

OLYVENHOUTSDRIF SETTLEMENT

APPLICATION FOR REZONING AND SUBDIVISION IN TERMS OF THE
SPATIAL PLANNING AND LAND USE MANAGEMENT ACT
(ACT 16 OF 2013)

OF

PLOT 755, OLYVENHOUTSDRIF SETTLEMENT, KENHARDT RD,
DAWID KRUIPER LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE



NOVEMBER 2016

SUBMITTED AND COMPILED BY:

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MACROPLAN
Stads- & Streekbeplanners
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SECTION A: COMPREHENSIVE APPLICATION FORM**DAWID KRUIJER MUNICIPALITY**

Application for land use amendments (give full details in the attached motivation report, if space provided is not enough)

SECTION 1**Details of Applicant** (See Planning Profession Act, Act 36 of 2002)

Name:	Macroplan	Contact person:	Jani Bruwer
Postal address:	P.O. Box 987	Physical address:	4 Hemming Way
	Upington		Belgravia, Kimberley
Code:	8800		8301
Tel no:	054 332 3642	Cell no:	071 354 9885
Fax no:	054 332 4283	E-mail address:	macroplan@mweb.co.za
SACPLAN	Pr.Pln. A/1817/2014		jlongland@mweb.co.za
Reg No:			

SECTION 2**Details of Land Owner** (If different from Applicant)

Name:	//Khara Hais Local Municipality	Contact person:	Kobus Duvenhage
Postal address:	Privatebag X6003	Physical address:	Privatebag X5879
	Upington		Upington
Code:	8800	Code:	8800
Tel no:	054 338 7000	Cell no:	082 578 0909
Fax no:	054 338 7350	E-mail address:	kobus@kdbuild.co.za

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application. This also applies if the person applying is still busy obtaining the land unit and if the land unit is owned by a company or more than one person.

SECTION 3**Details of Property** (In accordance with Title deed)

Erf / Farm No and portion description:	Plot 755, Olyvenhoutsdrif	Area (m ² or ha):	63.2967ha
Physical address of erf / farm (Street address):	N/A	Existing zoning:	C.a.2 - Agriculture
Location from nearest town:	The property mentioned above is situated approximately 4km south of Upington town and may be	Existing land use:	Vacant

	reached by means of the N10 national road.		
Town/ suburb:	N/A	Area applicable to application:	Only 10 hectares of the involved property is applicable to this application.
Registration Division:	Kenhardt RD	Title deed no:	T47995/1993

SECTION 4
Type of Application being Submitted (Mark with an X and give detail)

Application for:
 (Please mark applicable block with a cross)

Rezoning from one zone to another:	X
Removal, suspension or amendment of Title Deed Restrictions:	
The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land which is necessary in order to allow for an application for rezoning and subdivision by the Responsible Authority.	
Permanent departure from any stipulations as determined in these regulations, including relaxing of Development Control stipulations:	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:	
Secondary use as determined in these regulations:	
Consent use as determined in these regulations:	
The subdivision of land:	X
The annulment, suspension or amendment of the original approval conditions as provided by the Responsible Authority:	
The amendment or cancellation of a general plan of a township/ SG Diagram.	
The permanent closure of a municipal road (public road) or a public open place.	
Consolidation of one or more properties:	
The extension of the approval period:	
Any other application in terms of the Act or Regulations:	
Amendment of Approval Conditions:	
Application for the extension of the approval period of an application before the lapsing thereof.	
Any other application as stipulated in the act and/or LUMS:	

Please give a short description of the scope of the project:

The developer, Kobus Duvenhage Bouers (Pty.) Ltd., is in process of purchasing a 10ha portion of Plot 755, Olyvenhoutsdrift. Their intent with this portion of land is to utilise 3.2ha thereof in an industrial capacity, whilst the remaining 6.8ha will maintain its current agricultural use and zoning. The aforementioned development proposal necessitates the following land use changes:

1. Subdivision of a 10ha portion from the current property area (63.2967ha).
2. Rezoning of a 3.2ha area, of the above-mentioned 10ha area, from C.a.2 Agriculture to E.c.2.Industry.

Please refer to Annexure J (Site Development Plan), for more detail in this regard.

Capital Contribution Calculation (Development Charge):

Has the Capital contribution been calculated?	YES:	NO: X
Amount to be paid to Dawid Kruiper Municipality:	R:	
Calculation done, signed and attached as Annexure:	YES:	NO: X Annexure:

SECTION 5**Detail of application** (Mark with an X and give detail where applicable)

Is the land unit currently developed (buildings etc.)?	YES:	NO: X	If answered YES, what is the nature & condition of the developments / improvements?	
Is the current zoning of the land utilised?	YES:	NO: X	If answered NO, what is the application / use of the land?	The involved property is vacant and not utilised in any capacity.
Is the property burdened by a bond?	YES:	NO: X	If answered YES, attach the bondholder's consent to the application:	
Has an application for subdivision / rezoning / consent use / departure on the property previously been considered in the past?	YES:	NO: X	If answered YES, state when and provide particulars, including all authority reference numbers and decisions:	
Does the proposal apply to the entire land unit?	YES:	NO: X	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for and the same for the remaining extent:	Only a 10ha portion (to be subdivided from the remainder and partially rezoned) of the total farm area is applicable to this application. After approval of this application a 3.2ha area of the study area will be developed and managed as an

