SPLUMA Principles

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**SPLUMA Forum
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Overview of Presentation

- History behind the SPLUMA Principles:

  - ➤ Town Planning Ordinances

  - ➤ DFA Principles

- Unpacking the Principles

- Use of the Principles

Natal Town Planning Ordinance No. 27 of 1949

- Preamble to the Ordinance states:

  "To consolidate and amend the law relating to the establishment of private townships, the sub-division and lay-out of land for building purposes or urban settlement and the preparation and camping out of town planning schemes; and to provide for the other incidental matters."

- Rather bland

- Outside of a scheme area - **Need and Desirability**

Development Facilitation Act No. 67 of 1995

- In the overview of the DFA:
  - "to lay down general principles governing land development throughout the Republic."

- The DFA was developed when the country was divided into Transitional Local Councils and Regional Councils

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DFA Principles

1. Facilitate the **development of** formal and informal, existing and new **settlements**;

2. **Discourage** illegal occupation of land;

3. **Promote** efficient and integrated land development;

4. **Public Participation**;

5. **Capacity Building**;

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DFA Principles

6. Facilitating developer **interaction** with government ;

7. Clear laws, procedures and administrative **practice**;

8. **Sustainable land development**;

9. **Speedy** land development;

DFA Principles

10. land development should be **judged on** its own **merits**. No particular land use is more important than any others;

11. **Security of tenure**;

12. **co-ordination** of the interests of the various sectors involved in or affected by land development to minimise conflicting demands;

13. Promotion of open markets and **competition**.

DFA Principles

With the DFA, it had so many diverse principles, that often development applications would chose one or two and show how their application fitted into them.

KZN PDA, No. 6 of 2008 Principles

PDA requires "**for the purposes of determining the merits of a proposal**" for the development or amendment of schemes, developments inside and outside of a scheme, permanent closure of municipal roads or public places, layouts, land restrictions, to use "**the general principles for land development as stated in section 3 of the Development Facilitation Act, 1995 (No. 67 of 1995)**"

SPLUMA No. 16 of 2013

- The Act has 5 Principles
- The SPLUMA Regulations do not expand on the Principles

SPLUMA Principles

- **Spatial Justice**

- **Spatial Sustainability**

- **Efficiency**

- **Spatial Resilience**

- **Good Administration**

SPLUMA Principles

- **Not all principles are unpacked to the same level of detail in SPLUMA**.

  – e.g. the principle of spatial resilience is not unpacked in any specific detail as such it will be difficult to take guidance from this principle or to assess if this principle has been adhered to

- **Principles contain both process and content issues**.

  – Some issues are at the level of outcomes, while others describe the desired characteristics of processes

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SPLUMA Principles

- **No order of preference or ranking** is provided for the principles to allow for the principles to be prioritised against each other, or against a specific outcome.

- The value of the principles as a transformation lever is **dependant on the principles inclusion in all planning processes and mechanisms in all sectors**. The principles are in general not contentious or "new" in terms of content and are aligned to current policies, e.g. the NDP.

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DEVELOPMENT PRINCIPLES

- **Integrated approach** to land use and **land development**
- Departmental **sector inputs provided** and prescribed requirements complied with during **SDF preparation**
- **Requirements of law** must be met timeously
- **Transparent processes** of public participation in all planning aspects

Optimises use of **existing resources** and infrastructure;

Flexibility accommodated in spatial plans, policies and land use management systems to **ensure sustainable livelihoods** in communities **most likely to suffer** the impacts of economic and environmental shocks

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Spatial Justice

- Land Reform (District 6 in Cape Town; Zanzibar in eThekwini)

- Various housing models developed by the state – low cost, rental

- Schedule 7 in the Bylaws

- JokaJoe informal settlement in Msunduzi

- Redevelopment of Harry Gwala stadium in Msunduzi

Spatial Sustainability

- Cost effective development – can the Municipality and the people afford what is being provided.

- Protecting agricultural land for food security;

- Environmental – DMOSS system in eThekwini

- The 2010 World Cup stadiums – can we make them affordable and not a burden on Municipalities.

Spatial Sustainability

- CBD revitalisation programme of government to provide financial assistance to land owners to upgrade/redevelop their site.

Efficiency

1. Densification of settlements – building walk-up flats to optimise the use of the land;

2. Good decisions by AO and MPT; and,

3. SPLUMA Bylaw timelines are kept by using an tracking system to monitor each stage.

Efficiency

- **Densification** of sections of residential areas near UKZN in Pietermaritzburg via zoning a portion of the residential area to allow for higher density housing options to provide appropriate accommodation for students and new graduates in the workplace.

Spatial Resilience

Environmental and Economic

- being the reduction of vulnerability to environmental degradation, resource scarcity and climatic shocks. Ecological systems should be protected and replenished. This should include the development and planning of human settlements in such a manner that they are more resilient to climate change impacts.

Spatial Resilience

- Ladysmith dam to deal with flooding;

- Colenso Industrial land never taken up; and,

- Storm damage to Amanzimtoti coastal tourism area.

- DEFINITION: Resilience is the capacity and ability of a community to withstand stress, survive, adapt, bounce back from a crisis or disaster and rapidly move on (Carpenter et al. 2012 p. 3249).

Good Administration

- An example of bad governance is often highlighted and exposed by the media;

- eThekwini has some great examples of good governance within the confines of dealing with the stress of large in-migration;

- The process of dealing with Development Applications and running the process from lodgement to decision making by MPTs and Authorised Officers and Appeal process within time lines and free of untoward influence;

Good Administration

- all government departments must provide their sector inputs – e.g. Housing Sector Plans; Rural Development Plans;

- transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them – the Constitutional Court ruling on the Land Claims Amendment Act because of lack of public participation.

Thank You
Dankie
Siyabonga

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