



ETHEKWINI MUNICIPALITY

ECONOMIC DEVELOPMENT INCENTIVE POLICY 2016



eThekweni Municipality

ECONOMIC DEVELOPMENT INCENTIVE POLICY 2016

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1. Preamble

The eThekweni Municipality's Economic Development Incentive Policy is aimed at promoting investment and boosting the economy of Durban. Incentive policies should reduce obstacles to investment, foster an investor-friendly environment and facilitate local and foreign investment. Financial incentives can lower costs and risks for investors and non-financial incentives can be used to diminish obstacles and encourage investor commitment. Non-financial incentives can provide information, assistance or promote opportunities to investors who may be unfamiliar with the investment environment. Investing is also made easier by removing restrictions to investor admission and investment establishment, as well as by facilitating the on-going operations of foreign and local investors.

Achieving success in attracting investment often requires a combination of incentives. A well implemented policy typically promotes investment inflows through measures that enhance the image of the municipality in the view of potential and committed investors, provide information on investment opportunities to potential investors, offer location incentives, facilitate investment through institutional and administrative improvements and render post-investment support services. Incentives are broadly categorised as financial, fiscal or non-financial. Non-financial incentives are further categorised as regulatory reform or as technical and business support.

2. Purpose

Investment incentives have long been used at all levels of government from national to municipal. The common criticism of many of these incentives is that they may only serve the needs of some and create a loss of public revenue. The efficient allocation of resources can be distorted through government intervention but circumstances can justify the use of investment incentives. Incentives are commonly used to meet the objective of attracting and retaining increasingly mobile capital, create employment, and enhance exports. Governments may also wish to deepen investor's links with local businesses, thus allowing investors to create opportunities for local skills training and education.

The purpose of the eThekweni Municipality's Economic Development Incentive Policy includes the following:

- To attract development to the City by offering incentives;

- Creating an attractive and investor friendly environment;
- Encourage urban regeneration;
- Provide for inclusive investment;
- Stimulate local employment and local procurement;
- Identify and implement different types of incentives;
- Establish processes and procedures for incentives;
- Identify criteria for the spatial and sectoral targeting to ensure the City's broader economic goals are achieved;

In line with the intention and purpose of this policy, low density residential development is excluded from receiving benefits of the incentives (does not qualify). Residential developments that promote a gross residential density of greater than 80 dwelling units per hectare qualify to be considered in terms of this Policy.

3. Problem statement

The eThekweni Municipality faces the challenge of addressing unemployment, income inequality, and shortfalls in education and training, plus government revenue streams. Private investment is needed to broaden economic activity, catalyse infrastructure investment, and improve social services within the Municipality and address the challenges listed above.

There are numerous key factors that influence the attractiveness of a city for private investment. However, two key factors are proximity to international ports and links with national highways. These gateways and linkages connect cities to large domestic and foreign markets. The eThekweni Municipality is connected to two major national highways (the N2 and N3 national routes), the Port of Durban and the King Shaka International Airport respectively. A quality supply of local infrastructure services (municipal roads, lighting, water supply, drainage etc.) further enhances the competitiveness of a city. Service improvements can potentially enhance the investment attractiveness of a city thereby raising its level of economic success (Lall *et al.* 2010). Incentive policies by themselves may only seem to have a limited impact relative to market forces and government spending. However,

when incentives are combined with plans, policies, and infrastructural investment, they provide an investment friendly foundation for promoting sustained growth of development.

Another challenge faced at a municipal level is local, inter-regional and international competition for investment. Many regions within Africa are experiencing strong foreign direct investment (FDI) inflows and investment growth in the extractive economic sectors and in consumer-oriented manufacturing and services (UNCTAD, 2013). There is growing opportunity to attract investment to eThekweni Municipality. Some cities offer other investment incentives in addition to providing cost-effective services and links to large markets. Large urban municipalities compete locally with each other and with smaller neighbouring communities and inter-regionally and internationally with more distant cities. Competing cities often offer non-financial, financial and fiscal incentives to encourage investment. Many cities make use of local investment promotion and local economic development agencies as key non-financial incentives.

