

# The alignment between spatial planning, transportation planning and environmental management within the new spatial systems in South Africa

Carel Schoeman

*Peer reviewed and revised*

## Abstract

The debate and discourse for the need to integrate spatial planning, transportation planning and environmental management strategically, functionally and operationally is ongoing since the early 1990s. This includes the articulation of the planning instruments used by the professionals within these functional fields and the way in which it is coordinated and applied as to enhance planning, development and delivery in an integrated fashion.

With the approval of the Spatial Planning and Land Use Management Act (SPLUMA) (Act 16 of 2013) and the SPLUMA Regulations (23 March, 2015), the last bastion of spatial and statutory planning legislation reform from the previous political dispensation within municipalities was transformed (RSA, 2013, 2015). Although this process is still being concluded at provincial and municipal levels of government by formulating its own new transformation structures, guidelines, policies and regulations, the question remains as to whether the disjointedness in municipalities and lack of alignment between spheres of government of the past will be addressed efficiently and effectively on strategic, functional (planning) and operational levels within the new policy and legislative provisions and frameworks underpinning improved alignment processes within the new spatial systems in South Africa?

**Keywords:** Integrated planning, spatial planning, transportation planning, environmental management, transformation processes

## Die belyning tussen ruimtelike beplanning, vervoerbeplanning en omgewingsbestuur binne die nuwe ruimtelike stelsels in Suid-Afrika

Die debat en diskoers vir die behoefte om ruimtelike beplanning, vervoerbeplanning en omgewingsbestuur strategies, funksioneel en operasioneel te integreer, word reeds sedert die vroeë 1990's gevoer. Dit sluit in die artikulering van die beplanninginstrumente wat deur professionele persone wat in hierdie funksionele velde werksaam is, gebruik word en in besonder die wyse waarop dit gebruik word om beplanning en ontwikkeling op 'n geïntegreerde wyse te bevorder.

Met die afkondiging van die Ruimtelike Beplanning en Grondgebruikbestuurswet (SPLUMA of RBGB) (Wet 16 van 2013) asook die Regulasies (23 Maart 2015) is die laaste bastion van ruimtelike en statutêre beplanning in munisipaliteite wat uit die vorige politieke bedelings dateer, getransformeer. Alhoewel die voltooiing van hierdie proses steeds binne die provinsiale en munisipale sferes van regering (wat transformasie betref) in proses is wat riglyne, beleid en regulasies betref, is die vraag of die ongekoördineerde belyning van die verlede uit 'n strategiese, funksionele (beplanning) en operasionele vlak nou meer doelmatig en effektief binne die nuwe beleids- en wetgewende raamwerk en ondersteunende prosesse aangespreek sal word?

**Sleutelwoorde:** Geïntegreerde beplanning, ruimtelike beplanning, vervoerbeplanning, omgewingsbestuur, transformasieprosesse

## 1. BACKGROUND AND PURPOSE

Spatial planning and its alignment and interface with transportation planning and environmental management form the focal point in attaining and promoting sustainable planning and development. The issue of misalignment between various levels of government in South Africa dates back to 1910 during the formation of the Union of South Africa. However, since democratization in 1994 and the promulgation of the Constitution of South Africa (Act 108 of 1996), resulting in the establishment of three distinct spheres of government, the lack of alignment and integration became more prevalent. In order to understand the context of the article, one should consider what is implied by the concept of '*alignment*'. From a government and planning perspective, '*alignment*' includes the articulation and optimisation of goals and objectives inclusive of communication, involvement, engagement processes, support, capacity-building, outcomes, monitoring, application of instruments and delivery, as contained in different policies and legislation across all levels of government. '*Integration*' refers to processes and methodological approaches and procedures followed in planning processes through application of specific instruments and/or planning tools. *Alignment* and *integration* are often used inter-changeably.

The dilemma of alignment and integration, or the lack thereof, was also experienced in planning processes during previous political dispensations. The best example

from international practice relates to the approach to assess integration in Europe of policy and research. On this topic, Geerlings & Stead (2003: 187-196) identified 'policy' integration to include the following:

- Vertical integration: integration between different levels of government.
- Horizontal integration: integration between sectors or professions in one organization.
- Inter-territorial integration: integration between neighbouring authorities or authorities with a shared interest in infrastructure or resources.
- Intra-sectoral integration: integration between different sections or professions.

Stead, Geerlings & Meijers (2003) identified the following hierarchical foci in dealing with an approach towards integration: co-operation at the lowest level consisting of dialogue and information; co-ordination, coherence and consistency with emphasis on transparency; integration and joined-up policy approaches inclusive of dialogue and avoiding of conflicts. These are supported by interorganizational coordination; interorganizational collaboration; intergovernmental management and network management (Geerlings & Stead, 2003: 188).

In essence, many of these concepts are (or supposed to be) present in the Integrated Development Plan (IDP) and environmental management processes and practices, although the realization of optimal alignment and integration in 2015 in South Africa is still to be attained. May, Jopson & Matthews (2003: 159) also addressed the issues of integration of policy instruments as a challenge within urban transport policy.

The White Paper on Spatial Planning and Land Use Management (RSA, 2001a) states that land-use and development decisions must promote a harmonious relationship between the built and the natural environment while ensuring that land development is sustainable over a longer term. Claasens (2003) was one of the first planners to deal with the interface between spatial

planning, development planning and conservation in promoting sustainable development. Sowman & Brown (2006: 703-704) developed a framework to assist integration between the IDP process and environmental management in order to promote sustainability. Berrisford & Kihato (2008: 387) concluded that defining the relationship between planning and the environmental laws is a question that is persistently dogged by planning and environmental practitioners in South Africa. This view is derived from research by Sowman (2002) and Todes (2004).

Todes, Sim & Sutherland (2009: 411- 431) competently address the relationship between planning and environmental management in South Africa based on a case study in KwaZulu-Natal. The outcome identified specific research elements inclusive of purpose, method and evidence base so as to demonstrate the relationship between planning and environmental management across spheres of government, tools applied and types of plans. Of importance to this article is the conclusion that the relationships between planning and environmental management in South Africa are complex and the result of formal systems in planning and environment inclusive of elements such as agency, power practice and discourse.

Todes *et al.* (2009: 414) isolate (developed by Vigar, Healey, Hull & Davodi [2000]) the following core components in assessing integration:

- The purposes of planning.
- Tools and mechanisms applied.
- Distribution of responsibilities.
- Resources and capacity.
- Networks, capacity and discourse.

Todes *et al.* (2009: 429) conclude, in general, that there is a need for greater integration between planning and environmental management in context with the assessment components identified earlier. It is concluded that integration is more than a technical process. At the same time, the legal system, forms of planning and environmental

management and practical considerations are all fulfilling an important role in promoting inclusivity in integration. This may be attained through merging of functions; incorporation of foci, institutional integration, and coordination of vertical and horizontal linkages.

Retief & Rossouw (2007: 288-306) also address the theme of alignment and integration and conclude that the development of urban environmental policy is directly linked to the IDP process. According to them, the focus is to integrate sustainability into the IDP process and that a clear convergence between legal and policy requirements for planning and environmental management has occurred. Du Plessis (2014: 80) argues that, despite the recognition of the need for greater alignment of sustainability criteria at all levels of integrated spatial planning, some challenges and shortcomings still remain. This includes the lack of integration of sustainability principles inclusive of the application and/or use of environmental information in IDP and related processes.

With the exception of Geerlings & Stead (2003) and May, Jopson & Matthews (2003), the shortcoming in the abovementioned publications relates to the fact that only integration between planning (IDP process) and environmental management is considered. In order for alignment to be effective, one should also address the inclusion of transport planning in alignment considerations.

This challenge may in part be addressed by assessing the existing policy and legislative framework and, more specifically, the opportunities created by the Spatial Planning and Land Use Management Act (SPLUMA) (2013) and the SPLUMA Regulations (2015). Several policy documents such as the National Transport Master Plan (NATMAP) (RSA, 2011); the National Development Plan (NDP) (2012); the Draft Integrated Urban Development Framework (DIUDF) (COGTA, 2014), and the Draft National Land Transport Strategic Framework (NLTSF) (2014) recognize the need for alignment and strategic integration.

The principle of sustainable development and the need for improved integration is not a new debate. In its Global Report on Human Settlements (Planning and Design for Sustainable Urban Mobility) (UN, 2013: 1-13), the UN Habitat identified the urban mobility challenge and, more specifically, the sustainability challenge to pivot on the integration of land use and transportation planning; social dimensions and reality; environmental dimensions; economic dimensions, as well as institutional and governmental roles and responsibilities. These principles are directly and indirectly applied in various sources of UN Habitat 2: International Guidelines on Urban and Territorial Planning (UN, 2014: 1-20).

From the Africa perspective, the State of the African Cities (UN Habitat, 2014b: 2-14), *Re-imagining sustainable urban transitions* (UN Habitat, 2014b: 237-256) identified integration of forces such as population, urbanization, urban development, urban planning and resource management, urban culture, and green urban development as the main agents for change and development. This implies the involvement of various stakeholders, professions and spheres of government to manage and guide the alignment and integration theme dealt with in this article. It is also closely aligned with the focus for UN Habitat 3 on 'The future we want: The city we need' to be held in 2016 (UN Habitat, 2014c).

Many role players within the planning domain have realised that there is a delicate balance between environmental, human, economic, institutional, spatial planning and transportation planning to deliver on sustainable development and to promote alignment and integration. This balance is, however, being impacted upon in a negative sense, due to the fact that this relationship is not addressed and reflected on in the application of planning instruments, tools and implementation by all spheres of government and professions involved. Todes *et al.* (2009: 421-429) and Berrisford &

Kihato (2008: 377-403) provide the reasons for this misalignment.

