

# UNIVERSITY OF FORT HARE

B SOC SCI: HUMAN SETTLEMENTS

LAND USE & PLANNING LAW

HLP 222

MAIN DEGREE EXAMINATIONS  
NOVEMBER 2018

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Time: 3 Hours  
Subject: LAND USE & PLANNING LAW  
Marks: 100

This paper consists of 3 pages including the  
cover page

Internal Examiners

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INSTRUCTIONS

WRITE NEATLY AND LEGIBLY  
ANSWER ALL QUESTIONS.  
REFER TO RELEVANT CASE LAW AND LEGISLATIVE PROVISIONS

## QUESTION ONE

- (a) Study the statement below and answer the question which follows:

**The Housing Development Agency (HDA) is a national public sector development agency that acquires and prepares land as well as develop the land and project manage the development of housing and human settlements. We carry out our activities in partnership with a range of stakeholders including national, provincial and local government and municipalities, as well as with communities, developers, financiers and other affected parties. Established in 2009, the Agency is established by an Act of Parliament in 2008 and is accountable through its board to the Minister of Human Settlements.**

In light of the above and with reference to the tests developed by the courts to determine whether an entity is an organ of state as well s239 of the Constitution write a short essay in which you discuss whether the Housing Development Agency (HDA) is an organ of state and therefore subject to administrative law. [15 marks]

- (b) Part of the right to administrative justice in South Africa entails the right to be given reasons for an administrative decision/action. This is also in line with transparent and accountable government. Write a note on the right to be given reasons and in the course of your answer discuss what it means to give adequate reasons. [10 marks]

**25 MARKS**

## QUESTION TWO

- (a) With reference to the long title of the Act and the article; "Planning with a Purpose" by Maria Kruger and other sources explain the purpose and main objectives of the Spatial Planning Land Use Management Act (SPLUMA) of 2013. [15 marks]

- (b) With reference to J Van Wyk's article "PLANNING IN ALL ITS (DIS) GUISES: SPHERES OF GOVERNMENT, FUNCTIONAL AREAS AND AUTHORITY" write an essay in which you discuss what "provincial planning" entails. [10 marks]

**25 MARKS**

## QUESTION THREE

- (a) Write a note in which you **define and explain** the following aspects of land use planning: [20 marks]
- (i) Land Use Management
  - (ii) Land Development
  - (iii) Zoning schemes
  - (iv) Spatial development frameworks

**(b)** Write a brief note in which you explain the following essential stages in the environmental impact assessment (EIA) process: [15 marks]

(i) screening;

(ii) scoping; and

(iii) Monitoring, compliance, enforcement and environmental auditing

**35 MARKS**

#### **QUESTION FOUR**

Write a note in which you discuss African indigenous land tenure during pre-colonial times and contrast with African indigenous land tenure today. [15 marks]

**15 MARKS**

**TOTAL: 100**

**END OF EXAMINATION**