In 2011, the eThekweni Municipality had a total population of 3.44 million. Just over a quarter of the population are children 14 years old or younger. Economically active people (from 15 to 64 years old) make up 70% of the population. The overall unemployment rate was 30.2% in 2011 whilst the youth unemployment rate sits higher at 39% (Statistics South Africa, 2014). The location of economic activity in the municipality may be divided into five basic regions, North, Central [including the central business district (CBD)], South, Inner West and Outer West.

Poor service provision can be a source of delay or added cost to investors.

Service problems commonly cited by investors are:

- The cost and time required for approvals of business licences and permits;
- Approvals to purchase or lease land or change the zoning restrictions on use of particular pieces of land;
- Environmental impact assessments and agreements on mitigating and monitoring environmental impacts;
- Tax concessions and customs duty waivers;
- Work permits for foreign senior staff and technicians;
- Permits from national and sub-national governments;

- Timely access to public utilities at affordable rates;
- Foreign exchange regulation or restrictions on capital and dividend repatriations;
- Insurance regulations for transported goods;
- Various facets of labour law and pension provisions; and dispute resolution systems.

3.1 Policy Implementation and Consultation

3.1.1 Communication plan

The policy will be communicated through the following mechanisms:

- Rates forums
- Stakeholder workshops
- EThekweni Municipality's Website
- Economic Development and Planning Committees
- Local Municipal Media Publications

3.2. Consultation

A thorough consultation process was followed with both internal and external stakeholders. This was combined with desktop research for the purposes of developing the policy.

3.3. Budget

A detailed budget will be made available once the Implementation Plan is drawn up.

4. Legislative Context

The regulatory context for this policy emphasizes the growth of the economy through attracting investing, increasing employment and reducing poverty and inequality are as follows:

Constitution of Republic of South Africa (1996)

National Development Plan (2012)

New Growth Path (2010)

Municipal Finance Management Act (2003)

Municipal Property Rates Act (No.6 of 2004)

EThekwini Rates Policy 2015/16

EThekwini Municipality IDP 2013

EThekwini Spatial Development Framework

Development Charges Act

Any strategies which eThekwini has adopted

5. Definitions

Incentives: “*non-market benefits used to influence the behaviour of an economic actor*”.

For investors, incentives may be defined as any measurable advantages (in the form of fiscal, financial, or non-financial incentives) accorded to specific enterprises or categories of enterprises by (or at the direction of) a government, in order to encourage investors to behave in a certain manner.

5.1 Financial incentives

These may include direct grants and cost sharing schemes, lending instruments and guarantees. It may also refer to discounted prices on the market value of land or the direct provision of land on terms more favourable than that available on the open market.

5.2 Non-financial incentives

This refers to technical or business support incentives: Services to support investors in setting up and running their operations (often provided by an investment promotion agency). These can include preferential treatment and streamlined administrative processing, administrative consulting, direct administrative assistance, relocation support and support to *ex patriate* employees of the investor business. Cities can also provide business-centric research, market intelligence, opportunity identification, project packaging and industrial clustering and support. These incentives are often provided through investment promotion agencies.

5.3 Fiscal or tax incentives

Fiscal or tax incentives may refer to exemptions or Income excluded from the tax base, It may also refer to allowances which are amounts deducted from gross taxable income. Credits or rebates are allowances which are amounts deducted from gross taxable income.

5.4 Implementation plan

The Implementation Plan is intended to operationalise the strategy and highlights important information such as what will be done by whom, when and what resources are needed for this purpose, amongst other requirements for the efficient implementation of the Policy and management of activities.

5.5 New job

A new job consists of 230 days of work for a specific individual per annum. This new job pertains to a job being previously not in existence or not occupied.

6. Principles

6.1. Achievable and relevant performance criteria

Incentives must be tied to achievable and relevant performance criteria with clear and unambiguous mechanisms for monitoring and enforcement. Examples of conditions for the granting of incentives range from compliance with basic regulations to job creation and training targets. Failure to meet these conditions or targets will result in a loss of incentives or a duty to repay their equivalent value.

6.2 Public access

All investment incentives should be listed each year in one published public document. This should be available on-line before it is available in printed format. Annual tax and non-tax expenditure reporting of the cost of incentives should be provided timeously to ensure proper management of public funds.

6.3 Legality and compliance

Tax incentives must comply with all relevant policy and legislation. Incentives should not be provided to companies which are not in compliance with the law. Incentives should align with core labour, health, safety and environmental standards. The investment incentives policy must be in line with national and provincial planning guidelines.

