



In this Issue

- ◆ SACPLAN Establishes a LinkedIn Group
- ◆ Spatial Planning and Land Use Management reform: emerging priorities and issues
- ◆ Know your Council Members
- ◆ Vacancies Advertised
- ◆ Call for Articles

By Michael Kihato (SA Cities Network)

Please remember to update your contact details

MESSAGE FROM THE CEO

Within this second issue of the SACPLAN Bulletin Michael Kihato from the South African Cities Network discuss some of the work of the South African Cities Network (SACN) in conjunction with the Department for Cooperative Governance and Traditional African Affairs (CoGTA) and the South African Local Government Association (SALGA) pertaining to Spatial Planning and Land Use Management reform. **See article on pages 2 and 3 of this Bulletin.**

SACPLAN has also established a Group on LinkedIn. You will be receiving an email of invitation to joint this group. You are urge to joint this group.

SACPLAN is further in a process to update its Database and you would have received a **Schedule of Personal Details** form. You are requested to check your details on this

SACPLAN VISION

To pioneer the founding spirit of innovation in the facilitation of sustainable and inclusive development in the planning profession

Editorial

form and to return the form even if there are no changes to the information. Please also inform your colleagues of this. If they have not received a copy of such a form with their Personal details, they should contact SACPLAN .

SACPLAN Establishes a LinkedIn Group

The SACPLAN has established a LinkedIn group. This Group is meant for and aimed at professional networking amongst registered planners, to serve as a discussion forum, to facilitate the sharing of experiences, views and opinions between young as well as mature professionals, and to serve as a platform for the seeking of advice. This is a place where Planners can link up with possible mentors.

Features of this LinkedIn Group include:

- General discussions
- News Updates: Planning project updates / information
- Jobs / Placements: For putting any potential jobs / positions for members
- Mentorships: Forum for voluntary mentors helping students and members.
- Research: Discussion regarding research themes.

This Group is open to Professional, Technical and Candidate Planners registered with SACPLAN. ●

SACPLAN Motto

Reinvent Planning, Changing Lives

Spatial Planning and Land Use Management reform: emerging priorities and issues

By Michael Kihato (SA Cities Network)

Before 1994, the power to make planning laws rested with the four provinces, the former TBVC independent home-

lands and the 'self-governing territories' (The former four provinces were the Transvaal, Orange Free State, Natal and the Cape Province; the TBVC homelands were Transkei, Bophuthatswana, Venda and Ciskei; and the self-governing territories were KwaZulu, Qwa-Qwa, Kwandebele,

Lebowa and Gazankulu). As it stands, most of this legislation is in the statute books, and it has long been noted, it is outdated and overdue for reform, inappropriate, complex and inefficient. Planning legislation in South Africa was also historically developed as a sub-set of laws that were geared towards apartheid social engineering, and this legislative DNA persists in many of these laws. There has also been a recent indictment on another appendage of planning legislation, that is, the Development Facilitation Act (While this is national law, its main effect with regard to planning level is at provincial level, through its Provincial Planning Tribunals.). This law was declared by the Constitutional Court (the DFA judgment) as incompatible with the municipal planning functions of local government countrywide, in as far as, through its development tribunals, it adjudicated on planning matters (City of Johannesburg Metropolitan Municipality vs Gauteng Development Tribunal and Others (CC) Case CCT 89/09).

There has been a renewed impetus to change this state of affairs and hasten the creation of an overarching national land use management legislative framework (the Spatial Planning and Land Use Management Bill or SPLUMB), especially given the DFA judgment. The South African Cities Network (SACN) in conjunction with the Department for Cooperative Governance and Traditional African Affairs (CoGTA) and the South African Local Government Association (SALGA) are involved in a process of among others understanding the effects of this legislative status quo, as well as assisting

municipalities and provinces engage with the SPLUMB creation process and set a framework on what provincial legislation should be like going forward.

The latest interactions with municipal practitioners have provided a number of useful insights in this regard. The following are some highlights (Thanks to the team comprising of Gemey Abrahams and Stephen Berrisford for compiling these):

A clearer role for provinces on planning and land use management issues needs to be developed

The DFA judgment has laid the foundations of what should be a progressive process of developing the law around planning and land use management. There are a number of outstanding areas that need to be dealt with going forward. These include a clearer definition of what provincial planning is in the context of Schedules 4 and 5 of the Constitution. There should also be greater exploration of the manner planning and land use appeals should be dealt with at a municipal level. This is especially given the considerable opposition to the current ongoing existence of provincial appeal structures such as the Townships Board and the Services Appeal Board. Finally, the clearer definition of 'municipal planning' that has been established in the DFA judgment means that less capacitated municipalities need to be supported before they are able to undertake these functions themselves.

There is a need for greater elaboration on the role of the Spatial Development Framework in relation to the Integrated Development Plan (IDP)

A number of priority areas going forward in relation to strategic spatial planning at local level are emerging. The SPLUMB

should clearly describe and set out the relationships between each of the planning and land use instruments that are currently associated with municipal planning. There should also be greater clarification of the relationship between new planning legislation and the existing provisions dealing with municipal planning in the Municipal Systems Act, including clearer guidance on the content of SDFs and their status.

Enhancing planning capacity in many municipalities is key

In the light of the DFA judgment, it is important that implications on the capacity of municipalities to carry out these newly defined planning functions are understood. Further, the role of provincial and national government in supporting and enhancing these functions is critical. Practical ways need to be investigated to support capacity building for small municipalities, including collaboration with planning bodies and shared service models.

