



Background document on Spatial Planning and Land Use Management in the Eastern Cape

All spheres of government from national, through provincial to local, are in the process of overhauling legislation relating to Spatial Planning and Land Use Management.

Spatial planning involves government following a public participation process to outline what our cities, towns and rural areas should look like in future. This includes, where we would like the new bus routes to be located, where new schools and clinics should be built, where new low cost housing projects should be located, which land needs to be conserved for agriculture and nature reserves, where we would like the private sector to establish new business and industrial areas, and much more.

Land use management involves government controlling what land use activities can happen on which pieces of land. It involves the process of deciding if a new shopping centre can be built in a particular area, or if the municipality can build a new low income housing development on an existing piece of agricultural land. It also involves deciding what type of buildings will be allowed to be built in certain areas.

The Spatial Planning and Land Use Management Act (SPLUMA act number 13 of 2013) and the SPLUMA Regulations of 23 March 2015 explain how government sees planning and land use management across the whole country. SPLUMA officially came into effect on 1 July 2015. Municipalities have also developed municipal rules (or by-laws) which explain how municipalities will implement SPLUMA in their municipality.

Municipalities are now totally responsible for spatial planning and land use management in their municipal areas. In the past, provincial planning tribunals, established under the now repealed Development Facilitation Act 67 of 1995, made certain planning and land use management decisions and now they are unable to do so. Provinces can only play a support and capacity building role when it comes to municipal planning.

SPLUMA reinforces the importance of Spatial Development Framework (SDF) Plans as part of the Integrated Development Planning process. Provinces are also now able to develop their own provincial or regional SDF's.

In relation to land use management, all municipalities must now say what land use will be allowed in all areas of the municipality, including rural and communal areas. This must be shown on what is called a Land Use Scheme. Municipalities need to establish or partner with other municipalities or district municipalities to establish municipal planning tribunals (MPT). These MPT are made up of five or more government officials (councillors are excluded) and people with relevant knowledge and experience. Any government department or person who wants to change the land use from residential to business or from agriculture to housing, for example, will have to submit applications to the local municipality asking permission to make this land use change. Municipal officials can

make these decisions for small changes, but for bigger changes then the MPT will make the decision. If people are unhappy with this decision they will be able to appeal to the municipal council or to a special appeal organisation set up by council.

The Eastern Cape Provincial Department of Local Government and Traditional Affairs has also developed a background document on the issues that the province thinks should be included in provincial spatial planning and land use management legislation. The provincial government will be inviting the public to comment on this document and advise the province on how they think planning and land use management should happen in future in the province.

Spatial planning and land use management affects us all, it is something we all need to know about and have a say in what we think should happen. Afesis-corplan, working with the Eastern Cape NGO coalition and others, is developing draft set of recommendations that they think should be included in provincial spatial planning and land use management legislation. In April and May 2016 other organisations will be invited to support these recommendations. These recommendations will then be submitted as a petition to the provincial government in June 2016.

Civil society organisations are encouraged to learn more about SPLUMA and what the provincial government is thinking of including in provincial planning and land use legislation, and submit their own separate recommendations to province.

To find out more about SPLUMA and how you can support the recommendations that are being developed please contact Afesis-corplan or look at the following website: <http://goo.gl/MYV5Ht>

Prepared by Afesis-corplan
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