6.4 Low administrative complexity and clear criteria for granting rule-based incentives automatically

Transparent and objective eligibility criteria must be used to grant access to incentives. Unless incentives are tied to pre-defined, public, and rule-based systems they become vulnerable to corruption investor confusion and information asymmetries. Eligibility for incentives provided by law should be based on clearly defined, easy to understand, predetermined criteria. Qualifying criteria should be consistently applied to all businesses applying for incentives without prejudice. Incentives should not be granted through special permission or certification by investment promotion agencies, ministries of trade, or other government agencies. Ascertaining whether a business is eligible for an incentive and subsequently obtaining an incentive should be a simple task for investors and be based on the submission of pre-determined criteria and easily provided evidence of eligibility. This approach ensures prompt decision making and quick turnaround times for investors.

6.5 Adequate monitoring and control of incentives

It must be possible to monitor all incentives. Tax incentives should be used only for the incentive based purpose of lowering the cost of doing business for a new investor and not as an excuse to avoid tax, tax administration, information, audits, and any other compliance requirements.

6.6 Employment creation

With unemployment at 30% in eThekweni Municipality (Statistics South Africa, 2014) investment that creates local jobs is vital and urgent. Investment incentives must consider temporary and sustained job creation in the private sector. Private investors and entrepreneurs

will create both temporary jobs and permanent employment during start-up and sustained operation.

6.7 Affordability of full financial costs

Determine the full financial costs of incentives under all possible circumstances. The cost of services provided by the eThekweni Municipality must be covered in order to remain sustainable. It is possible that incentives decrease tax income initially but increase tax income in the long-run. However, all incentive packages must be affordable and allow the municipality to meet its service delivery targets. High impact, low cost incentives should be targeted. Mitigate indirect costs of incentives.

6.8 Transparency

Information on incentives policy and the availability of incentives should be public knowledge. Freely provide local and foreign investors with information on existing incentives in the most open and public way possible. All incentives available should be clearly spelt out in full detail and kept up-to-date on the Municipality's website (www.durban.gov.za) or another dedicated public website.

6.9 Clear identification of those responsible for implementation

Establish who (which agency/department/authority) is responsible for incentive implementation and for ensuring that the objectives and criteria for incentives are met.

6.10 Spatially inclusive

Investment incentives that target specific sectors or businesses may run the risk of exacerbating spatial inequality. Investment incentives should include marginalised communities where possible. Policies that correct market or regulatory failures in all areas should be considered. However, this should be in line with the City's Spatial Development Framework.

6.11 Complementarity and alignment (national and provincial)

Both national and provincial government currently provide various programmes and packages that incentivise investment and job creation. Incentives offered by eThekweni Municipality should align with these in order to enhance their impact. Furthermore, eThekweni Municipality investment incentives policy should directly reflect its mandate as a separate and independent sphere of government i.e. it should relate to incentives that eThekweni Municipality can uniquely provide.

6.12 Continuous review

The true impact of the incentives on investment decisions will only be apparent when the investment incentives policy is implemented. Investment incentives need to be reviewed regularly to mitigate unintended consequences through adjustments. The review process will be made easier and more effective by keeping incentives simple, keeping records, and evaluating results. The full package of investment incentives should also be reviewed for effectiveness and investor popularity after a fixed period of time.

6.13 Scorecard matrix

The scorecard matrix is based on the criteria for administering incentives; it provides a framework for reviewing current incentives or developing new incentives.

The matrix will classify investment incentives as fiscal, financial or non-financial (regulatory incentives or technical or business support incentives). The scorecard matrix scores incentive packages according to general criteria including the affordability, ability to implement, estimated time to implement and track record of the type of incentive. The matrix will not include a score for continuous review, as this applies to all incentives.

The matrix layout is based on the project assessment matrix used by Klein (2012) which scores from a low of 1 to a high of 5. Weights are also applied from a low of 1 to a high of 3. The Development Priority Weighting should align with municipal priorities. A high weight (3) should be assigned to project value indicators that are highly prioritised by the eThekweni Municipality. The weighted scores are totalled to provide a net total score for each incentive. A higher total score is indicative of a more effective incentive.

