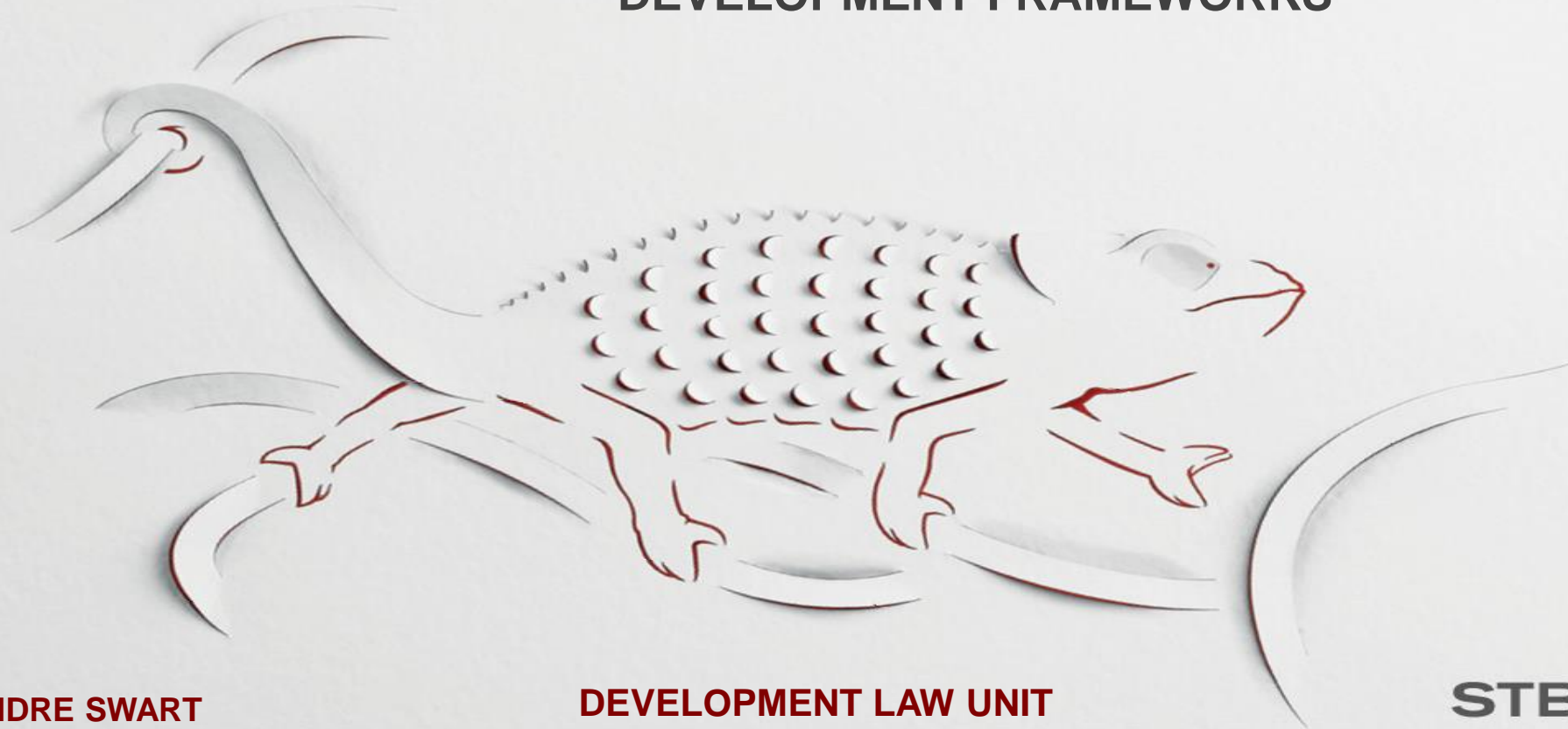


Western Cape Property Development Forum

5 May 2017

PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND BILL

THE INTERFACE BETWEEN INTEGRATED DEVELOPMENT PLANS AND SPATIAL
DEVELOPMENT FRAMEWORKS



PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND BILL

- **Concepts**

- What is a Bill?
- 'Agricultural Land' in terms of the Subdivision of Agricultural Land Act 70 of 1970 (SALA)
- 'Agricultural Zoning' of land
- New definition of 'Agricultural Land' in terms of Section 1 of the Bill
- Definition of '*fragmentation of agricultural land*'

