

REPORT TO THE NATIONAL ASSEMBLY PORTFOLIO COMMITTEE ON LAND AND AGRICULTURE ON THE PUBLIC PARTICIPATION IN THE DEVELOPMENT OF THE LAND USE MANAGEMENT BILL [B27 – 2008]

- LIST OF WRITTEN COMMENTS RECEIVED

1. Outline

- 1.1 The Land Use Management Bill arose out of specific provisions of the Development Facilitation Act (DFA) of 1995 which was passed as an interim measure to deal with land development and related matters.
- 1.2 In 1997 Government appointed the Development & Planning Commission as mandated by the DFA to, among other things, advise on how best to streamline the various policy, legislative and regulatory frameworks.
- 1.3 In 1998, the Development & Planning Commission engaged in an extensive national consultative process which led to the production of the Green Paper on Spatial Planning and Land Use Management. This Green Paper later matured into a White Paper.
- 1.4 After the Green Paper, a draft White Paper was released for public comments which then led to the Cabinet approving the White Paper on Spatial Planning and Land Use Management on 27 June 2001.
- 1.5 This White Paper on Spatial Planning and Land Use Management which was approved by Cabinet on 27 June 2001 was published in the *Government Gazette* No. 2247351 of 20 July 2001).
- 1.6 An initial draft of the Land Use Management Bill was published in *Government Gazette* No. 2247351 of 20 July 2001. The notice publishing this Draft Bill called for public comments and written submissions on the Bill.

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- 1.7 About 57 written submissions were received and considered within 2001 and 2002 leading to improvements in the Bill.
- 1.8 Two rounds of focused national workshops and at least 24 other workshops at both national and provincial levels were held between 2001 and 2003.
- 1.9 A table of written comments showing the organizations that made written inputs and the persons who signed on behalf of those organizations forms part of this report.
- 1.10 There were 8 presentations to the Forum of Directors-General (FOSAD) between 2002 and 2007.
- 1.11 The Draft Bill was presented to and extensively work-shopped with all the Municipalities in Limpopo and Northern Cape Provinces during 2006 and 2007.
- 1.12 The Bill is currently being piloted in a number of Municipalities in Limpopo and Northern Cape Provinces since 2007 in active collaboration with the Offices of the Premier and Provincial Departments in those provinces.
- 1.13 The Bill was presented in the National Development Planning Forum¹ in December 2007.

¹ This forum comprises of all Municipalities, Provinces (Offices of the Premier and Departments of Local Government) and National Departments like Housing, DEAT, DME, DPLG, DLA & Transport.

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- 1.14 In collaboration with the Department of Provincial and Local Government, the Department of Land Affairs has, since 2007, been exploring the co-ordination of and increased support to more municipalities in the areas of land use management systems. Such interactions, within the purview of the National Development Planning Forum, have provided further opportunity to present and involve municipalities in the ideas covered in the Land Use Management Bill.
- 1.15 Since 2004, the Department has been actively engaged with the National Treasury and many other national and provincial departments, with the active participation of key private sector players in determining the impact of planning regulatory system on the economy. The first part of the study conducted ("Rationalizing and modernizing the planning regulatory environment: an evaluation of the status quo and proposals on a way forward") which was released in November 2004 was basically to assess the readiness of the Land Use Management Bill to achieve some of its stated objectives. This study and further reviews which included all the three spheres of government enabled the participation of and substantial inputs into the Bill. The recommendations made were substantially taken on board in the post 2005 draft of the Bill.
- 1.16 The Bill was published for public comments in the *Government Gazette* No 30979 of 15 April 2008 in compliance with the rules of the National Assembly and the relevant provisions of the Constitution.
- 1.17 The Bill was introduced in Parliament in May 2008. It is the view of the Department that publication in the *Government Gazette* sufficiently allows such an opportunity to make representations by interested members of the Public.

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	ORGANISATION / INSTITUTION	REPRESENTATIVE & DESIGNATION	DATE
1.	Northern Province Department of Local Government & Housing	GI Masingi Deputy Director-General	21 May 2001
2.	Kuruman Municipality	Mr. M Mpata	17 August 2001
3.	Overstrand Municipality	R Kuchar Acting Municipal Manager	17 August 2001
4.	Highveld Ridge Transitional Local Council.	BD Mahlangu Councillor: Technical & Engineering Services Ref: Lousi Roodt	17 August 2001
5.	Free State Local Government & Housing Department	JH Terblanche – for HOD	24 May 2001
6.	Mangaung Local Municipality	G Cilliers – Director (Department of Urban Planning & Housing [Town Planning Division])	17 August 2001
7.	North West Department of Developmental Local Government & Housing	NP CLAASSEN – Deputy Chief Town & Regional Planner.	14 August 2001
8.	Northern Province House of Traditional Leaders	Chairperson of the House	18 September 2001
9.	National House of Traditional Leaders	INKOSI MB Mzimela – Chairperson	20 September 2001
10.	KZN Department of Traditional Affairs & Local Government	FR Brooks – for HOD	21 May 2001

