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REGULATIONS RELATING TO LAND DEVELOPMENT OBJECTIVES made in terms of Chapter IV of the Development Facilitation Act 1995 (Act No. 67 of 1995)

SCHEDULE

Definitions

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

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

capacity building means a process whereby people or organisations are empowered with the necessary capacities such as skills training, equipment, information dissemination, institutional capacity, or financial assistance (where available) to enable them to participate effectively in the planning process;

development planning means a participatory process to integrate economic, sectoral, spatial, social, institutional, fiscal and environmental strategies in order to support the optimal allocation of scarce resources between sectors and geographic areas, and across the population, in a manner that promotes sustainable growth, equity and empowerment of the poor and marginalised communities;

LDF shall, where the context so admits, also mean the community development forum;

Land Development Objectives means land development objectives set by a local government body or an MEC, as the case may be, in accordance with Part D of these regulations and where applicable, having regard to the subject matter, shall also mean the Integrated Development Plan;

MEC means the Member of the Executive Council for Housing and Local Government;

public participation plan means a plan for public participation by a local government body in accordance with regulation 8;

working plan means a plan, prepared by a local government body, for the setting of land development objectives as contemplated in regulation 10.

**PART A
GENERAL PROVISIONS FOR THE FORMULATION OF LAND DEVELOPMENT
OBJECTIVES**

Principles relating to land development objectives

2. The setting and implementation of land development objectives by any local government body, shall be consistent with the general principles as set out in section 3 of the Act and

such further principles as may be prescribed by the relevant national Minister or the Premier of the Northern Cape in terms of the said section.

Purpose of land development objectives

3. The general purpose of land development objectives set by any local government body shall be
 - (a) to create a framework within which the local authority, the local public and interested bodies can identify their own developmental needs and plan the manner in which to realise them;
 - (b) to provide a balanced framework for local economic growth and the addressing of local developmental needs;
 - (c) to allow a bottom-up planning approach which will interactively inform and will be informed by provincial and national development strategies;
 - (d) to create a planning system which enhances community participation and encourages cooperation and partnerships between government and civil society in implementing land development objectives;
 - (e) to create a planning system which links public expenditure to financially sustainable development strategies and achievable targets which are guided by a vision and priorities determined jointly between a local government body and the general public;
 - (f) to create a system of planning which links spatial to development planning;
 - (g) to create a framework within which a local authority will be held accountable for performance in relation to the objectives and targets it had set for itself;
 - (h) to practically set in motion a process of integrated development planning;
 - (i) to build co-operation and co-ordination between local authorities and government departments at provincial and national level around matters of planning and development;
 - (j) to ensure rapid delivery of programmes and projects associated with the Reconstruction and Development Programme (RDP).

Co-ordination of land development objectives

- 4.(1) A local authority shall be responsible for compiling land development objectives.
 - (2) The MEC through the Department shall be responsible for co-ordinating the compilation of land development objectives by local authorities and rural councils.
 - (3) The co-ordination of land development objectives by the MEC shall ensure that land development objectives set by local authorities and rural councils are -
 - (a) consistent with the general principles for land development as described in regulation 1;
 - (b) consistent with these regulations;

- (c) consistent with other objectives set or planning done in terms of any other law in the Province.
- (4) The MEC may, where necessary for the purposes of co-ordination described above, amend land development objectives set by local authorities and rural councils, after consultation with the local authority or rural council concerned.

Failure to prepare land development objectives

- 5.(1) If a local government body fails to set land development objectives within the period stipulated in terms of regulation 9, the MEC through the Department may set such land development objectives.
- (2) Any expenditure incurred in this regard in connection with the setting of land development objectives under sub-regulation (1) shall be recovered from the local government body concerned.
- (3) The MEC through the Department, shall notify the local government body in writing of his/her intention to set land development objectives as provided for in subregulations (1) above.
- (4) The local authority may, within a period of 30 (thirty) days from the date of such notice; initiate the procedure contemplated in regulation 10 and 11 in which case the MEC shall not set land development objectives as contemplated in subregulations (1): Provided that should the local government body fail to set land development objectives in accordance with the working plan as contemplated in regulation 10, the MEC may without further notice to the local government body set land development objectives in terms of this regulations.
- (5) The MEC may contract any person or body to prepare land development objectives on his/her behalf.