This results in impacts such as ecological degradation, widening of development inequality, segregation and compartmentalization of planning, and non-delivery. It also leads to spatial inefficiency and conflicts in planning and development priorities as being experienced in South Africa.

## **2. POLICY AND LEGISLATIVE FRAMEWORK GUIDING THE ALIGNMENT AND INTEGRATION BETWEEN SPATIAL PLANNING, TRANSPORTATION PLANNING AND ENVIRONMENTAL MANAGEMENT**

Tables 1 and 2 give an overview of the policy and legislative framework guiding alignment and integration in terms of policy and legislative framework. The supporting legal principles underpinning the frameworks are included in Scheepers (2000) and Van Wyk (2012a).

Berrisford & Kihato's (2008: 377-403) article is clear on the state of considerable flux that exists in the policy and legislative provisions since democratization in 1994. The question remains: Will the promulgation of SPLUMA (2013) rationalise and address this position?

The complexities in alignment between spheres of government, professions and stakeholders can be inferred from an analysis of the existing policy and legislative framework. This diversity and complexities promote and enhance misalignment, lack of integration, subjective application of planning principles and planning tools, and non-delivery in terms of roles and functions. In order to understand this, the transformation of spatial planning, transportation planning and environmental management should be noted.

### **2.1 Spatial planning transformation: An overview**

With democratisation in South Africa in 1994, the democratic government inherited a segregated and fragmented spatial system guided by an evenly ineffective policy and legislative framework. The transformation of this framework (notwithstanding several authors referring to the spatial fragmentation consequences of its application by previous political dispensations) commenced with the Draft Green Paper on Development and Planning prepared by the National Development and Planning Commission in 1999. This was followed by the White Paper on Planning and Land Use Management (RSA, 2001). In context to the guiding principles included in these documents, it was preceded by the Development Facilitation Act, Act 67 of 1995, as a vehicle to accommodate spatial change and transformation (RSA, 1995). Todes *et al.* (2009: 421) conclude that planning in the post-apartheid period focused on facilitation, with an emphasis on reconstruction and development. Planning instruments such as the IDP process (strategic planning) and the introduction of Spatial Development Frameworks (SDFs) as well as other sectoral plans were introduced.<sup>1</sup> These processes, although it was a step forward, did not resolve the need to transform the legislative really guiding spatial planning and development in terms of the new democratic needs and expectations. This, to a certain extent, is being addressed by the promulgation of SPLUMA (13 of 2013) and its Regulations (2015).

Researchers such as Dewar, Todes & Watson (1984, 1985), Tomlinson (1990), Swilling (1991), Mabin & Smit (1997), PlanAct (1997), Tilman (1997) and Harrison, Huchzermeyer & Mayekiso (2003) have documented the spatial implications of the historical spatial planning and development practices in South Africa.

Since its inception in 2010, the National Planning Commission

<sup>1</sup> Refer to the IDP Guide Packs, 2002: Part III.

(NPC) contributed to documenting the effects of the spatial legacy by the formulation of the Diagnostic Overview (NPC, 2011) and strategic (intervention) proposals as contained in the National Development Plan (NDP) (NPC, 2012). Oranje & Merrifield (2010: 29-45) reported extensively on national spatial development planning in South Africa (1930-2010), while Drewes & Van Aswegen (2013: 21-28) published an overview of the historic process of national planning in South Africa from a temporal perspective. Lessons learnt from these will assist in applying SPLUMA (2013).

For the purposes of this article, spatial development in South Africa can be subdivided into four distinct spatial development phases:

- Phase 1: Urban and rural formation phase (1652 to 1948).
- Phase 2: Urban and rural separation (fragmentation) phase (1948 to 1994).
- Phase 3: Urban re-integration phase and rural development (post-1994 to 2010).
- Phase 4: Spatial system development, reconstruction, integration and consolidation phase (post-2011 to the present).

Of significance in the transformation process related to spatial planning and development was the promulgation of the first new set of democratic laws that serve as a pivotal point to restructure the characteristics of spatial planning in South Africa and the need for alignment and integration. The spatial planning scene changed significantly with the promulgation of the Constitution (Act 108 of 1996), Municipal Structures Act, Act 117 of 1998 (RSA, 1998b) and the Municipal Systems Act (32 of 2000). This resulted in the formulation of Integrated Development Plans (IDPs) (previously Land Development Objectives (LDOs)) for all institutional entities within the municipal spheres of government. The transition and transformation process culminated in the establishment of the National Planning Commission (NPC) in 2011, the National Development Plan (NDP) in 2012, and eventually

the approval of SPLUMA (2013) and SPULMA Regulations (2015).

In assessing the role of alignment and integration within the context of this article, Tables 1 and 2 were compiled. They summarise core policies and legislative framework applicable to assess alignment and integration between spatial planning, transportation planning, and environmental management. Most of the policy and legislative framework provides for the promotion of alignment and integration of functions and processes between all spheres of government. The lack of delivery within all spatial systems is indicative of failing alignment and integration processes. With the promulgation of SPLUMA (2013), the causes and effects of weak alignment on implementation and delivery need to be assessed. No formal surveys will be carried out, as this article focuses on assisting and informing the debate on improved alignment and integration.

## 2.2 Transportation planning transformation

Transportation planning in South Africa became a statutory planning activity with the enactment of the Urban Transportation Act 78 of 1977 (RSA, 1977). Transportation planning, development and management are guided by the core policies and legislative framework (see Tables 1 and 2). The National Land Transport Transition Act (NLTTA) 22 of 2000 was used until 2009 when the National Land Transport Act and its Regulations (2009) were promulgated (RSA, 2000a).

In this context, various policy documents (Table 1) guide the transport planning and regulating transformation process: White Paper on National Transport Policy (RSA, 1996a); Moving South Africa (Vision 2020) (RSA, 1999); Rural Transport Strategy for South Africa (RSA, 2003); the National Transport Master Plan 2050 (NATMAP 2050) (RSA, 2011) and the Draft National Land Transport Framework (2014). In 2014/2015, the National Department of Transport (NDoT) commenced with the revision and adaption of

NATMAP 2050 by the formulation of a Synopsis Report to address specific components related to alignment, integration and transportation-related system and network issues and components. It includes addressing the interface between the NDP (2012), SPLUMA (2013) and NATMAP 2050 and related areas of concern.

## 2.3 Environmental management

South Africa was slow to develop and institute formal procedures for environmental assessment (refer to Tables 1 and 2). It was only with the enactment of the Environment Conservation Act 73 of 1989 that provision was made to formulate environmental policy to guide decision-making and to prepare environmental impact reports (Sowman, Fuggle & Preston, 1995: 45-51; RSA, 1989). The publication of the document entitled *Integrated Environmental Management (IEM) in South Africa* (Council for the Environment, 1989) marked the introduction of the concept of environmental management in South Africa. The term IEM was chosen to indicate a general approach that integrates environmental considerations across all stages of the planning and development cycle and would be applicable to policies, programmes, plans and projects (Sowman *et al.*, 1995: 55).

The publication of the National Environmental Management Act 107 of 1998 (NEMA) introduced a new approach to, and role of environmental considerations in development (RSA, 1998a). NEMA provides the framework for co-operative environmental governance in South Africa and promotes the application of environmental assessment and management tools to ensure integrated environmental management of activities (DEAT, 2004). The intention of NEMA was formalized with the publication of the EIA Regulations (2006). On 3 August 2010, the revised NEMA EIA Regulations (Government Notices R.543 to R.547, June 2010) were promulgated and includes changes to the listing of activities that impact on the use of land as provided for in SPLUMA (2013) (RSA, 2010).

Table 1: Core policies guiding the interface between spatial planning, transportation planning, and environmental management