				Industrial park. The remaining extent of this property will maintain its current zoning and land use.
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES:	NO: X	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development?	YES:	NO: X	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES:	NO: X	If answered YES, please provide detail description:	No portion of the 10ha study area is located beneath the flood line.
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES: X	NO:	If answered YES, please provide detail description:	The following approvals needed to be obtained: 1. SANRAL No Objection. 2. DRPW No Objection. 3. DAFF No Objection. 4. Environmental Authorisation. Please refer to the annexures of this application for the mentioned approvals.
What arrangements will be made regarding the following services for the development? (Full Engineering Reports must be supplied, where applicable). If services will be provided by the Municipality, proof of input from departments must be included as Annexure to the application.	Water supply:		A service report (see Annexure D) was compiled for the purposes of the proposed development. It is anticipated that the proposed development will obtain water from the Dawid Kruiper Local Municipal water network. According to indications of the said service report the estimated average flow demand will be 0.35 l/s, with an instantaneous peak flow of 2.1 l/s. The average daily demand is estimated at 30,000 l/d. Due to concerns raised in relation to the limited capacity of the municipal supply mains the mitigation measure if an on-site water storage system (48 hours storage capacity of 60,000 litres) was suggested in the Service Report.	

		<p>Kindly refer to Annexure D for more detail in this regard.</p>
	Electricity supply:	<p>A service report (see Annexure D) was compiled for the purposes of the proposed development. One of the sale conditions of the study area was that the proposed development be self-reliant in terms its electricity needs, due to the fact that the municipal electrical network not having the capacity to supply electricity thereto.</p> <p>It is anticipated that the electricity load of this development will eventually reach 1.0MVA. This estimation was used to further plan electricity provision to the proposed development.</p> <p>It is proposed that an extension be made to the municipal network, accompanied by the upgrading/ strengthening thereof. After discussions of the above-mentioned with the local authority, it was established that the land owner will be responsible for the cost of the necessary network upgrading and that this cost will double as the electrical capital contribution that would otherwise need to be payed to the local municipality.</p> <p>Kindly refer to Annexure D for more detail in this regard.</p>
	Sewerage and waste-water:	<p>A service report (see Annexure D) was compiled for the purposes of the proposed development. It is anticipated that the proposed development will discharge an estimated average flow of 0.3 l/s, with an expected peak flow of 1.21 l/s. The average daily discharge is estimated at 25,500l/d.</p> <p>Due to the Louisvaleyweg Sewerage Treatment Works currently being able to accommodate the additional waste it is required that the developer be responsible for this component, at least until the said treatment works have been upgraded to accommodate this development. Municipal services will however be required for sludge disposal, as will be needed when this development is operational.</p> <p>The recommended sewerage system is a Bio-Filter Rotating Biological Contactor Sewage Purification Plant or similar approved system that is compliant to the relevant water quality standards.</p> <p>Kindly refer to Annexure D for more detail in this regard.</p>
	Storm-Water:	<p>A service report (see Annexure D) was compiled for the purposes of the proposed development. Drainage will take place in both a north western, (to be industrial area) towards the western property corner, and northern (remaining agricultural area) direction. The catchment areas that contribute to storm water run-off are relatively small and therefore an easily manageable flow moves over the site.</p>

		The indicated flow will be handled above ground and in the roads, through proper planning that will be taking into account the natural drainage patterns on and around the study area. Kindly refer to Annexure D for more detail in this regard.
	Road Network:	The study area will gain access via the T111 road (part of municipal jurisdiction according to DRPW), which leads to the N10. Both DRPW and SANRAL have been contacted. Their input are included as Annexures H & I of this submission. Parking??
	Waste removal	The proposed development site falls within the urban edge and as such this service will be obtained from the Dawid Kruiper Local Municipality.

SECTION 6

List of Attachments and supporting information required / submitted with checklist for Municipal use
(Mark with an X / number annexure)

<u>Checklist (for the completion by the Applicant only)</u>				<u>Checklist (for the use of Responsible Authority only)</u>		
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A
x		Section A	Completed Comprehensive Application form			
x		Section B	Complete Motivation Report			
	x		Board of Directors' / Trustees' resolution / consent			
x		Annexure B	Power of Attorney			
x		Annexure A	Copy of Title Deed(s)			
x		Figures 1 & 2	Orientating Locality Map			
	x		Basic Layout Map			
x		Figure 3	Zoning Map Extract			
x		Figure 4	Land Use Map			
	x		Detail Layout Map			
x		Figures 5 & 6	Ortophoto / Aerial survey map			
x		Figure 6	Site Development Plan			
x		Annexure C	Surveyor general diagrams (cadastral information)			
	x		Conveyancer's certificate			
	x		Bondholder's consent			
	x		Home Owners' Association consent / stamp of approval			
	x		Special endorsement/proxy			
	x		Mineral rights certificate (together with mineral holder's consent)			
	x		Prospecting contract			
x		Annexure A	Registered servitudes (deed and map/plan)			
	x		Status report from Surveyor General – street closure or state owned land			
x		Annexure D – Services Report	Detail Engineering Services plan (Bulk and internal)			

