Spatial Planning & Land Use Management Act (SPLUMA)

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Overview of SPLUMA

• It’s the new national Act that governs spatial planning and land use management
• It was passed into law in 2013 and will be implemented from the 1st of July 2015
• It repeals a number of previous legislation such as: Removal of Restrictions Act, Development Facilitation Act, Less Formal Township Establishment Act, & the Physical Planning Act
What SPLUMA Provides for:

- It makes municipalities responsible for all land use decisions within their jurisdictions
- Wall to wall Land Use Schemes (formally known as zoning schemes), even over areas of traditional leadership
- Three levels of Spatial Development Frameworks (National, Provincial and Local)
- Municipal Planning Tribunals which will take certain types of land use decisions
Municipal Planning Tribunals

• Composition of Municipal Tribunals:
  – Officials from the municipality
  – Professional Planners
  – Professional Engineers
  – Auditing Professionals
  – Attorneys
  – Environmental Assessment Practitioners
  – Any other person with experience in spatial planning, land use management & land development or law
  – No Councillors
SPLUMA Tools

- National Spatial Development Framework
- SDF Guidelines
- Land Use Scheme Guidelines
- National Land Use Classification System
Implications of SPLUMA for Biodiversity

• As it governs all spatial planning in the country, marine spatial plans will also need to be SPLUMA compliant

• Because municipalities can now remove restrictive title deed conditions, Stewardship Agreements & offsets may be less effective in the long term
Land Use Schemes

• Formally known as zoning schemes
• They are a legal set of documents that consist of:
  – Scheme clauses/regulations
    • Definitions of land use rights (primary & secondary)
    • Definitions of terminology
  – Zoning maps for the municipal area
• Its possible for a property to have split zoning (several uses may be permitted within a use zone with the consent of the municipality, while others may be prohibited)
Split Zoning
Purpose of Land Use Schemes

• The Scheme is a tool to guide and manage development according to the vision, strategies and polices of the IDP & SDF and in the interest of the general public to promote sustainable development and quality of life

• It needs to further promote the following:
  – Economic growth
  – Social inclusion
  – Efficient land development and
  – Minimal impact on public health, the environment and natural resources
Integrating Biodiversity with Land Use Schemes

• The Scheme is binding on all property owners and organs of state and confers real rights on property owners

• The split zoning gives us the opportunity of having the schemes list conservation as a land use in addition to another zone—e.g. Residential and conservation
Special Development Zones (Overlays)

- Special development zones (overlays) include a number of erven which have a special function and include a number of developments tools so as to achieve desired objectives. i.e. Heritage or Conservation

- They must advertised and approved by Council
Land Use Zones vs Land Use Classes

• Land Use Schemes have zones-i.e., residential zones, industrial zones, etc.

• Land use classes-these are actual land uses on the ground-i.e., dwelling house, road, farm, etc.

• You can have multiple land uses within a particular zone but you can’t have multiple land uses in a land use class-there can be no overlap
Questions?