

Survey Results - Act 70/70 as well as follow up Survey with Respondents.

First Survey (20-27 November 2020), Second Survey (27 November 2020)

SAGI received several complaints from practitioners in regard to delays in decisions in respect of applications in terms of the Subdivision of Agricultural Land Act No. 70 of 1970 (Act 70/70). SAGI decided to conduct a survey in respect of the delays to ascertain the general experience of practitioners before taking issues up with Government. The first survey was Conducted 20-27 November.

The survey was sent to SAGI members to undertake and to pass on to any non SAGI members they may know of that also undertook Act 70/70 applications. A few Town Planners also submitted information. The survey was open to only those that had applications currently in the system. The respondents are therefore a mix of Land Surveyors and Town Planners.

Based on further emails received, it was decided to run a second survey, but only to the respondents in the first survey. Such was open for one day only (27 November). A Total of 24 responses (covering 57% of applications) were received in the second survey. The second survey dealt with communication and expectations.

The department receives on average approximately 160 applications per month. This survey covers 46 respondents who reported on their 170 current applications awaiting decisions in terms of Act 70/70. (First Survey)

A. FIRST SURVEY

a. DECISIONS TIME PERIODS

The question was asked - How many applications have been with the Department for longer than 3/6/9 and 12 months, respectively.?

Analysis of the answers is as follows.

0 to 3 Months	Answer	170
3 to 6 Months	Answer	127

This indicates that 43 applications are new and submitted in the period 3 Months or less from the date of survey. This represents 25.3 % of applications

The remaining 127 Applications (74.7%) have been in the system for longer than 3 Months.

6 to 9 Months	Answer	77
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This indicated that between month 3 and 6, some 50 applications were approved – 29.4 %.

However, 77 applications remaining means that of the sample, 45.2% are still waiting for approval in the period 6 to 9 Months.

9 to 12 Months Answer 58

This indicated that between months 6 and 9, 19 applications were approved – 11.2 %.

However, 58 applications still awaiting decisions mean that of the sample, 34.1% are still waiting for approval in the period 9 to 12 Months.

12 Months and Longer Answer 28

This indicated that between months 9 and 12, 30 applications were approved – 17.6 %.

However, 28 applications mean that of the sample, 10.3% are still waiting for approval taking longer than 1 year.

If one were to exclude “new/recent applications” (43 applications) and only considered applications in the system for longer than 3 Months (127 applications) then the percentages are startling.

39% approved in the period 3 to 6 Months
15% approved in the period 6 to 9 Months
24% approved in the period 9 to 12 Months
22% approved in a year or more.

Removing applications earlier than three months, then only 39% approved in 6 Months. Not a satisfactory figure.

The Department has no legislated turnaround time in respect of applications, **at best there is only a service level standard of 90 days to process applications.** As this survey will show - Service level and approval times are vastly different.

1. DEVELOPMENT VALUE

Respondants were asked the development value of the Projects and to check such with their clients if unsure. The reported combined Development value was R 10.7 Billion.

Considering this survey is for only 170 applications and considering the average monthly number of applications is approximately 160 application – the investment values of developments over a year is extremely significant.

Considering further that this is Private sector development – the state is exempt from the provisions of Act 70/70 – potentially in excess of R 100 billion private sector investment / development passes through the department either in the form of an approval or a denial of the application. Turnaround times of such is thus of vital importance to planning and investor confidence.

2. INCOMPLETE APPLICATIONS & APPLICATIONS NEEDING FURTHER INFORMATION

Respondents were further asked if any of the current applications were deemed incomplete by the Department and secondly how many had requests for additional information.

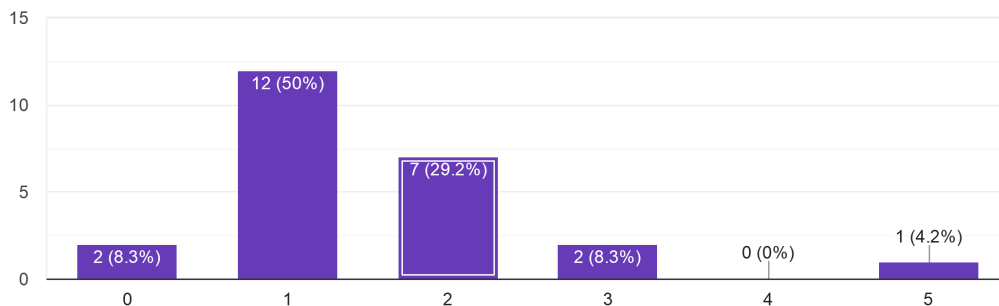
Incomplete application notifications: Answer 5 = 2.9%

Additional Information Requests: Answer 13 = 7.6 %

Many respondents emailed us on other matters related to the department and we then undertook a limited second survey to the respondents of the first survey to ascertain information about the communications with the department.