Spatial planning	Transportation planning	Environmental management
Reconstruction and Development Plan (1994) Growth, Economic and Redistribution Strategy (1996) White Paper on South African Land Policy (1997) Urban Development Framework (1997) Rural Development Framework (1997) White Paper on Water and Sanitation (1997) White Paper on Local Government (1998) Green Paper on Development and Planning (1999) National Integrated Rural Development Strategy (2000) King Report II on Corporate Governance for South Africa (2002) White Paper on Spatial Planning and Land Use Management (2001) National Spatial Development Perspective (2003) Mining Charter (2003) Construction Charter (2005) ASGISA (2006) National Spatial Development Perspective (2006) Housing Atlas (2006) Sustainable Human Settlement Planning: Resource Book (2008) (NDoH) Area-based Planning. Department of Rural Development and Land Reform (2008/2009) NPC: A Guide to the National Planning Framework (2009) NPC: Green Paper. National Strategic Planning (2009) Comprehensive Rural Development Programme. Department of Rural Development and Land Reform (2009) National Planning Commission Diagnostic Overview (2011)* National Development Plan (2012)* Draft Integrated Urban Development Framework (2015)	White Paper on National Transport Policy (1996) Moving South Africa (1996) Rural Transport Strategy for South Africa (2003) Draft minimum requirements for the preparation of integrated transport plans (ITP) (2007) NDOT: Public Transport Strategy (2007) NDOT: Public Transport Action Plan (2007-2010) National Land Transport Strategic Framework (2006-2011) (2002) (Draft) NDOT: Road Infrastructure Strategic Framework for South Africa (2006) NDOT: Rural Transport Strategy for South Africa (2007) NDOT: Implementation Strategy to Guide the Provision of Accessible Transport in South Africa (2009) NDOT: Final Draft National Scholar Transport Policy (2009) NDOT: Transport Action Plan (2010) NDOT: National Transport Master Plan 2050 (NATMAP) (2010) NDOT: Road Freight Strategy for South Africa (2011) NDOT: Non-Motorized Transport (NMT) Policy (2012) NDOT: Department of Transport Strategic Plan (2012-2014) TRANSNET: Long-Term Planning Framework (2012) PRASA: PRASA National Strategic Plan (2012) NDOT: Draft National Land Transport Strategic Framework (NLSF) (2014) NDOT: NATMAP Synopsis Report (Draft) 2015*	Global Biodiversity Strategy: Guidelines for action to save, study and use earth's biotic wealth sustainably and equitably (published by the WRI, IUCN and UNEP in 1992) Balancing the Scales: Guidelines for increasing Biodiversity's Chances through Bioregional Management (published by the World Resources Institute in 1996). Minimum requirements for the Classification, Handling and Disposal of Hazardous Waste (Second Edition) (1998) (DWAF) Integrated Environmental Management Guidelines Series (1992) DEAT: An Environmental Policy for South Africa (Green Paper) (1996) White Paper on Integrated Pollution and Waste Management for South Africa (2000) Strategic Environmental Assessment in South Africa (2000) DEAT (2002a) Screening, Information Series 1, Department of Environmental Affairs and Tourism (DEAT), Pretoria. DEAT (2002b) Scoping, Integrated Environmental Management, Information Series 2, Department of Environmental Affairs and Tourism (DEAT), Pretoria. DEAT (2002c) Specialist Studies, Information Series 4, Department of Environmental Affairs and Tourism (DEAT), Pretoria. DEAT (2002d) Impact Significance, Integrated Environmental Management, Information Series 5, Department of Environmental Affairs and Tourism (DEAT), Pretoria. DEAT (2004a) Overview of Integrated Environmental Management, Integrated Environmental Management, Information Series 0, Department of Environmental Affairs and Tourism (DEAT), Pretoria. DEAT (2004b) Criteria for determining Alternatives in EIA, Integrated Environmental Management, Information Series 11, Department of Environmental Affairs and Tourism (DEAT), Pretoria. DEAT (2004c) Environmental Impact Reporting, Integrated Environmental Management, Information Series 15, Department of Environmental Affairs and Tourism (DEAT), Pretoria. Strengthening Sustainability in the Integrated Development Planning Process (2001) State of the Environment Reporting: Draft Guidelines for Local Municipalities (2005) DEAT Information Series (2004-2009) National Framework for Sustainable Development (2008)

\*Cross-cutting policies

Source: Author's own compilation, 2015

The transformation reality, as summarized earlier, is indicative of the complexities and challenges in the alignment and integration of the policy and legislative frameworks. This is a well-known area of debate among professionals. Practitioners in these disciplines within the public and private sectors have interpreted the interface for professional and practical reasons differently and alternatively. The evolution over the past decade of policy and legislative frameworks did not necessarily promote a common understanding of the interface between processes.<sup>2</sup>

2 Refer to Berrisford & Kihato (2008) and Todes *et al.* (2009) for detail relating to the implications of the lack of alignment, integration and coordination between all spheres of government.

From an assessment of the content of the policy and legislative framework (Tables 1 and 2), it can be concluded that there is restricted provision for the formal alignment and integration of the interface between spatial planning, transportation planning, and environmental management. References to this are very general and of a purely philosophical nature. This statement should be interpreted with the objectives, as identified in the National Framework for Sustainable Development in South Africa (NFSD) (2008: 10) that makes provision for enhancing systems for integrated planning and implementation; sustaining ecosystems and using

natural resources efficiently; economic development via investing in sustainable infrastructure; creating sustainable human settlements, and responding appropriately to emerging human development, economic and environmental challenges.

The provisions contained in SPLUMA (2013) and the SPLUMA Regulations (2015) provide, *inter alia*, for the application of specific development principles and norms (Chapter 2); intergovernmental support (Chapter 3); spatial development frameworks (Chapter 4); land-use management (Chapter 5), and land-development management (Chapter 6). These provisions should be interpreted from the alignment and

Table 2: Core legislative framework guiding Interface\*\*

Spatial planning	Transportation planning	Environmental management
National Building Regulations and Building Standards Act 103 of 1977 Town Planning and Township Ordinance, Ordinance 15 of 1986 Land Use Ordinance (Cape of Good Hope), Ordinance 15 of 1985 Removal of Restrictions Act 84 of 1967 The Less Formal Township Establishment Act 113 of 1991 The Physical Planning Act 88 of 1967 (Sections 6, 8 and 11) Development Facilitation Act 67 of 1995 (DFA) Constitution of the Republic of South Africa 108 of 1996 Bill of Human Rights 1996 Physical Planning Act 88 of 1967 Municipal Structures Act 117 of 1998 Restitution of Land Rights Act 22 of 1993 Interim Protection of Informal Rights Act 76 of 1995 Prevention of Illegal Eviction from Unlawful Occupation of Land Act 19 of 1998 Reconstruction and Development Programme Act 79 of 1998 Municipal Systems Act 32 of 2000 Development Facilitation Act 67 of 1995 (DFA) Physical Planning Act 125 of 1991 Less Formal Township Establishment Act 113 of 1991 (LEFTEA) Subdivision of Agricultural Land Act 70 of 1970 (SALA) Removal of Restrictions Act 84 of 1967 Community Land Reform Act 28 of 1996 (CLARA) Housing Act 107 of 1997 National Land Use Management Bill (Draft 2008) Local Government: Municipal Integrated Development Planning Regulations, 2001. Spatial Planning and Land Use Management Act (SPLUMA) 16 of 2013* R. 239 SPLUMA Regulations (23 March 2015)*	Advertising on Roads and Ribbon Development Act 21 of 1940 Fencing Act 31 of 1963 National Land Transport Transition Act 22 of 2000* Urban Transport Act 78 of 1977 National Transport Interim Arrangements Act 45 of 1998 Transport Appeal Tribunal Act 39 of 1998 Cross Border Road Transport Act 4 of 1998 Road Traffic Act 29 of 1989 National Road Traffic Act 93 of 1996 The South African National Roads Agency Limited and National Roads Act 7 of 1998 National Land Transport Act 5 of 2009 and Regulations (R.1208, 2009) R. 877 National Land Transport Act 5 of 2009: National Land Transport Regulations on Contracting for Public Transport Services.	Health Act 63 of 1977 Water Act 54 of 1956 National Water Act 36 of 1991 Water Services Act 108 of 1997 National Environmental Management Act 107 of 1998 (NEMA) National Environmental Management: Air Quality Act 39 of 2004 National Environmental Management: Waste Act 59 of 2009 National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA) National Environmental Management: Protected Areas Act 57 of 2003 (NEMPAA) National Heritage Resources Act 25 of 1999 (NHRA) Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA) World Heritage Convention Act 49 of 1999 Biodiversity Act 10 of 2004 R.543: National Environmental Management Act 107 of 1998: Environmental Impact Assessment Regulations, 2010 (33306) R.544: Listing Notice 1: List of activities and competent authorities identified in terms of sections 24(2) and 24D (33306) R.545: Listing Notice 2: List of activities and competent authorities identified in terms of sections 24(2) and 24D (33306) R.546: Listing Notice 3: List of activities and competent authorities identified in terms of sections 24(2) and 24D (33306) R.547: Environmental Management Framework Regulations, 2010

\* Cross-cutting legislation

\*\* Various by-laws exist within municipalities

Source: Author's own compilation, 2015.

integration debate, as followed in this article. The present lessons learned indicate a lack of alignment and integration in terms of the processes that underpin the current policies and legislative framework. Thus far, SPLUMA (2013) seems to be a step ahead in the alignment of spatial planning, land use management, and land development

However, the existing policy and legislative framework (preceding SPLUMA) is classified as complicated, confusing and incomplete. The lack of a comprehensive and overarching guideline document and processes to promote and integrate planning and development as fields of specialization by various foci can clearly be inferred. Much of the alignment within the policy and legislative frameworks is strategic

in nature and does not address functional and operational issues.

### 3. THE ALIGNMENT BETWEEN SPATIAL PLANNING, TRANSPORTATION PLANNING, AND ENVIRONMENTAL MANAGEMENT

SPLUMA (2013) provides for the following objectives:

- To provide for a uniform, effective and comprehensive system of spatial planning and land-use management.
- To ensure that the system of spatial planning and land-use management promotes the social and economic inclusion.
- To provide development principles, norms and standards.

- To provide for sustainable and efficient use of land.
- To provide for co-operative government and intergovernmental relations within all spheres of government. To redress imbalances of the past and to ensure equity in spatial development planning and land-use management systems (SPLUMA 2013: 14).<sup>3</sup>

Against this background, Table 3 shows the interface between foci and instruments as provided for in spatial planning, transportation planning, and environmental management policies and legislation (Tables 1 and 2).

In assessing the content of Tables 1, 2 and 3, the complexities and need for alignment and integration are evident. Attaining this depends

<sup>3</sup> Refer also to the summary contained in the SA Cities Network (2015).