Multiple sectoral legislative requirements need to be dealt with to speed up decision-making

There is a fine mesh of regulations that govern the development of land in South Africa. These span a number of sectoral areas, are governed by different laws and regulations administered by different institutions and organs of state, and operate within different spheres of government. Spatial planning and land use laws are only one of these, and they include environmental, heritage, minerals and natural resources and others. Concerns were raised that this multiplicity of laws create legal conflicts, time delays, and cause greater expense for applicants. While this clearly is not an area that can be dealt with solely at spatial planning level, and requires a broader intergovernmental approach, some key ingredients can be infused in spatial planning and land use legislation to mitigate the effects of this state of affairs. New legislation at both national as well as provincial level should

stipulate maximum time periods within which applications should be dealt with. Further, another useful rule would be that only completed applications should be accepted by the municipality, provided that the law also clarifies exactly what constitutes a complete application. Finally, there needs to be better co-ordination of all sectoral requirements in a development application and if new legislation cannot prescribe other sectoral requirements, then it should address ways to administratively streamline all requirements.

Creating sets of development criteria

The DFA guidance principles played a positive role in allowing for development guided by certain important principles. It is however necessary for different levels of assessment criteria to ensure that any broad national principles are not applied in a fickle way and changed arbitrarily to suit the needs of a particular applicant in a particular application. The City of Johannesburg's Indices for Sustainable Human Settlements are seen as a good model that could be replicated and can be usefully promoted via national or provincial legislation. Going forward, national and provincial planning legislation should stipulate the criteria against which decisions are made.

Greater enforcement of land use management regulation

There is emerging agreement that planning regulation, compliance and enforcement needs more attention in all municipalities. While much depends on resources, there are increasing numbers of developments that are not compliant and even some authorities do not comply with their own rules. Going forward, it was suggested that National and Provincial legislation must give more 'teeth' to planning enforcement.'

The process of engagement and interac-

tion with provincial and municipal authorities continues and is sure to produce increasingly more information on what is important for spatial and land use management legislation going forward. ●

KNOW YOUR COUNCIL MEMBERS



TSHISAMPHIRI MADIMA
Deputy Chairperson SACPLAN

Mr Madima completed the Bachelor of Arts and a University Education Diploma from the University of the North, a Master of Science, Urban & Regional Planning from the Natal University with a Thesis entitled Citizen Participation in Planning, and a Master of Science, Engineering Business Management from the University of Warwick in the United Kingdom with the Thesis entitled Risk Management in Social Housing. Mr Madima also completed a number of Post Graduate course.

Mr Madima was employed as a Town & Regional Planner, Senior Town and Regional Planner and Deputy Director: Planning in the Venda Government. He also held the positions of Director Planning – Northern Province Dept. of Land, Housing and Local Government, Director: Professional Services – Northern Province Department of Housing and Water Affairs, Director: Housing Administration Northern Province, Department of Housing and Local Government, Director Corporate Services – Northern Province, Department of Local Government and Housing, and Director: Devel-

opment Planning- Department of Local Government and Housing, Limpopo Province. He currently is the Managing Member of Khirisha Professional Services Consultant and Tshiongolwe Development Planning Consultants.

His experience are in the Compilation of LUMS, IDP's and SDF's, Compilation of Business Plans, Development Planning, Formulation and Implementation of Strategic Plans, Housing Development, Local Government and Governance, Compilation of LED Plans, and Township Development.

Mr Madima is a member of DPSA. He was the first chair of DPSA. Mr Madima is also a member of SAPI and was also a SAPI Board Member. He is currently the Deputy Chairperson of the SACPLAN Council. ●

VACANCIES ADVERTISED

A CAREER OPPORTUNITY FOR A QUALIFIED TOWN AND REGIONAL PLANNER

Applications are invited from suitably qualified persons to join Akanya Development Solutions. Akanya is a planning and development consulting firm in Centurion (Tshwane).

CLOSING DATE:

06 May 2011

Please access the SACPLAN Website under "Latest News" for a copy of the Advert.

The following Adverts were published in the Sunday Times —Business Times of 24 April 2011:

NEWCASTLE MUNICIPALITY

- Manager: Land Use Management
- Assistant Town Planner (Lums)
- Assistant Town Planner (Spatial Planning)

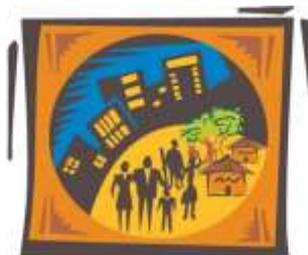
The closing date were indicated as 13 May 2011. ●

FOR YOUR REGISTRATION FORMS VISIT WWW.SACPLAN.ORG.ZA

CALL FOR ARTICLES

SACPLAN Bulletin urge all registered persons to contribute to this newsletter and share interesting news, dates, facts, happenings, projects, etc. regarding planning and development issues.

SACPLAN Bulletin is an electronic newsletter that will be distributed on a bi-monthly basis to registered persons who's information on our Database is up to date.



The South African
Council *for* Planners
S A C P L A N

For Contributions to the SACPLAN Bulletin

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The individual opinions raised within the electronic newsletter is not that of SACPLAN or its Council Members.