

IMPLEMENTING SPLUMA: A REVIEW OF FOUR 'POST-SPLUMA' PROVINCIAL PLANNING BILLS

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1 INTRODUCTION

Between 2015 and 2017, municipalities across the country developed municipal planning by-laws. Many municipalities were assisted by national government and/or provincial governments. The involvement of both the national and provincial governments was mainly driven by the aim of ensuring that the transfer of power to municipalities occurred in an orderly fashion (see the research report De Visser & Poswa (2017) *Implementing SPLUMA: a Review of Municipal Planning By-laws*). More importantly, this was to ensure that municipalities have the necessary local legislation in place to perform their municipal planning function. The scope of the function expanded dramatically as a result of judgments of the Constitutional Court and the Spatial Planning and Land Use Management Act of 2013 (SPLUMA).

SPLUMA is a framework law that does not set out in detail what municipalities have to do in order to effectively execute their municipal planning function. Each province is empowered by the Constitution to pass provincial planning laws to further regulate municipal planning in that particular province and also to regulate the provincial government's own planning. At the time of writing, it was only the Western Cape that had made use of this constitutional power in the 'post-SPLUMA' era. It is unclear whether the other provinces will complete the planning architecture envisaged by SPLUMA by passing provincial planning legislation. Some may find it sufficient to have SPLUMA and the municipal by-laws govern planning in their respective provinces without provincial law being the intermediary law.

The purpose of this report is threefold. First, it seeks to highlight whether provinces are considering or intending to develop their own planning laws which will then serve the abovementioned functions. Secondly, if there is a draft provincial law available, the report presents a basic overview and assessment of the law, focusing on a number of key areas. These areas are:

- (1) Does the provincial law prescribe development principles?
- (2) How does it address spatial planning?
- (3) How does it address zoning schemes?
- (4) How does it deal with the issue of traditional leaders?
- (5) Does it include provisions regulating the work of the Municipal Planning Tribunal (MPT)?
- (6) Does it further regulate appeals against land use management decisions taken by the MPT?
- (7) Does it elaborate on the link between forward planning and land use management?
- (8) Does it provide for province-specific transitional arrangements?

The report provides a very cursory overview of the content of four draft provincial planning laws, assessed as they were available as per August 2017. It does not in any way attempt to critique or provide comment on all the provisions of a particular draft provincial law, its scope is simply limited to assessing and reporting on the provisions forming part of the themes mentioned above.

2 MPUMALANGA

At the time of writing, the Mpumalanga province was busy drafting a provincial planning law. Initially the province had developed a draft planning law in 2008, however, this draft had been overtaken by SPLUMA. The enactment of SPLUMA resulted in the 2008 draft being non-compliant with SPLUMA in many areas. For example, the objectives and aims of SPLUMA were not really reflected in the draft provincial law. Also the new and expansive role of local government in spatial planning and land use management was not dealt with at all in the 2008 draft. Therefore, the Province decided to abandon it. The main focus of the province now is to ensure that the new 2017 draft planning legislation is properly aligned with SPLUMA.

Some of the key issues which the 2017 draft provincial law aims to address include the establishment of Municipal Planning Tribunals. Secondly, the Act will also pay particular focus to the issue of how new planning system will apply to the former homelands which in the past were never covered by formal planning legislation. Lastly, the Act will deal with other issues which are not addressed in detail by SPLUMA or those which are not covered at all.

The provincial government is developing its planning legislation in consultation with municipalities. This is done through a provincial task team which consists of districts that represent the municipalities together with the province and other various stakeholders. The province is of the view that the engagement with local government in the process of developing its planning law will greatly assist municipalities in Mpumalanga to develop planning by-laws which are more aligned with the provincial law. For those municipalities which have already adopted their own planning by-laws, the province believes that the consultations will also enable them to revisit their by-laws to fall in line with the forthcoming provincial legislation. This is all done to ensure that conflicts between the by-law and provincial law are minimised and at best avoided.

3 LIMPOPO

On 22 February 2017, the Limpopo province published its draft Spatial Planning and Land Use Management Bill coupled with a set of draft regulations and invited comments. This draft provincial law covers a number of themes, namely development principles, spatial planning, zoning schemes, traditional leaders, MPTs, appeals as well as transitional arrangements.

