

PARALLEL PLANNING MECHANISMS AS A "RECIPE FOR DISASTER"

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SUMMARY

This note offers a critical reflection of the recent landmark decision in *City of Johannesburg Metropolitan Municipality v Gauteng Development Tribunal* which lay to rest the negative consequences of employing the DFA procedures of the Development Facilitation Act 67 of 1995 (DFA) alongside those of the provincial Ordinances to establish townships (or to use DFA parlance, "land development areas"). The welcome and timely decision in *City of Johannesburg Metropolitan Municipality v Gauteng Development Tribunal* has declared invalid chapters V and VI of the DFA. Moreover, it has formalised planning terminology in South Africa, delineated the boundaries of "municipal planning" and "urban planning and development" as listed in Schedules 4 and 5 of the Constitution of the Republic of South Africa, 1996 and, in the process, clarified the structure of planning law. This note examines the decision of the SCA and focus on the role it will clearly have in reforming some of the law relating to planning. It considers the facts of the case, uncertainties around terminology, the structure of planning in South Africa, the content of municipal planning, the role of the DFA and the consequences of the declaration of invalidity by the SCA.

Keywords: Planning law; land-use planning; land development areas; township development; urban planning and development; municipal planning

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