



The South African
Council *for* Planners
S A C P L A N

SACPLAN Bulletin

e-Newsletter for the South African Council for Planners

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- ◆ Message from the CEO
- ◆ 'The South African Informal City' book launched
- ◆ Mining and Land Use Rights—An Awkward Marriage of (in)convenience
- ◆ Job Opportunities
- ◆ Newly Registered Planners
- ◆ Upcoming Conferences

Message from the CEO

September was probably the most exciting month thus far this year with the Planning Student Congress that was held in Durban on 14 and 15 September 2012, followed by the Planning Africa Conference that was held from 17 to 19 September 2012.

I would like to thank all of you that managed to visit the SACPLAN Exhibition Stall at the Planning Africa Conference. It was great to meet the people that we communicated with during the year and to see old friends and colleagues again.

I also wish to thank all the contributors to this month's edition of the SACPLAN Bulletin. You will find information on the book 'The South African Informal City' that was launched during the Planning Africa Conference.

You can also read an article by Peter Dacomb with the title "*Mining and Land Use Rights—An Awkward Marriage of (in)convenience*"

I would also urge you to contribute to the SACPLAN Bulletin with Articles on any existing developments and / or projects.

As well, have a look at the upcoming Conferences especially the World Town Planning Day online Conference.

'The South African Informal City' book launched

Finally, there are some registration certificates that were returned to SACPLAN as "unclaimed" even after the postal address was confirmed. I would urge planners to collect their certificates as soon as you are informed that it was posted.

On 17 September 2012, 'The South African Informal City' was launched at Planning Africa in Durban. The book is the latest component of the South African Informal City project, and was displayed alongside the SAIC Exhibition, which was featured at the conference, courtesy of EThekweni Municipality and the SA Planning Institute.

First showcased at the Bus Factory in Newtown in 2011 as one of the Technical Site Visits offered by the Local Government Programme for COP17, the SAIC Project explores and showcases the important work being conducted in South Africa around informality, some of which is unique to the local context and some of which shares questions and concerns with other developing countries.

The initiative is a survey of South Africa's most relevant and innovative design and research projects around urban informality in cities from across the country, in five categories: In-Situ Upgrading; Back-yard Interventions; Inner City Informality; Catalytic Projects; Un-built Projects.

To further the project's outcomes, the 'The South African Informal City' book was realised with the support of the SA Cities Network and Urban LandMark. The objective is to open up dialogue and discussion around the critical issues of informality and urban development, in order to further cooperation, information sharing and positive action between policy makers, built environment professionals and the public.

Geci Karuri-Sebina of the South African Cities Network, one of the SAIC partners, says, "The success of South Africa's cities will require an enhanced capacity for policymakers, planners, built environment

SACPLAN's VISION

To pioneer the founding spirit of innovation in the facilitation of sustainable and inclusive development in the planning profession.

SACPLAN Motto:

Reinvent Planning, Changing Lives

professionals, and the supporting knowledge infrastructure to engage constructively with the reality of informality in enabling productive and inclusive cities.”

The SAIC Exhibition is an initiative of the Architects’ Collective, and was started in 2011 with the support of the Johannesburg Development Agency, the Neighbourhood Development Programme (National Treasury), the South African Cities Network, and the NRF Chair in Development Planning and Modelling. In 2012, the project was selected as a finalist in the Arts & the Environment category for the 15th Annual Business Day BASA Awards, supported by Anglo American.

For more information or to order ‘The South African Informal City’ book, please contact:

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Mining and Land Use Rights—An Awkward Marriage of (in)convenience

*Prepared by Peter Dacomb
 The Practice Group*

The Constitutional Court Judgment in the matter of MaccSand vs City of Cape Town Case CCT 103/11 [2012] ZACC 7 has effectively placed an obligation on mining companies to procure land use zoning rights for land holdings for which mining rights have been granted in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) (MPDRA). This was previously not required and mining operations on land holdings were primarily managed/regulated by the authorities authorized under the MPDRA (i.e. National Department of Mineral Resources).

Municipal authorities were previously mostly excluded from any direct involvement in the manner in which mining operations were established and managed on land for which mining rights had been granted. By not having to approach a Municipality for authorization to use land for mining purposes (i.e. the land use per se as opposed to the extrac-

tion of the mineral resource), the mining company was effectively exempt from:

- complying with any land use development controls (coverage, building restriction areas, height limitations, servitude, access, etc.);
- contributing to bulk municipal services networks (including extend roads); and
- considering and responding appropriately to neighbouring land use regimes, etc.

The Constitutional Court Judgment has changed this forever. Mining companies will henceforth be required to "rezone" the affected land for which a mining right has been procured (in terms of the MPRDA).

