

# SPLUMA – where does it come from and what does it mean?

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Ndifuna Ukwazi – SERI Urban Land Colloquium

## Why is land use and planning law important?

It determines the way in which a piece of urban land can be used and developed, which is important for:

- property value,
- the environment,
- municipal governance,
- infrastructure provision and
- municipal finance.

# Four phases of urban planning law evolution

- **the old days (1910–1994)** – 4 provinces responsible for urban planning law and policy in white areas, national government and ‘homeland’ authorities in black areas
- **the nineties (1994-1999)**
  - excitement, DFA, new Constitution, Development and planning Commission, NEMA, planning starts to fade
- **the noughties (2000-2009)**
  - the Systems Act, the White Paper on planning, frantic drafting of planning laws, conflict, planning prominent
- **the teens (2010-2014)**
  - the Constitutional Court steps in (*City of Joburg, Maccsand, Habitat Council, Lagoon Bay*), SPLUMA, SDBIPs and BEPPs (MFMA and DORA), provincial initiatives, city initiatives

3

# Cities’ new legal reality

100 years of practice turned on its head (from *town & regional planning* to *municipal planning*)

- no more appeals against land development decisions to provinces
- new power of municipal by-laws (land use management and zoning schemes)
- municipal land use approval the basic requirement for almost all land use changes
- municipal planning tribunals to take most land development decisions

4

# Cities challenges

- municipal planning bylaws are central to land use management and planning
- scale up capacity
- rationalise and integrate decision-making systems
- resolve intergovernmental disputes over planning decisions
- explore new instruments and policies to address spatial legacy – e.g. interpreting section 57

5

# Take home messages

- courts are on the cities' side (for now...)
- the opportunity for cities to drive change (spatial, economic, environmental) is strong
- national government is going to take some time to understand *municipal planning* powers
- cities need to seek out allies in national government to maximise their current opportunities

6

# What's changed for urban land justice?

- SPLUMA principles: important opportunities
- section 57: important opportunities
- local government decision-making: uncertain
- the position of 'mega' housing projects: uncertain
- the emphasis on spatial planning: uncertain

Thank you

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