



PRESENTATION ON: FRAMEWORK AND IMPLEMENTATION OF THE SPATIAL AND LAND USE MANAGEMENT ACT

Portfolio Committee on Agriculture, Land Reform and Rural Development

05 March 2024



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THE SPLUMA JOURNEY

Pre-1994 planning designed to serve a different political idea – segregation, Multiple laws, multiple institutions and parallel processes instituted by the pre-1994 pieces of legislation;

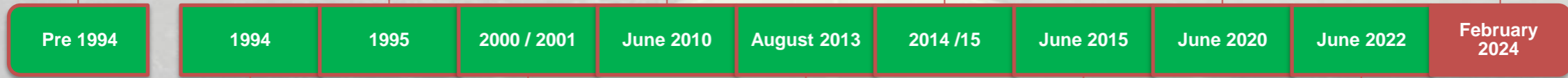
The Development Facilitation Act, 1995 (Act No. 67 of 1995) (the “DFA”) was the first post-apartheid legislation promulgated as an interim measure to deal with the apartheid spatial legacy.

In June 2010, the Constitutional Court found Chapters 5 and 6 of the DFA to be invalid on grounds of unconstitutionality, hence the urgent need for national and provincial planning legislation.

Municipal Readiness

SPLUMA Implementation (Getting the Systems in Place) and 5 Year Land Use Scheme Deadline

We are Here



In 1994, South Africa inherited complex and disjointed planning system

Local Government Legislation

Promulgation of the Spatial Planning and Land Use Management Act.

SPLUMA Brought Into Operation

Extended Land Use Scheme Deadline



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INTRODUCTION AND BACKGROUND

- On 18 June 2010, the Constitutional Court delivered judgment for the confirmation of an order made by the Supreme Court of Appeal, declaring Chapters V and VI of the Development Facilitation Act 67 of 1995 unconstitutional and thus invalid.
- The Court held that the powers to consider and approve applications for the rezoning of land and the establishment of townships are elements of “municipal planning”, an exclusive municipal function assigned to municipalities by section 156(1) of the Constitution read with Part B of Schedule 4.
- The SPLUMA responds to this judgment in its content
- It is a National Framework Legislation for Spatial Planning and Land Use Management
- SPLUMA was assented on the 02 August, Gazetted on the 05 August as the Spatial Planning and Land Use Management Act, Act 16 of 2013. It came into operation on the 01 July 2015
- The focus on the **implementation** of the SPLUMA has been on the following:
 - Development, customization and gazetting of the SPLUMA compliant Municipal Bylaws,
 - Establishment of Municipal Planning Tribunals,
 - Development of Delegations and Tariffs and
 - Provision of Training
 - Development of the National Spatial Development Framework



CHANGES INTRODUCED BY SPLUMA

SPLUMA has brought about 7 fundamental changes in Spatial Planning and Land Use Management

1. Reiteration of the sole mandate of municipalities where municipal planning (land development, land use management) is concerned, placing municipalities as authorities of first instance **invalidating inconsistent parallel mechanisms, parallel systems, measures or institution that existed dealing with land development application;**
2. Establishment and composition of **Municipal Planning Tribunals** and Appeals structures by municipalities to determine and decide on land development applications. Also providing municipalities with options for Tribunals and appeals structures to be created based on capacity;
3. Development of a **single and inclusive land use scheme** for the entire municipality with special emphasis on municipal differentiated approach;
4. Development of respective **SDFs by all three spheres of government**, norms and standards guided by development principles;
5. Development of **Regional Spatial Development Framework** as may be required;
6. **Strengthened intergovernmental** support through enforcement, compliance and monitoring processes; and
7. **Alignment of authorisations processes** where necessary on policies and legislation impacting land development applications and decision-making processes.