PART B PARTICIPATION IN THE FORMULATION AND IMPLEMENTATION OF LAND DEVELOPMENT OBJECTIVES

Objectives of Public Participation

- 6.(1) The objective of public participation shall be to ensure that land development objectives are based, as far as possible on consensus between the local authorities, members of the public and interested bodies in a particular area.
- (2) Participation should focus on how resources from different groups may be mobilised to assist in the effective implementation of the land development objectives.
- (3) Participation by members of the public and interested bodies should be designed to enable direct input in the formulation of land development objectives.
- (4) Public participation should ensure ownership of the process and the outcome by the local community.

Structuring of public participation

- 7.(1) A local government body shall ensure participation in the setting of land development objectives in accordance with regulation 6 and shall involve members of the public and interested bodies within its area of jurisdiction, including -
- (a) organisations which are broadly representative of particular interest groups, in particular
 - (i) civic organisations/ratepayers' or residents' associations;
 - (ii) community development forums;
 - (iii) youth organisations;
 - (iv) women's organisations;
 - (v) trade unions;
 - (vi) consumer organisations;
 - (vii) social welfare organisations;
 - (viii) sports organisations;
 - (ix) cultural organisations;
 - (x) traditional authority where there is one;
 - (xi) political and other community organisations;
 - (b) representatives of the business sector,
 - (c) government departments,
 - (d) any other organisation which could assist in the setting and implementation of land development objectives.
- (2) A local government body may, where issues are addressed in the setting of land development objectives of interest to a specific interest group or sector, invite participation from such organisation as may represent such interest.
- (3) In the event that the local government body or any interested body cannot agree in respect of the land development objectives or any aspect thereof, the local government body shall take the final decision as to the content of the land development objectives or any aspect thereof.
- (4) The MEC may at any time during the setting of land development objectives, if he/she is of the opinion that public participation has not taken or is not taking place in accordance with the public participation plan, instruct the local government body to conduct public participation in accordance with the public participation plan.

Preparation of a public participation plan

- 8.(1) The preparation of a working plan with regard to land development objectives as contemplated in regulation 10 shall include a public participation plan.
- (2) The public participation plan shall be prepared by the local government body after consultation with interested bodies and shall take into consideration the provisions of regulations 6 and 7 and include proposals with regard to the following:
- (a) Organisational arrangements and proposed structures for public participation;
 - (b) Methods for dissemination of information relating to the formulation of land development objectives;

- (c) Facilitation of the public participation process, including the name of the individual or institutions to facilitate the process;
 - (d) The financing of the public participation process;
 - (e) Deadlock-breaking mechanisms where there is disagreement amongst community members.
- (3) The public participation plan shall outline the manner in which co-ordination with government departments and other interested bodies such as service providers will be realised, in particular -
- (a) the manner in which co-operation and co-ordination with provincial and national departments will be made around matters outlined in Annexure A;
 - (b) names of the departments concerned should be clearly stated including the subject matter around which co-ordination and co-operation will be sought.
- (4) The public participation should also mention the relevant stakeholders who are involved in the provision of services including the manner in which they will be involved in the formulation and implementation of land development objectives.
- (5) The MEC may in approving the Working Plan direct that certain role-players be involved in the formulation and implementation of land development objectives.

PART C

Notice to set land development objectives

- 9.(1) The MEC shall, by notice in the Provincial Gazette require a local government body, individually or in conjunction with another local authority(ties), within the time period specified in such notice, to set land development objectives which shall cover plans for development for a period of five years. A local government body shall also inform the MEC of its intention to set land development objectives after which the MEC will give notice in the Provincial Gazette.
- (2) Such notice shall be given in writing to a local government body in the province.
- (3) Such notice shall require the local government body to submit within 60 days a working plan as contemplated in regulation 10 below.

