

# COLLOQUIUM 1

## Theme: Planning Law and Regional Planning

Lecture by Prof. Jeannie van Wyk,  
Emeritus Professor of Law, Unisa

August 2020



# TABLE OF CONTENTS

<b>1. Introduction.....</b>	<b>3</b>
1.1 Issues pertinent to the Karoo Regional SDF.....	3
1.2 Idea of a Regional SDF.....	3
1.3 Sequence of presentation .....	4
<b>2. What is Planning Law.....</b>	<b>4</b>
2.1 Terminology and origins.....	4
2.2 Definition .....	4
<b>3. Subdivisions of Planning Law.....</b>	<b>5</b>
3.1 Constitutional basis.....	5
3.2 Land management planning .....	5
3.3 Land development management .....	5
<b>4. Spheres of government and their powers and functions.....</b>	<b>5</b>
4.1 Spheres of government .....	5
4.2 Legislative and executive competence .....	6
4.3 Planning competences .....	6
4.4 Content, boundaries and responsibilities for planning.....	6
4.5 Extent of constitutional powers and functions .....	7
4.5.1 What do courts say? .....	7
4.5.2 No usurpation .....	8
4.5.3 Where does ‘regional planning and development’ fit in? .....	8
<b>5. Co-operative government.....</b>	<b>8</b>
5.1 Principles of co-operative government .....	8
5.2 Intergovernmental Relations Framework Act 13 of 2005.....	8
<b>6. SPLUMA.....</b>	<b>9</b>
6.1 Aims and objectives .....	9
6.2 Co-operative government .....	9
6.3 Constitutional functional areas.....	9
6.4 Spatial Development Frameworks .....	9
<b>7. Regional Spatial Development Frameworks.....</b>	<b>10</b>
7.1 ‘Region’ defined.....	10
7.2 Declaration as a ‘region’ .....	10
7.3 Purpose .....	10
7.4 Contents.....	10
7.5 Implementation and funding.....	11

<b>7.6</b>	<b>Determination .....</b>	<b>11</b>
<b>7.7</b>	<b>Nature and legal effect.....</b>	<b>11</b>
<b>7.8</b>	<b>Conflicts and monitoring .....</b>	<b>12</b>
<b>8.</b>	<b>Conclusion .....</b>	<b>12</b>

# Planning law and Regional Spatial Development Frameworks with specific reference to the Karoo Regional Spatial Development Framework

By Jeannie van Wyk, Emeritus Professor of Law, Unisa

August 2020

Greetings, my name is Jeannie van Wyk. I am going to be talking about Planning Law and Regional Spatial Development Frameworks with specific reference to the Karoo Regional Spatial Development Framework. This lecture and accompanying Power Point presentation are being made available to prepare for the Colloquium on 21 August 2020. Part of that preparation includes the opportunity to submit comments and questions by 14:00 on 17 August so that we can interact with it all at the Colloquium. I look forward to getting your inputs, so please do not hesitate to make submissions. I'm not a planner, but am involved with the law, my speciality being Planning Law so any thoughts from your side will be valuable for me as well.

The lecture is divided into 9 parts, including a brief introduction and conclusion.

## 1. Introduction

The introduction of the Karoo Regional Spatial Development Framework (Karoo Regional SDF) in most of the Karoo region is noteworthy for many reasons. The region covers a vast area that straddles four provinces, fourteen district municipalities and around thirty-six local municipalities. It is, to my knowledge, the only Regional Spatial Development Framework (Regional SDF) in the making in the country.

### 1.1 Issues pertinent to the Karoo Regional SDF

While the area the Karoo Regional SDF covers is vast there are many aspects that make it unique. These include an arid to semi-arid climate that faces climate-change challenges, a diverse and dispersed, yet socially connected population that still suffers inequality and poverty and a distinctive, but threatened biodiversity. These, and the opportunities presented by mining, agriculture, renewable energy generation, science and technology development, eco-tourism and indigenous traditions provide the reason to prepare a Regional SDF that integrates the whole region and superimposes, over municipal and provincial boundaries, a vision and opportunities for the entire region.

### 1.2 Idea of a Regional SDF

While regional planning is not unknown in South Africa, the idea of a Regional SDF introduced only a few years back in terms of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) is something completely new. While we are more familiar with National, Provincial and Local SDFs, as yet we do not have all the answers as to exactly what a Regional SDF entails, where it fits into the general SDF scheme and what the legal ramifications are in the context of planning in South Africa generally.