Efficient use of resources

Facilitating development

Prioritizing areas previously excluded

Improved Intergovernmental relations

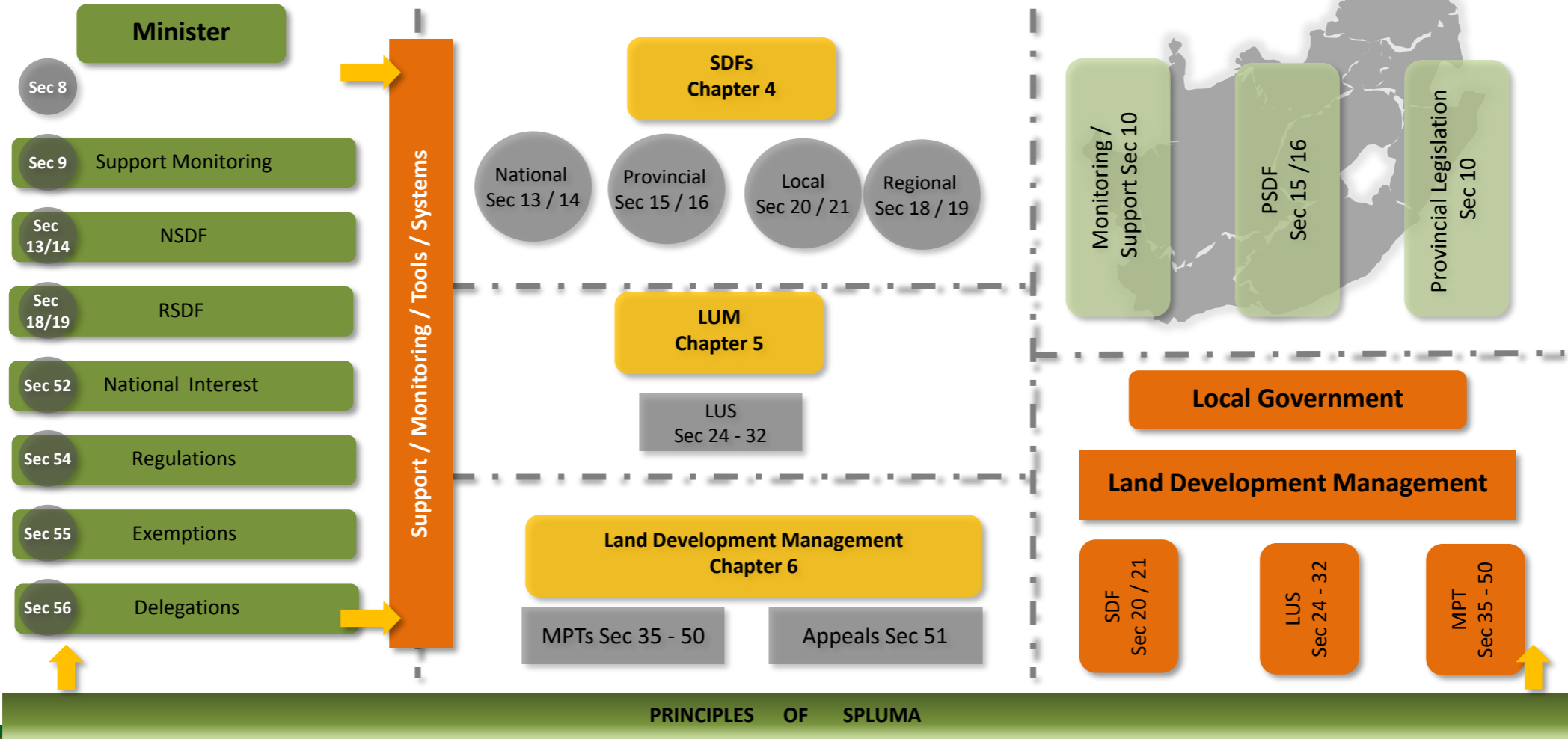


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OVERVIEW OF POWERS AND FUNCTIONS (FRAMEWORK)

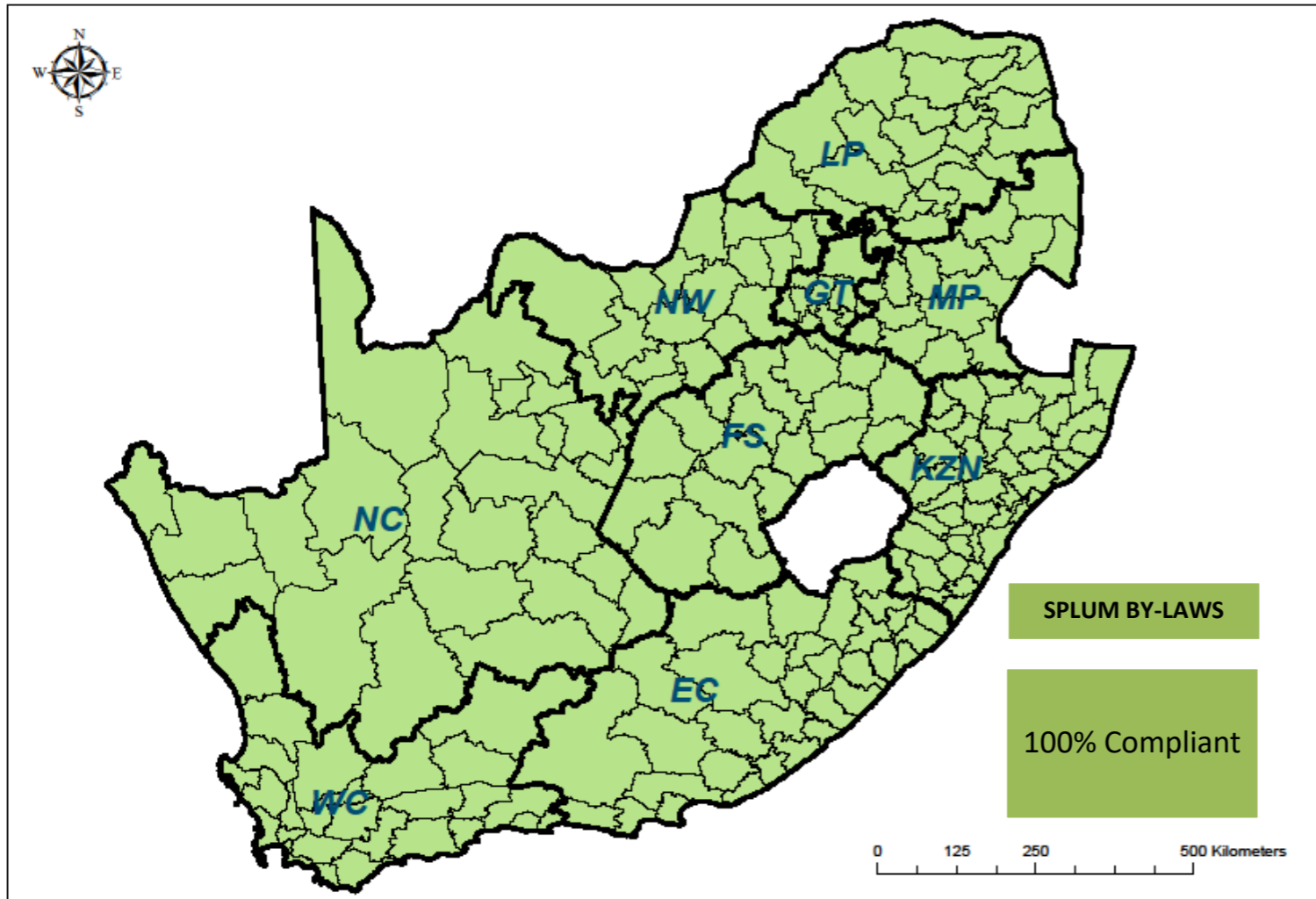


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Implementation Progress (Feb 2024) SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAWS



- 100 % Compliance
- All Municipalities have adopted and Gazetted Spatial Planning and Land Use Management By - Laws