Compilation of a working plan

10. The local government body shall, within the period required in terms of regulation 9(3) above, to submit to the MEC for approval a working plan which shall include -
- (a) details on the composition of a land development objectives implementation committee made up of representatives of organisations mentioned in regulation 7(1) supra;
 - (b) a public participation plan for the setting of the land development objectives in accordance with the provisions of regulation 8;

- (c) a statement as to the period within which the local government body will submit land development objectives for the approval to the MEC, which period may not exceed six months from the date of the MEC's notice as contemplated in regulation 9 (1) above;
- (d) a statement as to what assistance the local government body requires from the Northern Cape Provincial Government in respect of the setting of land development objectives;
- (e) an indication of the local government budget cycle and how this will link up with expenditure on land development objectives;
- (f) an indication of the availability of existing financial resources for the setting of land development objectives, any shortfalls anticipated and how these shortfalls will be financed;
- (g) how disadvantaged groups will be given capacity to participate in the setting of land development objectives;
- (h) in the event of more than one local authority compiling joint land development objectives, a stipulation of which local government body will assume responsibility for setting such joint land development objectives.

Approval of a working plan

- 11.(1) The local government body shall submit its working plan to the Department for consideration by the MEC
- (2) The MEC shall within 30 (thirty) of receipt thereof -
- (a) approve such working plan with or without amendments; or
 - (b) reject such working plan in which case he/she shall furnish his/her reasons to the local government body concerned;
 - (c) refer the working plan back to the local government body, together with his/her comments, in which case the local government body shall within a period of 30 (thirty) days or such longer periods as the MEC may allow after consultation with the local government body, resubmit such plan to the MEC for his/her consideration.

PART D FORMULATION OF LAND DEVELOPMENT OBJECTIVES BY A LOCAL GOVERNMENT BODY

Notice by a local government body to set land development objectives

12. After the approval of the working plan in accordance with regulation 11, the local government body shall, on the basis set out in regulation 15 (a) notify members of the public and interested bodies within its area of jurisdiction of its intention to set land development objectives and invite their participation in accordance with the public participation plan as well as proposals for members to serve on the land development objectives implementation committee.

Setting up of a land development objectives implementation committee

- 13.(1) A local government body shall set up a land development objectives implementation committee for the purpose of co-ordinating the formulation and implementation of land development objectives in areas under its jurisdiction.
- (2) A local government body shall ensure that the composition of the land development objectives implementation committee is broadly representative of all communities and interested bodies in the area as contemplated in regulation 7 (1).
- (3) A land development objectives implementation committee shall be made up of not more than 15 (fifteen) members, unless otherwise agreed with the MEC. Not more than 10 (ten) members shall come from the local community and interested bodies and not more than 5 (five) members shall come from the planning and development profession.
- (4) The role of the planning and development profession shall, subject to the directives of the members of the land development objectives implementation committee, be to assist the committee in the running of the consultation process with communities, the gathering of information and the drafting of land development objectives.
- (5) A local government co-ordinating committee made up of officials representing government departments shall be formed and the chairperson of such committee shall be a member of the land development objectives implementation committee as part of the planning and development profession contingent.
- (6) The local government co-ordinating committee shall ensure proper co-ordination of departmental inputs into the formulation of land development objectives.

Compiling land development objectives by the land development objectives implementation committee

14. In compiling land development objectives a land development objectives implementation committee shall -
 - (a) initiate a consultation process with communities (through public meetings, councillors' wards meetings, local development forums, workshops, social surveys and other means), community organisations, the local business community and other interested bodies with a view to identifying the needs;
 - (b) take into account all relevant information about the area including in particular past and current planning instruments applicable in the area;
 - (c) obtain inputs from individual and organised interest groups;
 - (d) involve and co-operate with provincial and national departments as well as the relevant service providers;
 - (e) after the initial needs identification process, do a follow-up consultation process in which needs are prioritised and translated into quantifiable land development objectives, targets set and financial estimates made;
 - (f) write and produce draft land development objectives.

