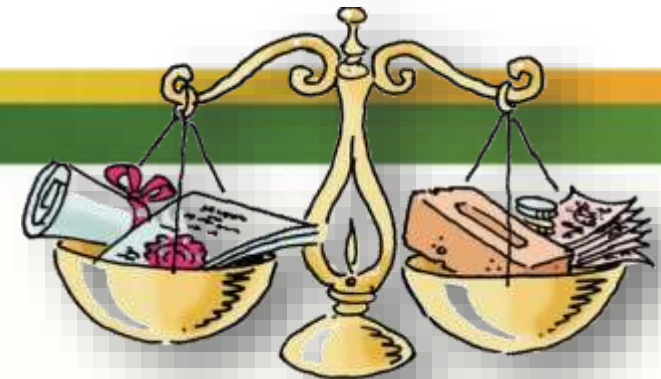


Planning Legislation at Local Government Implications for Tourism Development

Background on the SPATIAL PLANNING and LAND USE MANAGEMENT ACT 16 of 2013

On 18 June 2010, the Constitutional Court delivered judgment in an application by the City of Johannesburg Metropolitan Municipality (the City) 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 Spatial Planning & Land Use Management Act, Act 16 of 2013 (SPLUMA) has commenced on the 1st of July 2015.



SPLUMA Unifies existing concepts



What is SPLUMA?

A single Spatial Planning System for the country
(sec 2 {2})

Principles
(sec 7)

Policies and legislation
(sec 6)

Spatial Development Planning
& Frameworks
(chapter 4)

Land use
management
through schemes
(chapter 5)

Some other
provisions
(Chapter 7)

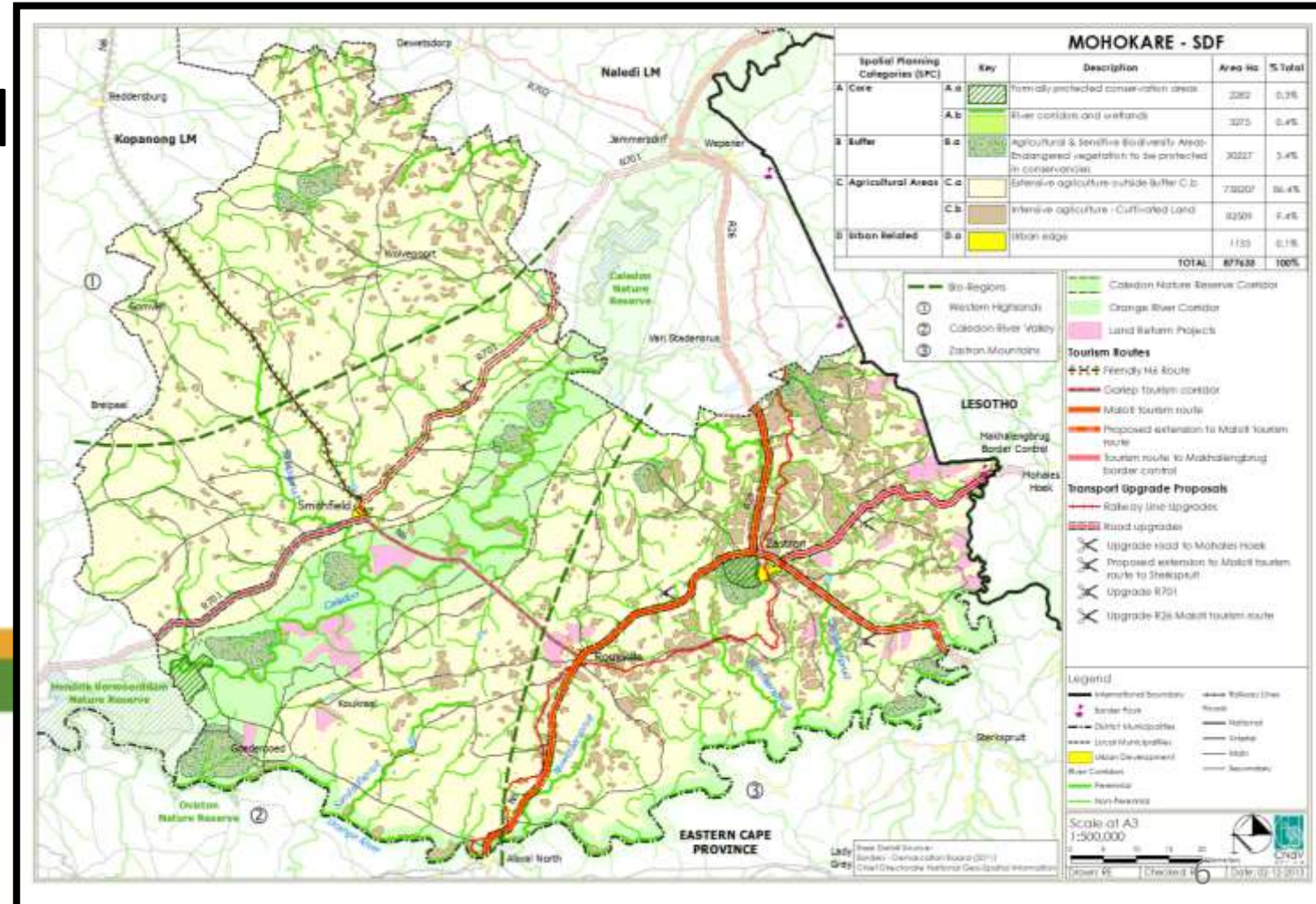
Land development
(applications)
(chapter 6)

