

TABLE 1: PLANNING PRINCIPLES

LUPA	SPLUMA
<p>Land Use Planning Principles</p> <p>59. (1) Land use planning is guided by the following principles of <b>spatial justice</b>:</p> <ul style="list-style-type: none"> <li>a) <b>past spatial and other development</b> imbalances should be redressed through improved access to, and utilization of, land;</li> <li>b) <b>spatial development frameworks and policy at all spheres of government</b> should address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements and areas characterized by widespread poverty and deprivation;</li> <li>c) <b>spatial planning mechanisms, including zoning schemes</b>, should incorporate provisions that enable redress in access to land by disadvantaged communities and persons;</li> <li>d) <b>land use management systems</b> should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements;</li> <li>e) <b>land development procedures</b> must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas;</li> <li>f) <b>a competent authority contemplated</b> in this act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application; and</li> <li>g) the right of owners to develop land in accordance with current use rights should be recognized.</li> </ul>	<p>Development Principles</p> <p>18. The following principles apply to spatial planning, land development and land use management:</p> <ul style="list-style-type: none"> <li>(a) The principle of <b>spatial justice</b>, <ul style="list-style-type: none"> <li>• (i) <b>past spatial and other development</b> imbalances must be redressed through improved access to and use of land;</li> <li>• (ii) <b>spatial development frameworks and policies at all spheres of government</b> must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterized by widespread poverty and deprivation;</li> <li>• (iii) <b>spatial planning mechanisms, including land use schemes</b>, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;</li> <li>• (iv) <b>land use management systems must</b> include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;</li> <li>• (v) <b>land development procedures</b> must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and</li> <li>• (vi) <b>Municipal Planning Tribunal</b> considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application;</li> </ul> </li> </ul>

(2) Land use planning is guided by the following **principles of spatial sustainability**:

**(a) land use planning should—**

(i) **promote land development** that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this act or other relevant authority;

(ii) **ensure that special consideration** is given to the protection of prime, unique and high potential agricultural land;

(iii) **uphold consistency of land use** measures in accordance with environmental management instruments;

(iv) **promote and stimulate the effective** and equitable functioning of land markets;

(v) **consider all current and future costs to all parties** for the provision of infrastructure and social services in land developments;

(vi) **promote land development** in locations that are sustainable and limit urban sprawl;

(vii) **result in communities** that are viable; and

(viii) strive to ensure that the basic needs of all citizens are met in an affordable way;

**(b) the sustained protection of the environment should be ensured by having regard to the following:**

(i) natural habitat, ecological corridors and areas with high biodiversity importance;

(ii) the provincial heritage and tourism resources;

(iii) areas unsuitable for development, including flood plains, steep slopes, wetlands and areas with a high water table and landscapes and natural features of cultural significance; and

(iv) the economic potential of the relevant area or region;

**(c) climate change adaptation and climate change mitigation strategies should be developed and considered in land use planning;**

**(d) the provision and conservation of, and the management of the demand for, energy should be considered in land use planning;**

(b) the principle of **spatial sustainability**, whereby spatial planning and land use management systems must—

(i) **promote land development** that is within the fiscal, institutional and administrative means of the Republic;

(ii) **ensure that special consideration** is given to the protection of prime and unique agricultural land;

(iii) **uphold consistency of land use measures** in accordance with environmental management instruments;

(iv) **promote and stimulate the effective** and equitable functioning of land markets;

(v) **consider all current and future costs to all parties** for the provision of infrastructure and social services in land developments;

(vi) **promote land development** in locations that are sustainable and limit urban sprawl; and

(vii) **result in communities** that are viable;