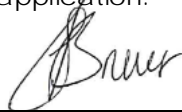
<u>Checklist (for the completion by the Applicant only)</u>			<u>Checklist (for the use of Responsible Authority only)</u>		
	<input checked="" type="checkbox"/>		Basic Assessment (EIA)		
<input checked="" type="checkbox"/>		Annexure H DENC confirmation that no listed activities are triggered.	Environmental Authorisation (EA)		
	<input checked="" type="checkbox"/>		Archaeological Impact Assessment (AIA) - approval from relevant Department		
	<input checked="" type="checkbox"/>		Heritage Impact Assessment - approval from relevant Department		
	<input checked="" type="checkbox"/>		Traffic impact study		
	<input checked="" type="checkbox"/>		Geological (soil) report (NHRB Standards)		
	<input checked="" type="checkbox"/>		Flood line certificate / coastal setback report - certificate from relevant Dept		
	<input checked="" type="checkbox"/>		Subdivision of Agricultural land - permission from relevant Department Agriculture		
	<input checked="" type="checkbox"/>		List of sections in Title Deed conditions to be removed /amended		
	<input checked="" type="checkbox"/>		Public participation report and minutes of meetings		
<input checked="" type="checkbox"/>		§2.3	Adherence to PSDF, SDF and use of relevant Toolkit		
	<input checked="" type="checkbox"/>		Other (specify):		
<input checked="" type="checkbox"/>			Two (2) sets of full color documentation copies		

**SECTION 7
Declaration**

Note: If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory.

I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorised to make this application.

Applicant's / Owner's Signature:



Date: 2 0 1 6 1 1 3 0

Full name (print):

Jani Bruwer

Professional capacity:

Professional Town and Regional Planner

Applicant's ref:

Pr. Pln. A/1817/2014

SECTION 8

**Prescribed Notice and advertisement procedures
(for the completion and use of Responsible Authority only)**

<u>Checklist for required advertisement procedure</u>			<u>Checklist for required proof of advertisement</u>		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper: <i>Note: The original newspaper advertisement or full colour copy, indicating page number and date.</i>
		Notice to be placed in the Provincial			Proof of Notice in the Provincial

		Gazette			Gazette <i>Note: The original newspaper advertisement or full colour copy, indicating page number and date.</i>
		Notices to neighbours <i>Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority by the applicant. Alternatively (Option 2), the notices can be sent via registered post.</i>			Proof of Notice to neighbours: <i>Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority</i>
		Notice to be placed on the site <i>Note: The notice provided must be placed on the site in a laminated A3 format (Afrikaans and English separate on A3) on or before the date of the notice.</i>			Proof of Notice on site: <i>Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.</i>
		Public Meeting <i>Note: The holding of a public meeting in order to inform the general public of the application.</i>			Proof of Public Meeting: <i>The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.</i>
		Any Additional components:			Proof of additional components:

SECTION B: MOTIVATIONAL REPORT

1. INTRODUCTION

1.1 BACKGROUND

Economic development in the Northern Cape has seen a steady increase over the past decade with a 2.1% growth figure and contributing 2.0% to the growth of South Africa's GDP (StatsSA). Since the release of the last growth statistics, national growth has however seen a decline due to renewed global market pressures, as well as domestic challenges, such as energy production etc.

The Dawid Kruiper Municipality was recently established by the amalgamation of the //Khara Hais Municipality and the Mier Municipality after the municipal elections held on the 3rd of August 2016. The amalgamation is aimed at optimising the financial viability of the new municipality. The Dawid Kruiper Municipality may be found at a central location in terms of the rest of the province, straddling the banks of the life-giving Orange River to the south and extending towards the Kgalagadi Transfrontier Park to north.

INDIVIDUAL ECONOMIC PROFILES FOR //KHARA HAIS MUNICIPALITY AND MIER MUNICIPALITY BEFORE AMALGAMATION:

The //Khara Hais Municipality's central location, coupled with the development potential brought about by the Orange River, led the municipality to attain a strong economic role within the province, focussed on a strong rural-agricultural economy, rooted in viti- and viniculture. The agricultural economy is supplemented by an urban economy focussed in Upington, serving as the central urban node of the municipality. Upington, as the urban core of the //Khara Hais Municipality, has enjoyed steady economic growth over the past decade and lately, this growth has been strongly backed by developing renewable energy facilities in its surrounding area, thereby increasing the development potential in the immediate vicinity of this urban centre and the larger region even more.

Many citizens enjoy a high quality of living with the town providing a spectrum of diversified services catering to the needs of industries such as government, transport, education, safety, agriculture, banking, entertainment, institutional, hospitality and much more. In fact, the town's status as a hub for service delivery has developed to such an extent that the services provided do not only serve the needs of a local community, but extends beyond municipal, regional, provincial and even national boundaries.

In contrast, the Mier Local Municipality, is one least populated municipalities within the Northern Cape and consist out of 8 small rural towns. These towns are extremely small in comparison to larger urban nodes situated within the Northern Cape Province and large distances between towns can be expected. Economic growth in the Mier Municipality has been slow, but steady, due to the limited economic opportunities available in the Municipal area.

This growth has been brought about through a focus on the tourism sector of the economy with attractions varying from cultural (!Khomani San), hospitality infrastructure and of course the natural environment (Kgalagadi Transfrontier Park). The agricultural sector is also an important contributor to the local economy of the Municipality, primarily due to extensive stock and game farming. These mentioned aspects have not only had an economic impact, but has also contributed to population increases in the municipality, be it from immigration or natural growth.

At this stage, the Dawid Kruiper Municipality has not compiled consolidated planning policies and by-laws for the total area and thus applications will be handled in terms of the planning policies and by-laws that were used for each municipality before the amalgamation, in this case the planning policies of the //Khara Hais Municipality will be enforced.