- **Shortcomings of SALA**

- Non-conformity with the Constitution
- Only applicable to privately owned land
- No provision for allocation of powers between National and Provincial Government
- Does not address intergovernmental relations
- Does not address co-operative government principles

PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND BILL...continued

- ***Constitutional Framework***

- Roles, powers and functions of 3 spheres of Government
 - National Spheres
 - Enactment and implementation of framework legislation
 - Provincial Sphere
 - Formulation of detailed provincial policies
 - Enactment and implementation of province specific legislation
 - Local Sphere
 - Making and implementation of by-laws relating to agriculture if power assigned to municipal council by other spheres

PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND BILL...continued

- ***Objects of the Act***
- ***Agricultural Land Management Principles***
 - Preservation for long term agricultural use
 - Permitted land use
 - Mitigation
- ***Agricultural Sector Plans***
 - Preparation of Agricultural Sector Plans
 - Content of Agricultural Sector Plans
 - Status and Legal Effect of Agricultural Sector Plans
- ***Protected Agricultural Areas***
 - Gazetting of Protected Agricultural Areas
 - Permitted Developments
 - Permission of Minister required in terms of SPLUMA and Planning Legislation before Section 21 approvals granted

PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND BILL...continued

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- *Alignment and Relationship with Related Land Development Authorisation*
- *Restriction on a Municipal Authority Regarding Agricultural Land*

THE INTERFACE BETWEEN INTEGRATED DEVELOPMENT PLANS AND SPATIAL DEVELOPMENT FRAMEWORKS

- New Planning Regime
- Institutionalisation of the new Planning Regime and the start of a new 5 year IDP Cycle
- The new IDP Cycle: Revision of MSDF vs adopting a new Municipal IDP

- ***Various Concepts***
 - 'Urban Area' for purposes of the MSA
 - 'Urban Edges' in terms of a Municipal Spatial Development Framework
 - Competent Authority : Municipalities

 - 'Urban Area' for purposes of the Listing Notices under NEMA
 - Competent Authority : Environmental Authority
 - Determination of Urban Areas: Interim Urban Edge in terms of the Western Cape Provincial Spatial Development Framework (WCPSPDF)

THE INTERFACE BETWEEN INTEGRATED DEVELOPMENT PLANS AND SPATIAL DEVELOPMENT FRAMEWORKS...continued

- Practical relevance of distinction
 - Urban Edge : Planning Tool
 - Urban Area : Whether listed activities are triggered
- ***Relationship between SDF and IDP : Legislative Framework***
 - Local Government Municipal Systems Act 32 of 2000
 - Section 26(e): SDF as a '*core component*'
 - Section 25: Adoption of IDP (including the SDF) by Municipal Council
 - SPLUMA
 - Section 20(1): Municipal Council to adopt SDF by publication in Provincial Gazette
 - Section 20(2): SDF must be prepared '*as part of*' a municipal IDP

THE INTERFACE BETWEEN INTEGRATED DEVELOPMENT PLANS AND SPATIAL DEVELOPMENT FRAMEWORKS...continued

- *Relationship between SDF and IDP : Legislative Framework...continued*
 - LUPA
 - Section 10(1): Adoption or amendment of SDF in terms of MSA
 - Under MSA no separate process to draft, adopt or amend SDF independently from IDP
 - Municipal Planning By-Laws
 - Section 3(1): Municipal Council to compile or amend SDF in accordance with MSA – no separate process to compile, adopt or amend SDF independently from IDP (SDF core component of IDP)

THE INTERFACE BETWEEN INTEGRATED DEVELOPMENT PLANS AND SPATIAL DEVELOPMENT FRAMEWORKS...continued

- ***Compilation and adoption of SDF***
 - All 4 laws to be complied with as far as procedure and contents
 - Options to amend SDF:
 - As part of the adoption of 5 year IDP
 - As part of subsequent amendment process
 - Municipal SDF amendment = Municipal IDP amendment
 - Section 3 of the Municipal Planning and Performance Management Regulations

THE INTERFACE BETWEEN INTEGRATED DEVELOPMENT PLANS AND SPATIAL DEVELOPMENT FRAMEWORKS...continued

- ***Status of SDF***
 - Section 19 LUPA
 - Section 22 SPLUMA

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