

BBOYSELAND.



Portfolio Committee
on Agriculture, Land Reform, Rural
Development, Environment &
Conservation and the Portfolio
Committee on Cooperative Governance,
Human Settlement & Traditional Affairs

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Hon Qikwane
Chairperson: Select Committee on Land and Environmental Affairs

NEGOTIATING MANDATE

Name of the Bill: **Spatial Planning and Land Use Management Bill**

Number of the Bill: **B14B – 2012**

Date of deliberation: **Thursday, 30 May 2013**

Vote of the Legislature: **The legislature votes in favour**

(Subject to consideration of the proposed amendments)

Signature:
Hon NJ Galela
Chairperson: PC on Agriculture, Land Reform, Rural Development,
Environment & Conservation

2013-05-30

Date:

Signature:
Hon GG Oliphant
Chairperson: PC on Cooperative Governance, Human Settlement
& Traditional Affairs

2013-05-30

Date:

Negotiating Mandate



Northern Cape
Provincial Legislature

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Reference: 16.7.11

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NEGOTIATING MANDATE FOR SPATIAL PLANNING AND LAND USE MANAGEMENT BILL [B14B-2012]

(Section 76 Bill)

1. INTRODUCTION

The Chairpersons of the Joint Committee on the Portfolio Committee on Cooperative Governance, Human Settlement & Traditional Affairs, and the Portfolio Committee on Agriculture, Land Reform, Rural Development, Environment & Conservation, Hon GG Olliphant and Hon NJ Gaiela, tables the Committee's negotiating mandate on the *Spatial Planning and Land Use Management Bill* [B14B-2012] as adopted by the Portfolio Committee on 30 May 2013.

2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *Spatial Planning and Land Use Management Bill* [B14B-2012] to the Portfolio Committee on Agriculture, Land Reform, Rural Development, Environment & Conservation and the Portfolio Committee on Cooperative Governance, Human Settlement & Traditional Affairs on 28 April 2013.
- 2.2 On 03 May 2013, the Joint Committee on the Portfolio Committee Agriculture, Land Reform, Rural Development, Environment & Conservation and the Portfolio Committee on Cooperative Governance Human Settlement & Traditional Affairs received a briefing on the Bill from the Northern Cape's Permanent Delegate to the NCOP, Hon GG Mokgoro, the National Department of Rural Development and Land Reform as well as the Provincial Department of Cooperative Governance, Human Settlement & Traditional Affairs.
- 2.3 The Portfolio Committee resolved at the meeting of 03 May 2013 to hold public hearings on the referred Bill in all five Regions in the Province, namely Frances Baard, Namakwa, John Taolo Gaetsewe, Siyanda and Pixley Ka Seme Regions to solicit the views of communities and stakeholders with regard to the *Spatial Planning and Land Use Management Bill*.
- Five (5) public hearings were held on 13, 14, and 15 May 2013 respectively as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature in respect of the Bill. A session was also scheduled with Traditional Leaders on 16 May 2013 but did not take place. However, Traditional Leaders attended the public hearing scheduled in the John Taolo Gaetsewe Region. Further interaction took place to solicit written inputs from Traditional Leaders and none was received. An additional week was afforded to the public for written submissions.

On 30 May 2013, the Joint Committee on the Portfolio Committee Agriculture, Land Reform, Rural Development, Environment & Conservation and the Portfolio Committee on Cooperative Governance, Human Settlement & Traditional Affairs deliberated and considered the *Spatial Planning and Land Use Management Bill* [B14B - 2012].

3. COMMITTEE INPUTS ON THE BILL

- Traditional Leadership should form part of the consultation process when spatial development frameworks and land use schemes are developed especially in Provinces like the Northern Cape where a House of Traditional Leaders exist.
- Capacity at municipal level must be addressed in order to ensure that optimal spatial development frameworks and land use schemes are implemented at local government level.
- All other Acts inter-relating to spatial planning and land use management should either be repealed or aligned to this Bill upon enactment, in particular provincial bills.

4. STAKEHOLDERS/PUBLIC INPUTS ON THE BILL

The following are inputs for consideration in the Bill:

- Social responsibility from mining houses should be encouraged in the planning of all integrated stakeholders.
- Municipalities should be compelled to involve communities and other stakeholders like upcoming farmers and small miners in the planning process.
- The Bill should compel that where residential areas are planned, the necessary sites should always be serviced beforehand. Many of the sites where housing projects were implemented do not have basic services available.
- Optimal use or alternative methods of scarce resources, e.g. water, in certain areas should be considered when planning takes place.
- There should be consultative interaction between municipalities and all owners of unused land, including that government land/property around the municipality to be transferred to such municipality to ensure further development of the municipal area.
- The Bill should state whether Municipal Planning Tribunals will be on temporary basis or permanent.
- Timeframes should be attached when the Municipal Planning Tribunal considers and decides on an application.
- Directive should be provided in terms of the way forward in respect of current spatial planning frameworks developed by municipalities.
- In Clause 36 — the Bill should ensure that there is no political interference with the composition of the Municipal Planning Tribunals.
- The bill is not clear on how historical sites would be identified in terms of townships and towns.
- Clause 58 — the bill does not clearly stipulate which penalties would be instituted against the parties that change the form of the land through mining activities.
- Most mine owners are not indigenous residents of the area; the residents benefit nothing out of the extracted mineral resources. A beneficiation contract must be included in all business plans of mines.

5. WRITTEN SUBMISSIONS ON THE BILL

Written submissions on the Bill were received from:

- 5.1 SALGA Northern Cape.

6. STAKEHOLDERS POSITION ON THE BILL

The majority of the stakeholders voted in favour of the Bill.

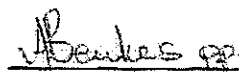
7. PORTFOLIO COMMITTEE POSITION ON THE BILL

After due deliberation, the Joint Committee on the Portfolio Committee Agriculture, Land Reform, Rural Development, Environment & Conservation and the Portfolio Committee on Cooperative Governance, Human Settlement & Traditional Affairs supports the Bill.

8. COMMITTEE ADOPTION OF THE BILL

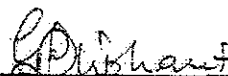
The Committee adopted this negotiating mandate duly signed by the Chairpersons of the Committee.

The Committee recommends to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill taking note of the comments and recommendations raised by the Committee.



HON. N.J. GALELA

Chairperson: PC on Agriculture,
Land Reform, Rural Development,
Environment & Conservation



HON. G. GIOLIPHANT

Chairperson: PC on Cooperative
Governance, Human Settlement
& Traditional Affairs

2013-05-30