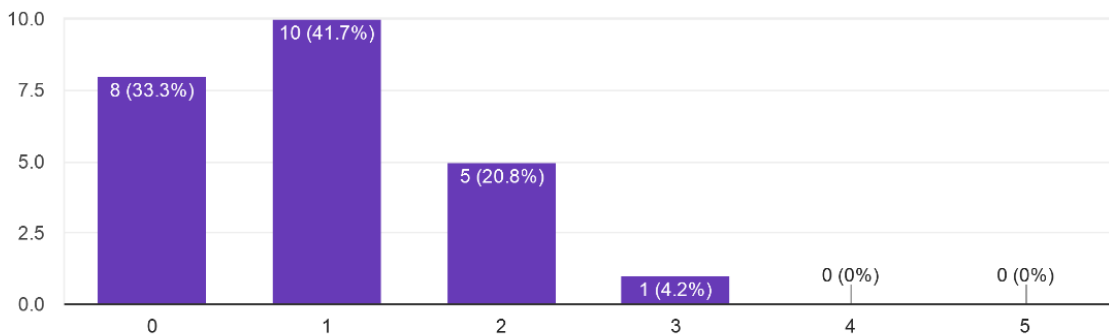
The first question deal with Past communications with the department “Given your **PAST experience** with the department in terms of 70/70 applications how would you rate **past communication** ? (0 = Non Existent, 5= Excellent)” – 24 responses were received. The average reply on the above scale was 1.54.

Please note - this Question relates to PAST Experience : Given your PAST experience with the department in terms of 70/70 applications how would you rate past communication ? (0 = Non Existent, 5= Excellent)
24 responses



The second Question dealt with Current Communications with the department “Given your **CURRENT experience** with the department in terms of 70/70 applications, how would you rate the **CURRENT communications** (0 = Non Existent, 5= Excellent)” – 24 responses where received. The average reply on the above scale was 0.96. From the perspective of the applicants, communications are marginally above Non – Existent and certainly almost half previous communications levels which cannot in any way be claimed to be acceptable.

Please note - this Question relates to your CURRENT Experience : Given your CURRENT experience with the department in terms of 70/70 applications... communications (0 = Non Existent, 5= Excellent)
24 responses



Respondents where asked if they wished to comment on their Current experience – below is a selection of comments.

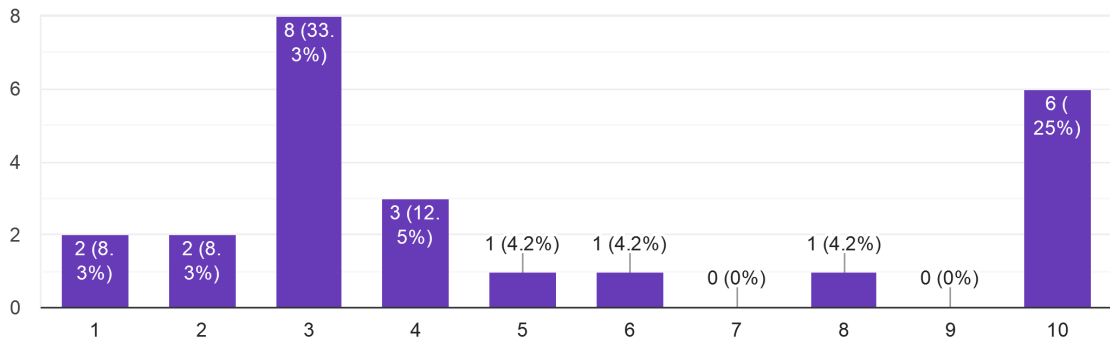
- Not even sure where to send application to and who can be contacted as queries (emails & telephone) are not answered!
- Department needs to be more proactive and respond.
- The website that enabled you to trace the progress of an application should be implemented again.
- Any feedback would be appreciated even just to confirm that our applications was received.
- Any reply at all would be a great improvement.
- Telephone goes unanswered (I have tried 6 different extensions and still no answer) or at least respond to emails. Always get read receipts but no reply.

- Officials should answer their telephones and reply on emails - this is not happening.
- Please communicate with us! Please answer the telephone and emails.
- Nobody answers e-mails or telephones.
- Non-Existent.
- Some staff are willing to assist if you get hold of them.
- Automatic coms from department to applicant will be appreciated. (by email will be sufficient).
- Reference numbers for applications are not provided.
- Still poor response to emails and often it is impossible to reach anybody on the phone numbers.