A number of interesting challenges have emerged including the following:

- Most land use legislation (provincial ordinances/acts) only recognize the registered land owner as an applicant (i.e. for rezoning). Many mining companies only hold mining rights – and are not the owners of the land. Without the authorization of the owner there can be no application to rezone. This is likely to change in future legislation (i.e. SPLUMA/provincial planning and development acts) but this challenge will remain until the new legislation is in place.
- Many municipalities simply don't have appropriate land use zoning categories/controls in current land use/planning schemes to effectively address this unique category of land use (mining). Consider that mining is never permanent – it ceases as a "land use" when the mineral resource is depleted – land use considerations relevant to the "before and after" scenarios are important and must inform the review of land use schemes/town planning schemes in an appropriate manner.
- Many "mines" occupy land assemblies comprising multiple properties – all under different title deeds and subject to different conditions of title. Mining infrastructure often ignores cadastral boundaries, possibly resulting in transgressions of various statutory provisions – matters which a mere amendment of a scheme will not cure (rezoning alone).
- Certain mining operations may in fact fall foul of the definition of a "township" in terms of certain planning legislation.

- Once land use rights for mining purposes are procured for a large assembly of properties (often hundreds of hectares of land), such land use rights will attach to the whole extent of the land assembly – with possible ramifications for municipal rates/taxes. Large tracts of mining land typically lie fallow around the core mining infrastructure (shafts, etc.), usually as a form of "buffer", to separate the nuisance generating activities (mining) from adjacent land uses. Is it justifiable to "zone" the entire extent of the site assembly for mining purposes?
- Considering the obligations of a municipality with regard to adopting a Spatial Development Framework for its jurisdiction (and to be bound by its own policy guidelines), and considering that it is difficult (if not impossible) to plan ahead (spatially) for future mining operations, the Constitutional Court Judgment has indeed created a union of strange bedfellows.

These circumstances call for a new approach by the spatial planning profession – the very unique nature of mining, as a land use category, calls for unique solutions. The physical, environmental, social, economic and institutional interventions that are typically associated with a new mining venture (usually in a rural area) call for an appropriate planning response – both from the planners employed by the responsible authority (usually a municipality) and from planners who will inevitably be retained by mining companies to advise on these matters.

Job Opportunities

Please forward any information on Planning Positions (Full time, Internships, Experiential learning / Work Integrated Learning) being advertised in your organization, to planner@sacplan.co.za. You can also upload such job opportunities on the SACPLAN LinkedIn group under Job discussions.

Newly Registered Planners

The following applications for registration with SACPLAN were approved during the last Council Meeting:

Call for Proposals

EuropeAid/L/133370/L/ACT/ZA



Sustainable Environment and Natural Resources for Development

The European Union Delegation is seeking proposals to support South Africa's environmentally sustainable future with funds from the National Development Policy Support Programme.

Specific objective: Healthy ecosystems and sustainable use of natural resources

Emphasis on:

- Socially and environmentally vulnerable areas
- Job creation
- Resilient communities
- Scaling-up pilot projects
- Partnerships

The full Guidelines for Applicants are available for consultation at 1 Greenpark Estates, 27 George Storrar Drive, Groenkloof, Pretoria, and on the following internet sites:
<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>
<http://www.eusa.org.za/en/index.htm>

The deadline for submission of concept notes is 23 October 2012 at 17:00 pm

Two information sessions will be held on this call for proposals:

- Pretoria - 26 Sep 2012 - 09:00 am
- Cape Town - 27 Sep 2012 - 10:30 am

Registration to information sessions by e-mail before 14 September 2012 to:
DELEGATION-S-AFRICA-CALL-FOR-PROPOSALS@eeas.europa.eu

Pinky; Lategan Louis Gerhardus; Makhale Shonani; Gumede Nokulunga Fortunate; Selogilwe Papadi; Sambo Colani Bongumusa; Mojaki Olebogeng Setshego Michael; Moonsamy Vernon; Mkhombo Mikateko Trish; Marishane Thebeng Larry; Weidenmann Günther Christiaan Frederick; De Beer Adriaan Stephanus; Ismail Taariq; Mazele Odwa; Dubazana Thabani Eugene; Ramutla Odirile Gordon; Mogale Boitumelo Linton; Lefakane Justice Lebotse; Roux Petrus Johannes; Nyatlo Phumzile Abraham; Dube Thobeka Emmaculate; Khumalo Kwethemba Beverly; Mbatha Siphwiwe Ephraim; Mbolekwa Nandiswa Innocentia; Chibi Sabatha Raymond; Khota Zaheera; Mhlongo Nhlakanipho Wiseman; Njeke Excellent Siphukuphila Siyabonga; Mohlomi Edwin Nthoesele; Mholo Jeremiah; Pule Esme Ellen; Matjomane Mamokete Devon; Dambudzo Josephine; Modubu Lorenda Mathapelo; Moiloe Maokaneng Omphile Faith; Moholo Garetshe Gratitude; Makhu Ofentse Katlego Sokhaya; Mofokeng Mosa.