A unified spatial planning system for the whole of South Africa



In terms of Spatial Planning and Land Use management – Municipalities rule

- Own decisions
- Local interest will lead
- IDP and SDF will determine expenditure
- LUS will ensure rights wall to wall



Spatially Enabled Gov

Provincial Level

- PGDS
- Provincial Legislation
- All strategic plans affecting Free State
- Other Policy

Proposed Free State Spatial Planning and Land Use Management Draft Bill (Key enabler)

15 Sector Departments and National Department

- Urban [or Rural] Spatial Development Framework
- Local Municipal Spatial Development Framework
- District/Metro Municipal Spatial Development Framework
- Land Use Schemes (Property Level)

- Regional Spatial Development Framework
- Provincial Spatial Development Framework
- Provide guidance to all Government Spatial Planning

All regulated through a single system



A.a.1

Wilderness Areas (declared in terms of NEMPA¹ 57 of 2003)
 Areas characterised by their intrinsically wild and pristine appearance and character, or that are capable of being restored to such, and which are undeveloped, without permanent improvements or human habitation. Such areas are declared to:

- protect and maintain the natural character of the environment, biodiversity resources, associated natural and cultural resources ;
- provide environmental goods and services;
- provide outstanding opportunities for solitude and primitive outdoor experiences; and
- provide controlled access to those who understand and appreciate wilderness, and those who wish to develop such an understanding.

A.a.2

Special Nature Reserves (declared in terms of NEMPA 57 of 2003)
 Areas characterised by sensitive, ecologically outstanding ecosystems or natural habitats, natural communities, populations or species, or unique geological or biophysical features conserved primarily for scientific research, educational and limited nature-based recreational purposes.

A.a.3

National Parks (declared in terms of NEMPA 57 of 2003)
 Designated to protect areas of national or international biodiversity importance; or containing a representative sample of South Africa's natural systems, scenic areas or cultural heritage sites; or the ecological integrity of one or more ecosystems. National parks provide spiritual, scientific, educational, recreational and tourism-related opportunities which are mutually and environmentally compatible and can contribute to local and regional economic development.

A.a.4

Nature Reserves, including provincial, local authority and registered private nature reserves (declared in terms of NEMPA 57 of 2003)
 Areas of significant ecological, biophysical, historical, or archaeological interest or that are in need of long-term protection for the maintenance of its biodiversity or for the provision of environmental goods and services. Nature reserves are declared to:

- supplement the systems of wilderness areas and national parks in South Africa;
- sustainably provide natural products and services to local communities;
- enable the continuation of traditional resource uses; and
- provide nature-based recreational and tourism opportunities.

