

Annexure M – Rezoning Application

OUR REFERENCE:
YOUR REFERENCE:

18 March 2019

TOWN PLANNING
Thaba Chweu Local Municipality
PO Box 61
Lydenburg
1120

Attention: Mr TMP Kgoale

RE: APPLICATION FOR THE ESTABLISHMENT OF A TOWNSHIP ON PORTION 488 (A PORTION OF PORTION 453) OF THE FARM TOWNLANDS OF LYDENBURG 31-JT

An application is hereby made in terms of Section 69 and 96(1), read in conjunction with Section 108 of the Town Planning and Township Ordinance (15 of 1986), as well as with Section 2(2) of the Spatial Planning and Land Use Management Act (16 of 2013) for the establishment of a residential township on Portion 488 (a portion of Portion 453) of the farm Townlands of Lydenburg 31-JT.

Please find attached the application documents, including the Memorandum and Annexures which are the supporting documents for the application as required in terms of the above-mentioned legislation.

Payment of the application fees in the amount of xxx has been made. The proof of payment is attached and forms part of this application.

We trust the above-mentioned to be in order for your consideration of the application. Please do not hesitate to contact us should you have questions or require any additional information.

Regards,

T. DONGA (084 692 1288)
TOWN AND REGIONAL PLANNER (REG. NO: C/8281/2017)
ELMON CONSULTING TOWN PLANNERS

MEMORANDUM

**APPLICATION IN TERMS OF SECTION 69 AND 96(1), READ IN
CONJUNCTION WITH SECTION 108 OF THE TOWN PLANNING AND
TOWNSHIP ORDINANCE (15 OF 1986), AS WELL AS WITH SECTION
2(2) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT
(16 OF 2013)**

FOR A TOWNSHIP ESTABLISHMENT

ON

**PORTION 488 (A PORTION OF PORTION 453) OF THE FARM
TOWNLANDS OF LYDENBURG 31-JT**

18 MARCH 2019

Submitted by:

**MEMORANDUM IN TERMS OF THE PROVISIONS OF THE
THABA CHWEU SPATIAL PLANNING AND LAND USE
MANAGEMENT BY-LAW, 2016**

FOR THE ESTABLISHMENT OF A TOWNSHIP

TO BE KNOWN AS

XXXXXX

ON

**PORTION 488 (A PORTION OF PORTION 453) OF THE FARM
TOWNLANDS OF LYDENBURG 31-JT**

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1. INTRODUCTION AND BACKGROUND

1.1 Background

1.2 Introduction

The owners of the property aim to establish a township on the identified portion of land in order to provide a residential area with its supporting facilities and institutions. The proposed township will be in harmony with the character of existing residential areas. The proposed development will also support and uplift other land uses found on surrounding properties.

Elmon Consulting has been appointed by the property owners to provide their assistance in obtaining relevant documents and compiling this application so that a township can be established on the portion of land.

See **Annexure** for a copy of the Power of Attorney signed by the property owners. The Power of Attorney gives Elmon Consulting permission to establish a township on the above-mentioned property and make submissions on behalf of the property owner.

2. APPLICATION

This application is made in terms of Section 96(1), read in conjunction with Section 69 of the Town Planning and Township Ordinance (15 of 1986), as well as with Section 2(2) of the Spatial Planning and Land Use Management Act (16 of 2013) for the establishment of a residential township on Portion 488 (A Portion of Portion 453) of the Farm Townlands of Lydenburg 31-JT.

The purpose of this application is to provide for the development of a residential area that will make a contribution to the increasing housing demand within the Thaba Chweu Local Municipality.

See **Annexure** for a copy of the completed and signed application form.

See **Annexure** for the proof of payment with regards to application fees.

3. APPLICATION PROPERTY

3.1 Property Description and Size

According to the Title Deed **T18328/2016** the property is known as:

Portion 488 (A Portion of Portion 453) of the Farm Townlands of Lydenburg 31-JT.

For the purposes of this application, the portion will be referred to as the “*the property*”.

In terms of SG Diagram **xxxxx** the property is **xxxx** Hectares in size.

See **Annexure** for a copy of the Title Deed.

See **Annexure** for copies of the General Plan and SG Diagram.

3.2 Registered Owners and Title

The registered owner in terms of Title Deed **T18328/2016** is:

KHS Construction and General Trading Proprietary Limited (Reg No. 2012/084021/07)

3.3 Locality

Administratively, the property falls within the jurisdiction of the Thaba Chweu Local Municipality. The property is situated in Lydenburg, **it has not yet been assigned an address as it is still a farm portion.**

See **Annexure** for a copy of the Locality Plan.

