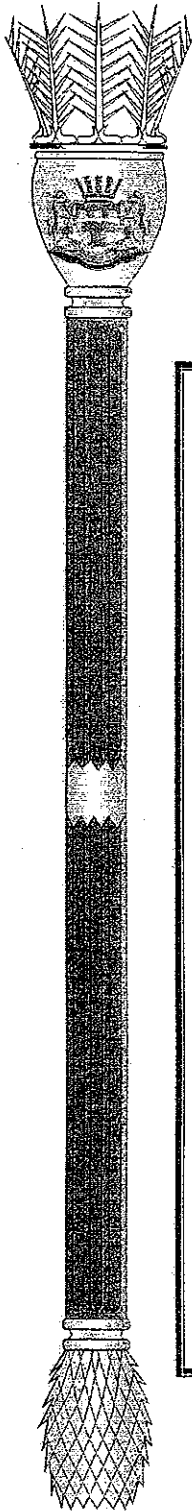


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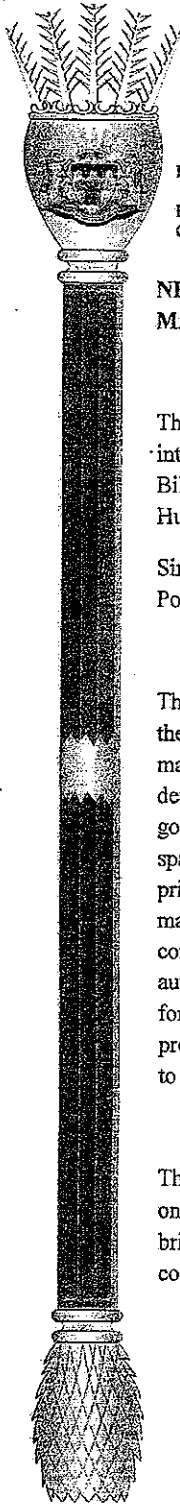
NEGOTIATING MANDATE

To	:	The Chairperson: SC on Land and Environmental Affairs
Name of Bill	:	Spatial Planning and Land use Management Bill
Number of the Bill	:	{B14B - 2012}
Date of Deliberation	:	14 May 2013
Vote of the Legislature	:	Provincial NCOP Permanent Delegates to negotiate on the redevelopment of the Bill, taking into consideration the comments and inputs mentioned in the Report.
.....	
HON. S. MAAKE CHAIRPERSON OF COMMITTEES		02/06/13 DATE

Tel: 015 633 5071 / 8000 - Fax: 015 633 8185 / 015 633 8658

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NEGOTIATING MANDATE ON SPATIAL PLANNING AND LAND USE MANAGEMENT BILL, 2012 [B 14B - 2012]

1. INTRODUCTION

The Spatial Planning and Land Use Management Bill, 2012 [B 14B - 2012] was introduced in the august House from the National Council of Provinces (NCOP) and the Bill was subsequently referred to the Portfolio Committee on Cooperative Governance, Human Settlements and Traditional Affairs for consideration and inputs.

Since the Bill is also about land use management, the Bill was jointly considered with the Portfolio Committee on Agriculture and Land Affairs.

2. OBJECTS OF THE BILL

The Bill seeks to provide a framework for spatial planning and land use management in the Republic; to specify the relationship between the spatial planning and the land use management system and other kinds of planning; to provide for the inclusive, developmental, equitable and efficient spatial planning the different spheres of government; to provide a framework for the monitoring, coordination and review of the spatial planning and land use management system; to provide a framework for policies, principles, norms and standards for spatial development planning and land use management; to address past spatial and regulatory imbalances; to promote greater consistency and uniformity in the application procedures and decision-making by authorities responsible for land use decisions and development applications; to provide for the establishment, functions and operations of Municipal Planning Tribunals; to provide for the facilitation and enforcement of land use and development measures; and to provide for matters connected therewith.

3. CONSIDERATION OF THE BILL

The committee met the NCOP delegates on 02 May 2013 and received a detailed briefing on the principles and objects of the Bill. The committee further received a second briefing on the Bill on 14 May 2013. It was in this meeting that the committee resolved to conduct public hearings in the district municipalities of the province.

4. PUBLIC HEARINGS

A pre-public hearing workshop was held on 17 May 2013 in Bolivia Lodge, Polokwane to prepare stakeholders to participate from an informed perspective during the actual public hearings. Public hearings were held on 29 May 2013. Various stakeholders attended to give inputs and comments on the Bill.

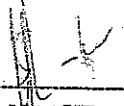
The Bill was received with mixed feelings, however, an overwhelming majority of stakeholders, especially traditional leaders, held a strong view that the Bill must be rejected and not proceeded with. Stakeholders raised the following as the basis for rejecting the Bill:

- On chapter 1, definitions, the Bill should include definition of a land owner.
- Although spatial planning is mainly to redress rural areas more often than not, ultra rural areas are always left out. These are very rural areas such that public phones, schools and other basic amenities do not exist, especially farming communities.
- Spatial planning and land use management mostly takes place on tribal land. The Bill does not make provision for joint cooperation between traditional leaders and municipalities on matters of land. For example, Chapter 6 of the Bill which is about Land Development Management recognises municipalities as authorities of first instances on land applications.
- Applications for land in communities must be made to traditional leaders through traditional councils.
- Even where municipalities involved traditional leaders in municipal forums, this is just tokenism for the sake of compliance. Traditional leaders do not have real powers in those forums.
- The Bill must limit the role of municipalities to the provision of services, not authority over land.
- Municipalities tend to use tribal land for development without consulting traditional leaders who are the owners of the land. In some instances tribal land will be sold to private companies for business development without the consent of traditional leaders. Traditional leaders feel disrespected in this regard. The Bill does not include how such actions should be dealt with.

- The Bill is silent on land restored to previously dispossessed communities that is managed by Communal Property Associations on behalf of those communities. It is not clear whether such land is affected by the Bill.
- The issue of trust land is not included in the Bill. Before 1994, bulk of the land was held in trust without title deeds. It is currently still difficult for traditional leaders to claim title deeds on trust land.
- The Bill does not include customary laws and practices. The Bill must include environmental and cultural aspects, that is, value system of communities as they have to do with land.
- The existing legislation does not adequately address the interest of traditional leaders. On that note, traditional leaders should have their own platform to develop a Bill that will address their plight.

5. CONCLUSION

The committee, having considered comments and inputs during the hearings, submits to the NCOP delegates that the Bill be re-developed accordingly.



Hon. S. MAAKE
CHAIRPERSON OF COMMITTEES