DEVELOPMENT POTENTIAL

In the Northern Cape Province there are currently 12 renewable energy projects, that we are aware of, to which bidding slots have been awarded. Only two of these project sites are currently located within the Dawid Kruiper Local Municipal area, but our office would like to take this opportunity and direct your attention to the identified REDZ (Renewable Energy Development Zones).

The gazettement of these zones were approved by Cabinet on Wednesday, 17 February 2016. These zones are essentially areas within which renewable energy development are encouraged due to the said areas having undergone numerous studies already. These studies found that the environmental impact of renewable energy development thereon would be minimal and a total of 8 of these zones were identified throughout South Africa. (Rycraft, M. Energize RE: Renewable Energy Supplement, Renewable energy development zones (REDZ), June 2015) <http://www.ee.co.za/wp-content/uploads/2015/06/Energize-RE-Vol-3-june15-p15-17.pdf>

The image on the next page below the Upington Zone which is indicated to have 600 MW in wind energy potential, 34000 MW in solar energy potential (total potential of 34600 MW). Promotion and encouragement of these development opportunity brought about by the mentioned zone, will increase economic and employment opportunities in the Dawid Kruiper Municipality.



Image 1: Upington Renewable Energy Development Zone.

What is the impact and motivation of this specific application?

It is the belief of this office that, in support to the growing renewable energy sector, the development of an increased amount of industrial premises will provide a platform for the stimulation of even more industrial developments (indirectly necessitated by renewable energy developments) as well as other sectors of the economy of Upington and the area surrounding thereto, due to the fact that Upington will be ready to accommodate such economic activities.

In the light of the above mentioned, the land owner of the involved property has set out to purchase a 10ha portion of Plot 55, Olyvenhoutsdrif Settlement, from the //Khara Hais Municipality (see titledeed). It is the intention of the developing entity, Kobus Duvenhage Bouers (Pty.) Ltd.m to develop a 3.2ha portion, of the 10ha area, as an industrial park.

It is important that all developments must align with the provision of the Spatial Development Framework (SDF) of the local or district municipality, as well as the applicable scheme regulations of a municipality. In cases where a development proposal doesn't align with the provision of the SDF, site specific motivations needs to be provided to allow the Municipal Planning Tribunal to make informed decisions.

Insert Figure 1

Insert Figure 2

1.2 CURRENT REALITY

The involved portion of land (Plot 755, Olyvenhoutsdrift, Kenhardt RD) is currently zoned as C.a.2 – Agriculture and is the property of the //Khara Hais Local Municipality.

The current land use rights on the involved property is however not suitable to legally accommodate the proposed development of an industrial park. In order for the above-mentioned to take place, the following land use changes will need to happen:

1. Subdivision of a 10ha portion from the current property area (63.2967ha).
2. Rezoning of a 3.2ha area, of the above-mentioned 10ha area, from C.a.2 Agriculture to E.c.2.Industry.

This application is therefore launched, in terms of the Spatial Planning Land Use Management Act (Act 16 of 2013) and the //Khara Hais Land Use Management System (2015), in order to initiate this land use change process and facilitate all the legal formalities associated therewith.

1.3 ASSIGNMENT

After consideration of the above-mentioned factors, Macroplan has been instructed the future land owner, Kobus Duvenhage Bouers (Pty.) Ltd., of the study area to use the //Khara Hais Alienation consent (See Annexure B) as power of attorney and proceed with the submission of this application for land use change.

1.4 OBJECTIVE

The purpose of this application is threefold, namely to:

1. To obtain approval for the proposed subdivision of a 10ha portion of the involved property from the remaining extent thereof.
2. To obtain approval for the rezoning of a 3.2ha portion of the 10ha study area from C.a.2 Agriculture to E.c.2 Industry, in order to accommodate the development of an industrial park thereon.
3. To serve as a support system for the Dawid Kruiper Local Municipality, in order for all the formalities to be handled correctly.

Insert Figure 3

Insert Figure 4



Photo 1: The T111 road, as seen from the turn-off from the N10 national road, is visible in the image above, as seen from an eastern direction.



Photo 2: The T111 gravel road that leads to the study area is shown in the image above. This road forms the main access to the study area. Our office contacted the Department of Roads and Public Works for their input in this regard. Their feedback indicated that this road is part of municipal jurisdiction and as such they had no objection in relation to the proposed land use change. Please refer to Annexure H for the attached letter from this department.



Photo 3: The most southern boundary of the 10ha study area, as seen from a north-eastern direction, is visible above along with the rail track located in this area. Transnet has been contacted and their input obtained in this regard. [Please refer to Annexure I for their feedback.](#)



Photo 4: The 10ha study area, as seen from a north-eastern direction, is indicated above. This property is currently zone C.a.2 Agriculture. Our office have contacted and obtained the input of the Department of Agriculture Forestry and Fisheries in relation to the proposed land use change. They issued a letter of No Objection in this regard. [Please refer to Annexure F for their feedback.](#)



Photo 5: The 10ha study area, as seen from an eastern direction, is indicated above. The area indicated above will be rezoned to E.c.2 Industry, in order to be further developed into an industrial park. The 10ha study area will be transferred to the ownership of Kobus Duvenhage Bouers (Pty.) Ltd.



Photo 6: The portion of Erf 755, Olyvenhoutsdrif that will not be developed, is indicated in the image above. This portion of the property will remain in ownership of the //Khara Hais Local Municipality.