Table 1. Scorecard matrix

Incentive (fiscal, financial, regulatory incentives or technical or business support incentives)	
Targeted sector(s)	
Local/foreign investment incentive	
Legality and WTO compliance (yes/no)	

Table 2. Scoring Project Net Profit Benefit

Project Value Indicators	Project Indicator Assessment Rating (1-5)	Development Priority Weighting(1-3)	Comments	Assessment Score
Low administrative complexity and clear criteria for granting incentives automatically (simplicity).				
Adequate monitoring and control of incentives.				
Employment creation (temporary and sustained).				
Affordability of full financial costs.				
Transparency. Equally and fair to all investors. Publicly disclosed criteria for exercising discretion.				
Clear identification of those responsible for implementation.				
Spatially inclusive.				
Complementarity and alignment to national and provincial and local incentives and policies.				

Monitoring, evaluation, and review after fixed period.				
Time frame for incentive implementation.				
Time frame for investment incentive payback.				
Track record of the incentive in other cities, municipalities or regions.				

Net Project Benefit Score:

7. Policy Provisions

7.1 One-Stop Shop.

The One-Stop Shop should provide investors with information about all available incentives and allow investors to apply for incentives. All incentive applications should be managed electronically through the One-Stop Shop. The One-Stop Shop will be scaled up over time to perform additional functionality for investors and potential investors.