3.4 Physical Description

3.5 Existing and Surrounding Uses Land Uses

4. STATUTORY REQUIREMENTS

4.1 Local Authority and Town-Planning Scheme

The property is situated within the area of jurisdiction of the Thaba Chweu Local Municipality and provided for in terms of the Thaba Chweu Local Municipality Land Use Scheme, 2018.

The proposed township and development will be fully incorporated into the provision of the municipal town planning scheme; therefore, the township will be subject to the provisions of the municipal planning by-laws.

4.2 Bond Holder

The property is not registered under a bond. Therefore, the requirements for the consent of the bond holders will not be applicable to this application.

4.3 Conditions of Title

A desktop investigation of the property's Title Deed was conducted to identify any restrictive conditions. The property is subject to the standard conditions of title, especially with regards to

servitudes. However, it is important to note that these conditions will not affect the property and will not prohibit the proposed development.

A Conveyancer Certificate will be obtained to take note of any restrictive title conditions, if there are any. If there are certain conditions that hinder the establishment of a township, they will be cancelled in terms of relevant legislation.

4.4 Other Professional Inputs

Legal and Regulatory Frameworks require that a proactive approach be applied in a Township Establishment. This helps to ensure that there is sustainable development that is consistent with the various technical and professional aspects.

4.4.1 Geotechnical Conditions

A registered professional geotechnical engineer/geologist will be appointed to investigate the geotechnical conditions of the property. The report will be forwarded as soon as it becomes available.

4.4.2 Engineering Services

An engineering services report will be undertaken by a registered professional engineer to investigate engineering infrastructure and make some recommendations for future need of the same. The report will be forwarded as soon as it becomes available.

4.4.3 Floodline Determination

The project area site is an existing opencast coal mine located south of the town of Ogies, within the magisterial district of Emalahleni in Mpumalanga Province. The site occurs within quaternary catchment B11F of the Witbank Dam – in the Limpopo-Olifants primary drainage region. The Zaaiwaterspruit drains across the central portion of the site from the west to the east, and eventually discharges into Klippoortjiespruit, which drains to the Olifants River. The project area is traversed by watercourses, which are protected and conserved under the National Water Act, 1998 (Act No. 36 of 1998) (“NWA”), as well as the National Environmental Management Act (Act No. 107 of 1998) and its subordinate legislation. Regulations in Government Notice 704, passed in terms of Section 26 of the NWA, prohibit mining or mining related activities within the 1:50 year floodline or 100m horizontal distance of a watercourse, whichever is the greatest.

The floodline assessment was undertaken using the Rational Method for peak flow calculations, and the Hydrologic Engineering Centre’s River Analysis System (HEC-RAS) model, with channel cross-sections determined using 1m contours generated from site survey data. Suitable survey data for the northern boundary diversion channel was not available at the time of assessment. Therefore, the floodlines for the diversion channel could not be determined. Nonetheless, in consideration of the GN704 regulations, the diversion channel is reportedly sized for the 1:50 year storm. Furthermore, a

100m buffer zone from the channel to the workings has been established. The project area's layout plans show the 1:50 and 1:100 year floodlines of the Zaaiwaterspruit and its tributaries draining across the site, in a generally easterly direction. However, a reach of the Zaaiwaterspruit and that of its northern tributary have been diverted in order to avoid flooding of mine workings for deposits occurring within the regulated areas.

The Zaaiwaterspruit diversion channel has been constructed to convey the 1:100 year rain storm without spilling. Thus, according to results of the assessment, the floodlines are primarily within the diversion channel. However, the hydraulic model should be revised to consider the impact of the bridges across the watercourses on the flood regimes.

4.4.4 Environmental Impact Assessment

A fauna and flora assessment study was done as part of an Environmental Impact Assessment (EIA) process. The purpose of the study was to assess the fauna and flora status and ecological sensitivity of the study area.

The results of the study show that the proposed development site is located within the Grassland Biome of South Africa. The study area falls within the Lydenburg Thornveld within the Mesic Highveld Grassland Bioregion. The Lydenburg Thornveld is currently listed as vulnerable. Vegetation types dominating the project site include graminoids, megagraminoids, flowers and herbs.