Table 3: Interface in focus and instruments as provided for in core spatial planning, transportation planning, and environmental management legislation

SPLUMA (2013)	NLTTA (2000)/NTA (2009)	NEMA (1998)
Development principles, norms and standards Intergovernmental support Spatial Development Frameworks (SDFs) National Spatial Development Framework (NSDF) Provincial Spatial Development Framework (PSDF) Regional Spatial Development Framework (RSDF) Municipal Spatial Development Framework (MSDF) Land-Use Management (LUM) Land-Development Management (LDM) Municipal Land-Use Plans (MLUP) Statutory Planning (SP)	General principles for transportation planning Types of transportation plans Provisions on transportation planning National Land Transport Strategic Framework (NLTSF) Provincial Land Transport Frameworks (PLTF) Integrated Transport Plans (ITPs) Freight Transport Plans (FTP) Transportation plans and changes in land use and public transport infrastructure and services Rationalization of public transport services (RATPLANS) Public Transport Plans (PTPs) Commuter rail plans (CRPs) Transport Impact Studies (TISs) Traffic Impact Assessments (TIAs)	General objectives Environmental Implementation Plans (EIPs) Environmental Management Plans (EMPs) Integrated Environmental Management (IEM) Environmental Impact Assessments (EIAs) Environmental Authorizations (EAs) Strategic Environmental Assessments (SEAs) Environmental Management Programmes (EMPs) Monitoring and Performance Assessments (M&PAs) Mine Closure Plans (MCPs)

Source: Author's own compilation from SPLUMA (2013), NLTTA (2000), NLTA (2009) and NEMA (1998)

on the sphere of government responsible for the compilation, approval, implementation and monitoring and may be a national department, a provincial department, or a local government. It may also be a concurrent responsibility between different spheres of government.

#### 4. DIVISION OF FUNCTIONS AND COOPERATION BETWEEN SPHERES OF GOVERNMENT

The role of government in South Africa is based on functions and obligations allocated to the different spheres in terms of the legislative framework (Table 2), intergovernmental cooperation arrangements and Constitutional Court rulings. From an assessment of the policy and legislation framework, it can be concluded that there are general provisions for the alignment and integration within government and its functions. Provisions for this are contained in the Constitution (1996, Chapter 3, Section 41: 40-41). The complexities and restrictions in place guiding the division of functions between spheres of government are clear. To understand the division of functions, the obligations to, and roles of co-operative governance should be considered. Cooperative government and intergovernmental relations provide for the following in terms of alignment and integration:

- To provide and enhance effective, transparent, accountable and coherent

government within the national spatial system as a whole.

- To respect and recognize the constitutional status, institutions, powers and functions in all spheres of government.
- To exercise powers and functions conferred on it in terms of the Constitution.
- To exercise the powers and its functions in a manner that does not encroach on the geographical, functional or institutional integrity of any government in another sphere.
- To co-operate with each other in mutual trust and good faith (Constitution, 1996, Chapter 3, Section 41).

The division of functions fulfills an important role as far as alignment and integration are concerned. The role of any sphere of government in terms of functions and the level of responsibility may be classified as strategic, functional, or operational, or any combination thereof.

Several authors contributed further insight into this complex arrangement: National Treasury, *Trends in Intergovernmental Finances: 2000/01-2006/07*; Steytler & Fessha, *Defining Provincial and Local Government Powers and Functions: The Management of Concurrency* (2005); COGTA, *Division of Functions* (2002) and Van Wyk, *Planning in all its (Dis)Guises: Spheres of Government, Functional Areas and Authority* (2012b).

The University of the Western Cape (Community Law Centre) (2007: 35)

provided a valuable contribution in determining the appropriate functions and powers within local government. Van Wyk (2012a: 313-314) concludes that it is an ongoing debate regarding the content of the legislative and executive functional areas relating to 'planning' that are enjoyed by each sphere of government. For alignment and integration to be promoted, the mechanism of cooperative governance must be applied and practised among all spheres of government. Berrisford *et al.* (2008: 298) states specifically that there is a need to create effective intergovernmental communication.

In an effort to simplify the understanding of the division of functions, Table 4 was compiled, indicating the core functions and activities allocated to the national, provincial and municipal spheres of government. Table 4 is based on the provisions of the Constitution (1996) and the Municipal Structures Act (1998) to illustrate the competencies, roles and functions between spheres of government as it was originally intended by the legislator.

Van Wyk (2012a: 589) points out that Chapter 3 of the Constitution should constantly remind every organ of state, inclusive of every functionary in every sphere of government, of the importance of co-operation, because the principles of co-operation reinforce the values underlying open, transparent and responsible government. Van Wyk (2012a: 590) further concludes that, in light of the varied functional areas

Table 4: Core functions and activities allocated to national, provincial and municipal spheres of government related to spatial planning, transportation planning, and environmental management\*

Powers, functions and/or activities			
Schedule 4: Functional areas of concurrent national and provincial legislative competence (Part A)			
Function/activity	National	Provincial	Local
Airports other than international and national airports	x	x	
Environment	x	x	
Nature conservation	x	x	
Pollution control	x	x	
Provincial public enterprises	x	x	
Public transport	x	x	
Public works	x	x	
Regional planning and development	x	x	
Road traffic regulation	x	x	
Urban and rural development	x	x	
Vehicle licensing	x	x	
Schedule 4: Functional areas of concurrent national and provincial legislative competence (Part B)			
Air pollution		x	x
Municipal airports		x	x
Municipal planning			x
Municipal public transport		x	x
Municipal public works		x	x
Pontoons, ferries, jetties, piers and harbours		x	x
Schedule 5: Functional areas of exclusive provincial legislative competence (Part A)			
Provincial planning		x	
Provincial roads and traffic		x	
Schedule 5: Functional areas of exclusive provincial legislative competence (Part B)			
Fences and fencing		x	x
Municipal roads			x
Noise pollution		x	
Street trading			x
Street lighting			x
Traffic and parking			x

\*1. Functions and activities should be interpreted in terms of concurrent responsibilities, as contained in the applicable legislative framework.  
 2. Concept of distinctive, interdependent and interrelated across some functions and activities listed in the Constitution (1996) applies.  
 3. The rulings of the Constitutional Court as far as powers and functions are concerned should be consulted.  
 4. Functions may cut across spheres of government.

such as agriculture, environment, housing and transport that play a role in planning, the challenge remains to ensure that principles of co-operative government feature significantly at all times. Co-operation remains a constitutional obligation.

Berrisford & Kihato (2008: 378-385) state that there is uncertainty as to the roles of the three spheres of government. The negative effects resulted from the DFA (1995) and the White Paper on Spatial Planning and Land-Use Management (RSA, 2001a) that are now being addressed through SPULMA (2013). It thus addresses the incomplete work of local government reform (Berrisford & Kihato, 2008: 382).

Table 5 shows examples of plans formulated by the different spheres of government in terms of powers, functions, duties and activities dealt with earlier and in terms of the focus of this article.

One can infer the need for alignment and integration from Tables 4 and 5. The context should, however, be interpreted in line with Figures 1 and 2. The system complexities, dynamics and need for integration to optimise development within spatial systems are evident.

Figure 1 illustrates the vertical and horizontal alignment and integration among the three spheres of government. It shows the organization of the different spheres of government, integration

and formulation of planning instruments, structures, institutions and agencies involved. It depicts the basic need to promote cooperative governance through both process and management practices within all spheres of government. Various professions as well as the integration of planning instruments (plans) fulfil a vital role in this instance.

Malan (2005: 226-243) states that the system of intergovernmental relations and co-operative government in South Africa is rapidly evolving. This is due to the statutory commitment of the various spheres of government to the implementation of the principles of co-operative and intergovernmental relations (refer to Figures 1 and 2).

In terms of section 41: 40-41 of the Constitution (1996), government is constituted as national, provincial and local spheres of government: distinctive, interdependent and interrelated. Provision is made for intergovernmental structures such as the Intergovernmental Forum (IGF), the President’s Coordinating Council (PCC) and Intergovernmental Relations Committees of Ministers and Provincial Councils (MINMEC); Organized Local Government (SALGA) and Forum for South African Directors-General (FOSAD) (COGTA, 2002) to promote alignment and integration between all spheres of government.

**5. THE DOMAIN OF SPATIAL PLANNING FROM AN ALIGNMENT AND INTEGRATION PERSPECTIVE: ROLE AND IMPACT OF VARIOUS DISCIPLINES**

Generally, planning (including urban and regional planning, transportation planning, and environmental management) entails the consideration of what can and should happen where in spatial systems. It includes the foci and interaction of different policies and practices (tools and instruments) across regional space, and sets the role of spaces, places and interaction between professions in

Table 5: Planning instruments formulated and managed by different spheres of government\*

Description/type	National**	Provincial	Local***
Transportation planning			
NATMAP 2050	x		
NATMAP 2050 Synopsis Report (2015)	x		
NLTF (2015) (Draft)	x		
Public Transport Plans (PTPs)		x	x
Commuter Rail Plans (CRPs)	x	x	
Rationalization of Public Transportation Services (RAT Plans)		x	x
Freight Transport Plans (FTPs)		x	x
Transportation Sector Plans (TSPs)		x	x
Transportation Infrastructure Plans (TIPs)	x	x	x
Traffic Impact Assessments (TIAs)			x
Transportation Impact Studies (TIS)		x	x
Provincial Land Transport Frameworks (PLTFs)	x	x	
National Land Transport Strategic Framework (NLSTF) (2014)	x	x	
Integrated Transport Plans (ITPs)		x	x
Spatial planning			
National Spatial Development Plan (NDP)	x		
National Spatial Development Framework (NSDF)	x		
Provincial Spatial Development Perspective (PSDP)	x	x	
Regional Spatial Development Framework (RSDF)		x	x
Municipal Spatial Development Frameworks (MSDFs)			x
Land-Use Management Systems (LUMS)			x
Land Development Management Plans (LDMPs)			x
Rural Development Plans (Strategies) (RDPs)		x	x
Municipal Regeneration Plans (Urban Renewal, etc.) (MRPs)			x
Precinct Plans (PPs)			x
Site Development Plans (S.Dev.Ps)			x
Integrated Development Plans (IDPs)		x	x
Integrated Urban Development Framework (IUDF)		x	x
Statutory Planning Processes (SPPs)			x
Spatial Development Plans (SDPs)		x	x
Environmental management			
Strategic Environmental Assessments (SEAs)		x	x
Integrated Environmental Management Plans (IEMPs)		x	
Environmental Management Plans (EMPs)		x	x
Environmental Impact Assessments (EIAs)		x	x
Environmental Authorizations (EAs)		x	
Mine Closure Plans (MCPs)	x	x	
Environmental Implementation Plans (EIPs)		x	x
Environmental Management Programme (EMProg.)		x	
Monitoring and Performance Assessment Plans (MPAPs)		x	x

\*Types of plans are generic only. Terminology and content are determined by policies, guidelines and standards.