3.1 Development principles and norms and standards

The Limpopo draft provincial law dedicates Chapter Two to development principles and norms and standards. Section 3 provides that all land development and land use management in the province must be carried out in accordance with the development principles and norms and standards contained in the Act and SPLUMA. However, the Bill does not list or mention these principles which must be adhered to when land development and land use management is undertaken but rather states that, subject to section 7 of SPLUMA the province may from time to time after consulting each municipality in the province publish by

notice in the *Provincial Gazette* provincial development principles which will be applied in the province. Furthermore, section 5 which deals with provincial norms and standards also states that the MEC may from time to time, after consultation with each of the municipalities situated within the Province, prescribe provincial norms and standards for land use management and land development that are consistent with the Act, to be applied in the Province.

More importantly, guidelines on the contents of such norms and standards are provided in the regulations and these include reflecting national and provincial policy, national and provincial policy priorities and programmes relating to land use management and land development in Limpopo, reflect the province-specific matters with reference to land development and land management processes as well as Include processes and procedures for the incremental implementation of land development and land management processes in those areas which were in the past not part of such processes with specific reference to rural areas

3.2 Spatial planning

A second theme that the Bill deals with is spatial planning and it is specifically dealt with in chapter 5 under the heading 'provincial planning'. in section 12 (1) the Bill provides for the development of a provincial spatial development framework (PSDF) as well as a regional spatial development framework (RSDF) in order to facilitate provincial planning and development. Furthermore, under chapter 6, the heading of which is 'municipal planning' the Bill declares municipal planning as consisting of a municipal spatial development framework as contemplated in sections 20, 21 and 22 of SPLUMA, a land use scheme as contemplated in sections 24 to 28 in SPLUMA and finally, the control and regulation of the use of land within the area of jurisdiction of the municipality.

3.3 Zoning Schemes

An important aspect of municipal planning is zoning schemes and it is covered by the Bill under chapter 7. Section 18 (1) of the Bill instructs every municipality in Limpopo to prepare and adopt a land use scheme. These land use schemes must comply with the provisions of chapter 5 of SPLUMA in order for them to be valid. Moreover, section 19 (1) of the Bill provides for spatial planning categories and regulations. In terms of the provision it is stated that, in addition to the requirements contemplated in Chapter 5 of the Spatial Planning and Land Use Management Act, the responsible Member may prescribe primary spatial planning categories for inclusion in a land use scheme and model regulations for adoption by the Executive Council. In other words, while SPLUMA in section 24 (1) compels municipalities to adopt and approve land use schemes which include appropriate categories of land use zoning and regulations for the entire municipal area, according to the Limpopo Bill, the MEC may if he/she wishes prescribe primary spatial planning categories and more importantly prescribe model regulations for land use schemes in the province of Limpopo. This would mean that

municipalities would have to comply with two, possibly different, sets of spatial planning categories.

Chapter 9 of the Bill deals with spatial planning and land use management on communal land. Section 26 (1) begins by declaring that the chapter applies to every municipality in the province whose area of jurisdiction includes communal land. In terms of section 27 (1) which deals with a land use scheme, it is provided that a land use scheme that incorporates communal land must be consistent with and reflect the custom and usage of the traditional community occupying such land in regard to the use and development of the land. Lastly, section 27 (2) states that, a land use scheme that incorporates communal land may be adopted and applied incrementally, consistent with the provision of municipal services to the members of the traditional community concerned. Taken together, these provisions seek to establish a framework in terms of which traditional/communal areas can be included in formal planning frameworks in order to allow municipalities to guide and facilitate development in these areas.

With respect to land development on communal land, an early version of section 28 (1) provided that no land development on communal land may be considered and approved by a municipality unless such land development is first sanctioned by the traditional council with jurisdiction in the area where the communal land on which the land development is to be undertaken in accordance with customary law or in accordance with a precinct plan or local spatial development framework of the municipality for the communal land in question, if applicable. Under section 1, a traditional council means a traditional council that has been established and recognised for a traditional community in accordance with the provisions of section 4 of the Limpopo Traditional Leadership and Institutions Act.

While the inclusion of traditional/communal land into formal planning frameworks as well as the need to respect existing traditional systems of managing land use is a necessary and sound objective under this new planning regime introduced by SPLUMA, it is argued that this version of section 28 (1) undermined the municipalities right to govern and more specifically impedes the municipalities right to exercise executive authority over the municipal planning function. In other words, the Bill made the traditional council the authority of first instance which must first exercise its powers under the Limpopo Traditional Leadership and Institutions Act on decide whether or not it approves of a proposed development on communal land before a municipality may consider and approve a land development application. This was in effect usurping the municipality's municipal planning power.

