

PROVINCE OF WESTERN CAPE

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**LAND USE PLANNING  
ORDINANCE, 1985  
AMENDMENT BILL**

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*(As introduced)*

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(MINISTER FOR ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT)

[B 4—2007]

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PROVINSIE WES-KAAP

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**ORDONNANSIE OP  
GRONDGEBRUIKBEPLANNING,  
1985, WYSIGINGSWETSONTWERP**

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*(Soos ingedien)*

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(MINISTER VIR OMGEWING, BEPLANNING EN EKONOMIESE ONTWIKKELING)

[W 4—2007]



**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 but after the expiry of the period in 2005 the period of 19 years was extended with a further 2 years. It is now proposed that the period of 21 years be extended with a further 2 years. The further period of 2 years will enable the Department to promulgate appropriate legislation.