### **1.3 Sequence of presentation**

For me, the best place to start is with the law because it is, in a way, the rulebook. Against that background, I will discuss (1) what I think Planning Law is (in 2 below) and (2) what its subdivisions are (in 3 below). Because we now find ourselves in a constitutional state where the Constitution is supreme it is necessary to examine (3) the constitutionally mandated powers and functions of the different spheres of government, as well as the extent of those powers and functions (in 4 below). Then (4) the all-important issue of co-operative government, especially as it relates to planning is set out (in 5 below). Getting to SPLUMA, I give (5) a brief overview of the relevant parts, most importantly, SDFs generally (in 6 below) and (6) Regional SDFs in particular (in 7 below). Interwoven throughout the discussion will be the Karoo Regional SDF.

## **2. What is Planning Law**

### **2.1 Terminology and origins**

The term Planning Law seems fairly straightforward – the law relating to planning, or the rules governing planning. It is interesting to note that while the term was in use in other countries it was not until around 1990 that we in South Africa started using it. That is not to say that Planning Law didn't exist before that time – it took long for it be described and accepted as a discipline in itself.

### **2.2 Definition**

Saying that, there is no precise and permanent definition of Planning Law. Circumstances, such as the introduction of the Constitution and SPLUMA that resulted in paradigm shifts on a number of levels in South Africa, invariably affect a definition and leave it open-ended. I put forward my own definition, with the understanding that it may well be open to debate. It is:

Planning Law can be defined as that area of the law that provides for the creation of a sustainable land management planning framework as well as for land development management with the purpose of ensuring the health, safety and welfare of society as a whole, while taking account of overarching interests such as the environment, housing, agriculture and transport.

An analysis of this definition reveals the following:

- (1) Planning Law is multi-disciplinary, incorporating housing, agricultural and transport issues.
- (2) It leans heavily on other legal disciplines such as Constitutional Law, Administrative Law, Property Law and Environmental Law.
- (3) The main objective of Planning Law is sustainable development with its social, economic and environmental components.
- (4) Its purpose is to ensure the health, safety and welfare of society as a whole.
- (5) Finally, land, its planning, management and development, takes centre stage in any Planning Law system.

In the introduction to this presentation I alluded to the elements that make up the Karoo region. This definition of Planning Law addresses all of these and make the preparation of the Karoo Regional SDF relevant and imperative.

The main element of “my” definition of Planning Law is the distinction between a land management planning framework and land development management. This distinction resonates with the constitutional functional area of ‘regional planning and development’ (that I will get to later), which informs the idea of a Regional SDF. I would, therefore, briefly like to discuss these subdivisions.

### **3. Subdivisions of Planning Law**

#### **3.1 Constitutional basis**

Since the Constitution influences how all law is shaped, I found it relevant to view Planning Law as comprising two distinct, yet interrelated subdivisions based on sections 25 and 33 of the Constitution. Section 25 is the property clause and section 33 is the right to just administrative action. The division according to these constitutional provisions and the terms I use may well be foreign to you so I ask your indulgence. I term these subdivisions land management planning (for long the term forward planning was used) and land development management (or development control). These subdivisions fit into the spatial planning system envisaged in SPLUMA.

#### **3.2 Land management planning**

Under the umbrella of development principles, the first subdivision encompasses all aspects of planning that comprise limitations on – or deprivations of – to place it in constitutional terms, property. Land management planning is the creation of a blueprint for future land use. This is done through SDFs, land use schemes and restrictive conditions in title deeds.

#### **3.3 Land development management**

The second subdivision, land development management comprises the processes and procedures to change and manage land use, invariably involving decision-making by a tribunal, hence the constitutional principles of just administrative action apply.

### **4. Spheres of government and their powers and functions**

Besides influencing my thinking on these subdivisions of Planning Law, the Constitution has had a far more profound effect on Planning Law generally in South Africa. After 1994 lawyers and planners had a hard time adjusting to the new constitutional dispensation and figuring out how it all works in practice.

Since the system of government and the allocation of powers and functions to the three spheres of government is particularly relevant to planning, and especially to our understanding of Regional SDFs in South Africa, I’m going to concentrate on that for a moment.