\*\*May include agencies' concurrent functions with provinces.

\*\*\* Municipalities are the only sphere of government constitutionally to make and adopt detailed by-laws on land-use management and its other function, as included in the Constitution (1996) and the Municipal Structures Act (1998).

a wider context. It goes well beyond 'traditional' statutory planning (inclusive of authorizations) and includes strategic, functional and operational planning and activities.

### 5.1 Role of education and training in professions and capacity

Figure 3 shows the interfaces between fields of education and training for professions involved in the theme of this article. The core relationships between subject themes and disciplines are depicted in terms

of their orientation from an urban and regional planning perspective.

The relationship between education, training and professional development is fundamental for the way in which alignment and integration is being dealt with in practice and in the workplace. In terms of SPLUMA (2013), planning includes various disciplines, as illustrated in Figure 3. In some instances, it may imply duplication within certain spheres of government that requires centralization. Co-operation between planning-related and other disciplines is thus a focal consideration in promoting alignment and integration. Todes *et al.* (2009: 429-431) state that the need for integration may be addressed through:

- Centralizing disciplines such as planning and environmental management.
- Mainstreaming certain concerns and concepts.
- Institutional integration.
- Coordination through improved vertical and horizontal linkages.

Table 6 shows a classification of the core foci for planning activities based on international and national norms and principles. The foci are grouped as follows: spatial planning; urban planning; policy and strategy formulation; land-use management; involvement in the built environment; land availability; transportation planning; environmental management; impact assessments; authorizations; socio-economic and spatial development; facilitation and communication; human settlement development; rural development; feasibility studies; implementation; project management, as well as management and analysis based on the application of decision support systems.

The problematic nature of alignment and integration between specific disciplines originates in the education and training of professionals functioning in these domains. The curricula within these programmes do not allow for an understanding of the realities being shared among professions. This creates a professional backlog between professions to reason and debate

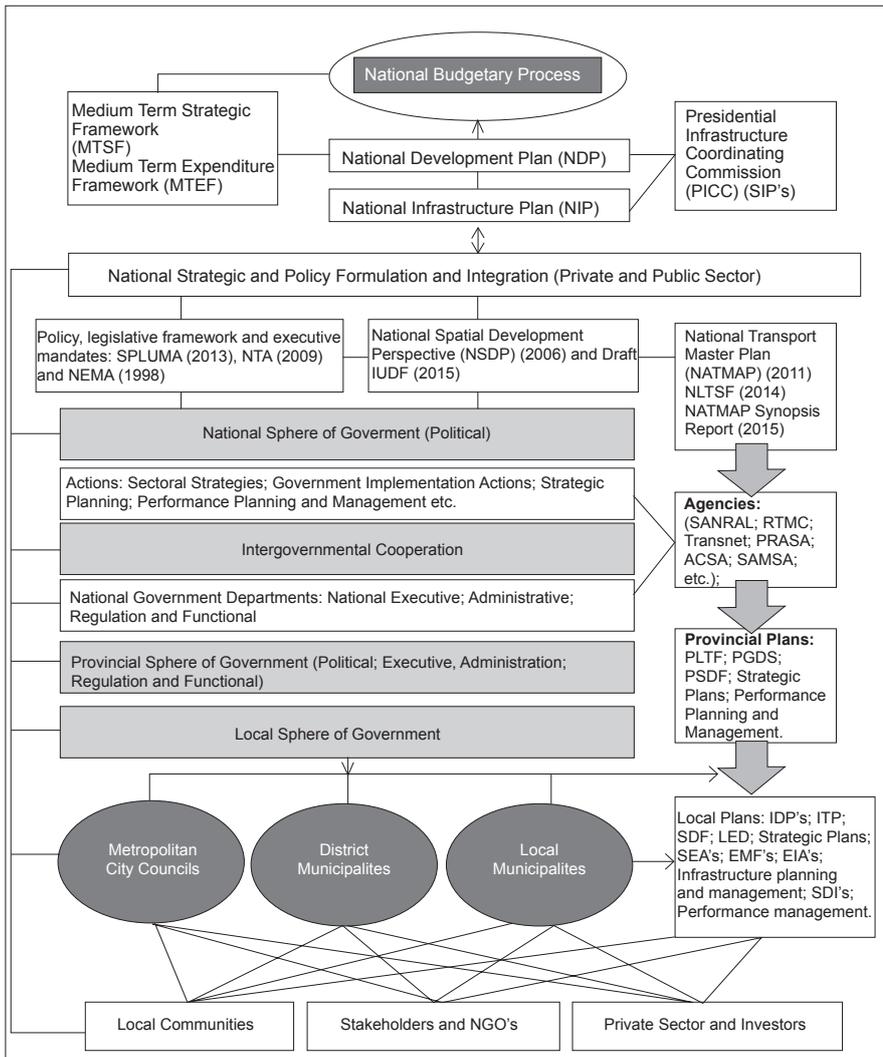


Figure 1: Complexities of alignment and integration between different spheres of government, agencies, co-operation structures and planning instruments

Source: Author's own compilation, 2015.

across professional boundaries. This complicates co-operation, alignment and integration in processes of plan formulation, implementation and monitoring.

This implies the need for the revision of the competencies and standards applied in curricula for education and training of professions functioning in such disciplines. This is not only a challenge for higher education institutions, but also implies the role and responsibilities of Professional Councils governing such disciplines. The three foci dealt with in this article are being controlled by the following professional councils: South African Council for Planners (SACPLAN) (Planning Professions Act 36 of 2002; Engineering Council of South Africa (ECSA) (Engineering Professions

Act 46 of 2000), and the South African Council for Natural Scientific Professions (SACNASP) (Natural Scientific Professions Act 27 of 2003). Todes *et al.* (2009: 429) conclude that "[t]he language used in each profession is not necessarily readily understood by the other". This also applies to the theme of this article.

Capacity within disciplines is also a problem for the vast majority of professions in South Africa. Disciplines not only consist of professionals, but are also supported by an array of supporting staff with other qualifications that need to be trained, capacitated and applied in disciplines such as spatial planning, transportation planning, and environmental management. Enhancing alignment and integration

thus depends on the dynamic reality inclusive of internalities and externalities. The combination or integration of functions or disciplines alone will not resolve such challenges. The solution lies somewhere between a combination of training and education, extension of competencies and standards for professional registration and provision of adequate capacity in terms of specialization and supporting staff. These resources should be applied in the context of the obligation for government to co-operate, as discussed earlier.

## 6. ROLE OF SPLUMA (2013) TO ADDRESS ALIGNMENT AND INTEGRATION

The context of addressing the challenge of alignment and integration by SPLUMA (2013) is illustrated in Figure 4, showing the reality to meet the overarching goals and objectives from a sustainability perspective set out in the objectives contained in Chapter 1 of SPLUMA (2013: 14) and, specifically, the development principles and norms and standards (Chapter 2).

Table 7 shows the outcome of an alignment and integration analysis based on the provisions of SPLUMA (2013).

The South African Cities Network (2015: 1-69) summarized SPLUMA as a tool for spatial transformation in a very effective and focused manner by explaining the background, and spatial transformation and by identifying potential spatial transformation levers.