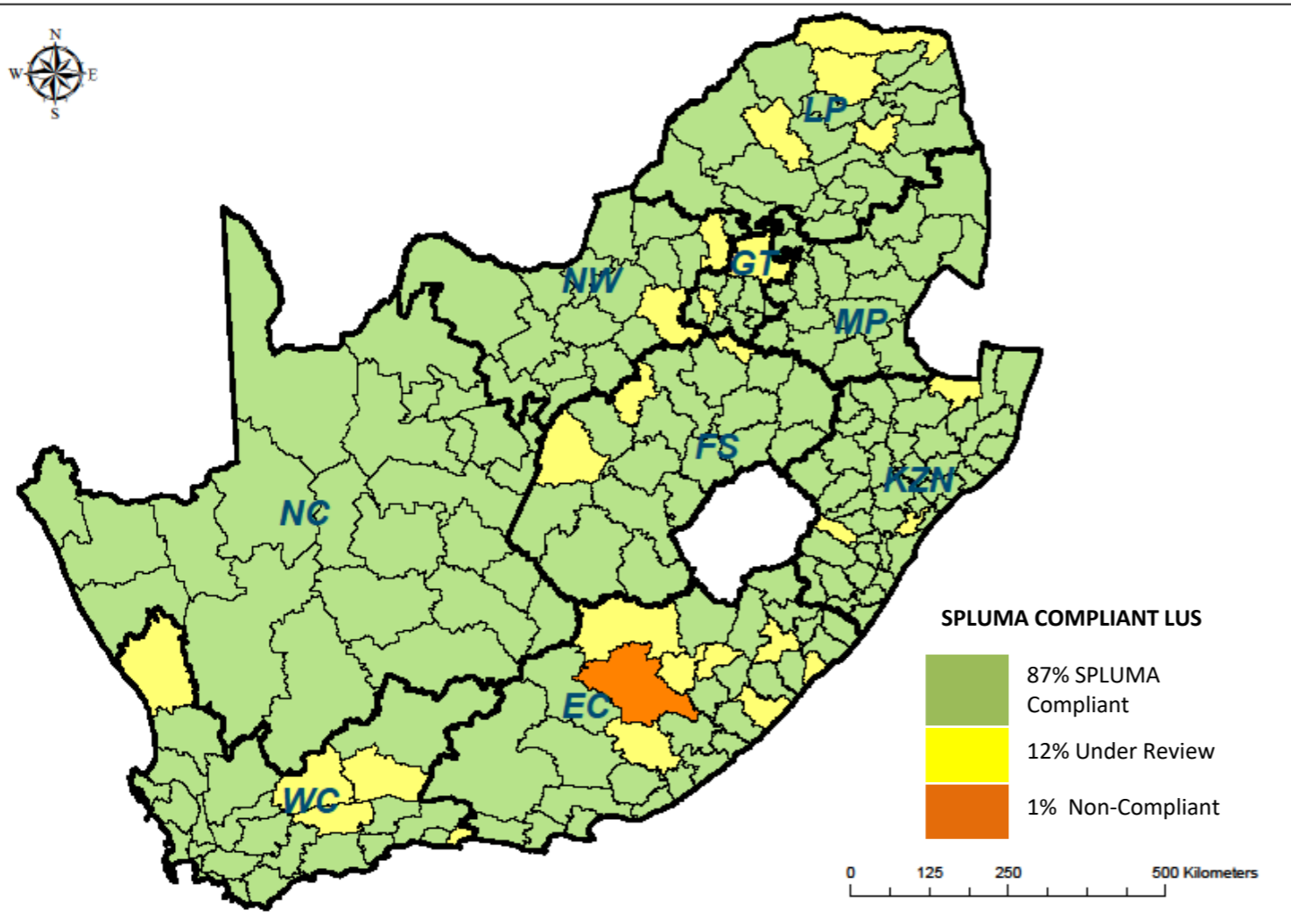


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Implementation Progress (Feb 2024) LAND USE SCHEMES



STATUS QUO

- Deadline of June 2020 extended by 24 Months
- 87% (185 Municipalities) Compliant,
- 12% (26 Municipalities) Under Review and,
- 1% (2 Municipalities: Enoch Mgijima municipality in Eastern Cape and Madibeng Municipality in North-West). The two municipalities still on early stages of Land Use Scheme compilation.

DARLRRD INTERVENTION

- Funding being provided to support the completion of the Enoch Mgijima and Madibeng Municipality Land Use Schemes. Initially the municipalities started their own internal process but were unable to complete