This provision did not only give the traditional councils in Limpopo substantive powers to deal with land development on communal land, it also went against the provisions of the Constitution, SPLUMA as well as the jurisprudence of the Constitutional Court on the exercise of the municipalities power with respect to municipal planning. Land development is a component of municipal planning and no other sphere of government or institution can exercise that power except the municipality. The earlier version of section 28 (1) sought to usurp the power of the municipality to determine and approve land development applications

on communal land when it first subjects land development on communal land to the authority and approval of the traditional council before the municipality can make its own decision. This is in stark contrast to what the Constitutional Court has repeatedly held in its judgment on what constitutes municipal planning and which sphere of government can exercise executive authority over the municipal planning function. Therefore, it is submitted that the earlier version of section 28 (1) was unconstitutional. It would seem more appropriate to allow both the traditional council and the municipality to each take their own decision, in line with the principle confirmed by the Constitutional Court in the *Maccsands* judgment.

A proposed amendment to section 28 (1) gives the traditional council only procedural rights with respect to land development on communal land. The proposed amendment reads as follows, land development application procedures on communal land must provide for the involvement of the relevant traditional council in whose area the property is located, in accordance with customary law consideration of comments on land development applications in such areas must be in accordance with a precinct plan or local spatial development framework of the municipality for the communal land in question, if applicable. The process to be followed with land development applications on communal land is described in the Regulations. It is submitted that the amended version of section 28 (1) is much more in line with SPLUMA and the Constitution.

3.4 Traditional leaders

The Bill also deals with traditional leaders under chapter 3, it sets out the duties, powers and functions of a traditional council. As mentioned above, the Bill defines a traditional council as meaning a means a traditional council that has been established and recognised for a traditional community in accordance with the provisions of section 4 of the Limpopo Traditional Leadership and Institutions Act of 2005. In terms of section 9 (1), it is provided that a traditional council is responsible for providing input into spatial development frameworks, policies, bylaws, and other policy instruments relating to land use and spatial planning applicable to the communal land under the management of that traditional council, the traditional council must also facilitate and ensure the involvement of its traditional community in the development or amendment of the integrated development plan of the municipality in whose municipal area the communal land is located.

3.5 Municipal planning tribunal and appeals

Another theme of this report pertains to whether the Bill provides for the establishment of municipal planning tribunals and municipal appeal authorities in the province of Limpopo. In this regard, section 8 of the Limpopo Bill provides for the duties, powers and functions of a municipality in respect of municipal planning in its area of jurisdiction which include receiving, considering and deciding applications by way of its Municipal planning tribunal and Authorised Official. The use of the word 'and' in between Municipal planning tribunal and Authorised Official indicates that municipalities are expected to categorise applications to be considered by the Municipal planning tribunal and those which will be considered by the

Authorised Official. However, section 22 (1) of the Bill provides that if a municipality does not categorise applications as contemplated in section 35(3) of the Spatial Planning and Land Use Management Act, it may adopt the categorisation provided for in this section

The Bill deals with the appeal authority under chapter 10 and section 31 (1) provides that, subject to the provisions of Section 51 of SPLUMA, read with the provisions of the Promotion of Administrative Justice Act, 3 of 2000, a person whose rights are affected by a decision taken by a Municipal Planning Tribunal or an Authorised Official, may appeal against that decision. Section 32 (1) further provides that a municipal council must establish a municipal appeal authority to assume the obligations of an appeal authority in terms of the provisions of the Spatial Planning and Land Use Management Act. Alternatively, the councils of two or more municipalities, may, in writing, agree to establish a municipal appeal authority to assume the obligations of an appeal authority in terms of this Act in respect of all the municipalities concerned.

3.6 Transitional arrangements

Chapter 13 of the Bill makes provision for transitional arrangements relating to existing spatial development frameworks, town planning scheme, pending applications as well other transitional arrangements. Furthermore, schedule 2 of the Bill contains a list of legislation which will be repealed when it becomes an Act. In closing, the Limpopo province has managed to develop a solid draft which is not only inclusive of different interests, it also addresses some of the key issues which SPLUMA leaves open for provinces to deal with.