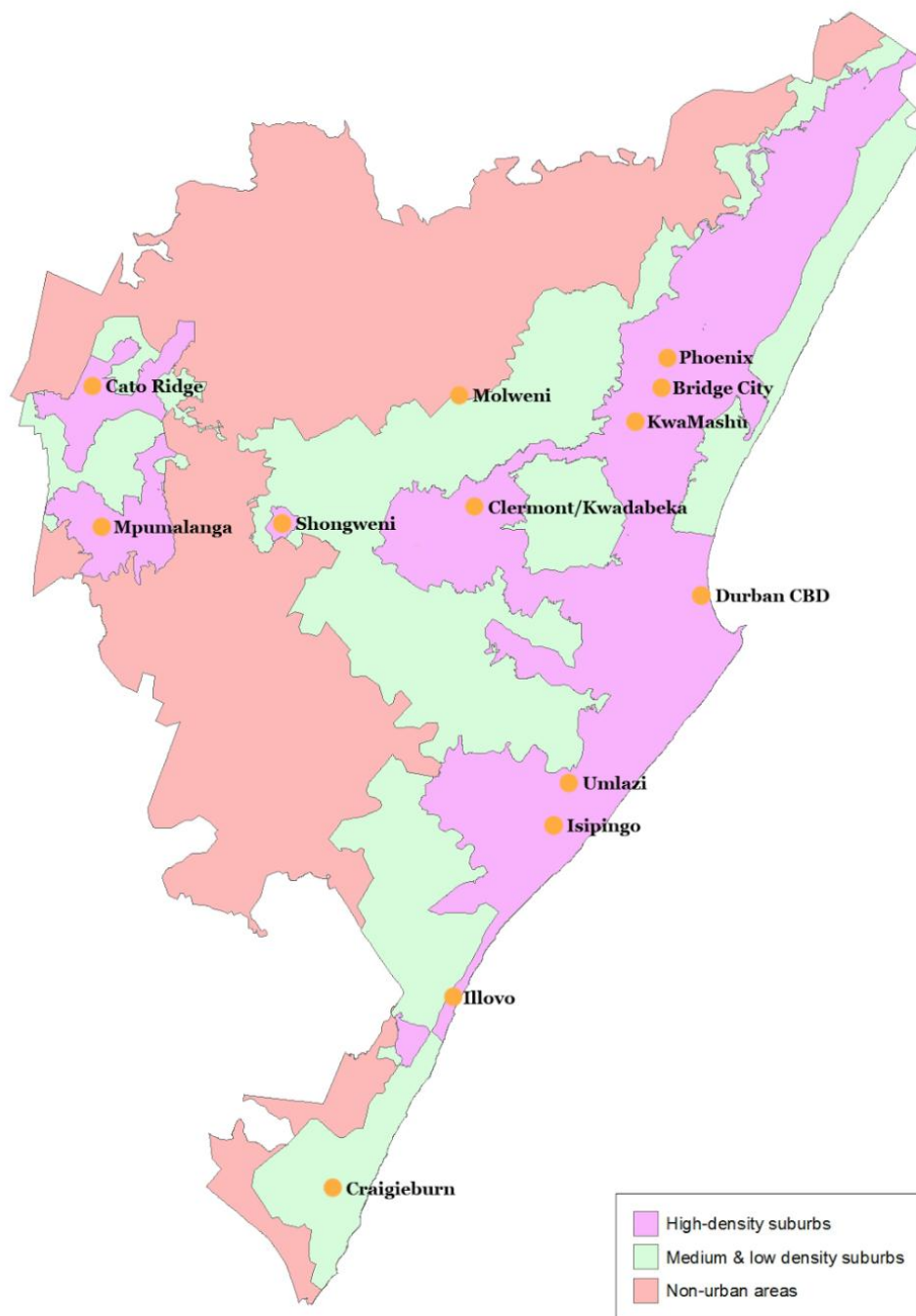
7.2 Investment fast-tracking service

Investors (with low environmental and health risks, and low public objection) can apply for an application assistance service with guaranteed timelines. The service will be offered in a similar fashion to the fast-tracking service provided for projects during the investment phase prior to the 2010 World Cup. Proposals can automatically be considered low risk if they meet given criteria. Investors can choose to pay a set fee for competent and experienced consultants to be assigned to their project.

7.3 Investment fast-tracking service in SEZs and in under-served areas.

Provide the investor service assistance incentive (outlined in 2.) automatically at no cost for low risk development proposals in Special Economic Zones and in deprived areas (shown in Figure 1).

Figure 1. Deprived economic nodes



Source: eThekweni Municipality Spatial Development Framework Report 2014/15 Review

7.4 Pegged rates for brownfield investments.

The key objectives of this incentive are urban renewal and regeneration. Keep rates pegged (at initial levels) for three to five years for brownfields investments in areas with surplus bulk services, or with land values greater than building values. These areas are likely to fall within high density areas shown in Figure 2. Qualifying applicants must sign a contractual obligation stating that the development should not take longer than the proposed period. Once the agreed contractual period is complete the property will be re-valued and rates will be increased accordingly.