#### **4.1 Spheres of government**

In terms of section 40 of the Constitution government in South Africa is constituted as national, provincial and local spheres that are distinctive, interdependent and interrelated. This is an interesting relationship that is not always easy to comprehend as the three descriptions seem to contradict one another – distinctive, yet interdependent and interrelated. This relationship is also crucial for Planning

Law as there has been much uncertainty over which sphere of government has responsibility for what, in other words how the allocation of powers and functions are distributed amongst the different spheres of government. The uncertainty around this has resulted in many visits to the Constitutional Court!

One of those visits resulted in the landmark 2010 Constitutional Court judgment in *City of Johannesburg v Gauteng Development Tribunal* where the Development Facilitation Act 67 of 1995 (the DFA) was held to be partially invalid because a province, in the form of the Gauteng Development Tribunal, was interfering in the competence of a municipality to undertake 'municipal planning'. After numerous drafts of a Land Use Management Bill that struggled to determine where legislative and executive competence for planning lay this judgment led to the eventual enactment of SPLUMA.

## **4.2 Legislative and executive competence**

Each of the three spheres of government has legislative and executive competence over matters specified in Schedules 4 and 5 in the Constitution. Schedule 4 is entitled 'Functional areas of concurrent national and provincial legislative competence', while Schedule 5 is called 'Functional areas of exclusive provincial legislative competence'. Each Schedule has a Part A and a Part B, the Part B being the local government matters. While the titles of these schedules refer to legislative competence, the executive competence of each of the three spheres of government is also differentiated according to these schedules.

I often find that students, even at Masters level, struggle with the distinction between legislative and executive authority or power, especially because they are linked. While legislative authority is the power to enact legislation, executive authority entails preparing, initiating and implementing that legislation, as well as developing and implementing policy. Each sphere of government has both legislative and executive power. Since a region for Regional SDF purposes is different from a 'sphere of government' and functions as a separate entity I would hesitatingly argue that there is no legislative or executive authority involved. There would be administrative authority carried out by an institution, committee or body tasked with implementing the Regional SDF.

## **4.3 Planning competences**

Each of the Schedules to the Constitution contains lists of so-called 'functional areas' or topics that are allocated to the different spheres. The planning competences listed in Schedules 4 and 5 include (1) 'regional planning and development' and (2) 'urban and rural development' as functional areas of concurrent national and provincial competence in Schedule 4 Part A. (3) 'Provincial planning' is a functional area of exclusive provincial competence in Schedule 5 Part A and (4) 'municipal planning' is a functional area of municipal legislative and executive competence in Schedule 4 Part B. If a functional area is not listed, for example, 'mining', 'water' and 'national planning' it is an exclusive national competence.

## **4.4 Content, boundaries and responsibilities for planning**

The content, boundaries and resultant responsibility for, these planning competences is not addressed in the Constitution so the courts have been left to unravel them.

The Constitutional Court has been busy in this regard, addressing issues around 'municipal planning' in some 8 important court decisions. The key conclusion reached is that municipalities have sole

responsibility for ‘municipal planning’. As Jafta J, in the *Gauteng Development Tribunal* judgment (at para 57), puts it:

...“municipal planning” ... is not defined in the Constitution. But “planning” in the context of municipal affairs is a term which has assumed a particular, well-established meaning which includes the zoning of land and the establishment of townships. In that context, the term is commonly used to define the control and regulation of the use of land.

Since none of the other planning functional areas has been the subject of a court decision, we have to figure out what their content is from how ‘municipal planning’ has been interpreted. For our purposes ‘regional planning and development’ is central. Besides listing it in Schedule 4 the term ‘region’ doesn’t feature in the Constitution except in the determination of seats in the National Assembly and official languages. No court case has described this functional area but we can deduce that it probably refers to planning and development in a geographic context where the specific attributes of a demarcated region, geographical or otherwise, apply for a specified purpose. The fact that both ‘planning’ and ‘development’ – the two subdivisions of planning - are included in this functional area is significant.

The idea behind Regional SDFs in SPLUMA would support the content of this competence that is allocated concurrently to the national and provincial spheres.

Armed with some idea of the content of the different functional areas, it is important to determine the extent of each sphere’s powers over the functional area allocated to it.

## **4.5 Extent of constitutional powers and functions**

Returning to section 40 of the Constitution that describes the spheres of government as being distinctive, interdependent and interrelated raises the next question - whether a sphere has absolute, exclusive power over a specific functional area or can it be shared with the other spheres.

