

SUMMARY OF THE JUDGMENT

NEW BEGINNINGS: SPLUMA

Spatial Planning and Land Use Management Act of 2013

The Spatial Planning and Land Use Management Act of 2013 (SPLUMA) and Western Cape Land Use Planning Act of 2014 (LUPA) both came into operation on 1 July 2015. From a development law point of view, what do these two pieces of legislation look like and how do they link up. In this first of a three-part series, we provide a short summary of SPLUMA. The next articles will provide practical application details flowing from the adoption of these laws.

SPLUMA

The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) came into operation on 1 July 2015. A brief summary follows, by way of overview of this Act.

1. Section 3 of SPLUMA sets out the objects of the Act which include:
 - to provide a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;
 - to ensure that the system of spatial planning and land use management promotes social and economic inclusion;
 - to provide for development principles and norms and standards;
 - to provide for the sustainable and efficient use of land;
 - to provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government; and
 - to redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems.
2. In order to realise these objectives, section 4 of SPLUMA introduces a new spatial planning system for the whole of South Africa. The spatial planning system has the following components:
 - Spatial development frameworks to be prepared and adopted by national, provincial and municipal spheres of government. In terms of section 22, the Municipal Planning Tribunal (or other authority) may not make a decision which is inconsistent with a municipal development framework, although departures may be allowed, in certain circumstances, for site-specific considerations.
 - development principles, norms and standards that are to guide spatial planning,

land use management and land development. Development principles include the principle of spatial justice, spatial sustainability, efficiency, spatial resilience and good administration;

- the management and facilitation of land use (as contemplated in Chapter 5) through the mechanism of land use schemes. All municipalities are required to adopt land use schemes for their entire areas within 5 years after the commencement of SPLUMA ; and
 - procedures and processes for the preparation, submission and consideration of land development applications and related processes as provided for in Chapter 6 and provincial legislation. Included in these provisions is the obligatory establishment of Municipal Planning Tribunals which will generally be tasked with approval and rejection of land use and development applications.
3. Note further that section 51 of SPLUMA provides that where a person's rights are affected by a decision taken by a Municipal Planning Tribunal, such a person may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of notification of the decision which shall then be submitted to the Executive Authority of the Municipality as the appeal authority.
 4. All applications, appeals and other matters in terms of section 15 of the Development Facilitation Act (1995) pending before a tribunal established in terms of that Act at the commencement of SPLUMA, must be continued and disposed of in terms of SPLUMA.
 5. The whole or parts of the following Act have been assigned to the Provinces, and therefore these acts, or parts thereof, are only for the Provinces to repeal.

No. and year of law	Short title
Act No. 84 of 1967	Removal of Restrictions Act
Act No. 88 of 1967	Physical Planning Act
Act No. 113 of 1991	Less Formal Township Establishment Act

6. The following laws have been repealed in their entirety.

No. and year of law	Short title
Act No. 125 of 1991	Physical Planning Act
Act No. 67 of 1995	Development Facilitation Act