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11.	KZN Department of Traditional Affairs & Local Government	FR Brooks – for HOD	22 August 2001
12.	SAPI KZN Branch	Christine Plaat – Vice President SAPI & Chair of KZN Branch (also former President of SAPI and current Chairperson of the Commonwealth Association of Planners)	22.../2001
13.	Francois Theunissen	Private Person	19 August 2001
14.	Durban North & South Central Councils	MA Peters – Director (Traffic & Transportation)	16 August 2001
15.	Durban Unicity Municipality (Development & Planning Unit [Central Operational Entity])	Bruce Edward – Acting Executive Director: Planning & Development	20 August 2001
16.	SALGA	Thabo Mokoena – SALGA CEO	10 August 2001
17.	Moreland	Rory Wilkinson – Town Planner	20 August 2001
18.	KZN Town & Regional Planning Commission	LC Sanders – for Secretary	17 August 2001
19.	Department of Housing	Lucky Mphafudi – Chief Town & Regional Planner (Human Settlement Policy & Integration)	21 June 2001
20.	Department of Environmental Affairs and Tourism	Unsigned	Undated
21.	City of Tshwane	SG Bouillon – Acting General Manager (Land & Environmental Planning [Housing Division])	20 August 2001
22.	Ekurhuleni Metropolitan Council	Teresa Engelbrecht	15 August 2001
23.	City of Tshwane	M van der Vyver – for Strategic Executive	31 July 2002

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		Officer (Department of Housing, City Planning, Land & Environmental Planning).	
24.	SAPI – Northern Province Branch	Theo Pieterse & Pierre Buys	17 August 2001
25.	Polokwane Municipality	JA Bierman – City Engineer (Department of the City Engineer [Town Planning Division])	16 August 2001
26.	Northern Province		
27.	Letter to Mr. C Clerihew – Acting DG @ DPLG proposing a meeting for the 10 June 2002 on specific issues raised in that letter.	Signed by DG Mayende of DLA	28 May 2002
28.	Gauteng Department of Economic Development	P Mashatile – MEC (Finance & Economic Affairs)	23 November 2007
29.	Department of Agriculture	MJ Botha – Deputy Director (Agricultural Land Resource Management)	25 May 2001
30.	NM & Associates	Nisa Mammon – Vice President (South African Council of Town & Regional Planners)	16 August 2001
31.	South African Property Owners Association	Brian Kirchmann – CEO	17 August 2001
32.	WESPLAN & Associates Town & Regional Planning Consultants.	JE DE Wet -	17 August 2001
33.	Rondebosch Civic Association	JB Burmeister	15 August 2001
34.	Gauteng Department of Development Planning & Local Government	Unsigned	Undated
35.	VMS Civil Engineers & Urban Planners	Martin Lewis	17 August 2001

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36.	AGRISA	NMP Opperman – Director (Natural Resources)	31 August 2001
37.	AM Bluhm	Advocate of the High Court – Umtata	22 August 2001
38.	Meirelles Lawson Architects cc	Xico Meirelles	19 September 2001
39.	Western Cape MEC for Environmental Affairs & Development Planning ²	DM Malatsi	11 July 2002
40.	Letter to Mr. Theo Tolmya – Western Cape HOD (Environmental Affairs & Development Planning Department) ³	Signed by DG Mayende of DLA	6 November 2002
41.	Sarien Lategan Town & Regional Planners cc	SC Lategan	14 August 2001
42.	Swartland Municipality	AM Zaayman	17 August 2001
43.	West Coast District Municipality	W P Rabbets – Acting Municipal Manager	16 August 2001
44.	City of Cape Town	Jeanine De Wet – Manager (Functional Liaison) ⁴	15 June 2001
45.	University of Stellenbosch	PE Claassen	13 August 2001
46.	University of Stellenbosch	Vanessa Watson – Associate Professor	14 August 2001
47.	Stellenbosch Interest Group	Johan Adendoff – Chairman	17 August 2001

² MEC makes reference to a presentation by DLA in the Civic Centre Bellville on 4 July 2002 and requests a further meeting with the Provincial Government & City of Cape Town.

³ The letter requested a meeting on the 13, 15, 25 or 26 November 2002 in response to MEC Malatsi's request.

⁴ Acknowledges the contributions of Japie Hugo, Fiona Ogle, Cheryl Walters & Emile van Heyningen.

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48.	Cape Peninsula National Park for SA National Parks	Michael Slayen – Land Use Planner	17 August 2001
49.	Cape Cultural Heritage Development Council	Barry Jacobs – Chief Gouriqua	10 August 2001
50.	Inqua Tribe	P Booysen (Headsman – Inqua Tribe)	27 August 2001
51.	Institute of Professional Land Surveyors and Geomaticians of the Western Cape	Julian Williamson – President	17 August 2001
52.	University of Cape Town	Prof. David Dewar	No Date
53.	City of Cape Town	R Maydon – City Manager	19 September 2001
54.	SAPI Western Cape	J Kuhn – Chairman	15 August 2001
55.	Association of Consulting Town and Regional Planners ⁵ (South)	Unsigned	15 August 2001
56.	Western Cape Ministry of Local Government & Development Planning	Pierre Uys (MEC)	21 August 2001
57.	Presidency	Hassen Mohamed	February 2008

⁵ Comments acknowledge a workshop held in Milnerton , Cape Town on 10 August 2001