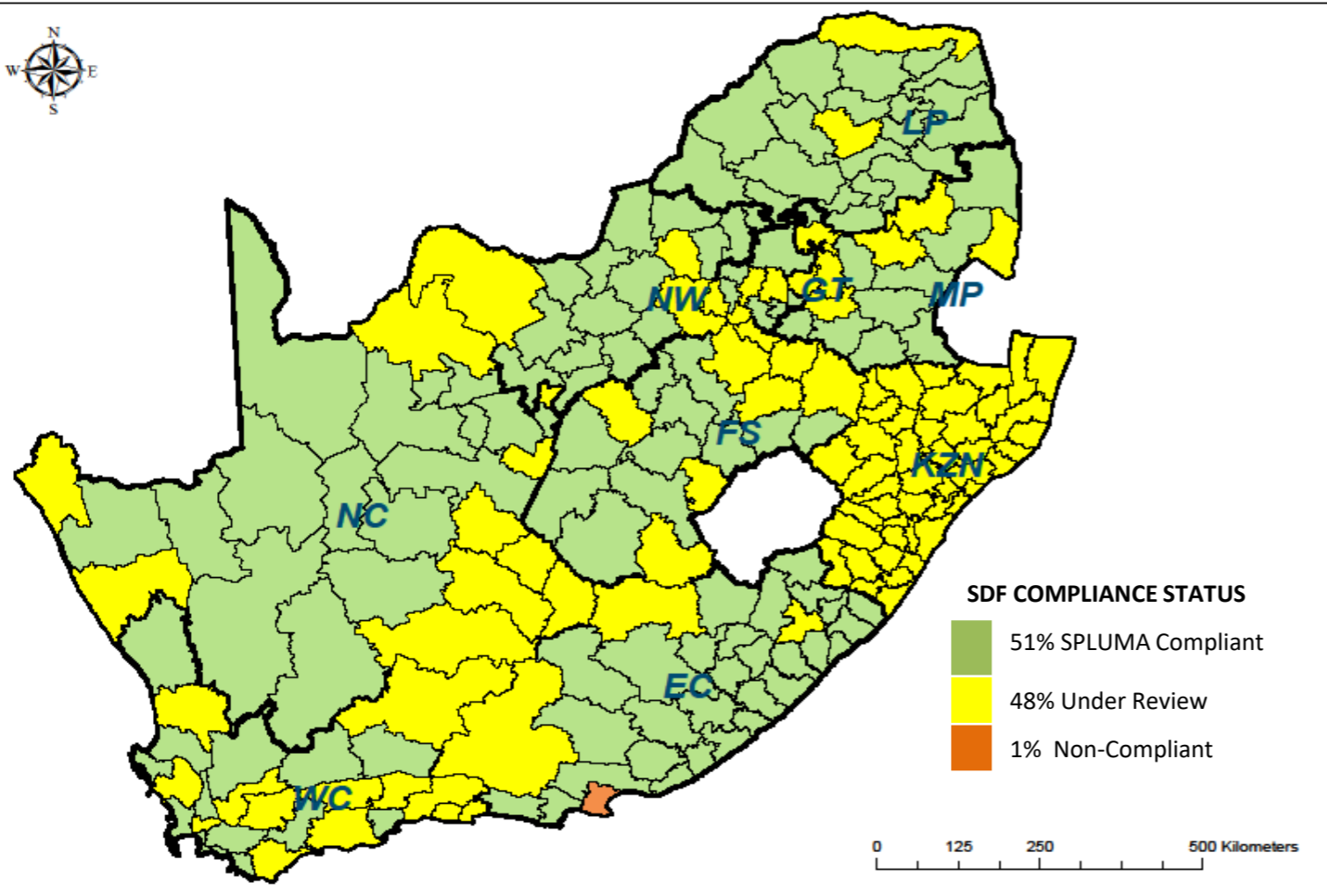


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Implementation Progress (Feb 2024) SPATIAL DEVELOPMENT FRAMEWORKS



51% Compliant
48% under review various stages
1% Outdated SDFs

Note: A total 102 municipalities are at various stages of reviewing their spatial development frameworks across various provinces (5-year review required by the SPLUMA).

DARLRRD INTERVENTION

- Funding being provided to support the update and review of spatial development frameworks



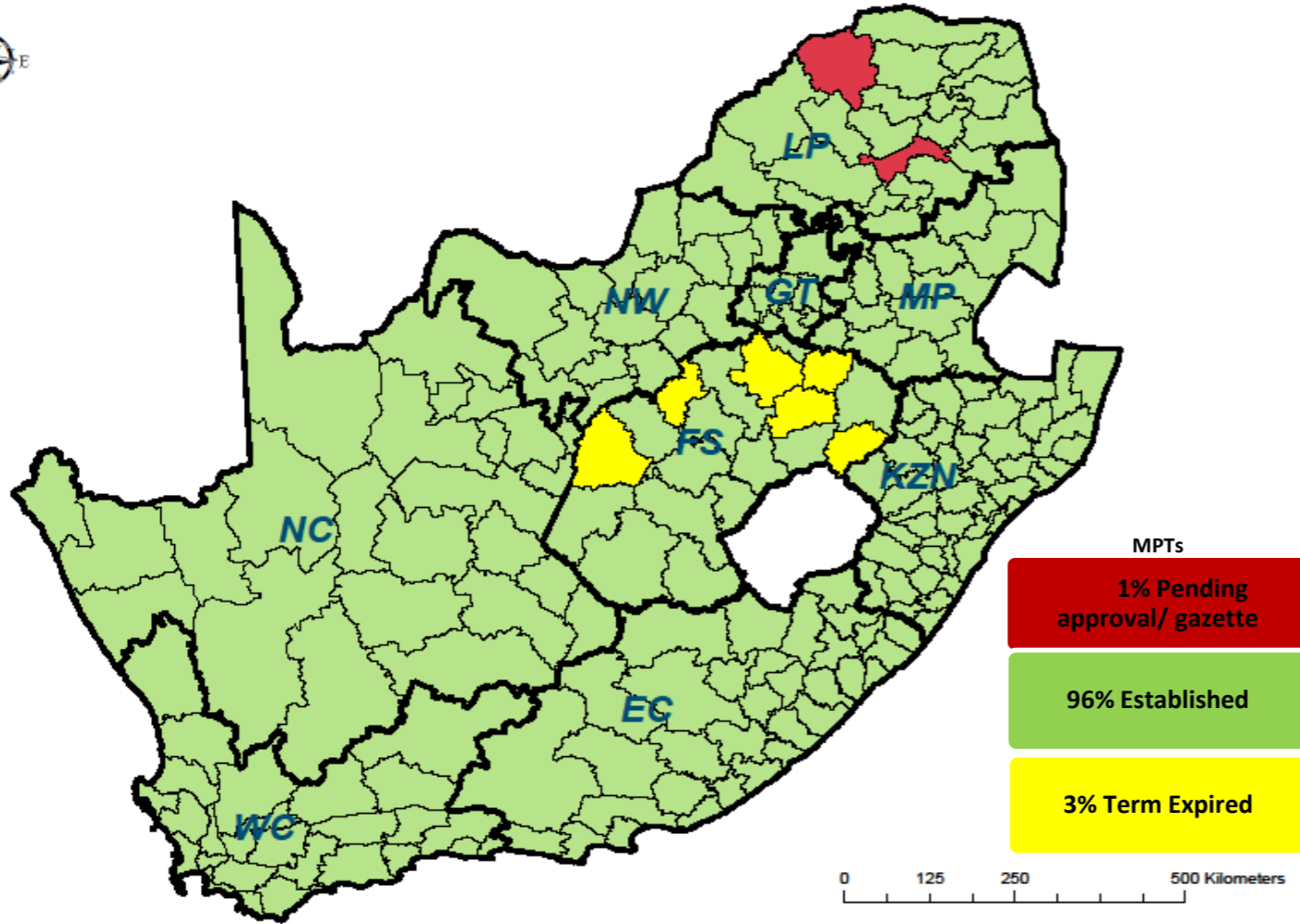
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Implementation Progress (Feb 2024)

ESTABLISHMENT OF MUNICIPAL PLANNING TRIBUNALS



All municipalities have established MPTs except for the following municipalities (2nd Term)

Limpopo: Blouberg await Council approval and Gazette notice. Lepelle-Nkumpi awaits gazette.