A.a.5

Protected Environments (declared in terms of NEMPA 57 of 2003)
 Areas may be declared as a protected environment to:

INTERNATIONAL LEVEL

- UN Millennium Development Goals
- NEPAD
- Agenda 21
- UNESCO MaB Program
- Convention on Biological Diversity
- Other Agreements & Protocols

Provide access to Carbon credits / other Green

Chapter 1: Introductory provisions

- Categories of planning (sec 5)
- Per sphere of government

National

National Spatial Development Framework
National Policies and Laws
Monitor and support
Matters of National Interest

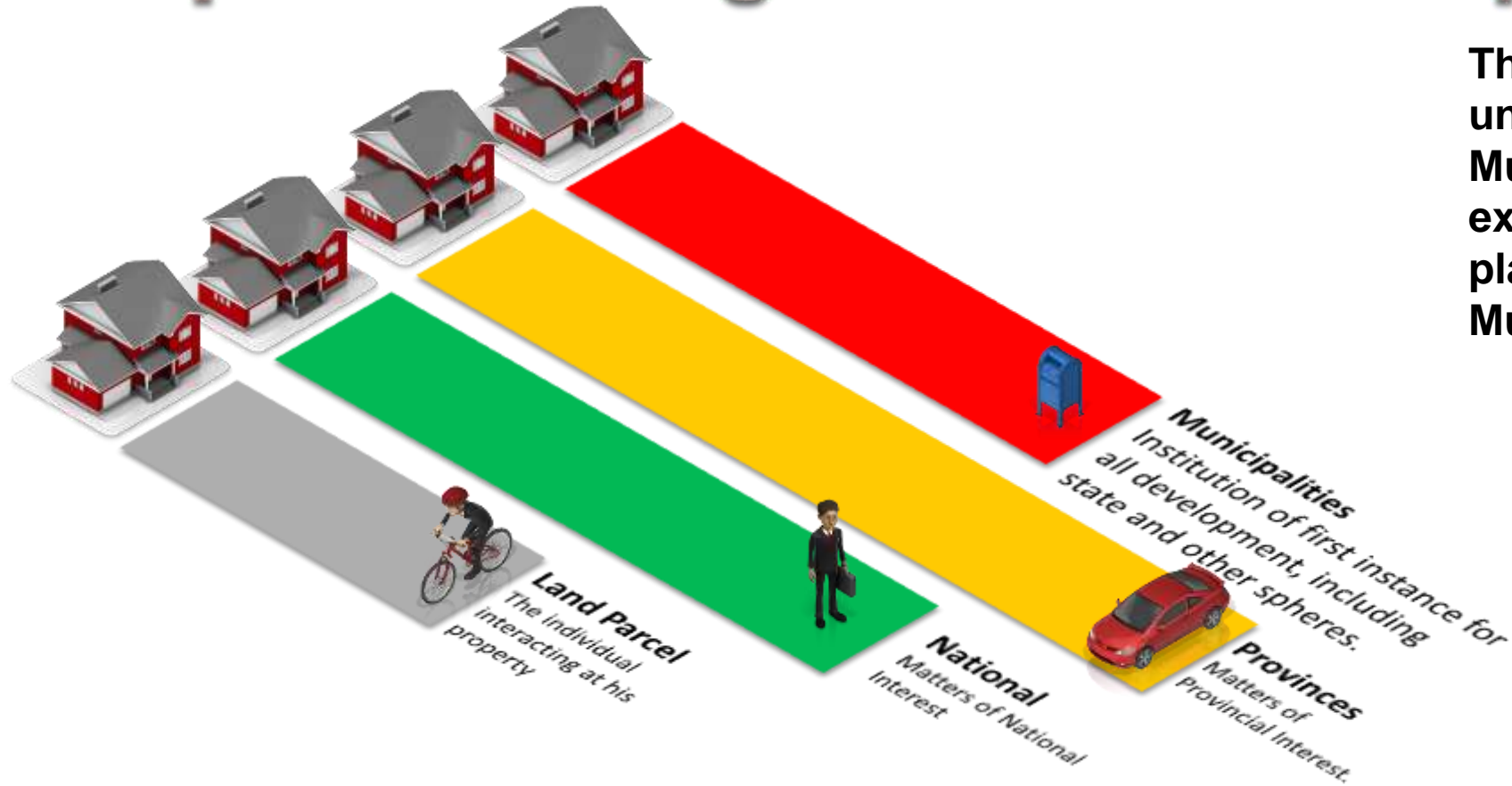
Provincial

Provincial Spatial Development Framework
Provincial Policies and Laws
Monitor and compliance
Matters of Provincial Interest