Notice calling for comments on the draft land development objectives

15. The notice calling for comments on the draft land development objectives shall -
- (a) be published in any 2 of the 4 provincial official languages, in two issues of a daily newspaper circulating in the local government body area, the second notice to be published a week after the first;
 - (b) state the place where the draft land development objectives may be inspected and the address where comments should be lodged. One such draft shall be lodged with the Designated Officer in the Provincial Administration;
 - (c) provide a deadline for comments on the land development objectives, which deadline shall not exceed 30 (thirty) days from the date of the first notice.

Processing of comments on the draft land development objectives

- 16.(1) The land development objectives implementation committee shall study all comments received and make the necessary changes to the draft land development objectives.
- (2) The draft land development objectives shall be presented to a public gathering where the parties as set out in regulation 7 and the community at large shall comment on and affirm them.
- (3) After the public gathering the draft land development objectives shall be submitted to a full sitting of the council of a local government body for approval to submit to the Provincial Administration.

Submission of land development objectives to the MEC

17. The local government body shall, subject to regulation 4 regarding the co-ordination of land development objectives, submit land development objectives as compiled by the land development objectives implementation committee, as well as any representations received, together with its comments and recommendations thereon to the MEC for his/her consideration within the time period specified in the notice contemplated in regulation 9.

PART E

APPROVAL OF LAND DEVELOPMENT OBJECTIVES BY THE MEC

Receipt and approval of land development objectives

- 18.(1) The MEC shall, within 60 (sixty) days of receipt of land development objectives submitted to him/her in terms of regulation 17 -
- (a) approve such land development objectives;
 - (b) refuse to approve such land development objectives in accordance with section 27 (1) of the Act, in which case the MEC shall furnish his/her written reasons as required in terms of the said section of the Act;
 - (c) refer the land development objectives back to the local government body for -
 - (i) compliance with the working plan contemplated in regulation 10; or
 - (ii) compliance with the subject matter as contemplated in terms of regulation 25; or
 - (iii) compliance with the general principles referred to in section 2 above:

- (d) where the MEC has indicated his/her approval of the land development objectives, three original copies of such land development objectives shall be submitted by the local government body for his/her official signature whereafter such copies shall be circulated to -
- (i) the local government body concerned
 - (ii) the Designated Officer
 - (iii) the Tribunal Registrar
- (2) Where land development objectives have been referred back to a local government body in terms of subregulation (1) (c) above, the local government body shall, within a period of 30 (thirty) days or such longer period as the MEC may allow after consultation with the local government body, resubmit such land development objectives, together with such further comments or representations as may have been received by the local government body, to the MEC for his consideration.
- (3) The MEC may opt to set up a land development objectives facilitation committee to assist him/her with receiving and processing land development objectives.

Notice of approval of land development objectives

- 19.(1) Once the MEC has approved the land development objectives in terms of regulation 18 (1) (a), the local government body shall publish a notice in the Provincial Gazette and in a daily newspaper circulating in the area as referred to in regulation 15 (a) above and another official language, commonly used in the area, to the effect that:
- (i) land development objectives have been approved in respect of its area of jurisdiction; and
 - (ii) copies of the land development objectives are open for inspection at the place and time specified in the notice.
- (2) The MEC shall through the Department notify the Designated Officer and the Tribunal Registrar that land development objectives have been approved in respect of that area.

PART F GENERAL PROVISIONS

Legal implications of approved land development objectives

- 20.(1) Approved land development objectives shall have such legal force as contemplated in Section 29 of the Act;
- (2) A legal government body shall be bound by approved land development objectives in its legal decision-making process;
- (3) The development and the appeal development tribunals shall be obliged to make decisions with reference to approved land development objectives.

Review of land development objectives

- 21.(1) Land development objectives shall be reviewed annually for the first five (5) years and thereafter at such intervals as the MEC may determine by notice in the Provincial Gazette and which intervals shall be consistent with the budgeting cycles followed by local government bodies.

