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14 November 1997

FREE STATE PROVINCE

REGULATIONS RELATING TO LAND DEVELOPMENT OBJECTIVES IN TERMS OF THE DEVELOPMENT FACILITATION ACT, 1995

Under section 27(1) of the Development Facilitation Act, 1995 (Act No. 67 of 1995), I, I.W. Kotsoane, Member of the Executive Council of the province responsible for Local Government and Housing, hereby promulgate the regulations contained in the Schedule hereto.

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned to it and, unless the context indicates otherwise -

land development objectives means the land development objectives referred to in Chapter IV of the Act;

the Act means the Development Facilitation Act, 1995 (Act No. 67 of 1995);

work plan means a plan for the setting of land development objectives, prepared by a local government body in accordance with regulation 4.

Principles and subject matters relating to land development objectives

- 2.(1) The general principles set out in section 3 of the Act, provide the guidelines with which the formulation and implementation of land development objectives shall be consistent.
- (2) Land development objectives shall relate to the subject matter referred to in section 28(1) of the Act.
- (3) Land development objectives shall be compiled in such a manner that they complement and take into account the integrated development plan referred to in section 10D(4)(b) of the Local Government Transition Act 1993 (Act No. 209 of 1993) of the local government body concerned.

Setting of land development objectives

- 3.(1) The MEC may, after consultation with a local government body, by notice in the Provincial Gazette, require such local government body to set land development objectives which shall promote integrated land development for a period of at least 5 years.
- (2) Whenever a local government body informs the MEC that it intends to set land development objectives, the MEC shall cause a notice referred to in sub-regulation (1) to be published.

- (3) Two or more local government bodies may, by agreement in terms of section 145A of the Local Government Ordinance 1962 (Ordinance 8 of 1962), jointly set land development objectives.

Compilation and submission of a work plan

- 4.(1) The local government body concerned shall, within 90 days of the date of the publication of a notice in terms of regulation 3(1) or (2) compile, adopt and submit a work plan to the MEC.
- (2) A work plan shall -
- (a) include a description of the process, including time frames, for the setting and assessment of land development objectives;
 - (b) contain details of the manner in which the local government body shall encourage the involvement of its community, community organisations and interested bodies in the process;
 - (c) indicate the manner in which the setting of land development objectives shall be coordinated with the functions of any organ of state responsible for the administration or setting of any plan dealing with subject matter which is the same as, or similar to, the subject matter of land development objectives; and
 - (d) include a statement of -
 - (i) the available resources and capacity of the local government body for the setting of land development objectives in terms of the work plan;
 - (ii) other resources and capacity to which the local government body has access; and
 - (iii) any shortfall in such resources and capacity.

Approval of work plan

- 5.(1) the MEC shall, as soon as possible after receipt of a work plan in terms of regulation 4(1) -
- (a) approve such work plan; or
 - (b) refer such work plan, together with her or his comments thereon, back to the local government body concerned.
- (2) Whenever a work plan is referred back to a council in terms of subregulation (1), the local government body concerned shall within 30 days of receipt thereof consider the MEC's comments, and if the MEC's comments necessitate amendments -
- (a) amend such plan as deemed necessary and re-submit it to the MEC; or
 - (b) not amend such plan in which case the local government body shall submit its reasons therefor to the MEC.
- (3) The MEC may -
- (a) in the case of sub-regulation 2 (a) approve the amended work plan with such amendments as she or he may deem necessary; or

- (b) in the case of sub-regulation 2(b) consider the reasons of the local government body and make such amendments to the work plan as she or he may deem necessary, and inform the local government body accordingly.
- (4) The MEC may, in her or his approval of a work plan, indicate -
 - (a) the resources and assistance to be made available to the local government body concerned; and
 - (b) how such resources and assistance may be accessed by that local government body.

Compliance with work plan

- 6. A local government body shall, within 12 months after notification of the approval of its work plan in terms of regulations 5(1) or 5(3), formulate and set land development objectives in terms of the work plan.

