

UNIVERSITY OF FORT HARE

B SOC SCI: HUMAN SETTLEMENTS

LAND USE & PLANNING LAW

HLP 222

SUPPLEMENTARY EXAMINATIONS

JANUARY/FEBRUARY 2019

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

This paper consists of 3 pages including the cover page

Internal Examiners

Mr. A Katurura
Mr. V Duma

INSTRUCTIONS

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

QUESTION ONE

- (a) Write a short essay in which, with reference to case law, you give an account of the various tests that have been employed by the Courts in interpreting the terms 'organ of state' and the accompanying notions of 'public power' and the 'performance of a public function' [15 marks]
- (a) 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

In J van Wyk “**Planning In All Its (Dis)Guises: Spheres Of Government, Functional Areas And Authority**” the author quotes Yacoob J in *Wary Holdings (Pty) Ltd v Stalwo (Pty) Ltd* 2009 1 SA 337 (CC):

Planning entails land use and is inextricably connected to every functional area that concerns the use of land. There is probably not a single functional area in the Constitution that can be carried out without land.

In light of the statement above write an essay in which you describe the roles of the three spheres of government in planning and how they are related. In the course of your essay ensure that you demonstrate how the principles of cooperative government relate to planning. [25 marks]

25 MARKS

QUESTION THREE

- (a) Write a note in which you explain the following Spatial Planning Land Use Management Act (SPLUMA) of 2013 principles, norms and standards: [15 marks]
- (i) Spatial justice
 - (ii) Spatial resilience; and
 - (iii) Spatial sustainability
- (b) 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

35 MARKS

QUESTION FOUR

In an article titled “ *The more things change, the more they stay the same: the story of communal land tenure in South Africa*” under the subheading “*Overhauling the tenure security: The Communal Land Rights Act*” Willemin Du Plessis and Juanita Pienaar discuss, among others, the challenge to the constitutionality of the Communal Land Rights Act (CLARA) of 2004.

Write a note in which you discuss the constitutionality of CLARA.

15 MARKS

TOTAL: 100

END OF EXAMINATION