Municipal

Integrated Development Plan
Municipal Spatial Development Framework
Land Use Management System

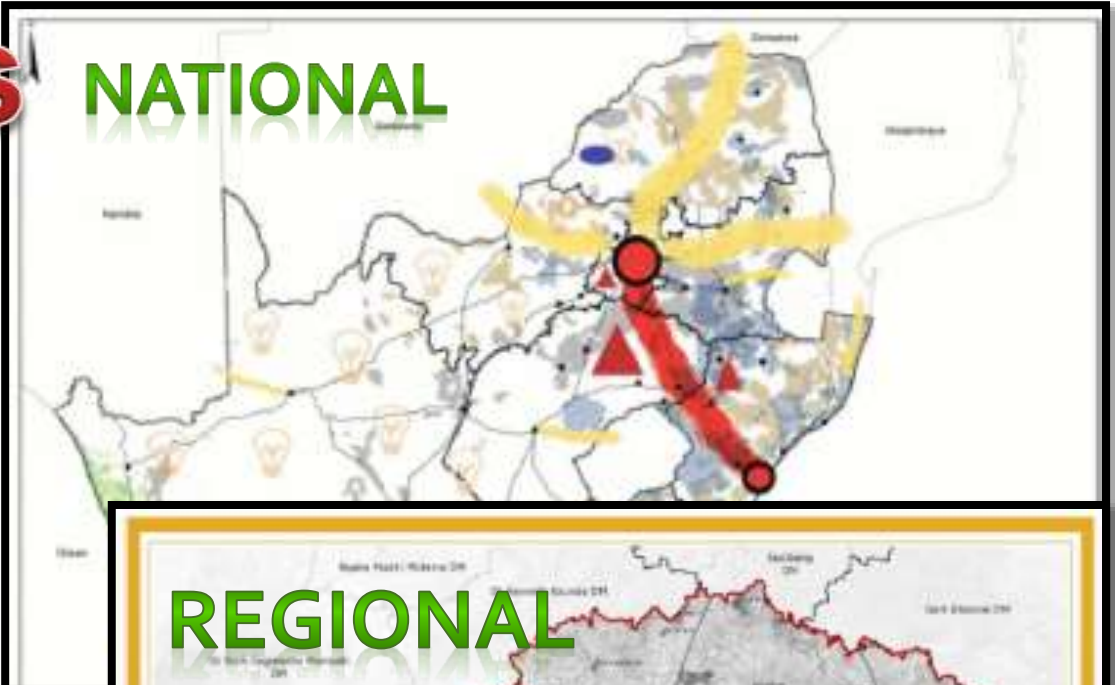
Chapter 3: Intergovernmental Support



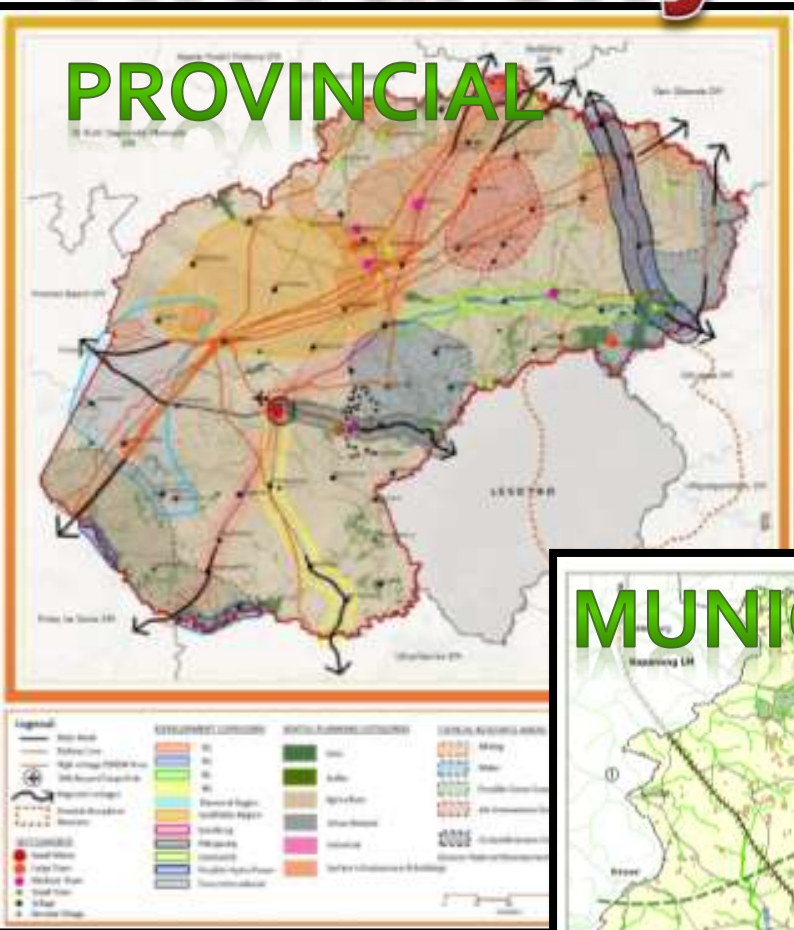
Three spheres of Government under the Constitution where Municipalities has the executive authority over all planning affecting the Municipal space.