### **4.5.1 What do courts say?**

Once again, the Constitution does not unravel this question and we must look to the courts for guidance. This issue has only been dealt with in relation to ‘municipal planning’ but it is particularly tricky when it comes to ‘regional planning’ where both national and provincial government have concurrent competences. Not all the court decisions are on the same page here. In the *Gauteng Development Tribunal* decision (para 55) the Constitutional Court states that:

“the functional areas allocated to the various spheres of government are not contained in hermetically sealed compartments. But that notwithstanding, they remain distinct from one another.”

The decision in *Habitat Council (Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v The Habitat Council and Others; Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v City of Cape Town and Others* 2014 (4) SA 437 (CC)) favours a strict delineation of the planning competences in order to prevent interference in another sphere’s powers. In reality planning competences do not operate in hermetically sealed compartments, neither do many of the other related competences such as environment, housing and building. The notion of an integrated planning system supports this.



#### **4.5.2 No usurpation**

The crux of the matter is that one sphere of government may not usurp the powers of another sphere. As a result it is impermissible for one sphere of government to take on the executive power of another and to attempt to operate from the same functional perspective as the encroached sphere in relation to the objects of the power. However, co-operation is a necessity and an RSDF, and especially the Karoo Regional SDF must have a large degree of co-operation.

#### **4.5.3 Where does 'regional planning and development' fit in?**

Where then, does the functional area of 'regional planning and development' stand? Being listed in Schedule 4 Part A makes it a matter over which national and provincial authorities have legislative and executive competence. For the Karoo Regional SDF, this would mean that national government and four provinces have concurrent legislative and executive authority. SPLUMA makes it clear that municipal councils must play a role as well (sections 18-19). As a result, a Regional SDF must involve all three spheres of government, which brings principles of co-operative government into the picture.

## **5. Co-operative government**

The Constitution directs the three spheres of government to observe and adhere to principles of co-operative government and to conduct their activities within the parameters of these principles.

### **5.1 Principles of co-operative government**

The idea behind the list of principles contained in section 41 is to facilitate the proper exercise of power and functions between the different spheres, especially where there are conflicts or overlaps. To that end, all spheres of government must inter alia respect the constitutional status, institutions, powers and functions of government in the other spheres. No sphere of government may assume any power or function except those conferred on it in terms of the Constitution, and it should exercise its powers and perform its functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere. The three spheres of government must co-operate with one another in mutual trust and good faith by doing a number of things that include: (1) consulting one another on matters of common interest, (2) coordinating their actions and legislation with one another and (3) adhering to agreed procedures. The work done on the Karoo Regional SDF thus far is testament to the fact that co-operation can work in practice.

### **5.2 Intergovernmental Relations Framework Act 13 of 2005**

Generally though, the inclusion of these principles is challenging in the sense that it is no easy task for the three spheres to co-operate with one another, and it is often difficult to demarcate boundaries and responsibilities. They are indeed lofty principles, sadly though they do not always translate into practice. An attempt to put them into practice is the Intergovernmental Relations Framework Act 13 of 2005 (IGRFA). It directs all spheres of government to consult with other affected organs of state in a variety of ways. The object of the Act is to provide a framework for national, provincial and local governments to facilitate co-ordination in the implementation of policy and legislation. This object has not really been achieved, raising the question whether SPLUMA can perhaps facilitate intergovernmental co-operation.

## 6. SPLUMA

### 6.1 Aims and objectives

SPLUMA's vision is encapsulated in its Preamble that emphasises all the negative aspects of pre-SPLUMA laws and practices that resulted in duplication and fragmentation, charting a way forward that is based on constitutional values and principles. The Preamble aligns SPLUMA with the constitutional mandate of the state to respect, protect, promote and fulfil the social, economic and environmental rights of everyone and strives to meet the basic needs of previously disadvantaged societies. Its objects point to these values and principles where they stress the need to provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic that promotes social and economic inclusion, aims to redress the imbalances of the past and ensures that there is equity in its application.

### 6.2 Co-operative government

SPLUMA also operates in the framework of co-operative government. The Preamble stresses the necessity that there must be procedures and institutions to facilitate and promote co-operative government and intergovernmental relations in respect of spatial development planning and land use management systems. It contains a number of provisions directed at facilitating co-operative government and intergovernmental relations. These will be particularly relevant in Regional SDFs where more than one sphere of government, sometimes all three, will be playing a role, as is the case with the Karoo Regional SDF.