- Reptile species: No reptile species were recorded on the site.
- Amphibians: No amphibians were recorded on the site. However, *Amietia delalandii* species may occur within the study area.
- Avifauna: The following avifauna species were observed on site: *Vanellus coronatus*, *Vanellus armatus*, *Euplectes progne*, *Euplectes orix*, and evidence of *Numida Meleagris* (feathers).
- Invertebrates: The following invertebrate species were observed on site during the time of assessment: *Danus chrysippus orientis*, *Acrea horta*, *Junonia hierta cabrene* and *Lampides boeticus*.
- Sensitivity: The project area is regarded to be of Medium sensitivity because the site is located in the Vulnerable Lydenburg Thornveld Vegetation, there are wetlands within 500m from the site, most areas surrounding the site are undeveloped, and there is a river flowing in close proximity to the site.

No red data species or species of conservation value were observed on site; however, due care must be undertaken when developing on this area and all relevant mitigation measures implemented.

4.4.5 Land Surveyor

A registered professional land surveyor will be appointed for purposes of the township establishment, with specific emphasis on the servitudes that may have an impact on the property. If there are servitudes that hinder the establishment of a township, these will be dealt with in terms of relevant legislation.

4.4.6 Conveyancer

A Conveyancer Certificate will be obtained to take note of restrictive title conditions, if there are any. If certain conditions exist which restrict the establishment of a township, these will be cancelled in terms of relevant legislation.

5. DEVELOPMENT CONCEPT

5.1 Development Approach

The proposed township will be formalised and given land use rights that will assist in ensuring that the property is developed to its full residential potential. It is important to note that all South African cities are facing housing backlogs, as a result, the demand for housing exceeds supply. Therefore, the township establishment will provide for the much needed housing in the Thaba Chweu Local Municipality.

The proposed development will be compatible with the existing natural and physical character of the area. It will also aim to improve the character of the area. The development will be in the form of a greenfields development on a vacant portion of land.

5.2 Areas to be developed

5.3 Proposed Development

The application is made for the establishment of a new residential township on Portion 488 (a portion of Portion 453) of the farm Townlands of Lydenburg 31-JT.

The township will be a residential development that will be in harmony with the existing residential character of the area.

5.4 Proposed Township Layout

The proposed development will be in accordance with the proposed township layout (Plan Number: **FDC_Lyd1**). The proposed layout is subject to the following: -

- It gives consideration to acceptable town planning, land surveying/cadastral principles with regards to planning and design
- It is a draft layout and alterations can be made should there be justifiable inputs and recommendations from various concerned parties
- The layout shows the total number of erven
- No development will be done in an environmentally sensitive area or a floodline area.

See **Annexure** for a copy of the proposed township layout.

5.5 Proposed Erven and Zonings

The township will be comprised of: -

Zoning	Land Use	Area (square metres)	Total number of Erven
Business 1	Business, Commercial and other related Uses	18 151	2
Education	School	14 125	1
Residential 1	Dwelling Houses	67 918	221
Residential 3	Dwelling Units/Flats	17 810	2
Special	Clinic	8 682	1
	Resort	1 038	1
	Filling Station	1 957	1
Public Open Space	Park	2 234	1
Road	Streets and Roads	38 082	*
Total		169 997	230

See **Annexure** for a copy of the proposed township layout.

According to the Thaba Chweu Local Municipality Land Use Scheme (2018), the zoning for the various erven must be within the following development parameters: -

Zoning	Development Parameters
Business 1	Permitted Land Uses: As per land use scheme Special Consent Uses: As per land use scheme Prohibited Land Uses: As per land use scheme Maximum Density: 65 units per hectare Maximum Coverage: 70% Maximum FAR: 3 Maximum Height: 3 storeys Building Lines: Street boundary: 5m Rear boundary: 2m Side boundary: 2m Parking requirements: As per land use scheme

Zoning	Development Parameters
Institutional	Permitted Land Uses: As per land use scheme Special Consent Uses: As per land use scheme Prohibited Land Uses: As per land use scheme Maximum Density and Maximum FAR: As approved by the Local Municipality Maximum Coverage: 50% Maximum Height: 4 storeys Building Lines: Street boundary: 5m Rear boundary: 2m Side boundary: 2m Parking requirements: 6 spaces per 100m ² floor area and 1 space per 4 seats