According to §26 of the Spatial Planning and Land Use Management Act (Act 16 of 2013), the MEC delegated the powers to approve the **rezoning** of a portion of the involved property, to the Municipal Planning Tribunal (here forth referred to as MPT) of the Dawid Kruiper Local Municipality. This application will be evaluated in terms of the //Khara Hais Land Use Management System of 2015. §26 of SPLUMA, which states the following:

- (2) Land may be used for the purposes permitted –
 - (a) By a land use scheme;
 - (b) By a town planning scheme, until such scheme is replaced by a land use scheme.

With the enactment of SPLUMA, the delegations of jurisdictions in terms of the decision making on land use change matters are however interpreted as follows:

§26:

- (4) A permitted land use may, despite any other law to the contrary, be changed with the approval of a Municipal Planning Tribunal in terms of this Act.

§33:

- (1) ...all land development applications must be submitted to a municipality as the authority of first instance.

§34:

- (2) A district municipality may, with the agreement of the local municipalities within the area of such district municipality, establish a Municipal Planning Tribunal to receive and dispose of land development applications and land use applications within the district area.

§35:

- (1) A municipality must, in order to determine land use and land development applications within its municipal area, establish a Municipal Planning Tribunal.

In terms of Gazette No. 1912 (Province of the Northern Cape, Provincial Gazette, 13 July 2015), General Notice Number 71 of 2015, it was announced that the Dawid Kruiper Municipality will make use of their own Municipal Planning Tribunal, along with the names of the members of this tribunal.

1.6 COMPLIANCE WITH PRINCIPLES

SPLUMA sets out certain development principles (§7) to guide the development of land in the republic and any land use application should be considered with due cognisance of these principles. These principles may be shortly listed as follows:

- The principle of spatial justice;
- Spatial sustainability;
- Efficiency;
- Spatial resilience; and
- Good administration.

It is important to note that not all the principles has bearing on this land use change application. The development principles are listed below, along with an explanation of their relevance:

(a) The principle of spatial justice, whereby –

- (i) Past spatial and other development imbalances must be redressed though improved access to and use of land;

Relevance: This application involves the subdivision of a registered cadastral land unit within the Uptown Urban edge, but located south of the Orange River, near the Louisvale Weg Settlement. The proposed land use change will bring employment opportunities to the doorstep of this community and as such it is the opinion of this office that it is a step in right direction when it comes to redressing spatial imbalance.

- (ii) Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation;

Relevance: This component is applicable to public entities such as municipalities and government department, it is therefore not the responsibility of an applicant to adhere thereto.

- (iii) Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;

Relevance: This component is applicable to public entities such as municipalities and government departments, it is therefore not the responsibility of an applicant to adhere thereto.

- (iv) Land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas.

Relevance: This component is applicable to public entities such as municipalities and government departments, it is therefore not the responsibility of an applicant to adhere thereto.

- (v) Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and
Relevance: This component is applicable to public entities such as municipalities and government departments, it is therefore not the responsibility of an applicant to adhere thereto.
- (vi) A Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application.
Relevance: This component is applicable to public entities such as municipalities and government departments, it is therefore not the responsibility of an applicant to adhere thereto.
- (b) The principle of spatial sustainability, whereby spatial planning and land use management systems must –**
- (i) Promote land development that is within the fiscal, institutional and administrative means of the Republic;
Relevance: DIENSTEVERSLAG
- (ii) Ensure that special consideration is given to the protection of prime and unique agricultural land;
Relevance: The Department has been contacted and their input requested on this matter...
- (iii) Uphold consistency of land use measures in accordance with environmental management instruments;
Relevance: The Environmental Authorisation for the development has been obtained, refer to Annexure E of this submission for a copy thereof.
- (iv) Promote and stimulate the effective and equitable functioning of land markets;
Relevance: It is the opinion of this office that the proposed development will contribute to the value of land in the area surrounding thereto, but that it will not necessarily unfairly increase the cost thereof.
- (v) Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;
Relevance: A service report was requested for this development, please refer to Annexure D of this submission for a copy thereof.
- (vi) Promote land development in locations that are sustainable and limit urban sprawl; and
Relevance: The development site is situated within delineated urban edge of the Upington. No problems are therefore foreseen in this regard.

(vii) Result in communities that are viable.

Relevance: The proposed development is in line with the provisions of the //Khara Hais SDF, it is therefore perceivable that it will be beneficial to the viability of the Upington communities, seeing as it will also provide employment opportunities.

(c) The principle of spatial efficiency, whereby –

(i) Land development optimises the use of existing resources and infrastructure;

Relevance: DIENSTE VERSLAG?

(ii) Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and

Relevance: This component is applicable to public entities such as municipalities and government departments, it is therefore not the responsibility of an applicant to adhere thereto.

(iii) Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.

Relevance: As the applicant in this instance, our office will do our very best to adhere to the timelines set by the local municipality. If this is not possible we will, if need be, endeavour to consult the municipality in these matters and find a solution thereto.

(d) The principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

Relevance: This component is applicable to public entities such as municipalities and government departments, it is therefore not the responsibility of an applicant to adhere thereto.

(e) The principle of good administration, whereby –

(i) All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;

Relevance: This component is applicable to public entities such as municipalities and government departments, it is therefore not the responsibility of an applicant to adhere thereto.

(ii) All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;

Relevance: This component is applicable to public entities such as municipalities and government departments, it is therefore not the responsibility of an applicant to adhere thereto.

(iii) The requirements of any law relating to land development and land use are met timeously;

Relevance: Input from DEA, DRPW, SANRAL, Transnet as well as DAFF has been obtained in relation to the proposed development, kindly refer to the annexures of this report for more information in this regard.

