

IMPLICATIONS OF SPATIAL PLANNING AND LAND USE  
MANAGEMENT ACT (16 OF 2013) (SPLUMA) ON LAND  
ALLOCATION IN AREAS UNDER TRADITIONAL  
AUTHORITIES

by

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The research report is hereby submitted to the School of Architecture and Planning, Faculty of Engineering and Built Environment, at the University of the Witwatersrand, Johannesburg, in the fulfillment of the requirements for the degree of Master of Science in Development Planning.

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## **ABSTRACT:**

The main aim of the study is to investigate the significance of the Spatial Planning and Land Use Management Act (16 OF 2013) (SPLUMA) and its possible implications on land allocation in areas under traditional authority. In order to achieve this, the Act was reviewed as a data collection mechanism. This was done in order to gain an in-depth understanding of the act and its objectives before attempting to formulate the implications of this Act on land allocation in areas under traditional authority. This study explored how this new planning legislation (i.e. SPLUMA) will affect the roles and functions of traditional leaders in rural development and overall service provision, focusing mainly on land allocation.

The research study discovered that SPLUMA was a significant Spatial and Land Use Management legislation in South Africa which is central in addressing issues of land rights and rural development. The findings were that there has been tension between traditional leaders and elected local government officials as they found contesting for power and authority in rural areas. This was because of the ambiguity and vagueness of the Constitution and the Traditional Leadership and Governance Act on issues of power and functions of the two institutions especially on matters of land allocation and administration. Another finding was regarding the socio-economic implication which showed that SPLUMA was a planning law which has potential to redress the socio-economic imbalances left by the colonial and apartheid regimes, but it requires the collaboration of traditional leaders as custodians of tribal land and customary law. Conclusions and key recommendations were that local government officials and traditional leaders need to cooperate on issues of land allocation and administration. However, clarification of roles and functions in SPLUMA regulations should be done to avoid tension and frustrations. Furthermore, there is also a need for national land allocation guidelines which traditional leaders should consider when allocating land. Lastly, capacitation of traditional leaders on spatial planning, land management and rural governance was indispensable in promoting land rights and rural development in areas under their jurisdiction.

**DEDICATION:**

*To my late mother, Ms Jacobeth Magagula, my greatest inspiration to succeed in life. I wish you were here to see me graduate, again! However, I am consoled to believe that your spirit is always in my presence.*

**DECLARATION:**

I Meshack Ntshuxeko Maluleke, declare that this research report is my own original and unaided work. I state that I have provided full acknowledgement to the sources I have used in this study. I am responsible for any piece of text, conclusions and recommendations of this study. This research report has not been submitted previously for any degree or examination at any other university. The research report is hereby submitted to the School of Architecture and Planning, Faculty of Engineering and Built Environment, at the University of the Witwatersrand, Johannesburg, in the fulfillment of the requirements for the degree of Master of Science in Development Planning.

.....  
Meshack Ntshuxeko Maluleke

..... day of.....2017

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## **LIST OF ABBREVIATIONS**

CONTRALESA	Congress of Traditional Leadership of South Africa
CLaRA	Communal Land Rights Act
DFA	Development Facilitation Act
DRDLR	Rural Development and Land Reform
HTL	House of Traditional Leaders
IDP	Integrated Development Plan
IPILRA	INTERIM Protection of Land Rights Act
MPT	Joint Planning Tribunals
MSA	Municipal System Act
NDP	National Development Plan
NSDP	National Spatial Development Perspective
ODPM	Office of Deputy Planning Minister
RDP	Reconstruction and Development Programme
SPLUMA	Spatial Planning and Land Use Management Act
TA	Traditional authority
TC	Traditional Council
TL	Traditional Leaders
TLGFA	Traditional leadership and Governance Framework Act