Monitoring of compliance with work plan

- 7. To monitor compliance with an approved work plan, the MEC may -
 - (a) in writing require a local government body to submit a written progress report to her or him within a reasonable period after such notice; and
 - (b) in writing request a local government body to certify that it is complying with its work plan.

Notice calling for comments on the draft land development objectives

- 8.(1) Immediately after a local government body has considered the draft land development objectives it shall publicly, in the manner determined in its work plan, and by notice in the press -
 - (a) make such draft land development objectives available for inspection during office hours at the offices of the local government body; and
 - (b) invite any interested parties to submit written comments and representations regarding such draft land development objectives on or before a date specified in such notice, which date shall not be less than 21 days after the publication of such notice.
- (2) The local government body shall, in respect of persons who cannot read or write, give appropriate notice of the name of a person nominated by the local government body who will assist such persons by -
 - (a) reading and explaining to them the contents and implications of such land development objectives; and
 - (b) preparing any comments or representations they may wish to make and submitting it to the local government body.

Processing of comments on the draft land development objectives

9. A local government body shall at the earliest opportunity possible -
 - (a) consider all the comments and representations received in terms of regulation 8; and
 - (b) make the necessary amendment (if any) to the land development objectives, whereafter it shall -
 - (i) adopt the land development objectives;
 - (ii) submit ten copies of the adopted land development objectives to the MEC; and
 - (iii) in the manner referred to in regulation 8(1), make it available for public inspection.

Approval of land development objectives by MEC

- 10.(1) The MEC shall as soon as possible after receipt of the land development objectives -
 - (a) approve them; or
 - (b) refuse to approve them.
- (2) Whenever the MEC refuses to approve the land development objectives, she or he shall in writing -
 - (a) inform the local government body of the reasons for the refusal; and
 - (b) indicate the action that must be taken to ensure approval.
- (3) The local government body shall, within the period specified by the MEC in her or his notice referred to in sub-regulation (2) -
 - (a) consider the MEC's notice;
 - (b) comply therewith; and
 - (c) submit ten copies of the amendments of the land development objectives to the MEC for her or his approval.

Notice of approval of land development objectives

- 11.(1) The local government body shall cause three copies of the land development objectives approved by the MEC to be delivered to the MEC.
- (2) The MEC shall sign the three copies of the land development objectives submitted to her or him and shall cause it to be delivered to -
 - (a) the local government body;
 - (b) the head of the Department of Local Government and Housing; and
 - (c) the Tribunal Registrar.
- (3) Upon receipt of a signed copy of the land development objectives, the local government body shall by notice in the Provincial Gazette and the press, notify that the land

development objectives had been approved and will be available for inspection during office hours at the offices of the local government body.

- (4) The local government body may, at such reasonable fee as it may determine by resolution, sell copies of the land development objectives to any person or body.

Assessment of land development objectives

12.(1) A local government body, or two or more local government bodies jointly in terms of an agreement, shall, before commencing with the preparation of its budget for the ensuing financial year -

- (a) assess the progress made with the implementation of its land development objectives and compile a report thereon;
- (b) in a manner determined by it, make such assessment report available to the public; and
- (c) submit a copy of its assessment report to the MEC.

(2) A local government body shall, immediately after the assessment in terms of sub-regulation (1) has been completed, amend where necessary, the land development objectives in a manner set out in its work plan or in a manner determined by the MEC after consultation with the local government body concerned.

(3) Amendments of the land development objectives in terms of sub-regulation (2) shall take into account that the land development objectives must cover a future period of at least 5 years.

(4) Ten copies of the amendments to the land development objectives shall be submitted to the MEC for her or his consideration. The provisions of regulations 10 and 11 shall, with the necessary changes, apply.

Short title

13. These regulations shall be called the Free State Land Development objectives Regulations, 1997.