Hierarchy of SDFs

NATIONAL



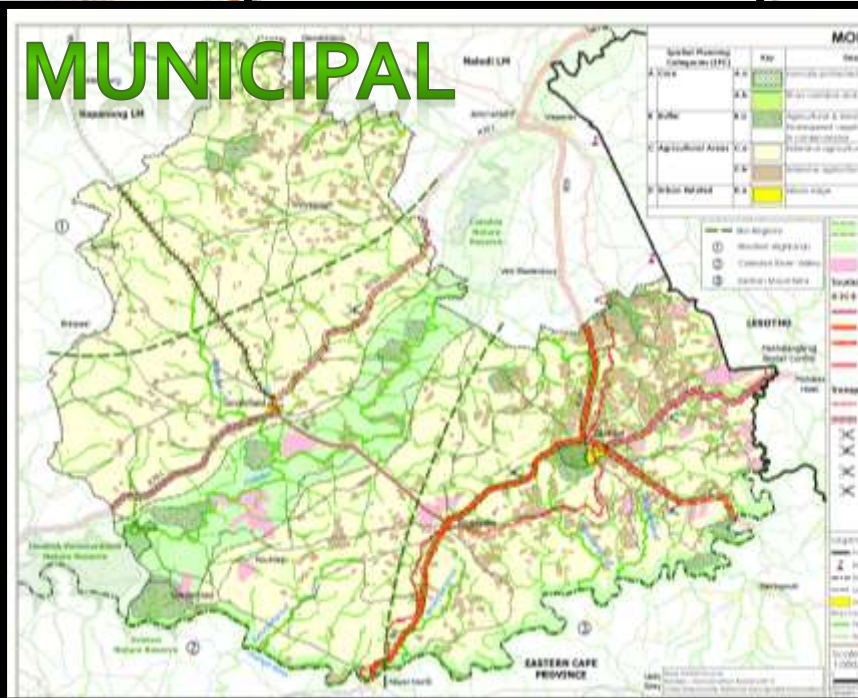
PROVINCIAL



REGIONAL

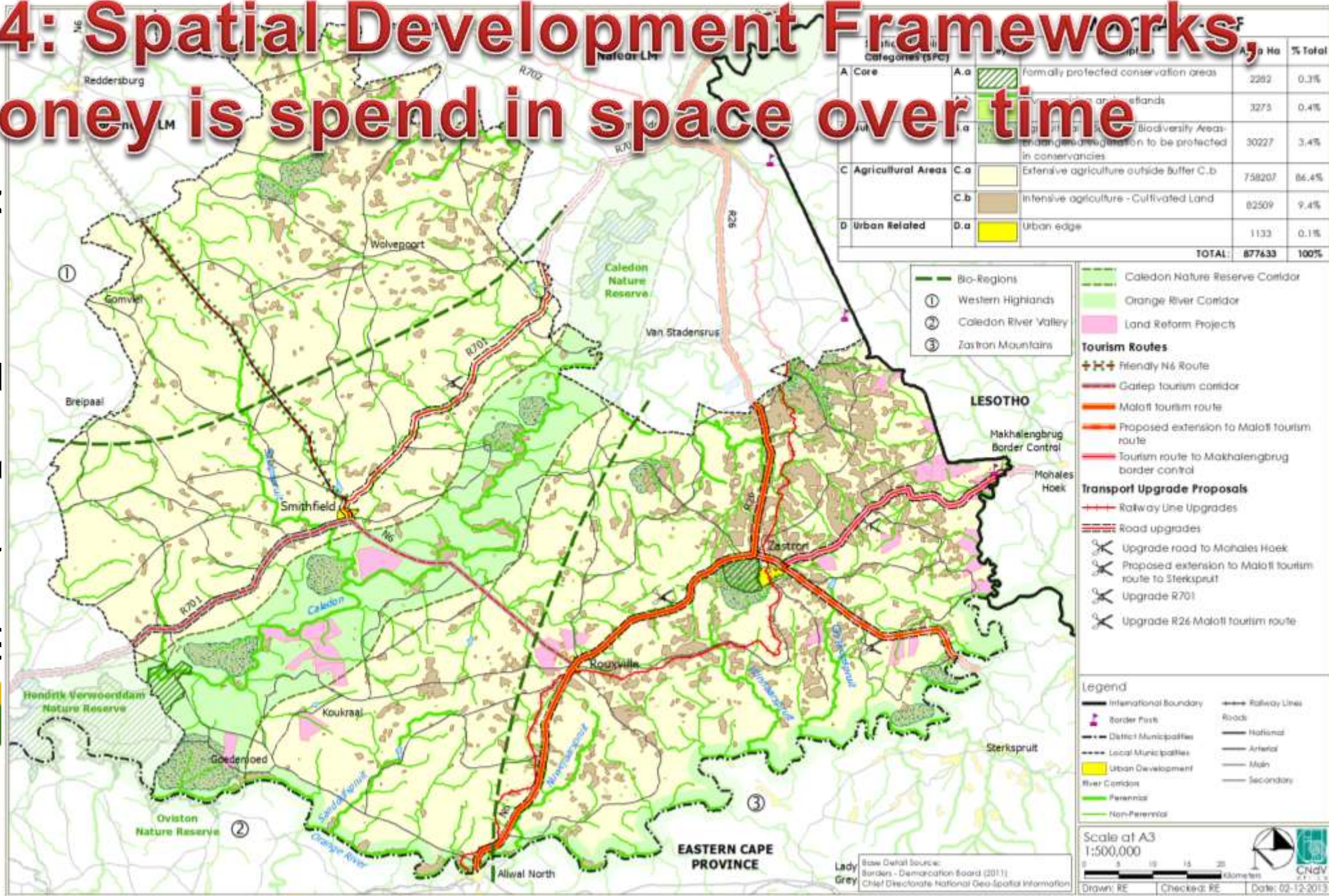