Free State: Mafube, Tokologo, Nketoana, Ngwathe, Maluti a Phofung, and Nala. MPTs awaits Gazette notice. Term of previous MPTs expired.

DARLRRD INTERVENTION

- Engaging municipalities to assist with finalisation

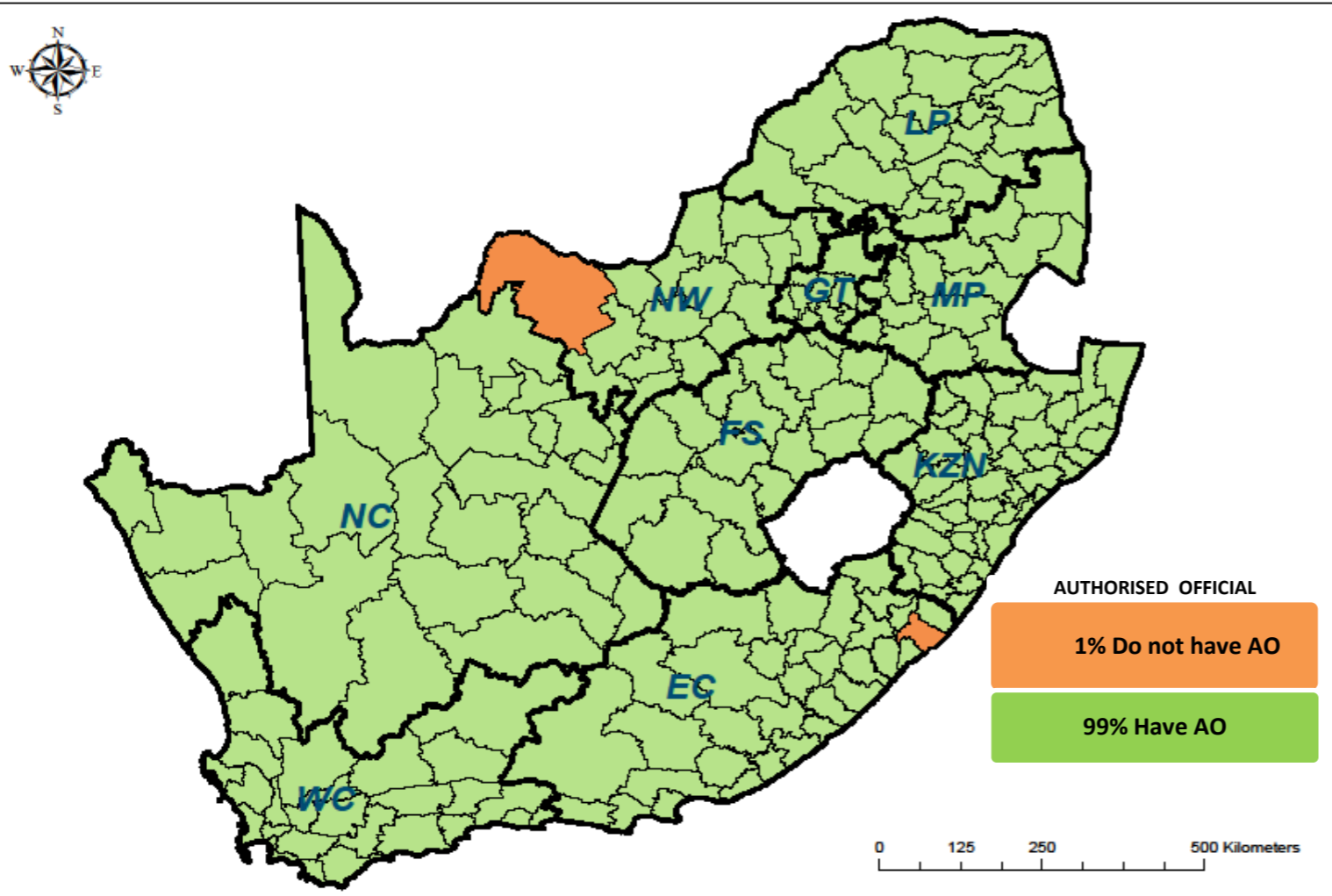


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Implementation Progress (Feb 2024) AUTHORISED OFFICIAL



- All Municipalities have appointed Authorized Officials except Kagisano Molopo (NW) and Inquza Hill (EC)