- (iv) The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and

Relevance: The LUMS of the //Khara Hais Local Municipality indicates the specific procedures that are to be followed with a land use change application such as this. This will ensure that both the municipality, the relevant community and our client will be guarded against negative social, economic and environmental impacts.

- (v) Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.

Relevance: This component is applicable to public entities such as municipalities and government departments, it is therefore not the responsibility of an applicant to adhere thereto.

2. PLANNING CONSIDERATIONS

2.1 LOCATION OF STUDY AREA

The Dawid Kruiper Local Municipality is located in the northern-central section of the Northern Cape Province. Upington is the administrative headquarters of this Municipality. This town is traversed by both the N10 and N10 national roads, contributing greatly to the accessibility thereof. The following distances (via road) and directions from Upington to major hubs in South Africa (according to Google Maps) are given for spatial orientation:

City	Distance in km (via road)	Direction from Upington	Relevant Roads
Springbok	382	South-west (SW)	N10
Kimberley	410	East (E)	N8 & N10
Bloemfontein	571	East (E)	N8 & N10
Cape Town	795	South-west (SW)	R27
Johannesburg	794	North-east (NE)	N10

Table 1: Respective distances and directions of significant urban nodes, in relation to Upington.

The involved property (Plot 755, Olyvenhoutsdrif, Kenhardt RD) is located approximately 4km south of Upington town, directly west of the N10 road between Upington and Grobershoop. The 10ha study area is situated along the southern property boundary of Plot 755, Olyvenhoutsdrif, Kenhardt RD. The coordinate below will provide a clear indication of the location of the study area:

28°28'25.43"S

21°16'26.44"E

Please see Figures 1 & 2 of this report for more information with regard to the location of the study area.

2.2 PHYSIOGRAPHY

The physiography of the study area is shortly discussed below.

❖ TOPOGRAPHY

As part of the process of compiling the attached service report (Annexure D) a site investigation was undertaken to establish the surface of the study area. The study area is not developed in any capacity at this point in time and the site topography was discovered to be fairly even with drainage patterns that vary between a north-western and north-eastern direction.

No problems are there for foreseen in terms of the site topography due to the fact that the needed storm water planning and preparation will be done. For more information in this regard, kindly refer to Annexure D.

❖ GEOLOGY AND SOIL CONDITIONS

As part of the process of compiling the attached service report (Annexure D) a site investigation was undertaken to establish the soil conditions of the study area. The geological composition of the site include that it forms part of the Gordonia formation, Kalahari Group. Calcrete that vary in thickness as well as granite type material will be found during site excavation and construction.

The study area is not developed in any capacity at this point in time, the surrounding properties however house a variety of developments, without any problems in terms of soils.

No problems are therefore expected in terms of the geology and soil conditions of the study area, seeing as proper procedure will be followed during the construction phase of the development. For more information in this regard, kindly refer to Annexure D.

❖ FAUNA AND FLORA

Construction activities will be controlled and will be limited to the 3.2ha portion of the study area that is to be developed in an industrial capacity, in order to ensure minimal disruption of the natural environment. To the knowledge of this office, there are no conservation worthy or endangered fauna and flora to be found on the proposed development site.

No problems are therefore expected in terms of this aspect, please refer to Annexure E for the attached Environmental Authorisation.

2.3 INTEGRATED PLANNING

The Spatial Planning and Land Use Development Act (Act 16 of 2013) stipulates that each Municipality must prepare a spatial development framework (SDF) that interpret and represent the spatial development vision of the competent Authority. All proposed developments, specifically pertaining to land use change applications within a municipality, must be measured against an approved Spatial Development Framework (SDF) of such a municipality, which may be seen as the spatial translation of the Integrated Development Plan (IDP). The planning legislation states that no land development decision can be made if the proposed development is inconsistent with the municipal spatial development framework. In light of the above mentioned we will now refer to the indications of the //Khara Hais Spatial Development Framework.

//Khara Hais Municipal SDF

The //Khara Hais SDF marks the 3.2ha, area that is the only portion of the 10ha study area that will be subject to rezoning, for future development in terms of the primary land use rights of an E.c.2 Industry zoning. This is the zoning that we are proposing.

In light of all the mentioned aspects above, it is the opinion of this office that the proposed development aligns with the stipulations of the //Khara Hais Municipal SDF, for development outside of the urban edge to an extent and may therefore be positively considered by the Dawid Kruijer MPT.

2.4 CHARACTER OF THE SURROUNDING AREA

The involved portion of land (Plot 755, Olyvenhoutsdrif) is located within the Upington urban edge and is surrounded by agricultural, residential, authority and industrial land uses. The Orange River is located about 2.7km to the north-west of the study area.

The proposed industrial development, that will be implemented on the 3.2ha study area, after approval of this application, should not negatively influence the surrounding land uses, due to the fact that this area, as mentioned above, is already accustomed to industrial practices.

It is thus the opinion of this office that the proposed development may be positively considered when measured in terms of its suitability in relation to existing land uses in this area.

2.5 INFRASTRUCTURE AND SERVICES

2.5.1 WATER SUPPLY

A service report (see Annexure D) was compiled for the purposes of the proposed development. It is anticipated that the proposed development will obtain water from the Dawid Kruiper Local Municipal water network.

According to indications of the said service report the estimated average flow demand will be 0.35 l/s, with an instantaneous peak flow of 2.1 l/s. The average daily demand is estimated at 30,000 l/d.