Berrisford & De Visser (2015) state that SPLUMA is classified as framework legislation rather than as comprehensive revision of the status quo for land-use management. Berrisford & De Visser (2015) further point out that SPLUMA returns to the planning in the pre-1990s thinking, inclusive of the philosophy 'planning everything'. It relies heavily on SDFs in all spheres of government. It also includes 'wall to wall' land-use management schemes. It is pointed out that the negative effects resulting from the contents of the

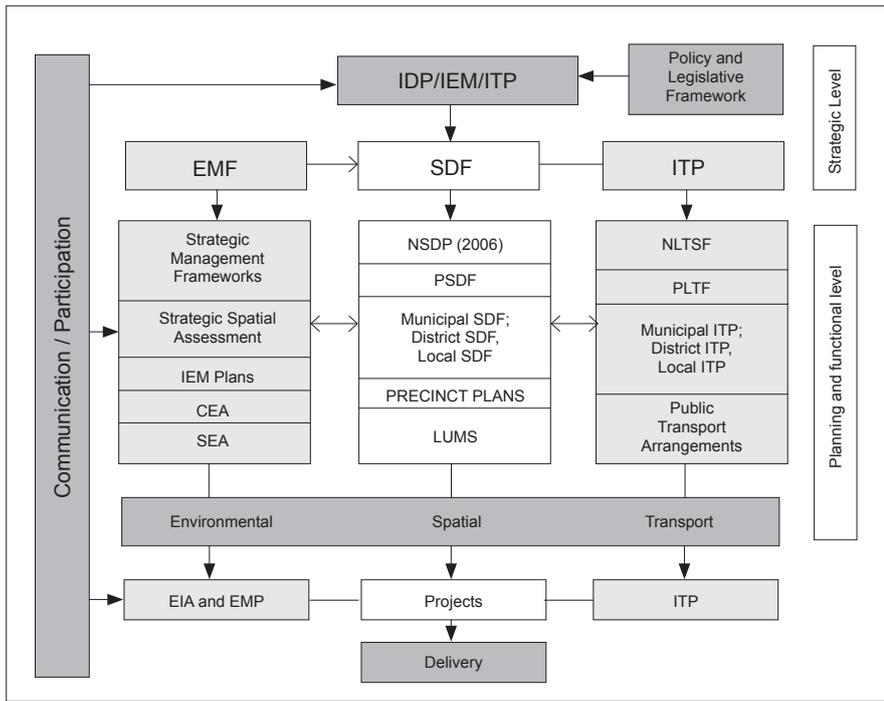


Figure 2: Interfaces between IDP, IEM and IRP within municipalities\*

Source: Author's own compilation, 2015

\*Implies vertical and horizontal alignment within a municipality as well as with adjacent municipalities. Alignment and integration as provided for in SPLUMA (2013)

(Chapters 2 to 4). Chapters 5 and 6 deal specifically with land-use management and land-development provisions and arrangements. Section 8 (Norms and Standards) may be determined by the National Minister to allow for consistency across the country. This will promote alignment and integration.

SPLUMA (2013) further operates parallel to other laws. It repeals existing national laws (see Table 7). SPLUMA adds to what the Municipal Systems Act (2000) provides for in terms of the IDPs and SDFs, and it should be noted that SPLUMA does not contradict the MSA (2000) or any other act.

**7. CONCLUSIONS**

The article discussed the building blocks for alignment and integration between spatial planning, transportation planning, and environmental management and included the development processes underpinning each discipline, the policy and legal framework guiding it, the division of powers, the functions, duties and obligations, and the reality created by the promulgation of SPLUMA (2013). Perhaps the greatest area of concern is the processes and conditions related to obtaining land-use rights, development planning considerations, project approval in terms of transportation plans inclusive of traffic impact studies and environmental authorisations.

The complexity of current legislative processes and procedures, notwithstanding process transformation provided for by SPLUMA (2013), may continue to cause uncertainty among some spheres of government and professionals. Issues such as how to align, engage, integrate, coordinate, support and implement the formulation of spatial development frameworks, land-use management and development planning processes need to be addressed through formal capacity-building and intensive formal training among all stakeholders and all spheres of government. SPLUMA (2013) will, however, add to the administrative and professional demand within already

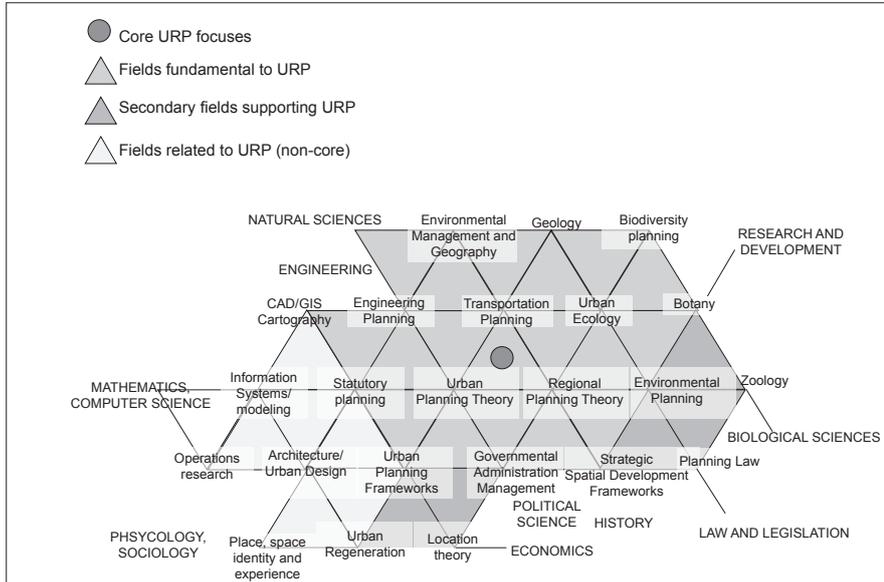


Figure 3: Interfaces in education and training of professions

Source: Schoeman, 2010

DFA (1995), White Paper on Spatial Planning and Land-Use Management (RSA, 2001a) and Draft Land Use Management Bill (RSA, 2008) are now being addressed through SPLUMA (2013) and its Regulations (2015). It thus addresses the incomplete work of local government

planning reform (Berrisford & Kihato, 2008: 382).

SPLUMA (2013) recognises provincial competencies for law-making (Schedule 1 of the Constitution) and specifies the roles (inclusive of intergovernmental support) of national, provincial and municipalities

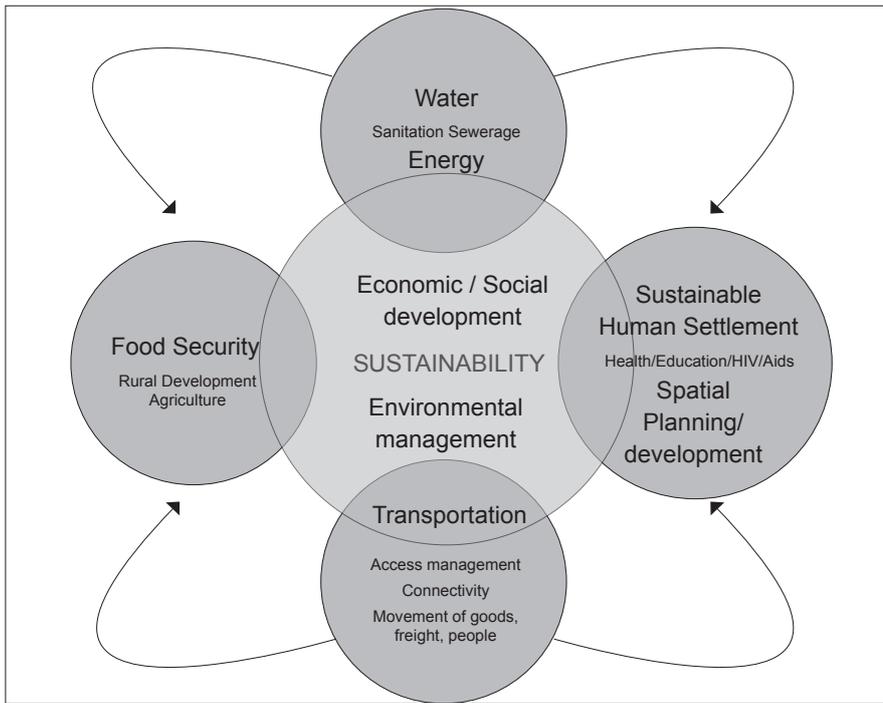


Figure 4: Enhancement of sustainability through alignment and integration by SPLUMA (2013)

Source: Author’s own compilation, 2015

undercapacitated municipalities. The same applies to other spheres of government.

The previous spatial and land-use management dispensation culminated in the fragmentation of land-use decision-making and requirements, due to the national policy and legislative framework that does not appropriately address the division of functions and powers. Accountability and support in sustainability were thus not reflected and articulated in land-use decisions and environmental authorisations (Kidd, 2008: 85-102). SPLUMA (2013) will have to address the issue of accountability. Attention should also be paid to transform all core legislation through amendments in order to promote alignment and integration and not to rely on the provisions guiding co-operative government and intergovernmental

Table 6: Core planning foci based on international and national norms and principles

Core professional planning focus	Domain as interpreted internationally and nationally
Spatial planning	Planning systems; practices in regional space; role of places; strategic frameworks; forward planning; scale of regional planning; development in physical environment; spatial plan formulation; impact of migration; regional spatial planning needs; regional corridor and nodal development.
Urban planning	Role of places; anticipating development; scale of urban planning; surface and beneath surface development; urban development; urban regeneration and development; urban design; site planning; urban spatial planning needs; neighbourhood development; urban corridor and activity node development; urban renewal.
Policy and strategy formulation	Interaction of policies; policy interventions; multi-perspective approaches; disaster preparedness plans; input in drafting of policy and legislation.
Land-use management	Land-use planning; land-use management and control; regulating development; control of land use; management of change in land use; legal issues related to land use and building codes; legal issues related to environmental regulations.
Built environment	Style of buildings; design of public spaces; conservation of historic buildings; development of public spaces and places; location, design and layout of buildings.
Land availability	Land reservation; identification of land for development.
Transportation planning	Innovative forms of transport; accessibility between places of residence, work and amenities; traffic congestion management; air pollution management; transport and land-use models; transportation frameworks.
Environmental management	Relationship between built and environment; negative impacts on natural environment; natural impacts on communities; protection of natural environments; standard of environmental quality; environmental sustainability; landscape development; legal issues related to environmental management.
Socio-economic and spatial development	Social and economic status quo and forecasting; community regeneration; regional and economic development; rural enterprise; sectoral policies; planning research; technical analysis; smart growth strategies; economic development plans; development of resources; socio-economic profiles.
Facilitation and communication	Compromise formulation; lead public consultation processes; education, training and capacity-building; identification of community needs; community goals and vision compilation; development consultation; public address, meeting and facilitation.
Human settlement development	Housing development; housing strategies.
Rural development	Community development; area-based planning.
Feasibility studies	Appreciation of spatial complexities; deeper underlying causes; integrated analysis.
Implementation	Infrastructure needs; infrastructure programming; general management; needs prioritization; implementation and enforcement strategies; determination of infrastructure and amenities capacity.
Project management	Management of programmes for planning and implementation; quality management.
Infrastructure planning	Supporting the planning and development of engineering infrastructure based on sustainable planning policies, practices and needs.
Management and analysis support systems	GIS applications and techniques; modeling; systems analysis.