Figure 2: High density zones

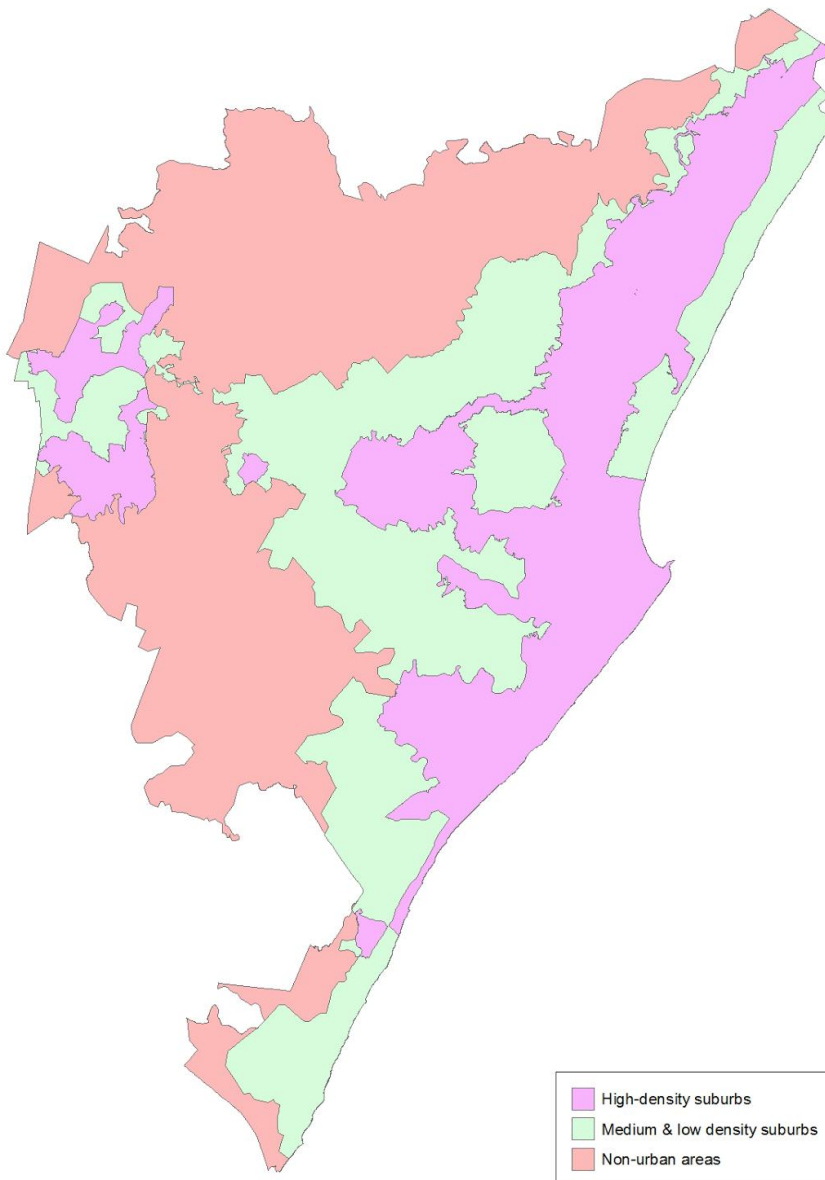
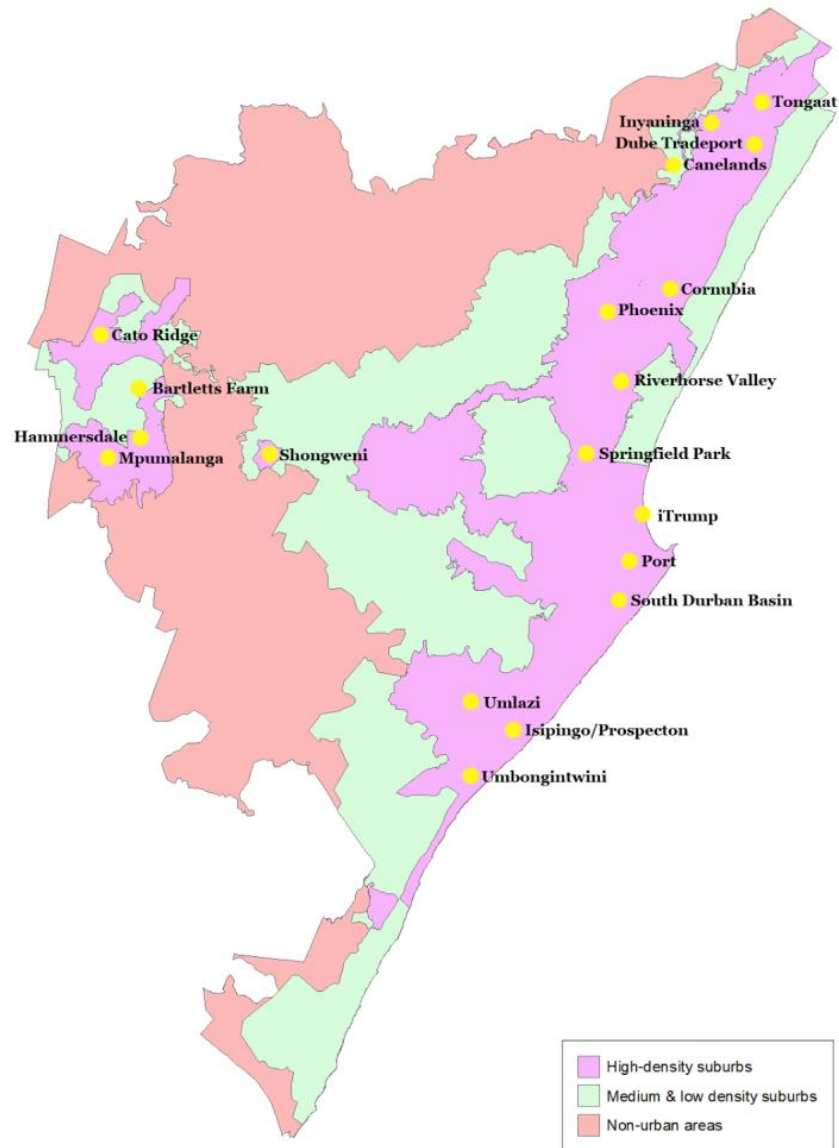


Figure 3: Industrial nodes



Source: eThekweni Municipality Spatial Development Framework Report 2014/15 Review

7.5 Rates relief for reinvestment in abandoned and derelict buildings on which penalty rates are currently charged.

Any buildings falling into this category in eThekweni are eligible for this incentive. Qualifying brownfield investors with an approved building plan will be charged rates on the current usage at the current value (as per the valuation roll at Real Estate Department) during development.

