



CIRCULAR: EADP 0029/2014

ALL MAYORS, MUNICIPAL MANAGERS AND CHIEF TOWN PLANNERS, ALL WESTERN CAPE PROVINCIAL HEADS OF DEPARTMENT, SALGA, SAPI, SACPLAN, AND ALL ORGANISATIONS AND PRIVATE-SECTOR BODIES INVOLVED IN THE SPATIAL AND LAND USE PLANNING SECTOR IN THE WESTERN CAPE

THE APPROVAL OF THE WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK, 2014; AND THE PUBLICATION OF THE REWORKED DRAFT REGULATIONS IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) (SPLUMA)

1. PURPOSE

- 1.1. The purpose of this External Circular is to inform all officials, private sector bodies and other role-players involved in spatial and land use planning in the Western Cape of:
- a. The approval of the Western Cape Provincial Spatial Development Framework, 2014; and
 - b. the publication of the regulations in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA).

2. PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK

- 2.1. On 31 March 2014, Minister Anton Bredell approved the Western Cape Provincial Spatial Development Framework (PSDF) as a Structure Plan, in terms of Section 4(6) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO). This approval is reflected in Provincial Notice 127/2014 and appeared in the Government Gazette 7263 on 9 May 2014.
- 2.2. The PSDF approved in terms of LUPO in 2009 under Provincial Notice 236/2009 in Provincial Gazette 6641 of 10 July 2010 is hereby replaced by the PSDF 2014.
- 2.3. The PSDF seeks to improve the effectiveness of public investment in the Western Cape by:

- a. Adopting credible spatial planning principles to underpin all capital investment programmes;
 - b. Spatially targeting and aligning the various investment programmes; and
 - c. Opening-up opportunities for community and business development in targeted areas.
- 2.4. As the PSDF serves to guide the location and form of public investment in the Western Cape, the public sector is a key user of the PSDF. While Provincial Government cannot dictate where other institutions must invest, the PSDF should influence the investment decisions taken by National, Provincial, and Municipal Government and State Owned Enterprises, by establishing a coherent and logical spatial investment framework.
- 2.5. The following four specialist studies were completed as part of the 2014 PSDF:
- a. Growth Potential Study, 2014;
 - b. Heritage and Scenic Resources: Inventory and Policy Framework for the Western Cape, 2013;
 - c. Impact of Commercial and Office Decentralisation, 2014; and
 - d. Municipal Financial Sustainability of Current Spatial Growth Patterns, 2013.
- 2.6. The 2014 PSDF report, as well as the specialist studies, are available on the departmental website www.eadp-westerncape.gov.za/your-resource-library/policies-guidelines
- 2.7. The Department of Environmental Affairs and Development Planning (the Department) is focusing on developing the regional spatial plans as included in the 2014 PSDF. The first two such plans that will be developed, are the Saldanha Bay Regional Spatial Plan and the Cape Town Functional Region Plan.

3. FIRST DRAFT SPLUMA REGULATIONS PUBLISHED

- 3.1. The National Minister of Rural Development and Land Reform (DRDLR) published the proposed draft regulations in terms of SPLUMA on 4 July 2014. Due to various requests for an extension of the comment period, the DRDLR republished the proposed draft regulations on 10 October 2014 for a further 30 days.
- 3.2. The Western Cape Government (WCG) submitted comprehensive comment during the first comment period (dated 2 September 2014). During the second comment period the Department submitted an email (dated 7 November 2014) indicating that the original comments remained relevant.
- 3.3. The WCG draft comments were circulated as part of Departmental Circular 0023/2014 and the final, signed comments were circulated via email on 3 September 2014.
- 3.4. As indicated in Departmental Circular 0026/2014, the DRDLR established the National Working Group (NWG) to work through the comments received and propose a way forward for the proposed SPLUMA regulations. The NWG consists of representatives from each Province, SALGA, SACPLAN, SAPI, SACPP, academic institutions and certain National Sector

Departments amongst others. The Western Cape Province has five representatives on the NWG.

- 3.5. The NWG has been working extremely hard on reworking the proposed regulations based on the comments received. The culmination of this work is the publication of the reworked draft SPLUMA regulations.

4. PUBLISHING OF THE REWORKED DRAFT SPLUMA REGULATIONS

- 4.1. On 12 December 2014, the reworked draft SPLUMA Regulations was published by the DRDLR for public comment (Public Notice 1144 of 2014 refer to attached). The closing date for comments is **23 January 2015**.
- 4.2. The reworked draft SPLUMA Regulations are considerably different from those published earlier this year. While this illustrates a move in the right direction, the Department remains concerned with regards to some sections. As such, the Department will be submitting comment and would like to urge all our partners to do the same.
- 4.3. The DRDLR Western Cape office will be holding a series of workshops early next year to engage with municipalities on the reworked draft SPLUMA Regulations. The purpose of these workshops will be to garner comment from municipalities on the reworked draft SPLUMA regulations.
- 4.4. While the DRDLR: WC will be issuing formal invitations shortly, the unconfirmed dates are as follows:

19 January 2015:	West Coast Municipalities - venue in Piketberg to be confirmed Overberg Municipalities – venue in Hermanus to be confirmed
20 January 2015:	Eden & Central Karoo Municipalities – venue in Oudtshoorn to be confirmed Cape Winelands & Central Karoo Municipalities and the City of Cape Town – venue in Worcester to be confirmed
21 January 2015:	Sector Departments, the City of Cape Town and Parastatals – venue in Cape Town to be confirmed
- 4.5. The WCG will be accompanying the DRDLR:WC on these visits and we urge our municipal partners to attend these sessions if possible.

5. CONCLUSION

- 5.1. Once again, the Department welcomes the collaborative approach adopted by the DRDLR to finalise the SPLUMA Regulations. The Department would like to specifically thank the Western Cape Province's representatives on the NWG for their involvement and commitment to the finalisation of the SPLUMA Regulations.

- 5.2. The Department would also like to thank all our partners for working closely with us as we continue to move towards the finalisation of the SPLUMA Regulations and ultimately the implementation of SPLUMA as the enabling framework legislation.
- 5.3. During DRDLR:WC workshops scheduled for January 2015, the Department will present its plan for 2015. This will set out what needs to be achieved in order to ready the Western Cape for the implementation of the National and Provincial legislation.
- 5.4. We trust that all those taking leave will return from their holidays refreshed and ready for the work ahead in 2015.

Best wishes



HEAD OF DEPARTMENT

DATE: 18.12.2014