Due to concerns raised in relation to the limited capacity of the municipal supply mains the mitigation measure if an on-site water storage system (48 hours storage capacity of 60,000 litres) was suggested in the Service Report. Kindly refer to Annexure D for more detail in this regard.

2.5.2 ROAD NETWORK

The study area will gain access via the T111 road (part of municipal jurisdiction according to DRPW), which leads to the N10. Both DRPW and SANRAL have been contacted. Their input are included as Annexures H & I of this submission. **Parking??**

2.5.3 SEWERAGE AND WASTE-WATER REMOVAL

A service report (see Annexure D) was compiled for the purposes of the proposed development. It is anticipated that the proposed development will discharge an estimated average flow of 0.3 l/s, with an expected peak flow of 1.21 l/s. The average daily discharge is estimated at 25,500 l/d.

Due to the Louisvaleweg Sewerage Treatment Works currently being able to accommodate the additional waste it is required that the developer be responsible for this component, at least until the said treatment works have been upgraded to accommodate this development. Municipal services will however be required for sludge disposal, as will be needed when this development is operational.

The recommended sewerage system is a Bio-Filter Rotating Biological Contactor Sewage Purification Plant or similar approved system that is compliant to the relevant water quality standards.

Kindly refer to Annexure D for more detail in this regard.

2.5.4 STORM WATER

A service report (see Annexure D) was compiled for the purposes of the proposed development. Drainage will take place in both a north western, (to be industrial area) towards the western property corner, and northern (remaining agricultural area) direction. The catchment areas that contribute to storm water run-off are relatively small and therefore an easily manageable flow moves over the site.

The indicated flow will be handled above ground and in the roads, through proper planning that will be taking into account the natural drainage patterns on and around the study area.

Kindly refer to Annexure D for more detail in this regard.

2.5.5 WASTE REMOVAL

The proposed development site falls within the urban edge and as such this service will be obtained from the Dawid Kruijer Local Municipality.

2.5.6 ELECTRICITY SUPPLY

A service report (see Annexure D) was compiled for the purposes of the proposed development. One of the sale conditions of the study area was that the proposed development be self-reliant in terms its electricity needs, due to the fact that the municipal electrical network not having the capacity to supply electricity thereto.

It is anticipated that the electricity load of this development will eventually reach 1.0MVA. This estimation was used to further plan electricity provision to the proposed development.

It is proposed that an extension be made to the municipal network, accompanied by the upgrading/strengthening thereof. After discussions of the above-mentioned with the local authority, it was established that the land owner will be responsible for the cost of the necessary network upgrading and that this cost will double as the electrical capital contribution that would otherwise need to be payed to the local municipality.

Kindly refer to Annexure D for more detail in this regard.

2.6 SIZE, ZONINGS AND USES

The involved property (**Plot 755, Olyvenhoutsdrif, Kenhardt RD**) covers an area of **63.2967ha** currently holds a **C.a.2 Agriculture** zoning. This zoning will however not be sufficient in accommodating the proposed development of An industrial part on a 3.2ha portion of the 10ha study area. As such the following land use changes need to be made:

1. Subdivision of a 10ha portion from the current property area (63.2967ha).
2. Rezoning of a 3.2ha area, of the above-mentioned 10ha area, from C.a.2 Agriculture to E.c.2.Industry.

Please refer to Figures 5 & 6 of this report for further information in this regard.

2.7 SUMMARY

During the consideration of this application, it is necessary to keep the following in mind:

1. This development has the potential to positively contribute to, amongst others, the renewable energy sector of the surrounding area, by means of providing space for industrial activities, supplementary to this sector, to be more readily accommodated when needed.
2. This development has the potential to provide an economic injection in the local community, by means of creating employment opportunities;
3. The proposed development will increase the income generated by the study area, which is currently non-existent;
4. This application is in line with the approved Land Use Management Scheme of the Dawid Kruiper Local Municipality.
5. The planned development is in line with the provisions of the //Khara Hais SDF of 2012;
6. This application is in line with the principles set out in Chapter 2, §7 of the Spatial Planning and Land Use Management Act, Act 16 of 2013.

3. PROPOSED LAND USE CHANGE

3.1 PLANNING APPROACH

During the consideration of the location of the planned land use on the involved properties, the following aspects were taken into account:

- a) The physiography of the area is capable to accommodate the planned development.
- b) The compatibility of the planned development with the existing character of the surrounding area;
- c) The development proposal will not have an adverse impact on the rights of surrounding land owners.
- d) The utilisation of existing access roads in the area;
- e) This application for land use change may be subject to the compliance to any bona fide provisions set by the local authority.

3.2 PUBLIC PARTICIPATION

As contemplated in SPLUMA and the //Khara Hais Land Use Management Procedures, a land use change implies an amendment to the Scheme and where an amendment to a scheme is to be considered, according to §28(2), a public participation process must be undertaken to ensure that all affected parties have the opportunity to make representations on, object to and appeal the decision. For the purpose of land use applications in the Dawid Kruiper Municipality at this stage, we will be guided by the requirements of the municipality Land Use Management System (LUMS), and we anticipate this to include:

1. Notice placed in local print media (two subsequent weeks), which will be followed by a limited 21 day period within which any member of public may provide inputs and/or objections to the proposed development at the offices of the local municipality. No late inputs will be considered relevant with the cut-off date being clearly indicated in the public notice.
2. The same notice published in the local print media will be placed at the entrance to the involved property, at the same time as publication, allowing an expanded audience to be reached by the notice.
3. The said notice will be forwarded to the surrounding land owners via registered mail or hand delivery, further expanding the audience for inputs.