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As Professional Planners:

Du Toit Stefan; Govender Maveshnee; Van der Bank Cornelia Johanna; Scheepers Barend Jacobus; Fadane Angiswa Sinthemba; Mathomu Constance Ngaledzani; Kampweulu Kasongo; Mahao Stephaniah Mammui; Dala Mbulelo Elliot; Satikge Sheena Mmametja; Monareng Tsokolo Paccanin; Maake Mosima Wilheminah Felicity; Van Graan Andria; Makou Thabo; Eloff Nadine; Hlophe Edith Nombuso; Coovadia Yasmin Yusuf; Hlongwane Thamsanqa Enoch; Muller Jacob-Frans Du Plessis; Le Roux Maria Jacoba; Johnstone Wilfred Winston; Malope Lerato Pertunia; Selemoseng Lentekile Danny; Campher Estée Helene; de Wet Philip; Makhari Ntambudzeni; Notununu Pamela; Choche Benjamin Baganne; Baloyi Malebo Anastina; Van Zyl Gideon Johannes Jacobus; Mmola Maklako Solly; Mutayavaviri Richard.

As Technical Planners:

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As Candidate Planners:

Campbell Melodie Jodia; Peu Lerato Catherine; Kharidzha Shonisani Danisa; Hanong Kgahliso Lizzy; Mdhluli Gloria Modipadi; Longland Jani; Msithini

Thamsanxa Newman; Myburgh Wynand Roelof; Khanyile Arbiter Lethukukhanya; Sekonyela Setsoto Tootse; Bvuma Alvin; Nkwana Koketso Moeahabo; Gelderbloem Andrew Timothy; Strydom Petrus Paulus Albertus; Odendaal Andries Albertus; Macingwana Ziyanda; Solomon Jody Lee; Mlangeni Duduzile Kate; Mashego Mpho; Sebola Kgomotso Jackson Phillip; Mokoena Baleseng Tihlohelo; Qali Nasiphi; Shabangu Promise Akani; Lubambo Sinazo; Beukes Nicolaas Daniël; Malinga Nkumbulo Bruce; Ogunronbi Idowu Okanlawon; Mogodi Ramaoto Alphwell; Hooman Christi; Ndaba Dumisani Nqobile; Makgatho Thapelo Kgabo; Nene Sim`kahle Mesuli Thobani; Lazarevski Bojan; Chiwa Wilson Bongani; Gasealahwe Olebogeng Ignitius; Motloung Lerato Thabo; Ramsaru Reena; Kgabe Gontse; Magasela Gugulethu; Deane Malengena Grace; Myoya Joseph Mkhwadu; Ndwandwe Ntombenhle Duduzile; Libunyu Edzani; Marule Ditsepu Kholofelo; Molefe Tokelo Kamohelo; Pretorius Pieter; Tshivhase Ndivhuwo; Nekhaguma Luvhengo; Motsisi Mmami Gift; Khuzwayo Khanyisile Octavia; Ntwanambi Tsepiso; Matebane Refilwe Dorcus; Bhengu

Upcoming Conferences

The World Town Planning Day Online Conference Committee topic for the 2012 conference is **Smart Communities Connect**. This theme is all about learning how technological advancements impact on our communities, how we can better plan ahead to prepare for this 'knowledge revolution' and improve our awareness of the challenges and opportunities that are presented to our communities by advances in technology.

Call for Articles

SACPLAN Bulletin urge all registered persons to contribute to this newsletter and to share interesting news, dates, facts, happenings, projects, etc. regarding planning and development issues.



14-15 NOVEMBER 2012 • EMPERORS PALACE • GAUTENG

Smart Communities Connect



World Town Planning Day Online Conference
6-7 November 2012

www.planningtheworld.net



smart cities
summit
& Exhibition | JHB | 30-31 Oct

Endorsed by



environmental affairs
Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

30 - 31 October
Sunninghill, Johannesburg

The second Smart Cities Summit will focus on strategy, planning and implementation. Presentation topics include "Urban principles for a low carbon world," "Intelligent water management for smart cities" and "Environmental sustainability and green initiatives in cities" to name a few. To attend contact Haley Fletcher on 086 000 9590, email: haley.fletcher@topco.co.za.

For Contributions to the SACPLAN Bulletin

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