Source: Author’s own compilation, 2015

Table 7: Assessment of roles, alignment, integration and involvement of spheres of government in the implementation of SPLUMA (2013)

Alignment components, functions and obligations	Sphere of government				
	National	Provincial	Metros	DMs	LMs
Chapter 1: Introductory provisions					
<ul style="list-style-type: none"> <li>Application of the Act</li> <li>Objectives of the Act</li> <li>Spatial planning system</li> <li>Categories of spatial planning</li> </ul>	Align Align Align Align	Coordinate Integrate Implement Coordinate /Formulate	Integrate Implement Implement Formulate	Integrate Integrate Implement Coordinate/ Formulate	Integrate Integrate Implement Formulate
Chapter 2: Development principles and norms and standards					
<ul style="list-style-type: none"> <li>Application of development principles</li> <li>Development principles</li> <li>Norms and standards</li> </ul>	Monitor Enacted Enacted	Integrate Integrate/Apply Integrate	Implement Apply Apply	Implement Apply Apply	Implement Apply Apply
Chapter 3: Intergovernmental support					
<ul style="list-style-type: none"> <li>National support and monitoring</li> <li>Provincial support and monitoring</li> <li>Municipal differentiation</li> </ul>	Apply Engage Apply	Coordinate Implement Engage	Align Align Align	Align Engage Apply	Implement Engage Apply
Chapter 4: Spatial development frameworks					
<ul style="list-style-type: none"> <li>Preparation of spatial development frameworks</li> <li>Preparation and content of national spatial development frameworks</li> <li>Preparation and content of provincial spatial development framework</li> <li>Preparation and content of regional spatial development framework</li> <li>Preparation and content of municipal spatial development framework</li> <li>Status of spatial development frameworks</li> </ul>	Enacted Apply Coordinate Enacted Enacted Enacted	Apply Engage Implement Coordinate Coordinate Monitor	Apply Engage Input Implement Implement Enforce	Apply Engage Input Implement Implement Enforce	Apply Engage Input Implement Implement Enforce
Chapter 5: Land-use management					
<ul style="list-style-type: none"> <li>Role of executive authority</li> <li>Land-use scheme</li> <li>Purpose and content of land-use scheme</li> <li>Legal effect of land-use scheme</li> <li>Review and monitoring of land-use scheme</li> <li>Amendment and monitoring of land-use scheme and rezoning</li> <li>Consultation with other land development authorities</li> <li>Alignment of authorizations</li> <li>Record of amendments to land-use scheme</li> <li>Enforcement of land-use scheme</li> </ul>	Enacted Enacted Enacted Enacted Enacted Enacted Enacted Enacted Enacted Enacted	Coordinate Coordinate Enforce Coordinate Coordinate Coordinate Coordinate Coordinate Monitor Coordinate	Implement Implement Implement Enforce Enforce Management Engage Engage Compile Apply	Implement Implement Implement Enforce Enforce Management Engage Engage Compile Engage	Implement Implement Implement Enforce Enforce Management Engage Engage Compile Apply
Chapter 6: Land-development management					
<ul style="list-style-type: none"> <li>Municipal land-use planning</li> <li>Municipal cooperation</li> <li>Establishment of Municipal Planning Tribunals</li> <li>Processes of Municipal Planning Tribunal</li> <li>Related land-development matters</li> </ul>	Enacted Enacted Enacted Enacted Enacted	Coordinate Coordinate Monitor Coordinate Monitor	Implement Engage Implement Implement Engage	Implement Engage Implement Implement Engage	Implement Engage Implement Implement Engage
Chapter 7: General provisions					
<ul style="list-style-type: none"> <li>Commencement of registration of ownership</li> <li>Regulations</li> <li>Exemptions</li> <li>Delegation</li> <li>Non-impediment of function</li> <li>Offences and penalties</li> <li>Repeal of laws</li> <li>Transitional provisions</li> <li>Short title and commencement</li> </ul>	Enacted Enacted Enacted Enacted Enacted Enacted Enacted Enacted Enacted	Coordinate Formulate Coordinate Coordinate Coordinate Coordinate Coordinate Coordinate Implement	Implement Apply Determine Apply Monitor Apply Apply Implement Apply	Implement Apply Determine Apply Monitor Apply Apply Implement Apply	Implement Apply Determine Apply Monitor Apply Apply Implement Apply
Schedule 1: Matters to be addressed in Provincial Legislation					
<ul style="list-style-type: none"> <li>Provincial legislation regulation land development, land-use management, township establishment, spatial planning, subdivision of land, consolidation of land removal of restrictions and related matters</li> </ul>	Enacted	Implement	Apply	Apply	Apply
Schedule 2: Schedules land-use purposes					
<ul style="list-style-type: none"> <li>List of land-use purposes</li> <li>Definitions</li> </ul>	Enacted Enacted	Implement Apply	Implement Apply	Implement Apply	Implement Apply
Schedule 3: Appeal of laws					
<ul style="list-style-type: none"> <li>Removal of Restrictions Act (1967)</li> <li>Physical Planning Act (1967)</li> <li>Less Formal Township Establishment Act (1991)</li> <li>Physical Planning Act (1991)</li> <li>Development Facilitation Act (1995)</li> </ul>	Enacted Enacted Enacted Enacted Enacted	Coordinate Coordinate Coordinate Coordinate Coordinate	Transition Transition Transition Transition Transition	Transition Transition Transition Transition Transition	Transition Transition Transition Transition Transition

Source: Author's own compilation, 2015.

relations, as provided for in the Constitution (Act 108 of 1996) only.

The promulgation of SPLUMA (2013) and its Regulations (2015) directs

municipal planning by formalising the role of SDFs within all spheres of government and provides for a new system of land-use management and land development within

municipalities. It thus applies to all spheres of government and emphasises the role of municipalities as being the most important sphere of government, as it is closest to the

people and communities in terms of delivery. An important focus is the promotion of sustainability in terms of spatial planning, land-use management and land development through alignment and integration.

SPLUMA (2013) thus serves as the interface in promoting alignment and integration within the existing policy and legislative framework guiding planning and development. At this stage, many practitioners view the NDP (2012) as being an *ideology* that needs the support of instruments such as SDFs within all spheres of government in order to determine what is to happen, where and when. SPLUMA (2013) may assist in this, as it serves as important vehicle for alignment, integration and cooperative governance as a prerequisite for a successful democracy. Contesting of spatial planning, land-use and development-planning issues through the Constitutional Court will result in failure and continuation of the past misalignment, lack of integration, and absence of coordination, resulting in continuing spatial planning inefficiency and non-delivery.