### 6.3 Constitutional functional areas

SPLUMA aligns with the Constitution where it is legislation to regulate 'municipal planning' and 'provincial planning' (section 2(1)). To that end it details the elements of 'municipal planning' and 'provincial planning' for the purposes of the Act in section 5. While not a constitutional functional area listed in the schedules, 'national planning' is also detailed in the same section 5. 'Regional planning and development' does not feature in section 5, but in its Preamble SPLUMA mentions it and states that principles, policies, directives and national norms and standards are required to achieve important urban, rural, municipal, provincial, regional and national development goals and objectives through spatial planning and land use management.

### 6.4 Spatial Development Frameworks

Within the context of the Constitution and SPLUMA itself it is important to note that the point of departure remains the system of government – national, provincial and local. Each of these spheres must, in its own sphere, prepare an SDF. Sections 12-17 and 19-22 detail National, Provincial and Municipal SDFs. Regional SDFs are generally excluded from these provisions, even section 12 that is the general provision on SDFs. My reading of section 12 is that (except for section 12(6)) it does not include Regional SDFs, but I'm not going to put my head on a block over this and might be persuaded otherwise.

Other provisions in SPLUMA that relate to Regional SDFs include section 12(3), that permits the inclusion of a Regional SDF in the National SDF and section 16(e), directing a Provincial SDF to

“coordinate municipal spatial development frameworks with the provincial spatial development framework and any regional spatial development frameworks as they apply in the relevant province”.

This is further evidence that Regional SDFs fall outside of national, provincial and municipal SDFs and that, barring a few exceptions, the only provisions that relate to them are the definition of ‘region’ in section 1 and sections 18 and 19. Regional SDFs have a unique role in SPLUMA, with procedures and contents specific to them alone. A Regional SDF is, to a large extent, a stand-alone tool or instrument.

## **7. Regional Spatial Development Frameworks**

Against the background of the functional area of ‘regional planning and development’ in the Constitution SPLUMA makes provision for Regional SDFs for specific geographic areas. The idea of regional planning goes back to post World War II South Africa where the idea was to divide the country into socio-economic development regions for the purposes of survey, analysis and planning.

### **7.1 ‘Region’ defined**

What SPLUMA proposes is different because it defines ‘region’ as “a circumscribed geographical area characterised by distinctive economic, social or natural features which may or may not correspond to the administrative boundary of a province or provinces or a municipality or municipalities”.

### **7.2 Declaration as a ‘region’**

Any geographic area of the Republic may, therefore, be declared by the minister, after consultation with the premier and the municipal council responsible for that geographic area. The purpose of such declaration would be when it is “necessary to give effect to national land use policies or priorities in any specific geographic area”. A Regional SDF can be implemented in addition to the SDF(s) applicable to such area (section 18(3)).

### **7.3 Purpose**

Besides the purpose of the declaration, the purpose of a Regional SDF is indicated as guiding “spatial planning, land development and land use management in any region of the Republic” (section 18(1)). The three components that stand out are ‘spatial planning’, ‘land development’ and ‘land use management’. Terminology in SPLUMA is not precise but ‘spatial planning’ as used in SPLUMA refers to spatial development frameworks, development principles, norms and standards, land use schemes and land development applications. ‘Land use management’ is the heading to chapter 5 that deals with land use schemes. ‘Land development’ is defined in SPLUMA and means “the erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme”. A Regional SDF, therefore aligns with the constitutional functional area of ‘regional planning and development’ in Schedule 4 of the Constitution and deals with both subdivisions of Planning Law.

### **7.4 Contents**

After the declaration of the area, such as the Karoo, the Regional SDF must be compiled. SPLUMA contains no provisions on the process involved in the compilation and drafting of the Regional SDF.

