

## Stephan Jacobs

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**From:** Jani Bruwer <longlandj@gmail.com>  
**Sent:** Friday, December 15, 2017 2:16 PM  
**To:** 'Rebecca Thomas'  
**Cc:** 'Len Fourie'; Stephan Jacobs; Andrea Gibb  
**Subject:** RE: Detail Quotes for 4 projects  
**Attachments:** (PS) 171215 Leeuwberg Wind Farms Land Use Change Applications.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Rebecca,  
My apologies for only getting back to you now.  
Attached hereto you will find a planning statement conveying what is needed from a land use change perspective, for the municipal rezoning applications to commence.

I trust that this will be sufficient in terms of what the DEA is asking of you.

If you have any additional questions in this regard, you are welcome to contact me.  
Should you have trouble reaching our office, please note that will be closed for business between the end of today, 15 December 2017 and 08 January 2018.

May every one of you at Mainstream have a blessed Christmas time with your loved ones and friends and may 2018 be a prosperous year.

Sincerely  
Jani Bruwer  
(T) 071 354 9885; (A) 4 Hemming Way, Belgravia, KIMBERLEY, 8301  
(E) [longlandj@gmail.com](mailto:longlandj@gmail.com)



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**From:** Rebecca Thomas [mailto:Rebecca.Thomas@mainstreamrp.com]  
**Sent:** Monday, 11 December 2017 17:02  
**To:** longlandj@gmail.com  
**Cc:** Len Fourie <Macroplan@mweb.co.za>; stephanj@sivest.co.za; Andrea Gibb <AndreaG@sivest.co.za>  
**Subject:** RE: Detail Quotes for 4 projects

Good Afternoon Jani,

Quick question, the DEA have asked us about our land rezoning applications for the Leeuwberg Wind Farms, and whether these have been lodged or received.

I was under the impression we would only apply for the rezoning following receipt of the Environmental Authorisation, is this correct?

IF so, could I please ask if you could put something down in writing in this respect (i.e. on letterhead, to say that we have essentially solicited the work, following which the actual rezoning application can only be submitted following receipt of EA?

Please let me know if you are in agreement?

Thanks so much.

Kind Regards,

**Rebecca Thomas**  
**Development Executive**

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Mob: +27 (0)73 452 0096

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**From:** Jani Bruwer [<mailto:longlandj@gmail.com>]  
**Sent:** 10 May 2017 08:56  
**To:** Rebecca Thomas <[Rebecca.Thomas@mainstreamrp.com](mailto:Rebecca.Thomas@mainstreamrp.com)>  
**Cc:** Len Fourie <[Macroplan@mweb.co.za](mailto:Macroplan@mweb.co.za)>  
**Subject:** FW: Detail Quotes for 4 projects

Good morning Rebecca,  
I hope you are well?

I just wanted to follow up with you in relation to the attached quotes and if you have any questions in this regard.

Sincerely  
**Jani Bruwer (Pr.Pln. A/1817/2014)**  
(C) 071 354 9885  
(E) [longlandj@gmail.com](mailto:longlandj@gmail.com)  
4 Hemming Way,  
Belgravia Kimberley  
8301



Reference:

Date:

171215

**Leeuwsberg Wind Farms: Land Use Change Applications**

15 December 2017

**Mainstream Renewable Power SA**

**P.O. Box 45063**

**Claremont**

**7735**

**Att: Marshall Mabin/ Rebecca Thomas**

**PLANNING STATEMENT IN RELATION TO THE LAND USE CHANGE APPLICATIONS THAT NEED TO BE COMPLETED FOR  
THE LEEUWBERG WIND FARMS RENEWABLE ENERGY PROJECTS**

The above mentioned project and your request for the compilation of a planning statement refers.

This letter serves as a statement of the planning process which will have to be followed in order to establish the land use rights, associated with the proposed development of renewable energy facilities (with specific reference to the planned Leeuwsberg Wind Energy Facilities) have reference. Macroplan issues this statement as a planning consulting firm employing 3 professionally registered town planners at the South African Council for Planners (SACPLAN).

Our office would like to thank you for this opportunity to be of assistance to you in this regard and providing a planning statement regarding the general requirements and legal framework from a Town Planning perspective.

The following inputs outlines the details of the planning process, as well as the responsibilities of the land use planning specialist and other consultants, specifically pertaining to the project envisioned on the above-mentioned property:

**Status quo findings regarding the current property status and required actions in order to accommodate the planned development:**

• **Project descriptions:**

1. Xha Boom Project – Farm 217.2.
2. Graskoppies Project – Farm 216.1 & 216.2 (falls within both Hantam and Khai-Ma Local Municipalities).
3. Hartebees Leegte Project – Farm 216.0.
4. Ithemba Project, Farm 216.1 & 176.2 (falls within both Hantam and Khai-Ma Local Municipalities).

