

E-LODGEEMENT SYSTEM: RURAL DEVELOPMENT AND LAND REFORM

Following the enactment of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) and the later publication of the regulations thereto, a number of associated initiatives are unfolding which consulting planners require to take note of.

As the custodians of SPLUMA, the Spatial Planning and Land Use Management Branch of the National Department of Rural Development and Land Reform is also mandated to monitor and support the implementation of the new legislation (more specifically municipal by-laws) by the various municipalities throughout the country.

With a view to facilitating inter-governmental participation and relations and to establish appropriate norms and standards for land use management and compliance monitoring, a “Spatial Planning and Information System” was established during 2013 and has been developed and extended over the past 3 years.

Given the obligations which now rest on municipalities with regard to municipal by-laws to manage and regulate land development, the national department’s focus has been on assisting municipalities faced with capacity challenges, to receive and process land development applications. For such purpose a system for the electronic lodgement of land development applications has been developed by the National Department.

Called the E-lodgement system, the new planning tool is a word based product to be used by land development applicants to lodge land development applications by completing pro forma documents online, uploading supporting information and procuring cadastral information, zoning information, land use scheme provisions and related data. This culminates in the compilation of a compliant application and the lodgement thereof with the relevant authority (municipality).

Whilst the system is currently limited to the Free State Province and certain parts of the Northern Cape, it will be managed and monitored at a provincial level where the system, once it receives such an application, will notify the municipality and the applicant of the steps to be taken in the context of the relevant by-law, to bring the matter to conclusion.

All documentation relevant to the application process remains on the system for monitoring and auditing. On its part, the system will be capable of generating reports for end users, including a Municipal Planning Tribunal, planning officials within a municipality or similar.

It is intended that the system will provide for various categories of land development applications and includes a “pre-lodgement” facility where the prospective applicant can procure spatial information required to complete the application. Thereafter the “lodgement” phase provides for making reference to the applicable by-law and related legislation, development principles and the like.

This is followed by an “assessment phase” during which the land development application is evaluated and assessed, culminating in final decision-making in terms of which the Municipal Planning Tribunal or an authorised employee of the municipality will conclude the matter and provide for a decision (either approval or rejection).

Where a matter is approved, the system will provide a checklist of compliance, relevant to a conditional approval and to enable monitoring.

The main server which supports the aforesaid system is stored in a secure bunker in Bryanston, Johannesburg, where all documents on the system will be retained in safekeeping.

The idea is also to build and maintain a database of relevant spatial planning policies and legislation and to support municipalities remotely from provincial and national government offices where human resource capacity is inadequate. Apparently, a first pilot application was lodged in the Free State in September 2015.

Whilst the principle of the idea may be sound, the proof of the pudding lies in the eating, as they say. Various previous attempts at creating some form of electronic system to process land development applications have come to nought, given the peculiarities which attach to land development applications and, more particularly, the legal compliance requirements which are often onerous and which simply cannot be entertained by an

electronic system which is not capable of accommodating the many, often delicate, nuances which apply to site specific circumstances when matters require professional evaluation.

Nevertheless, the Department of Rural Development and Land Reform must be applauded for its important work in this regard and all concerned will wait, with bated breath, for the feedback on the success (or not) of the pilot project in the Free State and Northern Cape.

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