- (2) Land development objectives shall be reviewed by the relevant local government body: Provided that the MEC may, if the local government body fails to review land development objectives, review such land development objectives.
- (3) Land development objectives reviewed in terms of subregulation (1) shall be submitted to the MEC in accordance with regulation 17.

Removal of conflicts, ambiguities and administrative difficulties

22. If land development objectives are found to be in conflict with each other, are ambiguous or give rise to administrative difficulties and the local government body fails to amend such land development objectives, the MEC may, after consultation with the local government body, by notice in the Provincial Gazette, amend the land development objectives in order to remove the conflict, ambiguities or administrative difficulties.

Withdrawal

23. The MEC may at any time, in consultation with the local government body concerned and the public in accordance with regulation 15 supra above withdraw land development objectives or a portion thereof; provided that he/she will provide the reasons for doing so.

Monitoring the implementation of land development objectives

24. At the completion of each review period determined in terms of regulation 21 (1) or at any other time as the MEC may determine, the local government body shall submit to the MEC a report describing its performance in terms of its approved land development objectives over the said period.

Provisions which should be included in the land development objectives

25. Land development objectives shall be compiled in the manner set out in Annexure A and shall be in accordance with the process and the time frames outlined in Annexure B and C respectively.

Short title

26. These regulations shall be called the Northern Cape Land Development Objectives Regulations, 1997.

CONTENT OF LAND DEVELOPMENT OBJECTIVES (Annexure A)

1. INTRODUCTION

- 1.1 Description of the local government area with focus on the following:

- (i) Name of the town/development area and name of the governing local authority.
- (ii) The physical location of the town in terms of distance in relation to other towns.
- (iii) Areas that make up the town.
- (iv) The population of the area.
- (v) Historical background of the town.

- 1.2 The major strategic development strengths, weaknesses, opportunities and threats relating to:
- 1.2.1 Physiographic features and natural resources
- (i) Climate.
 - (ii) Land and soil conditions.
 - (iii) Water.
 - (iv) Minerals.
 - (v) Topography.
 - (vi) Vegetation.
 - (vii) Flood lines.
 - (viii) Environmental conditions.
- 1.2.2 Human resources:
- (a) Demographic characteristics -
 - (i) Population size and distribution;
 - (ii) Population growth projections;
 - (iii) Population composition, including race and gender
 - (iv) Age structure.
 - (b) Socio-economic characteristics -
 - (i) employment and labour conditions;
 - (ii) income and expenditure;
 - (iii) domicile and migration;
 - (iv) participation and dependency
 - (v) education and literacy levels;
 - (vi) occupation and skills level;
 - (vii) health profile;
 - (viii) human development.
- 1.2.3 Spatial conditions, land use planning and land use control:
- (i) urban development
 - land/development/town establishment land use;
 - industrial development land use;
 - (ii) Rural development -
 - rural settlements;
 - agriculture;
 - parks and nature reserves;
 - land reform programmes
 - (iii) conservation and open spaces.
 - (iv) Provincial and national government land uses
 - defence;
 - prisons;
 - game reserves;
 - airports;
 - (v) land use and transport networks (roads and rail);
 - (vi) dumping sites;
 - (vii) construction material sites.

1.2.4 State of housing-

- formal and informal;
- estimated backlog;
- nature of ownership/tenure types;

1.2.5 Municipal infrastructure and services;

(a) Bulk infrastructure;

(b) infrastructure services;

- (i) water;
- (ii) electricity;
- (iii) roads, streets and rail;
- (iv) sewerage;
- (v) stormwater drainage;
- (vi) refuse removal

(c) Public amenities and services-

- (i) education (schools, libraries);
- (ii) health (clinic/hospital);
- (iii) recreational facilities including sports, arts and culture (in particular, sports fields, cinemas, resorts, parks, culture centres, community halls);
- (iv) museums;
- (v) public transport;
- (vi) public open space;
- (vii) posts and telecommunication;
- (viii) welfare services and facilities;
- (ix) public safety and security.