However, SPLUMA prescribes the contents of the Regional SDF in section 19. The provision is peremptory – the Regional SDF must (1) give effect to (in other words, it must put into practice or make operative) the development principles in section 7 and any applicable norms and standards that have been drawn up in terms of section 8 (section 19(a)). It must (2) give effect to national and provincial policies, priorities, plans and planning legislation (section 19(b)). Municipal policies, priorities, plans and planning legislation are not included in this provision. I question this because the declaration of the region requires the inputs of the relevant municipal council. In any event, the hierarchical nature of SDFs would result in these being reflected in the national and provincial SDFs. Moreover, in the case of the Karoo Regional SDF it would be an enormous task to give effect to all the policies, priorities, plans and by-laws of all the municipalities. The Regional SDF must (3) reflect the current state of affairs in the area from a spatial and land use perspective of the region (section 19(c)).and (4) indicate desired patterns of land use in the area (section 19(d)). (5) Basic guidelines for spatial planning, land development and land use management must be provided (section 19(e)). (6) A Regional SDF must comply with environmental legislation (section 19(g)).

## **7.5 Implementation and funding**

An important provision (section 19(f)) is that a Regional SDF must make proposals as to how the framework will be (1) implemented and (2) funded. ‘Implementation’ means how it will be put into effect. Only Municipal SDFs have a similar provision that could be useful. Relevant aspects of section 21(p) of SPLUMA are that a Municipal SDF requires an implementation plan comprising sectoral requirements, including budgets and resources for implementation; specification of institutional arrangements necessary for implementation; specification of implementation targets, including dates and monitoring indicators; and specification, where necessary, of any arrangements for partnerships in the implementation process. The Regional SDF is the only framework that must contain proposals on how it will be funded. This is not the case with any other SDF, and once again, indicates the independent nature of a Regional SDF.

## **7.6 Determination**

Once the Regional SDF has been compiled, SPLUMA provides (in section 18(4)(a)) that “before determining it ... the minister must give notice of it in the *Gazette* and the media. “Determining”, used in this provision probably means “deciding” or concluding”. Together with the notice the minister must invite the public to submit written representations in respect of it to him or her within 60 days after the publication of the notice. Then he/she must consider all representations received (section 18(4)(b-(c))). After consultation with the premier and the municipal council responsible for the geographic area, the minister may, by notice in the *Gazette*, publish a Regional SDF for that region (section 18(1)).

## **7.7 Nature and legal effect**

A Regional SDF is a stand-alone framework or guideline that involves the spheres of government in which the region falls, so always the national sphere of government and one or more provinces, and the municipal sphere involving one or more municipal councils.

SPLUMA contains no provisions on the legal effect of a Regional SDF. Some guidance can be obtained from a provision on SDFs in general. This is that “spatial development frameworks must outline specific arrangements for prioritising, mobilising, sequencing and implementing public and private

infrastructural and land development investment in the priority spatial structuring areas identified in spatial development frameworks” (section 13(6)).

A Regional SDF is a statutory document in the sense that its implementation and contents are prescribed by statute. But a Regional SDF does not have the force of law in the sense that it is enforceable. Like a Provincial SDF it does not confer on any person the right to use or develop land.

## **7.8 Conflicts and monitoring**

As we know, co-operative government is not ideal where there are conflicts, and there may well be conflicts where a Regional SDF straddles a number of provinces and municipalities. In such a case SPLUMA provides that after consultation with organs of state in the provincial and local spheres of government, “the minister may prescribe procedures to resolve and prevent conflicts or inconsistencies which may emerge from spatial plans, frameworks and policies of different spheres of government and between a spatial plan, framework and policies relating to land use of any other organ of state” (section 9(3)). In addition, monitoring of a Regional SDF is a necessity. Here SPLUMA specifically directs the minister to monitor the quality and effectiveness of “other spatial planning tools and land use management tools and instruments” (section 9(1)(b)(iii)). I would interpret these provisions to include a Regional SDF.

## **8. Conclusion**

A description that is appropriate is that a Regional SDF can be seen as a “spatial vision and strategy specific to a given region with a view to maximizing the benefits from investments and bringing about more spatially balanced (in terms of optimal location) and efficient regional development patterns” (Spaliviero M et al 2019 The Spatial Development Framework to facilitate urban management in countries with weak planning systems” *International Planning Studies* vol 24 2019 Issue 3-4)

For the Karoo Regional SDF the Constitution and SPLUMA provide the basic law or foundation on which sections 18 and 19 of SPLUMA must build a spatial vision, strategy and plan specific to the region that is unique in many ways and that requires unique insights, solutions and proposals. As a largely stand-alone framework, that is free of many of the constraints of provincial and municipal SDFs, the Karoo Regional SDF can be the vehicle that takes spatial planning, land use management and land development in the region to a new level.