

**Spatial Planning and Land Use Management  
Background Briefing Document  
September 2015**

The planning and land use management system in South Africa is being overhauled. New legislation, new procedures and new structures are being developed to manage spatial planning and land use management. It is important that we all know about these changes so we can participate in and influence the way that our settlements and rural areas are being planned and developed.

Spatial planning involves government, after following a public participation process, outlining what our cities, towns and rural areas should look like in future. 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 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 core around which all the new planning and land use management legislation is being developed is the Spatial Planning and Land Use Management Act (SPLUMA act number 13 of 2013) and its associated Regulations of 23 March 2015. SPLUMA officially came into effect on 1 July 2015. Municipalities were supposed to have approved SPLUMA municipal by-laws before this date, but most municipalities were still in the process of developing these by-laws on this date.

One of the big new issues introduced by SPLUMA is the fact that 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 In the past, provincial planning tribunals, established under the now repealed Development Facilitation Act 67 of 1995, and other structures made certain planning and land use management decisions and now they are unable to do so.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.

In relation to spatial planning, SPLUMA reinforces the importance of Spatial Development Framework (SDF) plans as part of the Integrated Development Planning process. Provinces and regions are also now able to develop their own provincial or regional SDF's.

In relation to land use management, all municipalities must establish 'wall to wall' land use schemes (or zoning maps) showing what land use is permitted in all areas of the municipality, including rural and communal areas. All municipalities need to establish or partner with other municipalities or district municipalities to establish municipal planning tribunals (MPT). These MPLT are made up of five or more government officials (councillors are excluded) and people with relevant knowledge and experience. Any public or private entity who wants to make a land use change (e.g. change the land use from residential to business or from agriculture to housing) will have to submit applications to the local municipality who will submit a report to the tribunal who will make a decision to allow this change or not. An appeals process is also accommodated in the legislation.

The Eastern Cape Provincial Department of Local Government and Traditional Affairs is also in the process of conducting background research that they plan to use to inform the development of provincial spatial planning and land use management policy and legislation. This initiative provides civil society organisations with a unique opportunity to have an internal discussion amongst each other and engage government around what they would like to see in any provincial spatial planning and land use management policies and legislation.

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-corporation, working with the Eastern Cape NGO coalition and others, aims to raise awareness of what is involved in implementing SPLUMA. We also plan to develop, promote and submit policy positions on what we would like to see in provincial (and national and municipal) spatial planning and land use management policies and legislation.

Please contact Afesis-corporation if you require any more information on SPLUMA and progress being made by the provincial department of human settlements in developing new provincial spatial planning and land use management policies and legislation.

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