1.2.6 Community organisations and forums.

2. LAND DEVELOPMENT OBJECTIVES

2.1 Vision statement to guide overall development in the area.

2.2 Guiding development principles.

2.3 Local authority objectives in relation to:

- (a) The overall contribution of the area to the growth and development strategy of the Northern Cape.
- (b) The optimum utilisation of resources, in particular water, land, forestry and minerals.
- (c) A spatial planning framework within which identified objectives will be realised.
- (d) Land development and land use.
- (e) Planning of transportation.

- (f) Balanced urban and rural development.
- (g) Bulk infrastructure provision.
- (h) Municipal services, in particular-
- (i) access to and the standard of the following infrastructure services:
 - Water;
 - electricity;
 - roads and streets;
 - sewerage;
 - stormwater drainage;
 - refuse removal;
- (ii) access to and the standard of the following municipal public services and amenities:
 - Education (schools, libraries);
 - health (clinic/hospital);
 - community halls;
 - cemeteries;
 - public transport;
 - recreational facilities including sports, arts and culture.
 - posts and telecommunication..
 - welfare facilities;
 - public safety and security
- (i) Housing provision.
- (j) The integration of areas settled by low-income communities into existing residential areas
- (k) Overall density of settlements, with due regard to the interest of beneficial occupiers.
- (l) Local economic development, in particular, relating to-
 - established formal business sector;
 - small and medium enterprises;
 - partnership business activities;
 - informal sector;
 - non-government sector;
 - labour based development activities and public works;
 - industrial development;
 - commercial development;
 - mining;
 - agricultural development;

- eco-tourism
- job-creation;
- (m) Co-ordination of land development in consultation with other authorities.
- (n) Environmental protection.

3. **THE QUANTUM OF LAND DEVELOPMENT OBJECTIVES/KEY PERFORMANCE INDICATORS FOR THE NEXT FIVE YEARS**

3.1 Number of land development areas identified for development. Indicate in relation to-

- (i) residential development
- (ii) industrial development;
- (iii) small business development;
- (iv) agricultural development;
- (v) mixed land development;
- (vi) land reform development;

3.2 Number of housing units to be built or sites to be development.

(a) Indicate in relation-

- (i) housing units to be provided through the government capital subsidy scheme.
- (ii) housing units to be provided through means other than the capital subsidy scheme.
- (iii) form of tenure through which houses will be provided (individual ownership, communal ownership, rental (leasehold) or deed of grant);
- (iv) hostel accommodation or social housing if any.

(b) Indicate whether sites or housing units will be delivered by means of-

- (i) upgrading land or built environment;
- (ii) undertaking new land development; or
- (iii) the letting of land or buildings.

3.3 Infrastructure services to be provided:

- (i) Bulk infrastructure-
 - water supply;
 - public safety and security;
 - electricity supply;
 - sewerage;
 - stormwater drainage;
 - refuse removal (number of dumping sites);
 - roads and streets;
- (ii) services per each erf-
 - water;
 - electricity supply;
 - sewerage;
 - refuse removal;

3.4 Public amenities to be provided:

- Schools;
- clinics;
- sports fields;
- libraries;
- community halls;
- public transport;
- cemeteries;
- police stations/prisons/courts of justice;
- post offices;
- telephone connections;
- recreational facilities;
- welfare facilities;

3.5 Number of business activities planned.

3.6 Number of jobs to be created.

4 STRATEGIES TO ACHIEVE LAND DEVELOPMENT OBJECTIVES

This section should outline the strategies, ways and means that will be followed or taken to realise the objectives set out in section 2 above, and should in particular detail-

- 4.2 a housing development strategy;
- 4.3 an infrastructure investment strategy with aggregate projections of capital and recurrent expenditure;
- 4.4 a strategy to facilitate the optimal involvement of sectors of the economy or sub-sectors thereof involved in land development including partnership arrangements;
- 4.5 a strategy for job creation;
- 4.6 a financial strategy to meet land development objectives, in particular-
 - (i) the expected expenditure of public funds for capital projects or development, services, administration and management;
 - (ii) sources of revenue-
 - intergovernmental grants;
 - municipal fees, tariffs and taxes;
 - and indication of current debt if applicable;
 - (iii) the role of payment of services and how this will be encouraged;