- **Property description:** The anticipated projects are located within both the jurisdictions of the Hantam and Khai-Ma Local Municipalities. Any process of land use change conducted within these municipalities, will be subject to the applicable Scheme Regulations (SPLUMA approved) and Municipal Planning By-Laws of the said Municipalities.
- **Current Zoning Status:** The involved properties carry Agricultural Zone I zonings, in terms of their respectively applicable scheme regulations.
- **Required Zoning Status:** The primary land use rights of the existing zoning of these properties does not make provision for the proposed development of wind energy facilities. As such a formal processes of land use change will have to be conducted on the various study areas.
  - The following land use procedures will need to be approved in order to obtain the desired land use rights for the proposed wind energy facilities:

- **Rezoning** of each of the project sites to:

- ✓ Special Zone:

Primary Land Use Description - Renewable Energy Structure

A plant that utilises renewable energy (wind turbines, trough system, power tower system and photovoltaic system) and where agricultural activities can be practised on areas which are not utilised for the renewable energy plant. It includes all plant and equipment, and other miscellaneous infrastructure associated with the generation, transmission and distribution of renewable energy whether it feeds into the national grid or not. Such infrastructure includes but is not limited to workshops and stores, offices, site canteen, medical station, fire station, a tourist facilitation centre, ambulance garage, compressor house buildings, water supply infrastructure, guard houses, accommodation facilities, as well as recreational facilities for personnel, excluding temporary housing.

**Sub-consultants as part of process:**

Before these applications can however be launched, a myriad of legal processes will have to be completed. The applications for land use change cannot be submitted to the Local Authorities without the following being established beforehand and if needed included in the application as Annexures:

1. Provisional Site Development Plans (to be handled by the appointed architectural consultant);
2. Environmental Authorisations (to be handled by the appointed environmental consultant);
3. Civil Aviation Authority Consents (to be handled by the appointed consultant);
4. Section 53 (Department of Mineral Resources) Approvals (to be handled by the appointed consultant);
5. SAHRA Approval (to be handled by the appointed consultant);
6. SKA Approval (to be handled by the appointed consultant);
7. No-Objections from the Department of Agriculture, Forestry & Fisheries (DAFF)(to be handled by Macroplan);
8. No-Objections from the Department of Roads and Public Works (DRPW)(to be handled by Macroplan);
9. Services Reports indicating how the rendering of short-term (construction phase) and long-term (operational phase) services will work.

### **SPLUMA Application processing and decision-making:**

The applications for land use change will be compiled and submitted in terms of the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA), the relevant municipal SPLUMA By-laws, as well as the applicable and approved municipal scheme regulations. The process will entail the following:

- a) The property deeds will be scrutinised in order to determine whether or not there exists any restrictive conditions that may impede on the development proposals.
- b) The SPLUMA retracts the Removal of Restrictions Act, Act 84 of 1967, and any title deed restrictions on the property may be removed at the discretion of the local authority in terms of SPLUMA.
- c) With the enactment of the SPLUMA, the decision-making powers on land use change applications no longer rest at the Council of the Local Authority, but in the case of the Hantam & Khai-Ma Local Municipality at the Namakwa Joint Municipal Planning Tribunal. The Local Authority however still remains the authority of first instance and as such have to facilitate the legally required application process.

### **The town planning process may therefore be summarised as follows:**

- a) Compilation of applications and motivations for the land use change in a draft format.
- b) Receipt of the needed documentation (Site Plans and the mentioned relevant state and semi-state consents and approvals).
- c) Finalising the applications and motivations to align with the details contained in the received documents.
- d) Submission of land use change applications to the local authorities.
- e) Receipt of invoices of administrative fees from the local authorities and confirmation that the public participation processes may commence.
- f) Placement of public notices in local print media, registered mail to surrounding landowners and on-site, inviting members of public to comment on the proposed development.
- g) Responding to public comments, if any is received.
- h) Referral and recommendation of the applications from the local authorities to the Joint Municipal Planning Tribunal for decision-making.
- i) Decisions to be communicated to the Local Authorities by the Tribunal.
- j) Decisions to be transcribed in formal letters from the Local Authorities to the applicant.



**Diagram 1:** Flow chart of the processes of land use change applicable to the proposed developments.

We trust that you will find these matters to be in order and if there are any additional components we can assist you with, please do not hesitate to request such information.

Yours sincerely,



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*Jani Bruwer (Pr. Pln. A/1817/2014)*