Qualifying applicants must sign a contractual obligation that the development should not take longer than a predefined period. Once development is complete the property will be re-valued and new rates will apply.

7.6 Vacant land receives the same rates randage as proposed usage in Greenfield developments.

Vacant land within newly established developments and phases within developments, should receive the same rates randage tariff as the proposed usage (for example, residential, industrial or business) once the development plan is submitted and approved. The investor will enter into a contract where usage rates will apply for the period of the development (defined as when the last property within the development has been transferred out to an end user) or for a predetermined period based on the development plan, but not exceeding five years. If properties have not been transferred to end users by the end of the negotiated period they will revert to vacant land rates.

7.7 Appropriate targeted sectors

The investment incentives should support sectors in eThekweni Municipality with a significant current contribution to the economy or with confirmed employment growth potential. Incentives must be unambiguously targeted at large enterprises or the SMME sector or both. Understanding targeted sectors and enterprises will inform the scale of the incentives programmes and mitigate against unforeseen consequences. The following are the key sectors which have high employment potential as per the Economic Development and Job Creation Strategy: Manufacturing, ICT, BPO, Green Economy, Tourism and Maritime. This provision applies only to targeted sector firms which undertake new investment as per the investment values specified in the annual Rates Policy. Firms that do not apply or do not qualify in terms of investment values can apply for the incentives in terms of the number of new jobs being created. Firms that will create a minimum of 50 new jobs will qualify under the targeted sector jobs incentive. Applications may qualify under this provision irrespective of spatial location and irrespective of whether the site it is located on has received past incentives, provided that the final beneficiary of the incentive is not the same in both instances.

7.8 A spatial layout of all (environmentally) low-risk areas earmarked for development

A spatial layout should be provided to all potential investors as part of the one stop shop service. These areas have undergone pre-emptive Environmental Impact Assessments (EIAs) and will allow the fast tracking of development.

7.9 Foreign direct investor assistance. - A fast-track of a motivated and co-ordinated response to large scale FDI.

Investment in eThekweni is not a two dimensional process and foreign investors need to be take note of the processes from A to Z in order to be able to operate like a local company. This requires assistance from the Economic Development and Investment Promotion Unit and a single contact assigned to the investor for all tax, employee and construction regulations and assistance with visas, housing, and other administrative hurdles.

7.10 Incentivisation for investment in bulk infrastructure

Incentivise private Greenfield investors to provide bulk infrastructure which could be achieved through public-private partnerships (PPPs), or alternatively, negotiated arrangements.

8. A Comprehensive System of Processes and Procedures

8.1 Establish an Economic Development Incentives Committee

- a) The Deputy City Managers: Economic Development and Investment Promotion and Treasury will be responsible for establishing a Development Incentives Committee.
- b) The Committee will exist on two levels:
- c) (i) City Manager's Office
(ii) Economic Development Incentive Committee Technical

- d) The Committee shall comprise of representatives of the Economic Development and Investment Promotion Unit, Development Planning, Environment and Management Unit and Treasury and Real Estates Departments, and the Legal Department.
- e) The Committee shall meet quarterly to review investment incentive applications.
- f) The Committee will identify priority sectors on annual basis for Council approval.
- g) The Committee will agree an appropriate list of incentives, aligned to the incentive policy, on an annual basis for Council approval.
- h) The Committee will operate on an interim basis until the One-Stop-Shop has been established.

8.2 Application Procedure

- a) A separate application form for each investment incentive will be available on the eThekweni Municipality's website (www.durban.gov.za). An example of an application form can be found in Appendix B.
- b) Applications will be submitted online to the one-stop-shop.
- c) All applications must be submitted from 01 July to 30 September of each year.
- d) The Investment Promotion Department will receive the applications in the interim via a dedicated email address. All applications will be screened to see if they meet basic criteria and notified if they are rejected or routed to a Development Incentives Committee.
- e) The Development Incentives Committee will meet every quarter to review applications and decide on incentives for applications, over and above this, as and when a special need arises.

