

# Provincial Gazette Extraordinary

# Buitengewone Provinsiale Koerant

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### PROVINCIAL NOTICE

The following Bill is hereby published for general information:

Land Use Planning Ordinance, 1985, Amendment Bill  
[B 5—2005]

P.N. 193/2005

10 June 2005

Any person or organisation wishing to comment on the said Amendment Bill is requested to lodge such comment in writing before or on 17 June 2005:

(a) by posting it to:

The Secretary:  
Western Cape  
Provincial Parliament (Attention: Mr. J. Nkabinde)  
P.O. Box 648  
Cape Town  
8000

(b) by email to:

[jnkabinde@wcpp.gov.za](mailto:jnkabinde@wcpp.gov.za)

(c) by fax to:

J. Nkabinde  
(021) 487-1775

R. Hindley

*Acting Secretary to Parliament*

## INHOUD

### PROVINSIALE KENNISGEWING

Die volgende Wetsontwerp word hierby vir algemene inligting gepubliseer:

Ordonnansie op Grondgebruikbeplanning, 1985, Wysigingswetsontwerp [W 5—2005]

P.K. 193/2005

10 Junie 2005

Enige persoon of organisasie wat kommentaar oor die genoemde Wysigingswetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 17 Junie 2005:

(a) deur dit te pos aan:

Die Sekretaris:  
Wes-Kaapse  
Provinsiale Parlement (Aandag: mnr. J. Nkabinde)  
Posbus 648  
Kaapstad  
8000

(b) deur dit te epos aan:

[jnkabinde@wcpp.gov.za](mailto:jnkabinde@wcpp.gov.za)

(c) deur dit te faks aan:

J. Nkabinde  
(021) 487-1775

R. Hindley

*Waarnemende Sekretaris van die Parlement*

**GENERAL EXPLANATORY NOTE:**

- [                      ]      Words in bold type in square brackets indicate omissions from existing enactments.
- \_\_\_\_\_                      Words underlined with a solid line indicate insertions in existing enactments.

# BILL

**To amend the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), so as to extend to 21 years the period during which owners of land may exercise land use rights; and to provide for matters incidental thereto.**

**B**E IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

## **Amendment of section 14 of Ordinance 15 of 1985**

- 1.** Section 14 of the Land Use Planning Ordinance, 1985 is amended by the substitution for paragraphs (a) and (b) in subsection (2) of the following paragraphs— 5
- “(2)(a) If after the expiry of a period of [19] 21 years after the date of commencement of this Ordinance any use right in respect of land to which the applicable provisions of section 7 apply has not been exercised, the land concerned shall, subject to the provisions of paragraph (b) of this subsection, be deemed to be zoned in accordance with the utilisation thereof, as determined by the council concerned, and any applicable zoning map existing at the said expiry shall lapse. 10
- (b) Subject to the provisions of paragraph (c) of this subsection an appeal committee shall, before expiry of the period of [19] 21 years mentioned in paragraph (a) of this subsection or any extended period determined by the said appeal committee in terms of this subsection, on the application of the owner concerned and if, in the opinion of the said appeal committee, the said owner has suffered or will suffer loss, extend the said period or extended period in relation to the said land concerned by such period as the appeal committee may determine; provided that such extension shall be for a period of at least 5 years.”. 15

## **Short title**

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- 2.** This Act is called the Land Use Planning Ordinance, 1985, Amendment Act, 2005.

**EXPLANATORY MEMORANDUM**  
**LAND USE PLANNING ORDINANCE, 1985, AMENDMENT BILL**  
**(ORDINANCE 15 OF 1985)**

Section 14 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), originally provided for the lapsing of land use rights, which were not exercised for a period of 15 years after the commencement of the Ordinance on 1 July 1986. This would then have entailed that the relevant land would have been deemed to be zoned in accordance with the legal utilisation thereof, as determined by the local authority. This provision was included in the Ordinance so that long term planning decisions, which were taken before the commencement of the Ordinance, shall not exist *ad infinitum*.

Local Government requested the Provincial Government to investigate this matter and to promulgate arrangements before 1 July 2001 when the above land use rights would have lapsed. Local Government was concerned that landowners, whose land use rights would lapse, might claim compensation from specific local authorities.

Since 2001 until 2004 the initial period of 15 years was annually extended with a one year period. It is now proposed that the period of 19 years be extended with a further 2 years. The further period of 2 years will enable the Department to address the matter by means of the Integrated Law Reform Project.