## REFERENCES LIST

- BERRISFORD, S. & DE VISSER, J. 2015. UCT CPD Programme: Lectures on preparing for SPLUMA implementation in co-operation with MCA planners. Cape Town.
- BERRISFORD, S. & KIATO, M. 2008. Local government planning legal frameworks and regulatory tools: Vital signs? In: Van Donk, M., Swilling, M., Pieterse, E. & Parnell, E. (Eds). *Consolidating developmental local government. Lessons from the South African experience*. Isandla Institute. Cape Town: UCT Press, pp. 51-75.
- CLAASENS, P.E. 2003. The role of environmental management (spatial planning, development planning and conservation of the natural environment) in prompting sustainable development. Report to the National Research Foundation. Pretoria.
- CONSTITUTIONAL COURT RULING. 2010. City of Johannesburg Metropolitan Municipality (Applicant), Gauteng Development Tribunal (First Respondent), Gauteng Development Appeal Tribunal (Second Respondent) and Ivory-Palms Properties 20 CC (Third Respondent).
- COUNCIL FOR THE ENVIRONMENT. 1989. *Integrated environmental management in South Africa*. Pretoria: Joan Lotter Publications.
- DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS (COGTA). 2002. *Division of functions*. Pretoria: COGTA.
- DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS (COGTA). 2014. Draft integrated urban development framework. Pretoria: COGTA.
- DEWAR, D., TODES, V. & WATSON, V. 1984. Industrial decentralization policy as a mechanism for regional development in South Africa; its premises and record. Urban Problems Research Unit: Project Report. University of Cape Town. Cape Town.
- DEWAR, D., TODES A. & WATSON, V. 1985. Urbanization and settlement policy in South Africa: Some findings and recommendations. Urban Problems Research Unit. University of Cape Town. Cape Town.
- DREWES, J.E. & VAN ASWEGEN, M. 2013. National planning in South Africa: A temporal perspective. *Town and Regional Planning*, 62(2013), pp. 21-28.
- DU PLESSIS, D.J. 2014. A critical reflection on urban spatial planning practices in post-apartheid South Africa. *Urban Forum*, 25(1), pp. 68-88.
- GEERLINGS, H. & STEAD, D. 2003. The integration of land-use planning, transport and environment in European policy and research. *Transport Policy*, 10(3), pp 187-196.
- HARRISON, P. & HUCHZERMEYER, M. & MAYEKISO, M. (Eds). 2003. *Confronting fragmentation: Housing and urban development in a democratising society*. Cape Town: University of Cape Town Press.
- IDP Guide Pack. 2002. Guide III-Methodology. DPLG and GTZ Task Team. Departmental Publication. Pretoria.
- KIDD, M. 2008. Removing the green-tinted spectacles: Pillars of sustainable development in South African environmental law. *The South African Journal of Environmental Law and Policy*, 15(1), pp. 85-102.
- MABIN, A. & SMIT, D. 1997. Reconstructing South African cities? The making of urban planning 1900-2000. *Planning Perspectives*, 12(2), pp. 193-223.
- MALAN, L. 2005. Intergovernmental relations and co-operative government in South Africa: The ten-year review. *Politeia*, 24(2), pp. 226-243.
- MAY, A.D., JOPSON, A.F. & MATHEWS, B. 2003. Research challenges in urban transport policy. *Transport Policy*, 10(3), pp. 157-164.
- NATIONAL DEPARTMENT OF TRANSPORT. 2011. *National Transport Master Plan*. Pretoria: Departmental Report.
- NATIONAL DEPARTMENT OF TRANSPORT. 2014. *Draft National Transport Strategic Framework*. Pretoria: Departmental Report.
- NATIONAL DEPARTMENT OF TRANSPORT. 2015. Draft NATMAP 2050 Synopsis Report. Pretoria: Unpublished Departmental Report.
- NATIONAL DEVELOPMENT AND PLANNING COMMISSION. 1999. *Draft Green Paper on Development and Planning*. Pretoria: Departmental Publication.
- NATIONAL PLANNING COMMISSION (NPC). 2011. Diagnostic overview. [Online] Available from: <[www.gov.za/sites/www.gov.za](http://www.gov.za/sites/www.gov.za)> [Accessed 15 July 2015].
- NATIONAL PLANNING COMMISSION (NPC). 2012. National Development Plan. [Online]. Available from: <[www.gov.za/issues/national-development-plan-2030](http://www.gov.za/issues/national-development-plan-2030)> [Accessed 15 July 2015].
- ORANJE, M. & MERRIFIELD, A. 2010. National spatial planning in South Africa 1930-2010: An introductory comparative analysis. *Town and Regional Planning*, 56, pp. 29-45.
- PLANACT. 1988. *Integrated development planning - A manual for community leaders*. Johannesburg: Aloe Publications.
- REPUBLIC OF SOUTH AFRICA (RSA). 1977. *Urban Transport Act, Act 78 of 1977*. Pretoria: Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 1989. *Environment Conservation Act, Act 73 of 1989*. Pretoria: Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 1995. *Development Facilitation Act, Act 67 of 1995*. Pretoria: Government Printer.

- REPUBLIC OF SOUTH AFRICA (RSA). 1996a. White Paper on National Transport Policy. Pretoria: Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 1996b. *Constitution of the Republic of South Africa, Act 108 of 1996*. Pretoria: Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 1998. *National Environmental Management Act, Act 107 of 1998*. Pretoria: Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 1998b. *Local Government: Municipal Structures Act, Act 117 of 1998*. Pretoria: Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 1999. *Moving South Africa - The action agenda*. Pretoria. Departmental publication.
- REPUBLIC OF SOUTH AFRICA (RSA). 2000a. *National Land Transport Transition Act, Act 22 of 2002*. Pretoria: Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 2000b. *Local Government: Municipal Systems Act, Act 32 of 2000*. Pretoria: Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 2001a. *White Paper on Spatial Planning and Land-Use Management*. Pretoria: Government Printer. (Refer also to the Drafts for 2003, 2006 and 2007).
- REPUBLIC OF SOUTH AFRICA (RSA). 2003. *Rural transport strategy for South Africa*. Pretoria. Departmental publication.
- REPUBLIC OF SOUTH AFRICA (RSA). 2008. *Final Draft Land-Use Management Bill*. Pretoria. Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 2009a. *National Land Transport Act, Act 5 of 2009*. Pretoria: Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 2009b. *R.1208 National Land Transport Act (5/2009): National Land Transport Regulations*. Pretoria: Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 2009c. *R.877 National Land Transport Act (5/2009): National Land Transport Regulations on Contracting for Public Transport Services*. Pretoria. Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 2011. *National Transport Master Plan. Natmap 2050. Background Document*. [Online]. Available from: <<http://www.transport.gov.za>> [Accessed: 2 March 2009].
- REPUBLIC OF SOUTH AFRICA (RSA). 2010. *Regulations in terms of Chapter 5 of the National Environmental Management Act, 1998. Regulations R.543 to R.547*. Pretoria: Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 2013. *Spatial Planning and Land-Use Management (SPLUMA) Act, Act 16 of 2013*. Pretoria: Government Printer.
- REPUBLIC OF SOUTH AFRICA (RSA). 2015. *Regulations in Terms of the Spatial Planning and Land-Use Management (SPLUMA) Act (16 of 2013)/(R.239), 23 March 2015*. Pretoria: Government Printer.
- RETIEF, F. & ROSSOUW, N. 2007. Urban environmental policy in Africa. In: Geyer, H.S. (Ed.). *International handbook of urban policy, Volume 1: Contentious global issues*. Cheltenham, UK: Edwin Elgar Publishing Limited, pp. 288-306.
- SCHEEPERS, T. 2000. *A practical guide to law and development in South Africa. An introduction to the law applicable to the development management process in South Africa*. Kenwyn: Juta.
- SCHOEMAN, C.B. 2010. Urban and regional planning and the interface with environmental management and transportation planning. Inaugural address. No. 238, Scientific Contributions. North-West University, Potchefstroom Campus.
- SOUTH AFRICAN CITIES NETWORK. 2015. SPLUMA as a tool for spatial transformation. [Online] Available from: <[sacitiesnetwork.co.za](http://sacitiesnetwork.co.za)> [Accessed 15 July 2015].
- SOWMAN, M. 2002. Integrating environmental sustainability issues into local government planning and decision-making processes. In: Parnell, S., Pieterse, E., Swilling, M. & Wooldridge, D. (Eds). *Democratising local government: The South African experiment*. Cape Town: University of Cape Town Press, pp. 181-203.
- SOWMAN, M. & BROWN, A.L. 2007. Mainstreaming environmental sustainability into South Africa's integrated development planning process. *Journal for Environmental Planning and Management*, 49(5), pp. 695-712.
- SOWMAN, R., FUGGLE, R. & PRESTON, G. 1995. A review of the evolution of environmental evaluation procedures in South Africa. *Environmental Impact Assessment Review*, 15, pp. 45-67.
- STEAD, D., GEERLINGS, H. & MEIJERS, E. 2003. Integrated land-use planning and environmental policy: An international comparison, Volume 1. OTB Research Institute for the Built Environment. Delft University for Technology. Rotterdam.
- SWILLING, M. 1991. Introduction. In: Swilling, M., Humphries, R. & Shubane, K. (Eds). *Apartheid city in transition*. Cape Town: Oxford University Press, p. viii.
- SZAJNOWSKA-WYSOCKA, A. 2009. Theories of regional and local development -Abridged review. *Bulletin of Geography. Socio-economic Series* No. 12 (2009).
- THE PRESIDENCY. 2003. *National spatial development perspective*. Pretoria: The Presidency.
- THE PRESIDENCY. 2006. National spatial development perspective. Pretoria: The Presidency.
- TILMAN, H. & WALL, R. 1997. Urbanization and housing in South Africa. In: Tilman, H. (Ed.). *Housing generator - Integration or fragmentation*. Rotterdam: NAI Publishers, e-book.
- TODES, A. 2004. Regional planning and sustainability: Limits and potentials of South Africa's integrated development plans. *Journal of Environmental Planning and Management*, 47(6), pp. 843-861.
- TODES, A., SIM, V. & SUTHERLAND, C. 2009. The relationship between planning and environmental management in South Africa: The case of KwaZulu-Natal. *Planning Practice and Research*, 24(4), pp. 411-433.
- TOMLINSON, R. 1990. *Urbanization in post-apartheid South Africa*. London: Unwin Hyman.
- UNITED NATIONS HABITAT (UN HABITAT). 2013. Planning and design for sustainable urban mobility. Global Report on Human Settlements 2013. Nairobi, Kenya.
- UNITED NATIONS HABITAT (UN HABITAT). 2014a. Towards the development of international guidelines on urban and territorial planning. Nairobi, Kenya.

UNITED NATIONS HABITAT  
(UN HABITAT). 2014b. The state of African cities. Re-imagining sustainable urban transitions. Nairobi, Kenya.

UNITED NATIONS HABITAT  
(UN HABITAT). 2014c. Habitat III: The future we want: The city we need. Nairobi, Kenya.

UNIVERSITY OF THE WESTERN CAPE, COMMUNITY LAW CENTRE. 2007. Developmental local government: Determining appropriate functions and powers. Local Government Project. Cape Town.

VAN WYK, J. 2012a. *Planning law*. 2nd edition. Cape Town: Juta.

VAN WYK, J. 2012b. Planning in all its (dis)guises: Spheres of government, functional areas and authority. *PER/PLJ*, 15(5), pp. 288-318.

VIGAR, A., HEALEY, P., HULL, A. & DAVODI, S. 2000. *Planning governance and spatial strategy in Britain. An institutional analysis*. London: Macmillan.