- f) Applicants will be informed of the details of the incentives awarded to each proposed development project once they have been considered by the committee.
- g) Applications may be subject to a prioritization and selection process in accordance with the Municipality's priorities.
- h) Successful applications will be routed to relevant departments (shown in Table 2) for implementation.

8.3 Development of a One-Stop-Shop

- a) The One-Stop-Shop will provide the support services during Policy implementation. Cross-departmental collaboration will facilitate services and support to investor with regards to construction related permits and new business licenses to be submitted on-line or through a physical shop, including the Development Applications and Approval Department amongst other service related queries.

8.4 Development of a spatial plan.

- a) The Development Planning, Environment and Management Department will be responsible for providing a spatial indication of environmentally low-impact activity / areas.
- b) Where there are no environmental impacts, pre-emptive environmental impact assessments will be used to ascertain if rapid industrial, commercial and residential developments are permissible on the site.

9. Risk Plan and Review

9.1 Stakeholders have provided input and further engagement is important when implementing incentives and developing future incentives. The policy recommendations, criteria for administering incentives and scorecard matrix are other helpful policy tools that

have been used to develop an appropriate range of incentives, as well as strengthening or complementing current incentives.

9.2 Based on these criteria and stakeholder input on the eleven investment incentives, were recommended for inclusion in policy and implementation in eThekweni Municipality. Once implemented, all incentives should be reviewed in January of every year before the municipal budget is approved.

9.3 The scorecard matrix (see Table 1) provides a framework for reviewing and assessing the impact of incentives, allowing each incentive to be given a net benefit score. The full impact of incentives will only become apparent after the overall incentive period has past, or once the investment has become fully established. Other factors including uptake, administration costs and market impacts can be reviewed annually.

10. MONITORING AND EVALUATION

Table 3. Monitoring and evaluation criteria and tools

Purpose item/Output	Indicator (how do we measure/assess?)	Comment
Incentives efficiently implemented By this we mean: -Transparent -Value for money -Attracts significant value of investment -contributes to a significant number of jobs	-Survey of suppliers' views	-Get assistance with survey -Annual internal assessment
High levels of Investor confidence and satisfaction	Investor surveys	

11. POLICY EVALUATION AND REVIEW

The Economic Development Unit together with the Treasury Unit is responsible for the review of this Policy, every three years.

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Appendix A

Recommended Incentives

	Incentive	Who benefits?	Automatic or via application	Departments responsible for implementation
1	One-Stop-Shop	All investors	Automatic	Economic Development and Investment Promotion
2	Investment fast-tracking service (possible fee)	Low-risk investments	Application	Planning
3	Investment fast-tracking service.	Low-risk investments in SEZs and underserved areas	Application	Planning
4	Pegged rates for brownfield investments in prioritised demarcated areas. Areas earmarked by city council and/or with surplus bulk services or land values greater than building values may be classified prioritised areas.	Brownfield investments	Application	Rates, Planning, Economic Development and Investment Promotion
5	Rates relief for reinvestment in	Brownfield	Application	Rates, Planning,

	abandoned, unauthorised or illegal development/use buildings on which penalty rates are currently charged.	investments		Economic Development and Investment Promotion
6	Vacant land receives the same rates randage as proposed usage in new developments on approval of development plans.	Greenfield investments	Application	Rates
7	Rates rebate on investments in approved priority areas above a threshold property market value, which may vary with the nature of the development.	Large investments	Application	Rates
8	Appropriate targeted sectors	7.8	Appropriate targeted sectors	Economic Development and Investment Promotion
9	Provide all potential investors with spatial layout of all (environmentally) low risk areas earmarked for development, as part of the one-stop-shop service.	All investors	Automatic	Development Planning, Environment and Management Unit

10	Foreign direct investor assistance	Foreign investors	Automatic	Economic Development and Investment Promotion
11	Incentivise private greenfield investors to provide bulk infrastructure with PPP, or alternatively negotiated, arrangements.	Greenfield investments	Application	Rates, Planning, Economic Development and Investment Promotion