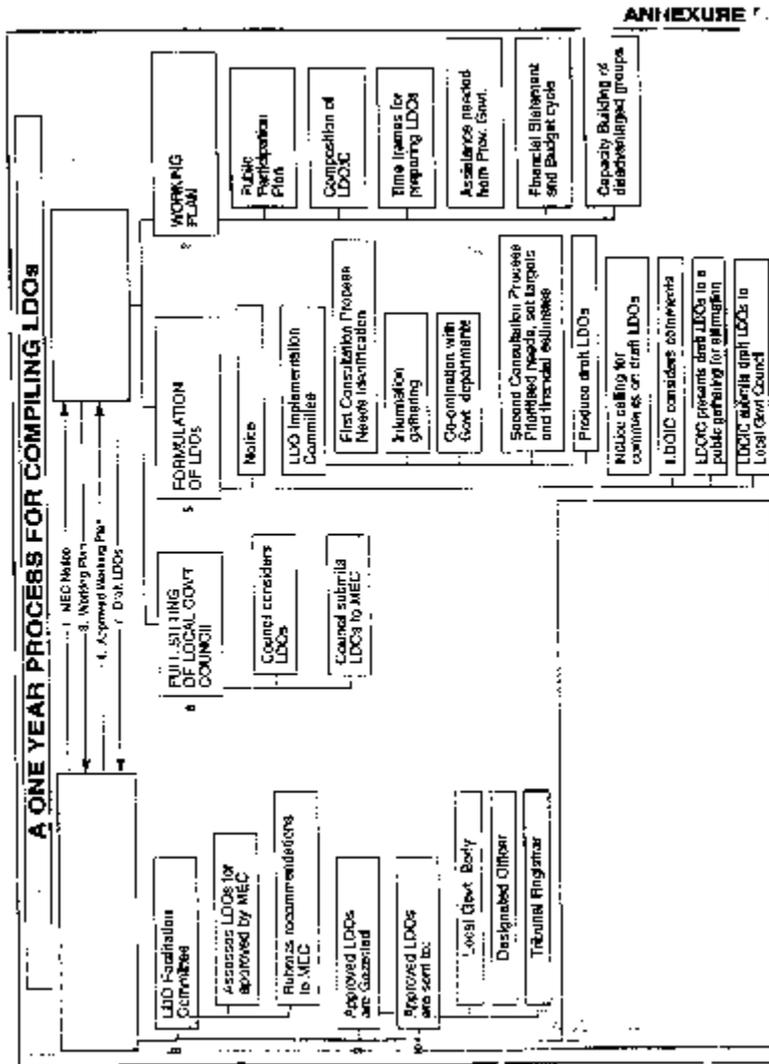
- (iv) financial contributions from the public and community sectors as well as external public and private funding;
- 4.7 available administrative or proposed new administrative structures to implement land development objectives;
- 4.8 a human resource development plan which will ensure the appointment of appropriately qualified persons to implement land development objectives;
- 4.9 a crime prevention strategy
- 4.10 a communication strategy which will ensure the implementation of land development objectives by local authority departments and the public at large.

5. **DEVELOPMENT PRIORITIES**

Land Development Objectives need to be accompanied by a submission of development priorities for the first financial year. The submission should outline the manner in which these priorities will be implemented, maintained and sustained. It should include financial estimates, human resource and administrative/institutional frameworks. Each submission should be accompanied by time frames within which projects and activities will be carried out. Local authorities will be expected to submit to the MEC similar submissions at the beginning of each local authority financial year for the remainder of the five year term to serve as means through which they will realise the objectives and targets set out in sections 2 and 3 respectively.

6. **MONITORING AND EVALUATION**

A local government body should outline mechanisms to be used in monitoring and evaluating the implementation of land development objectives.



ANNEXURE C

