

Office of the Chairperson

Portfolio Committee on Agriculture, Rural Development and Land Administration; Economic Development, Environment and Tourism

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NEGOTIATING MANDATE

To : The Chairperson: Select Committee on Land and Environmental Affairs

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

Number of the Bill : [B14B-2012]

Date of Deliberation : 30 May 2013

Vote of the Legislature :

The Portfolio Committee on Agriculture, Rural Development and Land Administration; Economic Development, Environment and Tourism supports the Bill and confers on the permanent delegate representing the Province of Mpumalanga in the NCOP the mandate to negotiate in favour of the Bill, taking into consideration the views of members of the Committee as contained in the attached report and the amendments proposed below.

The Committee proposes the following amendments:

Clause 3: Objects of the Bill

It is recommended that clause 3(e) be amended by inserting the underlined words as follows:

provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government with regard to spatial planning and land use management systems.

Chapter 4

Part F - Clause 22: Status of municipal spatial development framework

It is proposed that the legal effect of municipal spatial development framework be stated as was done in clause 17, dealing with provincial spatial development framework. This could be done by amending clause 22 or inserting a new clause entitled legal effect of municipal spatial development framework.

Chapter 4: Spatial Development Frameworks and traditional leaders

The Committee raised a serious concern that the role of traditional leaders has not been clearly pronounced in the Bill.

The consultation of traditional councils should therefore be made compulsory during the drafting of municipal spatial development frameworks, and not only in land use management issues under Chapter 5, Clause 23(2).

In view of the above, it is recommended that Clause 23(2) from Chapter 5 be inserted at the beginning of Chapter 4, as follows:

Subject to section 81 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998), and the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), a municipality, in the performance of its duties in terms of this Chapter must allow the participation of a traditional council.

Clause 36: Composition of Municipal Planning Tribunal

A traditional leader should be made an ex officio member of the Municipal Planning Tribunal.

It is therefore recommended that clause 36 be amended by an insertion after clause 36(1) of the underlined words, and renumbering of sub-clauses as follows:

36. (1) A Municipal Planning Tribunal must consist of—
(a) officials in the full-time service of the municipality; and

(b) persons appointed by the Municipal Council who are not municipal officials and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto.

(2) A traditional leader must be appointed as an ex-officio member of the Municipal Planning Tribunal.

~~[(2)]~~ (3) Municipal councillors may not be appointed as members of a Municipal Planning Tribunal.

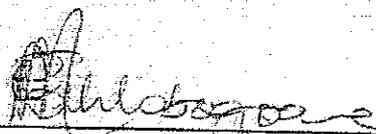
~~[(3)]~~ (4) A Municipal Planning Tribunal must consist of at least five members or more as the Municipal Council deems necessary.

~~[(4)]~~ (5) The Municipal Council must designate—

- (a) a member of the Municipal Planning Tribunal as chairperson; and
- (b) another member as deputy chairperson, to act as chairperson of the Municipal Planning Tribunal when the chairperson is absent or is unable to perform his or her duties.

Other related matters

The financial implications of the Bill must be determined in order to avoid unfunded mandates for provinces when the Bill becomes law.



2013.05.31

HON. RC MAHLOBOGOANE (MPL)

DATE

CHAIRPERSON: PORTFOLIO COMMITTEE ON
AGRICULTURE, RURAL DEVELOPMENT
AND LAND ADMINISTRATION; ECONOMIC DEVELOPMENT,
ENVIRONMENT AND TOURISM