

130804 SELAND

**EASTERN CAPE PROVINCIAL LEGISLATURE****OVERSIGHT SERVICES: AGRICULTURE PORTFOLIO COMMITTEE**

Tel: 040 608 0094

Enquiries: Qabane Mafuya

Fax: 040 636 4922

Date: 4 May 2013

E-mail: qmafuya@ecleg.gov.za Reference: SPLUM Negotiating Mandate**NEGOTIATING MANDATE**

The Chairperson:

Select Committee on Land and Environmental Affairs

National Council of Provinces

Name of Bill : Spatial Planning and Land Use Management
Number of Bill : [B 14B-2012]
Date of deliberation : 4 June 2013

1. Vote of the Legislature

The Legislature supports the Bill and mandates the Eastern Cape delegate to the NCOP to negotiate in favour of the adoption of the Bill. However, the Committee would like to raise the following concerns:

- a) The role of traditional leaders is unclear; there is a need to specify and to clarify roles to avoid clashes with traditional leaders and municipalities.
- b) People have no access to development projects because the Department of Rural Development and Agrarian Reform (DRDAR) is no longer responsible for planning and allocation of sites. Projects developments are in a standstill. There is a need for an interim arrangement for land allocation for development, including farming. The Bill must state what the role of the DRDAR will be regarding the allocation of sites going forward.
- c) The Bill must have mechanisms to address mapping in rural areas. Mapping has financial implications.

- d) There ought to be cost implications for implementing the Bill; The Committee and the Department of Rural Development and Land Reform must state how the Bill will be financed.
 - e) Mining laws and the negative effects mining has on communal land need to be considered in conjunction with the SPLUM Bill.
 - f) Spatial development does not apply to the development of houses in rural areas as it would in townships. It does not address title deeds in rural areas; the Bill must create a uniform standard of planning and development.
 - g) The fact that Councilors may not be part of the tribunal is not acceptable.
 - h) The Bill must deal with environmental damage done through mining by developers in rural areas.
 - i) Land invasion and occupation of land is rife. Arable land is illegally occupied for residential use. The Bill must propose measures for dealing with the illegal use of land.
 - j) Rural farmers are worried about making land use applications to municipalities instead of going to traditional leaders. The Bill has an urban bias.
 - k) Land management in rural areas is loose. There is no central authority for land management. There is decentralization of land management with sub-headman responsible for managing day to day land issues.
 - l) The Bill must show how it will address and administer the sale of sites in urban and rural areas.
 - m) The Bill should have a provision to deal with land invasions by illegal occupants.
 - n) The role of Municipalities should be clarified and in the event of a Municipality having no capacity to implement the law, the Bill should have make for provisions for assisting that particular Municipality.
 - o) The Bill should encourage closer working cooperation between Councilors and Traditional Leaders as the Traditional Leaders are allowed to sit in Tribunals and Councilors are not allowed.
2. We further submit that we must be given a further opportunity to interact with members of the community as we had not covered the entire Province within the limited time given.

3. Parliament must furnish responses raised by members of the public in the
4. Participation at provincial level was led by the National Department of Rural Development and Land Reform and not by the Department of Rural Development and Agrarian Reform.



HON. P.V. NKAYI

CHAIRPERSON: PC AGRICULTURE AND RURAL DEVELOPMENT