<p>(e) the safe utilisation of land should be ensured by taking into consideration factors such as sea-level rise, storm surges, flooding, fire hazards and geological formations;</p> <p>(f) the illegal occupation of land should be discouraged with due recognition of informal land development practices; and</p> <p>(g) development should be principle- driven and should prioritize long-term social, economic and environmental benefits overs short-term benefits.</p>	
<p>(3) Land use planning is guided by the following <b>principles of efficiency</b>:</p> <p>(a) <b>land development should optimize</b> the use of existing resources, infrastructure, agriculture, land, minerals and facilities;</p> <p>(b) integrated cities and towns should be developed, whereby—</p> <p>(i) the social, economic, institutional and physical aspects of land development is integrated;</p> <p>(ii) land development in rural and urban areas in support of each other is promoted;</p> <p>(iii) the availability of residential and employment opportunities in close proximity to, or integrated with, each other is promoted;</p> <p>(iv) a diverse combination of land uses is promoted;</p> <p>(v) the phenomenon of urban sprawl in urban areas is discouraged and the development of more compact towns and cities with denser habitation is promoted;</p> <p>(vi) historically distorted spatial patterns of settlement are corrected; and</p> <p>(vii) the quality and functionality of the public spatial environment is promoted; and</p> <p>(c) <b>policy, administrative practice and legislation should promote speedy land development.</b></p>	<p>(c) the <b>principle of efficiency</b>, whereby—</p> <p>(i) <b>land development optimizes</b> the use of existing resources and infrastructure;</p> <p>(ii) decision-making procedures are designed to minimize negative financial, social, economic or environmental impacts; and</p> <p>(iii) <b>development application procedures are efficient and streamlined and timeframes are adhered to by all parties</b>;</p>
<p>(5) Land use planning is guided by the principle of spatial resilience, whereby flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks.</p>	<p>(d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks; and</p>

(4) Land use planning is guided by the following principles of **good administration**:

(a) **all spheres of government** should ensure an integrated approach to land use planning;

(b) **all government departments** must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks;

(c) **the requirements of any law** relating to land development and land use must be met timeously;

(d) **the preparation and amendment** of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them;

(e) **legislation, procedures and administrative practice** relating to land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public;

(f) a spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority;

(g) decision-making procedures should be designed to minimize negative financial, social, economic or environmental impacts;

(h) development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties; and

(i) decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.

(e) the principle of **good administration**, whereby

(i) **all spheres of government** ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this act;

(ii) **all government departments** must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;

(iii) **the requirements of any law** relating to land development and land use are met timeously

(iv) **the preparation and amendment** of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and

(v) **policies, legislation and procedures** must be clearly set in order to inform and empower members of the public.

(6) The Provincial Minister **may prescribe further land use planning principles.**

(7) The Provincial Minister must, before prescribing principles under subsection

(6)—

(a) publish the draft principles in the media in a manner that allows municipalities and other interested persons an opportunity to submit comments on the draft principles; and

(b) consider the comments submitted in terms of paragraph (a).

8. (1) The Minister must, after consultation with organs of state in the provincial and local spheres of government, **prescribe norms and standards for land use management and land development** that are consistent with this Act, the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), and the Intergovernmental Relations Framework Act.0

(2) The norms and standards must—

(a) reflect the national policy, national policy priorities and programs relating to land use management and land development;

(b) promote social inclusion, spatial equity, desirable settlement patterns, rural revitalization, urban regeneration and sustainable development;

(c) ensure that land development and land use management processes, including applications, procedures and timeframes are efficient and effective;

(d) include—

(i) a report on and an analysis of existing land use patterns;

(ii) a framework for desired land use patterns;

(iii) the requirements of any law relating to land development and land use are met timeously

(iv) mechanisms for identifying strategically located vacant or underutilized land and for providing access to and the use of such land;

(e) standardize the symbology of all maps and diagrams at an appropriate scale; 25

(f) differentiate between geographic areas, types of land use and development needs; and

(g) provide for the effective monitoring and evaluation of compliance with and enforcement of this act.

(3) The Minister may, in consultation with or at the request of another Minister 30 responsible for a related land development or land use function and after public consultation, prescribe norms and standards to guide the related sectoral land development or land use.