Zoning	Development Parameters
Residential 1	<p>Permitted Land Uses: As per land use scheme</p> <p>Special Consent Uses: As per land use scheme</p> <p>Prohibited Land Uses: As per land use scheme</p> <p>Maximum Density: 1 dwelling unit per erf with additional dwelling unit subject to written consent. 11-20 dwelling units per hectare.</p> <p>Maximum Coverage: 60%</p> <p>Properties that are less than or equal to 350m² can have a coverage of up to 75%.</p> <p>Maximum FAR: 1.5</p> <p>Maximum Height: 2 storeys</p> <p>Building Lines for stand less than or equal to 350m²:</p> <p style="padding-left: 40px;">Street boundary: 1m</p> <p style="padding-left: 40px;">Rear boundary: 2m</p> <p style="padding-left: 40px;">Side boundary: 1m</p> <p>Building lines for stands larger than 350m²:</p> <p style="padding-left: 40px;">Street boundary: 3m</p> <p style="padding-left: 40px;">Rear boundary: 2m</p> <p style="padding-left: 40px;">Side boundary: 2m</p> <p>Parking requirements: 1 covered space per dwelling unit and 1 uncovered space per 2 dwelling units</p>

Zoning	Development Parameters
Residential 3	<p>Permitted Land Uses: As per land use scheme</p> <p>Special Consent Uses: As per land use scheme</p> <p>Prohibited Land Uses: As per land use scheme</p> <p>Maximum Density: 100 dwelling units per hectare.</p> <p>Maximum Coverage: 70%</p> <p>Properties that are less than or equal to 350m² can have a coverage of up to 75%.</p> <p>Maximum FAR: 0.4</p> <p>Maximum Height: 6 storeys</p> <p>Building Lines for stand less than or equal to 350m²:</p> <p style="padding-left: 40px;">Street boundary: 1m</p> <p style="padding-left: 40px;">Rear boundary: 2m</p> <p style="padding-left: 40px;">Side boundary: 1m</p> <p>Building lines for stands larger than 350m²:</p> <p style="padding-left: 40px;">Street boundary: 3m</p> <p style="padding-left: 40px;">Rear boundary: 2m</p> <p style="padding-left: 40px;">Side boundary: 2m</p> <p>Parking requirements for residential uses: As per Site Development Plan</p>

Zoning	Development Parameters
Special	Prohibited Land Uses: As per land use scheme Permitted Land Uses, Special Consent Uses, Maximum Density, Maximum Coverage, Maximum FAR, Maximum Height and Building Lines: As approved by the Local municipality Parking requirements for a resort: 1 space per room and 6 spaces per 100m ² public floor area Parking requirements for a filling station: 40% of property reserved for parking and loading requirements and 6 spaces per 100m ² retail floor area Parking requirements for medical suites: 4.5 spaces per 100m ² floor area Parking requirements for medical consulting rooms: 6 spaces per 100m ² parking gross leasable area

Zoning	Development Parameters
Public Open Space	Permitted Land Uses: As per land use scheme Special Consent Uses: As per land use scheme Prohibited Land Uses: As per land use scheme Maximum Density, Maximum Coverage, Maximum FAR, Maximum Height and Building Lines: As approved by the Local Municipality Parking requirements: 1 space per 100m ² sport, recreation or play area

Zoning	Development Parameters
Transport	Permitted Land Uses: As per land use scheme Special Consent Uses: As per land use scheme Prohibited Land Uses: As per land use scheme Maximum Density, Maximum Coverage, Maximum FAR, Maximum Height and Building Lines: As approved by the Local Municipality Parking requirements for transport purposes: As approved by the Local Municipality

6. ENGINEERING SERVICES

The property is situated in a developed area and is adjacent to. Therefore, there are already existing engineering services provided by the municipality in the area.

The provision of engineering infrastructure for the proposed township will be guided by the recommendations made by a professional registered engineer in the engineering services report. An investigation will be undertaken to take note of available bulk engineering infrastructure in the area. The investigation will also look into available bulk engineering infrastructure that will serve the proposed township and make recommendations for the provision of engineering services in the proposed development.

The municipality plays a major role in service provision; therefore, a service agreement will be entered into with the municipality.

7. DEVELOPMENT MERITS AND MOTIVATION

The need and desirability of the proposed residential township establishment are motivated as follows: -

7.1 Status Quo

7.2 Need for the Proposed Development

The proposed township will have 2 erven with business land uses, 1 school, 221 dwelling houses, 2 dwelling units/flats, 1 clinic, 1 resort, 1 filling station and 1 park. The rest of the land will be occupied by streets and roads. The business land uses, resort and filling station will all support Lydenburg's local economy by bringing in finances from locals as well as people from surrounding areas. The dwelling houses and dwelling units/flats will provide accommodation and help reduce the housing backlogs that currently exist. The planned park will connect built-up areas with the natural environment, hereby bringing nature close to the people. Past studies have shown that the natural environment not only has aesthetic value, it also has some health benefits for people as well.