4 FREE STATE

The Free State province published its Spatial Planning and Land Use Management Bill 2016 last year for comment by all interested stakeholders. The Bill essentially covers the following themes, namely, spatial planning, plans and rights, zoning schemes as well as transitional arrangements.

4.1 Spatial planning

In section 5 (1), the Bill makes provision for the hierarchy of spatial development frameworks. The section mentions the categories of development frameworks in the Free State province. The Provincial Spatial Development Framework must focus and provide guidance of a strategic and longer range (10-30 years) spatial planning nature that involves the Free State Province at a provincial scale. The Regional Spatial Development Framework must focus and provide guidance of strategic spatial planning nature that involves a spatially interrelated area of importance that may transgress existing administrative, local, district, or provincial boundaries, but plays a particular role in respect of the Free State Province. A Municipal Spatial Development Framework must focus on, and provide guidance of strategic spatial planning nature for the delineated area of jurisdiction of all Metropolitan and Local Municipalities within the Province and finally a municipality may, in addition to a Municipal

Spatial Development Framework, prepare a Local Spatial Development Framework for a specific delineated area that may form part of the Municipal Spatial Development Framework.

With respect to compiling, reviewing or amending the abovementioned spatial development frameworks, the Free State Bill adds further requirements to those provided by SPLUMA and municipalities are therefore expected to comply with these requirements. For example, section 20 (3) (a) of SPLUMA which deals with the determination and amendment of a municipal spatial development framework, instructs the Municipal Council to give notice of the proposed provincial spatial development framework in the *Provincial Gazette* and in the media. The Bill however, instructs the municipality to publish a notice in two of the official languages of the Province predominantly spoken in the area in two newspapers with the largest circulation in the area concerned of the intention to compile, review or amend the municipal spatial development framework. This is a requirement which does not appear in SPLUMA. Another example of an additional requirement is that the Bill compels municipalities to first 'register' relevant parties which must be invited to comment on the draft whereas SPLUMA only compels the Municipal Council to invite the public to submit written representations in respect of the proposed municipal spatial development framework. In sum, this means that municipalities in the Free State will have to ensure compliance with the requirements contained in SPLUMA as well as those in the Free State planning law.

4.2 Plans and rights

Another important theme which the Free State Bill addresses is the link between plans and rights. Chapter 5 of the Bill provides for the general criteria for decision-making. More specifically, section 36 (1) states that when the municipality or Head of Department considers an application it must have regard to the (h)the integrated development plan and municipal spatial development framework, the integrated development plan and spatial development framework of the district municipality, where applicable, the applicable municipal spatial development frameworks adopted by the Municipality. These provisions indicate the intention of the province to follow through on one of the aims of SPLUMA, namely to strengthen the link between spatial plans and land use management. However, there is no new criteria which the Bill provides other than what is provided in section 42 of SPLUMA as well as in other provisions of SPLUMA.

4.3 Zoning schemes

Chapter 3 of the Free State Bill deals with the preparation of a land use scheme. Section 16 (1) provides for the factors which must be taken into account when a land use scheme is prepared. For many municipalities across the country, the development of planning by-laws was a daunting task which needed assistance and guidance from either the national or provincial government mainly because this was a new by-law that municipalities had never developed before. Another daunting task which many municipalities are not really equipped to deal with but are instructed by the Free State Bill to develop is land use scheme regulations.

Section 17 of the Bill provides that, the Municipality must develop land use scheme regulations that set out the procedure and conditions relations to the use and development of land in any zone. Land use scheme regulations were in the past predominantly developed by the provinces and not municipalities. What is not clear from the Bill is whether these regulations will be in a form of a by-law or not. It is submitted that a better approach is for the province to develop model land use scheme regulations for the municipalities.

4.4 Transitional arrangements

Free State is one of the provinces in which the old order laws are still in force and operational and as a result continue to promote a fragmented planning system which in turn undermines spatial transformation efforts. The provision of transitional arrangements is crucial for purposes of legal certainty and avoiding confusion over issues such as how to deal with applications submitted in terms of the old order legislation when the Free State provincial law comes into force, as well as the status of the rights granted to individuals under the old order legislation. These are matters which are regulated under the Township Ordinance of 1969 which is a provincial law and therefore can only be addressed in a provincial law.

