

Reference:

160517AMDA D,E,F

Date:

17 May 2016

AMDA Developments (Pty.) Ltd.
Level D, The Adderley
25 Adderley Street
Cape Town
8000

ATT: Charlie Berrington

AMDA Delta Echo Foxtrot Land Use Planning Statement: Remainder of the Farm Klondike No. 670, IN RD, North-West Province

The above mentioned matter 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 for the development of 3 Solar PV Facilities on Farm Klondike No 670/0, IN RD. Macroplan issues this statement as a planning consulting firm employing 3 professionally registered town planners at the South African Council for Planners (SACPLAN).

The following planning statement outlines the details of the planning process, as well as the responsibilities of the land use planning specialist, specifically pertaining to the projects envisioned on the above-mentioned property:

- The property is located within the Naledi Local Municipality and any process of land use change will be subject to the Scheme Regulations of the said municipality.
- The property is currently zoned for Agriculture in terms of the Naledi Scheme Regulations. In order to allow for the development of a renewable energy facility thereon, the applicable portion of the property will have to be rezoned to an appropriate zoning.
- There is no default zoning in the Naledi Scheme Regulations allowing for renewable energy development and a Special Consent will have to be requested on the property.
- The application for land use change will be compiled and submitted in terms of Section 15 of the Land Use Planning Ordinance 15 of 1985 (LUPO).
- The Spatial Planning and Land Use Management Act (SPLUMA, Act 16 of 2013) commenced on 01 July 2015 and retracts the Removal of Restrictions Act, Act 84 of 1967. However, according to a circular issued by the Department of Rural Development and Land Reform, the North-West Province will in interim still make use of this Act.
- Since SPLUMA has not taken effect in the Naledi Local Municipality where they are still using LUPO as an interim measure, the decision-making authority on such an application remains with the Council of the Naledi Local Municipality.

The application for Special Consent cannot be submitted to the Local Authority without the following being included as Annexures to the application:

- Environmental Authorisation (EA) acquired through the EIA process.
- No-Objection letter from the Department of Agriculture Forestry and Fisheries (DAFF).
- No-Objection from the South African National Roads Agency Limited (SANRAL), regarding the adjacency of the N14 national Road.
- No-Objection from the North West Province Department of Public Works and Roads (DPWR).
- A full statement of how services will be rendered on the property. This includes water supply, electricity supply, solid waste disposal, sewerage disposal etc.

Macroplan as town planning consultancy offers the service of acquiring the DAFF, SANRAL and DPRW No-Objection letters, but does not negotiate in terms of service provision arrangements. The latter remains the responsibility of the developer and their appointed civil and electrical engineers.

It should also be noted that the Department of Agriculture Forestry and Fisheries will not consider a request for No-Objection without an EIA report in hand. It is also recommended that such an EIA report contains a study of the agricultural potential and soil capability of the involved property, as this will be needed to argue the use of the land for anything other than agriculture. They are also sceptical about using more than 10% of the farm for anything other than agriculture – this should be considered a potential risk. We do not at this stage have clarity if this 10% threshold will apply inside the designated Renewable Energy Development Zones.

Additional to attaining the land use rights at the Local Authority, Macroplan as town planning firm also provides the service of applying for a long term lease at the Department of Agriculture Forestry and Fisheries (DAFF), should this be required (we do not foresee this as you will be leasing the total property). It must be critically stated that these processes cannot run in parallel anymore, since DAFF will only consider a long term lease application after it has granted a No-Objection letter to the rezoning, as well as the rezoning approval, has been received.

The town planning process may therefore be summarised as follows:

- Compilation of application and motivation for the land use change at the local authority.
- Receipt of No-Objection from the Department of Agriculture Forestry.
- Receipt of No-Objection from SANRAL.
- Receipt of No-Objection from DPWR.
- Receipt of a clear statement of service delivery.
- Finalising the application and motivation to align with the details contained in the received documents.
- Submission of land use change application to the local authority.
- Receipt of invoice of administrative fees from the local authority and confirmation that public participation may commence.
- Placement of public notices in local print media, registered mail and on-site, inviting members of public to comment on the proposed development.
- Responding to public comments, if any.
- Referral and recommendation of the application from the local authority's planning department to their Local Council.
- Decision to be transcribed in a formal letter from the Local Authority to the client.

The following matters are excluded from the land use change process, as it should usually be contained as part of the EIA process:

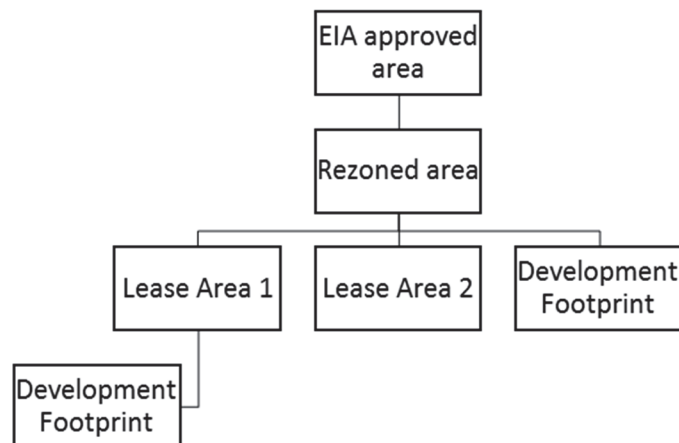
- Liaison with the Department of Water and Sanitation.
- Liaison with the Department of Mineral and Petroleum Resources.
- Liaison with the South African Heritage Resources Agency.
- Liaison with the Civil Aviation Authority (usually only relevant to CSP Tower developments).
- Liaison with Eskom.
- Liaison with Northwest Department of Environmental Affairs and Nature Conservation.

Should the Local Authority, however, feel that they want to refer the application to any of these bodies for comment, it is their prerogative to do so – this has however never been the case.

In terms of the development area on the farm, the following need to be considered:

- The rezoning area may not exceed the EA approved area.
- Various lease areas may be contained within the rezoning area, but no lease area may exceed the rezoning area.

The above may be seen in the following hierarchical order:



Furthermore, if Delta, Echo & Foxtrot are contained in one EIA study, then all three projects may be contained in 1 land use change application. If, however, the 3 projects have been approached under 3 separate EIA's, 3 separate applications for land use change will have to be submitted.

We hope you find this in order. Please feel free to contact our office in the case of any further enquiries.

Yours Faithfully,

Jacobus Treurnich (Pr.Pln. A/1689/2013)