A third question was asked in “What is **YOUR timeline expectation** to receive an approval / rejection for a 70/70 application? (1 = 1 Month, 5 = 5 Months, 10 = 10 Months)”

What is YOUR timeline expectation to receive an approval / rejection for a 70/70 application ? (1 = 1 Month, 5 = 5 Months, 10 = 10 Months)

24 responses

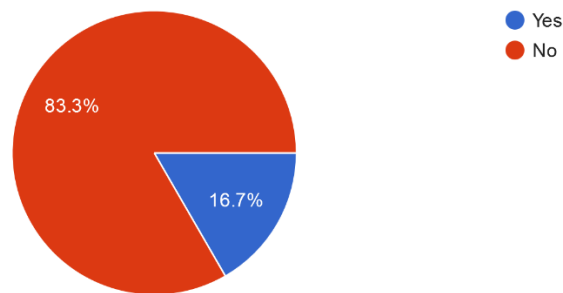


The average of such was 5.04 Months – considering the preceding survey such is a reasonable time period. However, given our need for Investment, and Jobs – everything possible must be done to reduce such even further. Considering there is no need for advertising and public consultation processes in a 70/70 application – perhaps a 2-3-month period would be more appropriate.

Further questions where :-

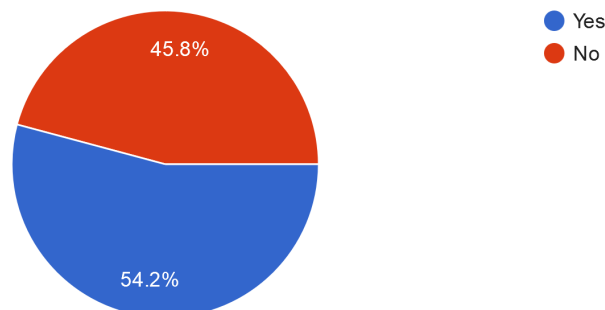
“Have you in the PAST year received approvals meant for other practitioners?”
16.7% reported they had. Such indicates flaws exist as this should never be happening. Administrative systems are not what they should be.

Have you in the PAST year received approvals meant for other practitioners ?
24 responses



“Have you in the PAST year received approvals with errors / mistakes that necessitated an application to rectify them?” – **54% reported they had. This is totally unacceptable as such errors necessitate a further application and further delays.**

Have you in the PAST year received approvals with errors / mistakes that necessitated an application to rectify them
24 responses



Respondents were also asked if parallel applications in terms of SPLUMA are allowed in their Areas of practice,

In your geographical area of work – while waiting for a 70/70 approval, will your Municipality allow a SPLUMA application to proceed ? (i.e. are parallel applications allowed)

24 responses



From a Monetary perspective; -

No	R 480 450 000.00	5.8%
Yes	R 1 508 000 000.00	18.2%
Depends on Municipality - Some do. Some don't	R 6 173 000 000.00	74.6%
They will allow it to a point and then wait	R 11 160 000.00	0.1%
A combination of the two options above	R 103 200 000.00	1.2%

Total of 24 respondents of second survey R 8 275 810 000.00
(the 24 Respondents cover 98 applications)

It must be remembered that these are the development values only in respect of the Second survey.

There is significant uncertainty in the planning process, given that a number of municipalities may or may not accept applications in terms of SPLUMA before obtaining the 70/70 approval. The development values are significant – given that this is only a sample of the 170 respondents and further that such number of applications is fractionally over the number for a typical month. The cost to the country, when we can least afford it, is significant and needs to be addressed so that at a minimum – parallel application should be allowed by all Municipalities.

Additionally, if practitioners cannot submit parallel applications it creates a lengthy approval chain for applicants and practitioners. The lack of consistency in approval times, and indeed the lack of a legislated approval period for Act 70/70 approvals as well as a number of other approval processes creates vast uncertainty for any private sector development that involves agricultural land. Lengthy lead times for development approvals can in fact kill a development.

This Survey does not cover the number of potential Jobs that could be created based on such approvals neither does such survey cover the indirect benefits that accrue to the economy.

The survey did not distinguish between the different types of surveys, but it seems clear from the returns, that the larger development values of some applications would indicate some form of Non-Agricultural use application.

Further, aside from a request to release land from Agriculture, in all other respects the State is exempt from such applications. Thus, the results can largely be considered development from the Private sector.

There is a need to have a half yearly survey on all consent processes to monitor year on year improvement, bottlenecks and development growth. SAGI will be looking into the design of such a system and calls on any interested parties that want to collaborate on such.

Communication and systems seem to be the issue. AGIS system has been down, by some accounts for over 2 years now. Practitioners report not being able to communicate, not having an assigned contact, having no feedback and limited to no abilities to monitor (or even enquire on) progress.

As a result of this survey, SAGI is formulating a Letter to the Department to address the finding on 70/70 Applications. Further to this, SAGI will also formulate a letter to the president to address investor matter highlighted by this survey.