DARLRRD INTERVENTION

- Not compulsory in terms of Sec 35 (2) of the SPLUMA/Optional

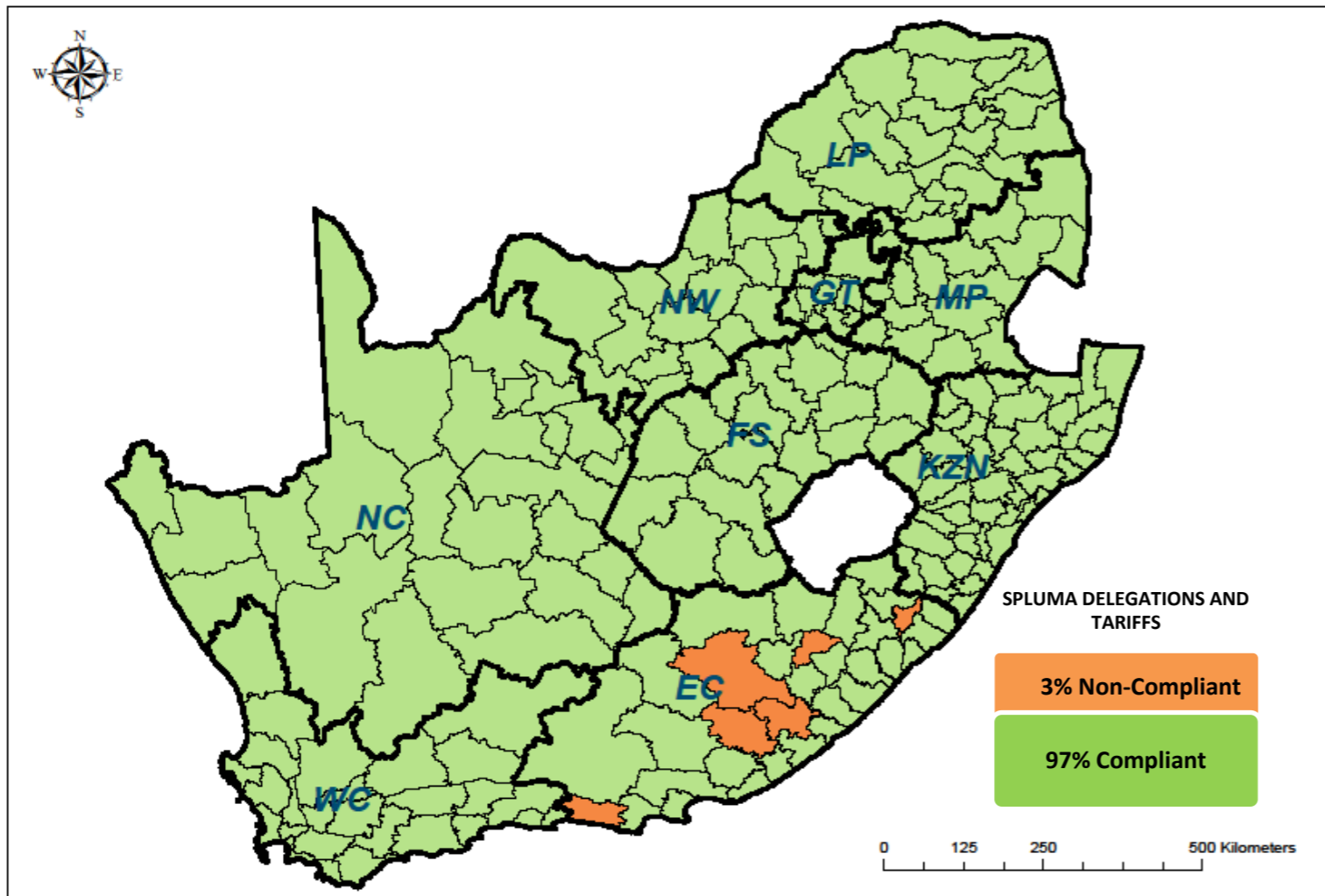


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Implementation Progress (Feb 2024) TARIFFS AND DELEGATIONS



A Total of 207 (97%) of municipalities in the country have land development and land use tariffs and delegations of authority in place and 6 (3%) of municipalities do not have.

Ntabankulu, Sakhisizwe, Enoch Mgijima, Amahlathi, Raymond Mhlaba and Intsika Yethu. All located in the Eastern Cape.

DARLRRD INTERVENTION

- In term of SPLUMA it is a municipal function
- Engaging municipalities to assist with finalisation



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ADDRESSING NON-COMPLIANCE

- The DALRRD monitors compliance with the SPLUMA on a Quarterly Basis
- The compliance, monitoring and enforcement tool is currently being updated to improve functionality
- Non-compliance is addressed through the following mechanisms:
 - Issuing of Non-Compliance letters by Minister
 - Support to develop Land Use Schemes and review of Spatial Development Frameworks (financial)
 - Advisory support through SPLUM provincial offices
 - Establishment of Task teams e.g. Land Use Scheme Task team (National, Provincial SALGA)
 - Provision of Pro Forma Notices etc.
 - Development of tools to monitor compliance (LUS and SDF Assessment tool)



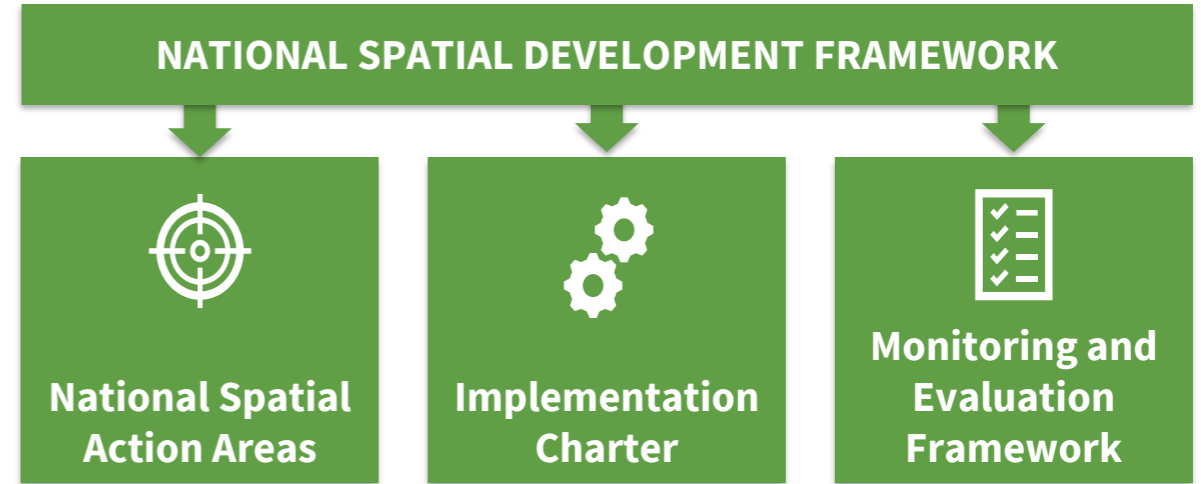
Amendments to SPLUMA and the Regulations

- National, provincial and local governments have been working closely together on:-
 - Ensuring compliance with the Act; and
 - Promoting spatial transformation by building on the principles of SPLUMA in spatial planning and land use management mechanisms and practices
- However, some 'shortcomings / uncertainties' have been identified in both the Act and the Regulations (identified through various engagements, fora, meetings with provinces and municipalities)
- The DALRRD (in collaboration with provinces and municipalities) has commenced the review/ or amendments of both the Act and the Regulations to:-
 - Amend definitions;
 - Provide clarity on Constitutional matters
 - Ensure practical application of the sections, provisions, clauses
 - Improve the involvement and participation of Traditional and Khoi-San Leaders in spatial planning and land use management aspects
 - Align with other related acts that have an impact on spatial planning, land use and land development

