legal consultant per matter?

What happens if the legal vote budget runs out in a year and has this happened before, if so how often?

What do you estimate the average cost to council is per legal matter, as a result of plan submissions from the Ballito Office of the Development Control Department?

I appreciate the time you spent speaking to me.
Thank you have a super weekend.

Kind Regards,

Wendy Bouver
9605767-1



+27 32 525 4245



+27 32 525 4245



+27 83 7799 775



bridgewater@absamail.co.za

**QUESTIONNAIRE: TOWARDS A MODEL LOCAL GOVERNMENT
FOR THE DEVELOPMENT CONTROL DEPARTMENT OF
A LOCAL AUTHORITY**

How to fill in this anonymous questionnaire

When a written answer is required please answer as thoroughly as possible, in legible print in black ink.

When asked to make a tick or a block is provided, mark your preference with a "✓" in the checkbox provided.

All information used will be used for purposes stated only.

This questionnaire must be filled in completely anonymously

The completed form will be collected from the front desk of the Ballito Office of the Development Control Department at 15:00 on Friday, 24 November 2006.

1 General details

1.1 How long have you been employed by the KwaDukuza Local Authority's Ballito Office for Developmental Control Department?

1.2 What department do you work in – Development Planning or Building Control?

1.3 What is your role in the plan-approval process?

The questions posed below relate to all plans submitted for approval in 2005, including plan approvals granted in the first six months of 2006. To ensure objectivity and limit bias, no plan submissions by Bridgewater Spencer Architecture cc can be regarded as admissible.

2 Legislative conformance

In the context of this study, legislative conformance's definition is limited to the local authority's ability to meet the plan approval time frames dictated in Section 7 (1) of National Building Regulations and Building Standards Act 103 of 1977. This Act states that 'the local authority shall grant or refuse, as the case may be, its approval in respect of any application where the architectural area of the building to which the application relates is less than 500, within a period of 30 days after receipt of the application and, where the architectural area of such building is 500m² or larger, within a period of 60 days after receipt of the application.' (1977, p 8)

2.1 Before reading the above, were you aware of the legislation regarding plan approval time frames?

Yes	No

2.2 Do you regard the time periods set out in the National Building Regulations and Building Standards Act for plan approval as adequate or do you think they are unrealistically short or long? Please support your opinion.

2.3 Do you feel that the KwaDukuza Municipality's Ballito Office for Development Control is conforming to legislative requirements, in terms of the time frames set out in the National Building Regulations and Building Standards Act 103 of 1977, for the approval of building plans? Please tick the box that you consider to be the most appropriate.

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
5	4	3	2	1

2.4 If necessary, how do you propose that legislative conformance could be improved? Please be as specific as possible.

3 Fiscal health

For this dissertation, the definition of fiscal health is limited to the financial wellbeing of the local authority, when examining the economic effect of legal disputes during the plan approval process.

3.1 *The KwaDukuza Municipality’s Ballito Office for Development Control is losing money as a result of legal disputes during the plan approval process.*

Please tick the box that you consider to be the most accurate representation of your opinion of this statement.

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
5	4	3	2	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3.2 Do you have any personal knowledge of or involvement in legal disputes arising from the plan submission process?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

If yes, please elaborate. *(If no knowledge or involvement exists, please skip the following four questions and go directly to question 3.7)*

3.3 How many legal disputes arising from the plan submission process have affected you, from January 2005 to 31 October 2006?

3.4 Estimate the amount of time you spend on legal disputes monthly.

3.5 Speculate on the average costs (fees payable to consultants, employee man-hours and other indirect costs) to the Ballito Office of the KwaDukuza Development Control Department arising from each such legal dispute.

3.6 In your opinion, what are the main reasons for these legal disputes?

3.7 Suggest means of limiting the KwaDukuza municipality's exposure to legal action.

4 Responsiveness

In the context of this dissertation, responsiveness is the ability to respond flexibly and timeously to change in reaction to varying situations and concerns. Responsiveness involves the extent to which a municipal organisation is able to adapt to change. Key indicators of this would be open lines of communication, effective decision-making and efficient delegation.

4.4 What time period was involved from conceptualisation to implementation of the changes?

4.5 How frequently are changes to plan approval systems implemented?

4.6 Do open channels of communication exist to allow input from personnel to management regarding change management?

Yes	No

Please elaborate.

4.7 Are there effective decision-making systems in place?

Yes	No

Please substantiate.

4.8 Is there efficient delegation, to ensure implementation of change?

Yes	No

Please elaborate.

- 4.9 In your opinion does the municipality pre-empt future demand and make necessary allowances to adequately manage the prospective needs.

Yes	No

Please substantiate.

- 4.10 If necessary, how do you suggest that responsiveness could be improved?

5 Efficiency

This is defined as an administrative organisation that is businesslike, capable, competent, effective, skilful and well-organised.

- 5.1 *The service offered by the KwaDukuza Municipality's Ballito Office for Development Control is efficient.*

Please tick the box that you consider to be the most accurate representation of your opinion of this statement.

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
5	4	3	2	1

5.2 Provide a diagrammatic illustration with time frames (flowchart) of the process showing the movement of plans from submission (being brought to the front desk) through the various departments and meetings until final approval is granted (and plans are collected).

5.3 On average, what is the length of time that plans in the approval process remain in your department?

5.4 How can efficiency, with respect to time spent on plan approval in individual departments, be improved?

- 5.5 Is the plan approval process handled in a manner which could be defined as businesslike, capable, competent, effective, skilful and well-organised?

Yes	No

Please substantiate.

- 5.6 If necessary, how do you suggest efficiency could be improved?

6 Accountability

This term involves a reciprocal (mutual) relationship between the municipality personnel and the public, specifically with regards to communication, involvement, service delivery and performance.

- 6.1 *The KwaDukuza Municipality's Ballito Office for Development Control can be described as accountable.*

Please tick the box that you consider to be the most accurate representation of your opinion of this statement.

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
5	4	3	2	1

6.2 How do you perceive the relationship between KwaDukuza Local Authority's Ballito Office for Development Control Department and the public it serves to be?

6.3 Are the channels of communication between your department and the public with respect to involvement, service delivery and performance open and transparent?

Yes	No

Please substantiate.

6.4 What channels of appeal are available to the public, in the case of dissatisfaction, with the outcome of the building plan approval process?

6.5 How frequently are these channels used?