MUNICIPAL

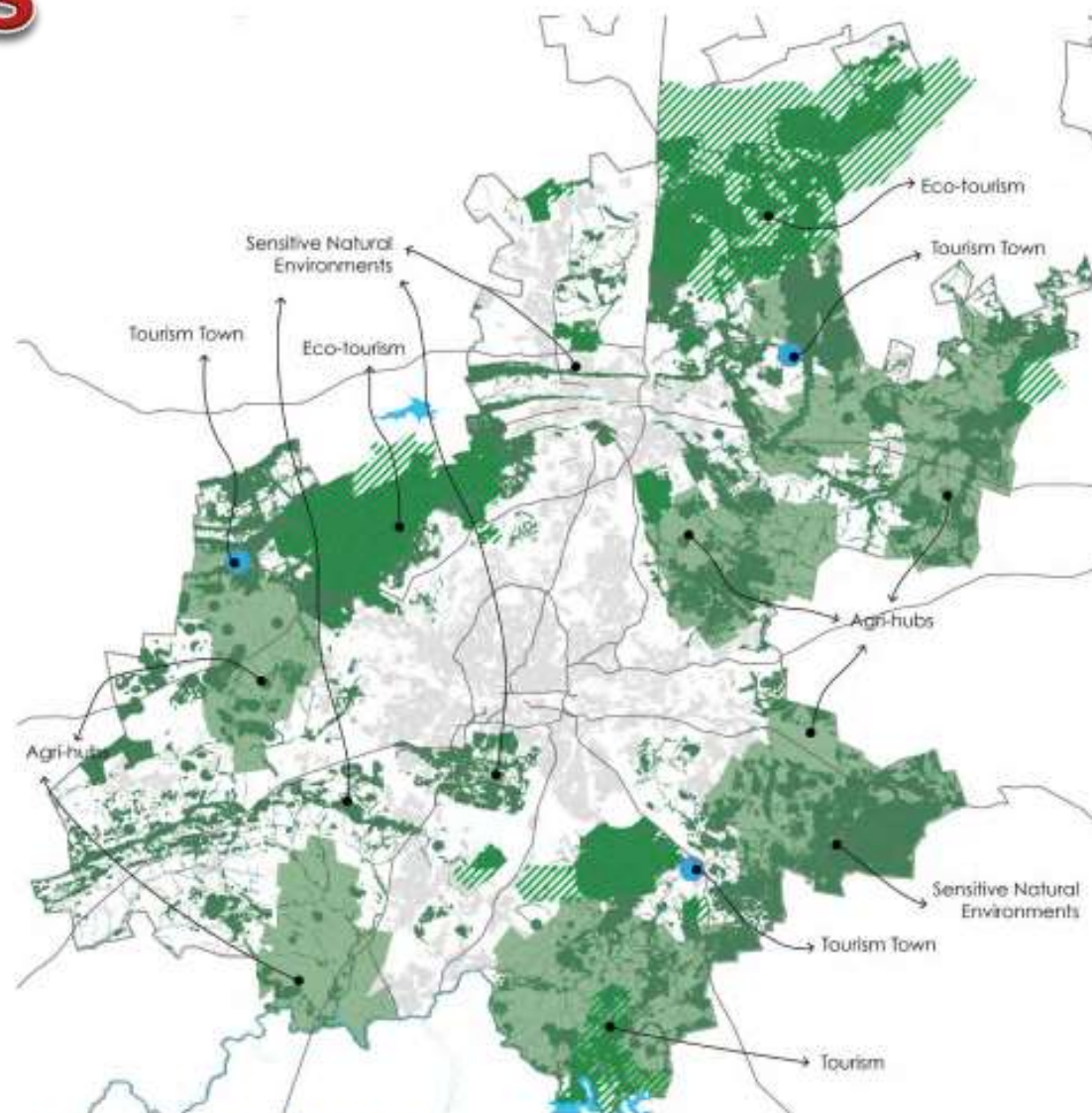


Chapter 4: Spatial Development Frameworks, where money is spend in space over time

- Part of Municipal Development Plan – Space
- sector department
- Advertise into
- Give notice in
- adoption of S



