
PROJECTS AND INFRASTRUCTURE

ALERT

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INFRASTRUCTURE
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COMES INTO EFFECT

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INFRASTRUCTURE DEVELOPMENT ACT COMES INTO EFFECT

On 10 July 2014, President Jacob Zuma made the proclamation which officially brought into force the Infrastructure Development Act, No 23 of 2014 (Act).

The intention of the Act is to fast-track infrastructure delivery in specifically designated areas. The Act recognises 18 Strategic Integrated Projects (SIPs) targeted for these fast-tracking purposes. These include:

- SIP 8: Green energy in support of the South African economy;
- SIP 10: Electricity transmission and distribution for all;
- SIP 12: Revitalisation of public hospitals and other health facilities;
- SIP 13: National school build programme; and
- SIP 18: Water and sanitation infrastructure.

The Act establishes the Presidential Infrastructure Co-ordinating Commission (PICC), and its Council, which is responsible for designating further SIPs, when this becomes necessary. Additional SIPs will be designated by notice in the Government Gazette.

To achieve its aim of improving, facilitating and co-ordinating public infrastructure development, the Act prescribes periods of time within which various stages in the infrastructure development process must occur. The Act is peremptory in this regard, noting that time frames "may not be exceeded".

The period of time allowed by the Act for conducting public consultation on a project application and project plan is 30 days. The period for submitting

a detailed development and mitigation plan (based on the project plan) to the relevant authority is 60 days. The instigator of a project then has 44 days within which to publically consult on the development and mitigation plans. The relevant authority has 57 days to assess and consider the development and mitigation plan and make a final regulatory decision.

Timeframes for completing any of the stages involving public consultation may be extended upon written request.

The Act also allows the PICC to expropriate land for the purposes of implementing a SIP. The PICC is required, before making an expropriation, to consult with the organ of state in whose favour the expropriation is made. This expropriation power remains a point of contention in this Act, since it remains unclear how it will interact with the Expropriation Act, No 63 of 1975.

Finally, to achieve its goals, the Act creates Steering Committees. These Committees are tasked with providing concrete assistance to the SIPs, by identifying necessary authorisations, licences and permissions for a project, instructing that these be submitted simultaneously, and ensuring applications for these consents are complete, compliant and their progress is monitored.

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