5 NORTH WEST

The North West Spatial Planning and Land Use Management Bill 2015 covers the following themes, namely, provincial development principles, spatial planning zoning schemes, traditional leaders, municipal planning tribunal and appeals and lastly, transitional arrangements.

5.1 Development principles and norms and standards

Chapter 2 of the North West Bill deals with development principles and norms and standards. However, it does not set out the specific provincial development principles and norms and standards. It simply provides in section 4 that the MEC may from time to time after consulting municipalities within the province publish by notice in the *Provincial Gazette* provincial development principles that will be applied in the province. The provincial planning Bills of Limpopo and Free State also approach the issue of provincial development principles in the same manner.

5.2 Spatial planning

A second theme which the Bill also addresses is spatial planning. Section 14 (1) of the Bill instructs the MEC to develop a provincial spatial development framework as contemplated in section 4 of SPLUMA. In the same vein, the Bill in section 16 (1) empowers the MEC to declare any area situated in a particular geographical region to be a geographical region if he/she considers it necessary and may only do so after consulting each of the municipalities that will be situated in that region. With respect to municipal spatial development frameworks, section 18 (1) of the Bill provides that a municipal spatial development framework must be prepared and adopted in accordance with the provisions of the Municipal Systems Act and must be

aligned with the national and provincial spatial development frameworks. In addition to that, section 18 (2) states that the requirements of the Municipal Systems Act, a municipal spatial development framework must, with reference to section 26(e) of that Act, comply with and include the matters and information referred to in Chapter 4 of the Spatial Planning and Land Use Management Act and any other matters and information contained in this Act or which may be prescribed in terms of this Act, to ensure the effective and efficient planning, development and management of land use by the municipality. In sum, the provisions mentioned above do not add to the requirements contained in SPLUMA which set out how an MSDF must be prepared and adopted.

5.3 Zoning Scheme

Chapter 7 of the Bill deals with the adoption of land use schemes by municipalities in the North West. Section 23 (1) instructs each municipality to prepare and adopt a single land use scheme for the entire area of its jurisdiction within five years from the commencement of the Act. It is unclear whether this provision means that the land use scheme must be adopted within 5 years of the commencement of SPLUMA or within 5 years of the commencement of the provincial law. SPLUMA came into effect in 2015 and instructs municipalities to adopt a single land use scheme for their areas of jurisdiction by the end of 2020. If the North West provincial planning Bill for example comes into operation in 2016, section 23 (1) will have the effect of extending the 5 year period which SPLUMA gives to municipalities to adopt land use schemes. This will therefore, render section 23 (1) of the Bill inconsistent with section 24 (1) of SPLUMA. It is submitted that section 23 (1) should be understood to mean that each municipality must prepare and adopt a single land use scheme for its area of jurisdiction within five years from the commencement of SPLUMA.

5.4 Traditional leaders

In Chapter 3, the Bill deals with traditional leaders and section 9 (1) provides for the duties, powers and functions of a traditional council. In terms of section 1, a traditional council means a traditional council that has been established and recognised for a traditional community in accordance with the provisions of section 6 of the North West Traditional Leadership and Governance Act. The duties, powers and functions of a traditional council include providing input in all policies, by-laws, spatial development frameworks and other policy instruments relating to land use and spatial planning applicable to communal land which is under the management of the traditional council.

In an attempt to respect and formalise traditional methods of managing land use in the North West province, section 9 (3) states that, if a traditional council concludes a service level agreement with the municipality in whose municipal area that the relevant communal land is located, that traditional council must undertake spatial planning and land use management in its traditional community area in accordance with and exercise and perform all the powers, duties and functions assigned to it in terms of that service level agreement which may be

assigned or delegated in terms of this Act and the Spatial Planning and Land Use Management Act.

However, Section 19 (1) of the SPLUMA regulations states that, a traditional council may conclude a service level agreement with the municipality in whose municipal area that traditional council is located, subject to the provisions of any relevant national or provincial legislation, in terms of which the traditional council may perform such functions as agreed to in the service level agreement, provided that the traditional council may not make a land development or land use decision.

On the one hand, the SPLUMA regulations permit the traditional council to conclude service level agreements subject to the provisions of any relevant provincial legislation which in this case is the North West planning Bill. However, section 19 (1) of the regulations limits the traditional council to performing those functions which are stated in the agreement and not those which include making a land use or land development decision. On the other hand, section 9 (3) of the Bill states that if a traditional council concludes a service level agreement with the municipality in whose municipal area that the relevant communal land is located, that traditional council must then undertake spatial planning and land use management in its traditional community area. It may be argued that the provincial law contravenes the SPLUMA regulations.