Provincial Spatial Development Frameworks



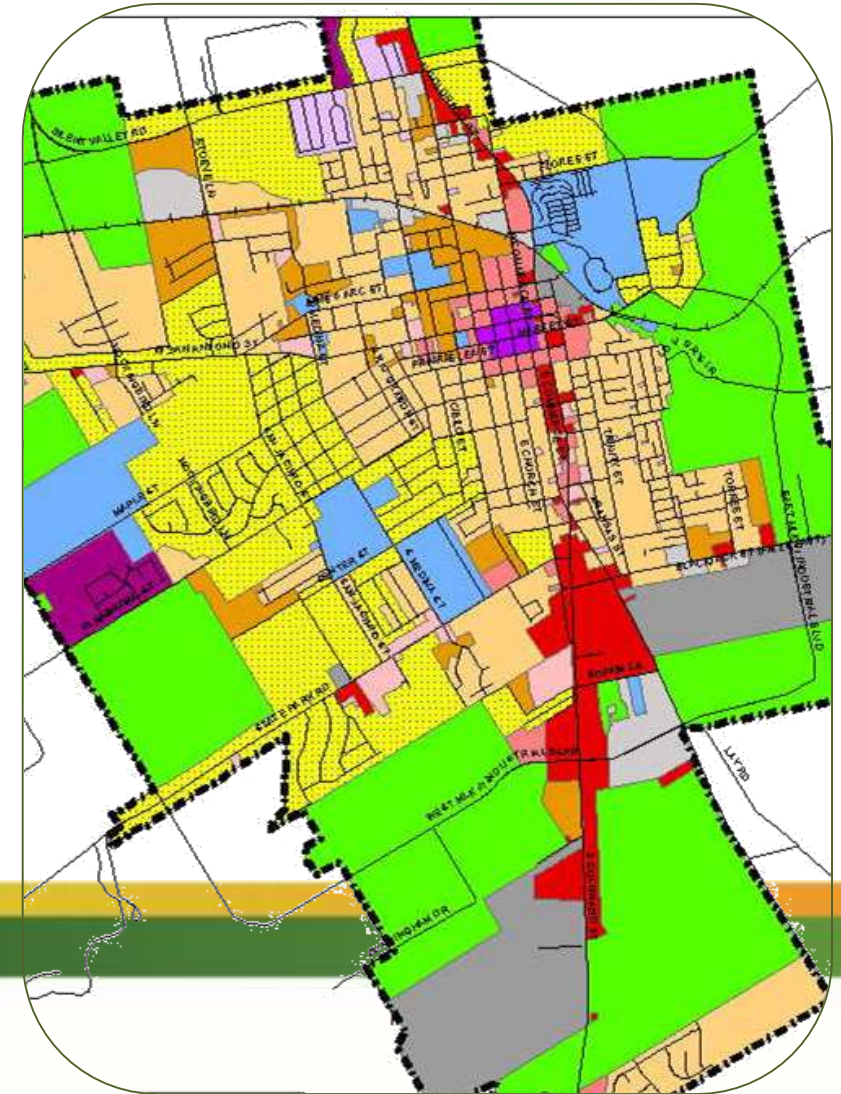
	Environment and Hinterland
Opportunities	<ul style="list-style-type: none"> 36% of the province's high potential agricultural land is located in the City of Tshwane The hinterland holds potential for agricultural and tourism development Towns such as Magaliesburg, Heidelberg and Cullinan present opportunities for tourism development, in particular in conjunction with surrounding eco-tourism opportunities
Challenges	<ul style="list-style-type: none"> Urbanisation has caused a loss and fragmentation of natural habitats Gauteng consumes more food than it is producing and relies heavily on food imports In some areas there is already conflict between urban development and demarcated Agri-hubs Gauteng is located in a water-stressed region with limited natural water resources and relatively low rainfall levels Acid mine drainage poses a major threat to water quality in the province Particulate matter levels frequently exceed national and international air quality standards Connectivity between places in the hinterland is weak The level of ground pollution around many mining and heavy industrial areas are considered to be toxic, which means that these areas will require significant rehabilitation before they can be utilised for redevelopment purposes.

Figure 33: Synthesis - Environment and Hinterland

Chapter 5: Land use management (schemes)

A scheme must

- Have categories of land use zoning for entire municipal area,
- Give effect to the Local SDF
- Provisions that permit the incremental introduction of LUM in all areas



Chapter 6: Land Development Management

- All land development applications must be submitted to a municipality as the authority of first instance.
- Must establish municipal planning tribunals (MPT)
- All applications must be in line with the SDF or the SDF need to be amended first



SPLUMA

Thank you



3 Spheres

One plan



rural development
& land reform
Department
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

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