



**Department of Environmental Affairs and Development Planning
Departement van Omgewingsake en Ontwikkelingsbeplanning**

LAW REFORM PROJECT

Integrated Legislation – Planning, Environment and Heritage Resources

The Department of Environmental Affairs and Development Planning is embarking on a process of developing integrated legislation that covers land use management and planning, environment and heritage resources. This questionnaire is one means that is being used to obtain input from stakeholders at an early stage in the process. Background information (i.e. a Discussion Document), which may be helpful in filling in this questionnaire, is available on www.capegateway.gov.za/eadp or can be requested at the contact details below. Please fill in the questionnaire and return it by 10 March 2005.

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Postal address: P O Box 26870, Hout Bay, 7872.

1. General views

- a). Do you support the development of a law that integrates environmental, heritage resources and planning aspects?

Yes	Reasons:

No	Reasons:

- b). What, in your opinion, are the key problems with the current legislation that deals with planning, environment and heritage resources? Please list top 3-5 problems.

- c). What changes to the legislation would you like to see? Please list 3-5 suggestions

d). What are the criteria that warrant the destruction of heritage and the natural environment in favour of new development? Please list 3-5 criteria.

e). How should we assess the significance that people place on heritage and natural resources? (What is genuinely important?).

f). What are the principal contributors to sense of place in this province? Please list 3-5.

g). What criteria should be used to determine whether a proposed development will be sustainable?

2. Views about the proposed law

a). Please indicate your opinion (agree/disagree) about the items listed below.

ITEM	Agree	Dis-agree	Don't know	COMMENTS
i). The legislation must be based on the principles of sustainable development.				

ITEM	Agree	Dis-agree	Don't know	COMMENTS
ii). The legislation must make provision for effective public participation and minimum requirements in this regard should be given.				
iii). The legislation should cover policies, large-scale planning (e.g. spatial development frameworks) and development programmes and strategies, not just individual activities				
iv). The appeal process should be undertaken by a neutral and independent structure.				
v). This law should serve to make the PSDF ¹ statutory				
vi). Allow for the regular review and updating of the PSDF.				
vii). The legislation must make provision for compliance monitoring and enforcement and penalties for non-compliance.				

b). Please indicate your views about the proposals for the process for individual developments (i.e. site- or project-level applications)

ITEM	Agree	Dis-agree	Don't know	COMMENTS
i). There should be a screening step to determine whether an assessment is required				
ii). A fast-track process should be allowed for projects that are aligned with the spatial plan for the area.				
iii). Provision should be made for different levels of assessment (in terms of detail), determined by the type of project and its location (nature of activity and receiving environment).				

¹ PSDF= Provincial Spatial Development Framework

ITEM	Agree	Dis-agree	Don't know	COMMENTS
iv). Provision should be made for a public review mechanism or hearings before the decision is made for large, complex projects.				
v). Provision should be made for issuing of norms and standards or guidelines, which will have legal standing.				
vi). Provision should be made for conditions of approval or authorisation to be changed.				

3. Opinion about the name of the legislation

a). Some suggested names for the legislation are listed below. Please indicate your preferences.

1	This is my favourite
2	This name is OK
3	Don't like this name at all

SUGGESTED NAME	RATING
Resource Management Act	
Environmental and Land Use Planning Act	
Planning and Environment Act	
Planning, Environment and Heritage Resources Act	
Sustainable Development Act	
Sustainability Planning and Management Act	

b). If you do not favour any of the names listed above, what is your suggestion for the naming of the provincial legislation?

PLEASE FILL IN THE DETAILS BELOW TO ENABLE US TO KEEP TRACK OF THE COMMENTS THAT HAVE COME FROM EACH INTERESTED AND AFFECTED PARTY

Name:	
Organisation	
Postal address	
Telephone	
Fax	
email	

NOTE: Please include any other comments that you may have about this project.