The proposed development consists of a wide variety of land uses. It will therefore contribute to the creation of a good quality, efficient and sustainable urban environment. The proposed development will create economic opportunities and increase the area's population. The larger population will support the local economy and ensure that there is efficient service provision and optimal use of infrastructure. The proposed development will also offer various types of housing, hereby increasing the number of housing types and tenure options available.

7.3 Desirability of Proposed Development

8. SUPPORTING PRINCIPLES AND POLICY

8.1 2017-2022 Ehlanzeni District Municipality's Final IDP and Budget

With regards to housing and land, the IDP states that within Thaba Chweu Local Municipality, there is a need: -

- To replace the asbestos roofs on old houses
- For new housing
- For the formalization of all informal settlements
- To maintain family hostels
- To complete housing projects
- For business sites
- For land for human settlement and commercial development purposes

- For township establishments
- To speed up land claims

In the year 2016, approximately 4 791 households in Thaba Chweu Local Municipality were informal dwellings. This accounts for 12.9% of the total number of households found in the municipality. In most instances, informal dwellings are an indicator of the fact that housing demand exceeds housing supply. The IDP also explains that the Thaba Chweu Municipality has 28 256 houses and a backlog of 13 294 houses (which is a backlog of 47%). It is crucial for new developments to provide formal houses that have secure tenure in order to eradicate informal dwellings (2017-2022 Ehlanzeni District Municipality's Final IDP and Budget: 51, 120).

8.2 The Constitution of the Republic of South Africa (1996)

The Constitution of the Republic of South Africa (1996) states that the government must take measures within its available resources to ensure that everyone has adequate access to housing, healthcare, food, water, education and social security.

8.3 Spatial Planning and Land Use Management Act 16 of 2013

Chapter 2 of the Act promotes the following principles that are linked to the development of land: -

- Spatial Justice: access to land and the use of land must aim to address the spatial and development imbalances caused by an Apartheid past. Land development procedures must also ensure that they provide people with secure tenure.
- Spatial Sustainability: land development must be within the means of the Republic. Development must also promote efficient functioning of land markets and consider current and future impact of infrastructure and services provision. Land development must lead to viable communities that are sustainable and reduce urban sprawl.
- Efficiency: land development should make optimal use of existing infrastructure and resources. Decisions must also be made in a way that leads to minimal negative financial, economic, social and environmental impacts. All parties must operate within set time frames when conducting development application procedures.
- Spatial resilience: spatial plans must be drawn up in a flexible way so that they can adapt and be altered in line with the changes in people's needs and wants. The plans must also have mitigation measures that allow the place to "bounce back" whenever an unexpected event occurs.
- Good administration: This principle supports the idea of an integrated approach to planning, working within set timeframes, transparency and accountability as well as community empowerment

9. CONCLUSION

This application is made in terms of Section 96(1), read in conjunction with Section 69 of the Town Planning and Township Ordinance (15 of 1986), as well as with Section 2(2) of the Spatial Planning

and Land Use Management Act (16 of 2013) for the establishment of a residential township on Portion 488 (A Portion of Portion 453) of the Farm Townlands of Lydenburg 31-JT.

The proposed development is a direct result of a housing need that has been identified in Lydenburg. The township establishment will provide residential uses as well as supporting institutions and facilities to cater for the township's population. The establishment of a township will contribute in reducing housing backlogs in the municipality. In the drafting of the layout plan, the main aim was to provide good quality built and natural environments for the future residents of the township. It can be concluded that the proposed township will have a positive impact on surrounding areas and Lydenburg as a whole. No negative impacts can be expected. The planned township will contribute to the efficient and optimal use of existing infrastructure, municipal services, public transport and land.

It is therefore requested that the Thaba Chweu Local Municipality give this application favourable consideration.

ANNEXURE 1: POWER OF ATTORNEY



ANNEXURE 2: APPLICATION FORM



ANNEXURE 3: PROOF OF PAYMENT



ANNEXURE 4: TITLE DEED



ANNEXURE 5: GENERAL PLAN



ANNEXURE 6: SG DIAGRAM



ANNEXURE 7: LOCALITY PLAN



ANNEXURE 8: PROPOSED TOWNSHIP LAYOUT