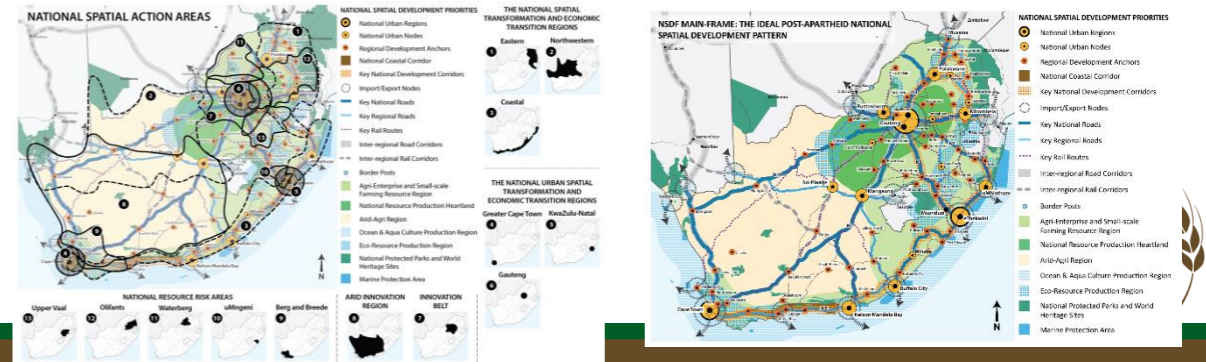


NATIONAL SPATIAL DEVELOPMENT FRAMEWORK (NSDF)

2016



APPROVED March 2022 / GAZETTE ON 01 February 2023



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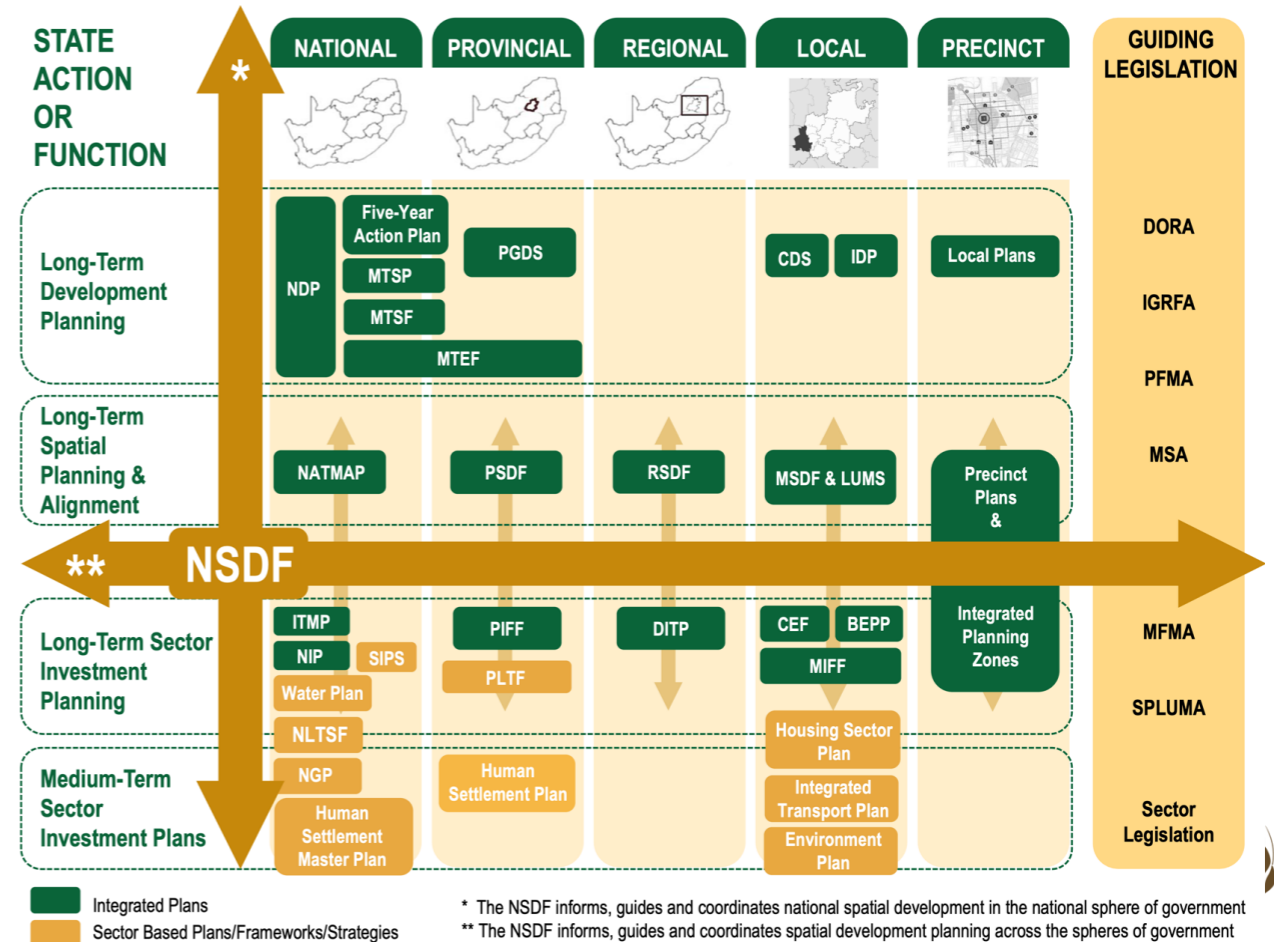
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MANDATE FOR NSDF

