

Spatial Planning and Land Use Management Act

What SPLUMA expects of the three spheres of
government

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Spatial Planning and Land Use Management Act (SPLUMA)

- What does it do?
- What does it **not** do?
- **Money and people** make things happen (plans usually don't)

History of SPLUMA

1994	1995	2000	2010	2013
...apartheid planning laws	DFA (tribunals)	Systems Act (IDP)		SPLUMA
...4 provincial ordinances				
				CC strikes DFA down

Who does what?

<i>DFA (2010)</i>	<i>Maccsands (2012)</i>	<i>Lagoon Bay (2013)</i>	<i>Habitat (2014)</i>	<i>Tronop (2015)</i>
Can province take 'town planning' decisions?	Does a national approval make municipal approval unnecessary?	Can province overrule municipality when development is 'bigger than the municipality'?	Can province be appeal body?	When provincial appeal is independent expert body?
No, municipality takes town planning decisions (rezoning & township development)	No, municipality must still take decision	No, municipality must still take decision	No, appeal from municipal to province is unconstitutional	No, appeal to province is still unconstitutional

SPLUMA's Architecture of Laws

At least **two, possibly three** layers of law

1. SPLUMA (+ regulations)
2. (some) provincial planning laws
 - E.g. KZN, WCape, NCape
3. municipal by-laws

SPLUMA's Development Principles

- spatial **justice**
 - e.g. impact on land **value** can't stop a decision
 - expand planning system, **include** informal settlements, former homeland areas etc.
- spatial **sustainability**
 - protect agricultural land
- efficiency
- spatial resilience
- good administration

Q: what **role** will they play in decision making?

SPLUMA's SDFs

SPLUMA

- NSDF
- PSDF

• MSDF

- RSDF (optional)

- SDFs **don't give rights**, schemes do

- however, SPLUMA elevates MSDFs:

- anyone taking land use decisions **must follow MSDF, unless...** 'site specific circumstances...'
- schemes **must be consistent** with MSDF

Municipal Systems Act

- SDF (part of IDP)

Why MSDF are important

MSDF must, for example:

- estimate housing **demand**
- identify location & density of **future housing**
- identify areas for **inclusionary** housing
- identify areas for **incremental upgrading**
- identify areas for **shortened** land use development procedures

Municipality	Province	National
<p>Council</p> <ul style="list-style-type: none"> • adopt by-law • adopt scheme NB! > 5 yrs • appoint Municipal Planning Tribunal NB! no cllrs 	<p>Legislature</p> <ul style="list-style-type: none"> • may (but does not have to) adopt provincial planning law 	<p>Minister</p> <ul style="list-style-type: none"> • regulations / guidelines
<p>MPT or 'designated official'</p> <ul style="list-style-type: none"> • takes decision 	<p>Provincial Executive</p> <ul style="list-style-type: none"> • (if provincial law says so:) take additional decision if provincial interest affected 	<p>Minister</p> <ul style="list-style-type: none"> • takes additional decision / joins application if national interest affected
<p>Executive Mayor / Committee</p> <ul style="list-style-type: none"> • decides appeals 	<ul style="list-style-type: none"> • monitor / support municipalities with SPLUMA 	<ul style="list-style-type: none"> • monitor / support municipalities with SPLUMA

Going forward

1. legal / institutional regime still **incomplete**
2. crucial:
 - next generation **MSDFs** - 2016-2021 IDPs
 - roll-out of **land use schemes**
3. **depoliticise** municipal decision making
4. role of **traditional leaders?**
5. uneven LG **capability** to implement
6. new orientation for provinces
 - take decisions → **monitor/support** (+ plan provincially)

Thank you

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