5.5 Municipal planning tribunal and appeals

Section 8 of the Bill provides for the duties, powers and functions of a municipality in respect of its municipal planning function and thereafter directs municipalities to receive, consider and decide applications way of its municipal planning tribunal. Under section 26 (1) which deals with land development management and land use, municipalities are enjoined subject to section 35 of SPLUMA to establish municipal planning tribunals. Furthermore, section 26 (4) empowers a municipality to delegate authority to consider certain applications on behalf of the municipality to an official in the employ of the municipality. The list of factors which must be taken into account when the tribunal considers an application are the same as the ones provided in SPLUMA.

In relation to appeals, section 51 (6) of SPLUMA states that a municipality may in the place of its executive authority, authorise that a body or institution outside of the municipality or in a manner regulated in terms of provincial legislation, assume the obligations of an appeal authority. The Bill provides further options to municipalities with respect to the kind of appeal authority they may choose to establish in addition to the one contained in SPLUMA under section 51 (6). In terms of section 54 (1) of the Bill, a municipality is empowered to establish an appeal authority to hear appeals against decisions of a municipal planning tribunal or an authorised official and that appeal authority may be any of the following:

- 1) the executive authority of the municipality;
- 2) a body or institution outside of the municipality authorised by the municipality to assume the obligations of an appeal authority;

- 3) a body or institution outside of the municipality authorised or appointed by the municipality to assume the obligations of an appeal authority, in accordance with the provisions of an agreement to establish a joint Municipal Planning Tribunal;
- 4) the Municipal Appeal Tribunal established in terms of section 56; or
- 5) an official or an internal appeal committee acting with delegated authority of the executive authority.

Therefore, the Bill adds additional options to section 51 (6) of SPLUMA which only provides for an authorised body or institution outside of the municipality to be the executive authority which deals with appeal against decisions of the Municipal planning tribunal or Authorised official.

5.6 Transitional arrangements

Finally, the North West provincial law puts to rest any confusion over issues such as existing spatial development frameworks, existing town planning scheme and scheme regulations, compensation for any possible damage which maybe suffered due to alterations to the land as a result of the coming into effect of the provisions of a land use scheme as well as how pending applications should be dealt with etc. Lastly, section 93 of the Act completes the transition by repealing all the old order laws including the Town-Planning and Township Ordinance which is still in operation. Therefore, the conclusion is that this Bill will usher in a new and democratic provincial planning dispensation in North West.

6 CONCLUSION

The constitutional framework for planning allows provinces to determine provincial frameworks for municipal planning and also to regulate their own provincial planning systems. Now that SPLUMA is in place, provinces are faced with the question as to whether or not they will adopt provincial planning legislation to guide planning in their respective provincial jurisdictions. The review of the four available provincial planning bills suggests that most of the provincial bills dutifully implement SPLUMA, sometimes even by repeating its provisions. Furthermore, it is clear that transitional arrangements are a key aspect of what emerges in the new provincial laws.

It seems that provincial legislatures are set to empower provincial MECs with powers to provide further minimum standards and provincial planning principles. All of these will exist in addition to what is already being prescribed under SPLUMA and by municipalities. This may add complexity to the legal framework for spatial planning and land use management. In addition, the prospect of provinces prescribing further zoning categories may also add further fragmentation to the system.

It is clear that provinces that are busy drafting legislation are paying considerable attention to the vexed issue of how to incorporate traditional leaders into the formal planning system. The review reveals efforts to place traditional leaders before municipalities by stating that they must first decide on development efforts before the municipality may. Other examples

are the efforts to regulate service level agreements between municipalities and traditional leaders. All of these efforts are severely circumscribed by the constitutional and legislative framework. Lastly, there is also evidence of experimentation with different appeal models, expanding on SPLUMA's menu of appeal mechanisms.

All in all, it seems that there is considerable scope for provinces to add value to the planning system by adopting frameworks that are specific to their respective jurisdictions and by experimenting with solutions to some of the thorny matters in the implementation of SPLUMA. Provincial variation will make the system more complex, however as the sector will have to come to grips with different rules applying in different jurisdictions.