THE ROLE OF THE NSDF WITHIN THE 'FAMILY' OF STRATEGIC AND SECTOR PLANS OF GOVERNMENT

- Chapter 8 of the NDP calls for preparation of a '**National Spatial Development Framework**' (to be reviewed every 5 years)
- Sections 5(3)(a), 13(1) and (2) of SPLUMA mandate the Minister to "**after consultation with other organs of state and with the public, compile and publish a national spatial development framework**"
- In according with SPLUMA the NSDF *must* within the broader 'family' of strategic and sector plans of government:
 - Target and direct all infrastructure investment and development spending decisions** by national sector departments and State-Owned Entities
 - Guide and align plan preparation, budgeting and implementation** across spheres and between sectors of government
 - Frame and coordinate** provincial, regional and municipal Spatial Development Frameworks



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NSDF CONTENT

1 INTRODUCTION

Proposes a Theory of Change that proposes radical and decisive intervention in the national:

- Spatial development logic and pattern
- Natural resource use and maintenance profile
- Pattern of ownership of, and access to, land and other resources



2 NSDF PREPARATION PROCESS

Provides an overview of the process followed during the development of the NSDF



3 NATIONAL SPATIAL DEVELOPMENT SHAPERS

Provides an overview of a series of significant national spatial development dynamics, challenges and opportunities structured according to the following categories:

- 👤 **People and Places**
- 🌳 **Ecologies, Economies and Spaces**
- 🏛️ **Institutions and Services**
- 🔄 **Movements, Connections and Flows**

4 NATIONAL SPATIAL DEVELOPMENT VISION, LOGIC, LEVERS AND OUTCOMES



Vision Statement:
"All Our People Living in Shared and Transformed Places in an Integrated, Inclusive, Sustainable and Competitive National Space Economy"

Mission Statement:
"Making our Common Desired Spatial Future Together Through Better Planning, Investment, Delivery and Monitoring"

5 NATIONAL SPATIAL DEVELOPMENT AND INVESTMENT GUIDANCE

Main-Frame: The Ideal Post-Apartheid National Spatial Development Pattern

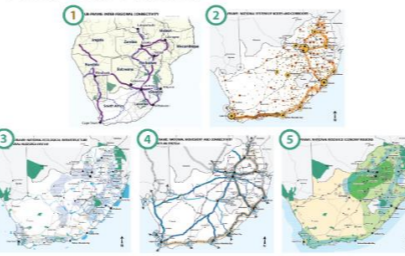


These levers form the basis of the **Main-Frame** and **five Sub-Frames** of the NSDF, in which more detailed spatial guidance is provided

The five NSDF sub-frames address:

- 1 Inter-regional connectivity
- 2 A national system of nodes and corridors
- 3 National resource economy regions
- 4 A national movement and connectivity infrastructure system
- 5 A national ecological infrastructure network

NSDF Sub-Frames:



National Strategic Action Areas



These NSAAs represent the most urgent strategic spatial development catalysts to (1) bring about radical spatial transformation at scale, and (2) manage and mitigate rising national risks, and as such, require immediate national action

Types of National Strategic Action Areas



- 1 National Spatial Transformation and Transition Regions
- 2 The Central Innovation Belt
- 3 National Resource Risk Areas
- 4 National Urban Regions
- 5 The Arid-Innovation Region

6 IMPLEMENTATION FRAMEWORK

While providing overarching national spatial direction, catalytic impetus and guidance in moving the country towards the 2050-vision, the realisation of this desired South Africa will require of the NSDF to be:

- Championed
- Communicated
- Institutionalised
- Embedded
- Actioned

7 CONCLUSION

Provides a high-level summary of the NSDF



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SPLUMA IMPLEMENTATION SUPPORT PROVIDED BY DALRRD

- The DALRRD has since the promulgation of SPLUMA, and commencement assisted and supported provinces and municipalities in the execution of their responsibilities.
- Support includes development of a Model SPLUM By-law that has been used by municipalities to develop their own customised By-Laws. All municipalities have since developed and approve their own Spatial Planning and Land Use Management By-Laws.
- 45 municipalities have been financially supported to develop their Land Use Schemes.
- 36 municipalities have been supported with the development / review of the Spatial Development Frameworks (SDFs). The number is inclusive of local and district municipalities.

| | |
|---|--|
| Monitor and support municipalities in the implementation of SPLUMA | Development of Guidelines, tools and systems to support the implementation of SPLUMA |
| Monitor and support provinces in the implementation of SPLUMA | Technical Tools and Systems to support SPLUMA implementation |
| Facilitation of District Rural Development Plans for implementation | Rationalization of Spatial Planning and land use management laws in South Africa |
| Development of the National Spatial Development Framework (NSDF) | Support to SACPLAN |
| SPLUMA Forums inter-governmental co-ordination and forum sessions | Development of Spatial Planning and Land Use Management Norms & Standards |
| Development and Implementation of a Training and Capacity building programme to strengthen the implementation of SPLUMA | Matters of National Interest relevant to SPLUMA |



SPLUMA IMPLEMENTATION SUPPORT PROVIDED BY DALRRD



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SPLUMA IMPLEMENTATION CHALLENGES

The current state of compliance is constrained by the following:

- The lack of capacity at local government level and in some cases the urgency to prioritize spatial planning and land use management issues
- Funding of LUSs and SDFs and Human Resource to implement, still a challenge
- Instability in land use regulator formation (MPTs/AA/AO) and funding of sittings
- Amalgamation of some municipalities
- Resistance by Traditional Institution to implement SPLUMA
- Legal Challenges (Sec 36 – Inclusion of Municipal Councillors on Municipal Planning Tribunals)



CONCLUSION

- The DALRRD continues to support provinces and municipalities in the implementation of the Spatial Planning and Land Use Management Act No. 16 of 2013 (SPLUMA).
- This support is specifically aimed at compliance with the Act, promoting its principles in planning and development and, importantly, aiming to achieve the interventions and targets set in the Medium-Term Strategic Framework (MTSF) 2019-2024.
- Significant strides have been made and are still being made by the Branch: Spatial Planning and Land Use Management (SPLUM) in the implementation of the SPLUMA by working closely with provinces.



NGIYATHOKOZA

DANKIE KE A LEBOGA
NGIYABONGA
NDIYABULELA
INKOMU NDI KHOU
LIVHUHA

Thank you



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