Should any inputs be received at the offices of the Dawid Kruiper Municipality, it will be forwarded to our office for comment. Upon the closure of the 21 day public participation period, any inputs received must be forwarded to the applicant whereupon the applicant will have a maximum of 90 days to provide a written response to the inputs. The application will then be forwarded to the decision-making body for consideration.

3.3 PROPOSED USES

The proposed rezoning of the 3.2ha earmarked area (which forms part of the 10ha study area) will include the following uses, after approval of this application:

E.c.2 Industry

Primary Land Use Description:

A building or use, irrespective of whether it correlates with the meaning of a factory, as defined in the applicable act defining a factory, that is used for any trade regarding the manufacturing, assembling, processing, repairing or dumping of a product or part of a product, the storing of a product or raw material, the repairing, reconstructing or dismantling of vehicles, a transport business, printing, the manufacturing of gas and any relevant office, caretaker's quarters, or any building where the use is additional to, or is usually additional to, or is reasonably necessary regarding the use of such enterprise on the same site, including a warehouse, service station, service trade industry, provided that it excludes buildings where food and beverage are prepared mainly for consumption on the site, a scrap-yard, funeral parlour and noxious industry.

LAND USE RESTRICTIONS:

Coverage:	80%	
Height:	At most 12m above the natural ground level directly beneath any particular point or portion of the building.	
Building Lines:	Street boundaries:	3m
	Side and rear boundaries:	With regard to rear and side boundaries, the building lines may be zero, provided that the Competent Authority may require side building lines in the interest of public health or in order to enforce the upholding of any act or right or in order to provide storm water drainage or any other engineering service.
	Canal Boundaries	Where an erf borders the irrigation canal, the Irrigation Board's regulations must be met and written proof thereof must be provided to the Competent Authority.
	No doors or windows are permitted in any wall which is less than 1.5m from any side or rear boundary, notwithstanding the size of the erf.	
	Notwithstanding these building line regulations for side and rear boundaries, in cases where these boundaries form the division between an industrial zone and any other zone, a building line on both sides of the communal boundary shall be applicable, which is equal to the relevant building line in the adjoining zone, except where the adjoining sites are earmarked for industrial development in the SDF. In such a case, if the relaxing of building lines may be approved by the Building Control Officer, if no objections were received from affected/ neighbouring parties.	
Parking:	<p>The following parking requirements will be applicable:</p> <ol style="list-style-type: none"> i. At least one parking bay for every 100m² of the total floor area of the building up to 1500m², and one additional parking bay per 200m² thereafter. ii. A larger parking requirement than the aforementioned, may be required by the Competent Authority in a particular case where the Competent Authority is convinced that the specific type of development justifies such a bigger demand. 	
Parking Provisions:	Parking provision in terms of these regulations shall be done in accordance with a "rational design" for parking areas of 10 or more parking bays that must be provided for any land use as prescribed in the Land Use Restrictions table. In the instance where a particular parking provision is less than 10 parking bays, these specifications may be relaxed, as accordingly determined in each case by the Competent Authority.	
Site Access	The vehicle access and exit ways shall be restricted to at most one each per site per street abutting the site. The vehicle access and exit ways to the site shall be discussed with the Traffic Department and their written approval will be obtained.	
Loading and unloading:	For the purpose of loading and unloading of vehicles, a space/s to the satisfaction of the Competent Authority must be reserved in accordance with section below: For this purpose the loading zone size is 45m ² and will be calculated as follow:	
	Total Floor Area of Building (to nearest m ²)	Prescribed Loading and Downloading area:
	0 - 2 500 m ²	2 loading places

2 501 - 5 000m ²	4 loading places
5 001 - 10 000 m ²	6 loading places
Each additional 10 000m ² or portion thereof	1 additional loading place
Above-mentioned loading places will have vehicle access to the Competent Authority's satisfaction. Said vehicle access shall be at least 5m wide and 3m high, if through a building. It must have a hard surface and be clearly marked as loading places.	

Table 2: Land Use Restrictions of E.c.2 Industry.

The above-mentioned requirements will be adhered to, Please refer to the attached Site Development Plan for further information.

4. RECOMMENDATION

It is thus evident from the previous discussions that the application for the **subdivision (10ha) and rezoning (3.2ha)** with regard to Plot 755, Olyvenhoutsdrif, Kenhardt RD, is desirable for development in the Dawid Kruiper Municipality.

4.1 APPROVAL OF THE APPLICATION

The Dawid Kruiper Local Municipality is therefor requested to:

1. Give the go-ahead for advertising the application according to and in terms of the procedures adopted by themselves as part of their commitment to the provisions of the Spatial Planning and Land Use Management Act, Act 16 of 2013. The public participation process will be handled by this office and proof thereof will be sent to the Municipality.
2. Recommend the approval of this land use application to the Dawid Kruiper MPT.

The Dawid Kruiper MPT is therefor requested to:

1. Favourably consider this application by means of approving it, in terms of the recommendation from the office of the Dawid Kruiper Local Municipality.

Insert Figure 5

ANNEXURE A
Copy of Title deed

ANNEXURE B
Power of Attorney

ANNEXURE C

SG Diagrams

ANNEXURE D
Services Report

ANNEXURE E
SANRAL Approval for Access

ANNEXURE F
SANRAL No Objection

ANNEXURE G
DAFF No Objection Request

ANNEXURE H
DENC Feedback

ANNEXURE I
SACPLAN Professional
Registration Certificate copy