

MOTIVATION MEMORANDUM:

APPLICATION FOR THE DEVELOPMENT OF LAND SITUATED OUTSIDE THE AREA OF A SCHEME IN TERMS OF CHAPTER 4 AS WELL AS THE REMOVAL OF RESTRICTIVE CONDITIONS IN TERMS OF CHAPTER 6 OF THE KWAZULU NATAL PLANNING AND DEVELOPMENT ACT (ACT NO. 6 OF 2008): FOR THE PROPOSED DEVELOPMENT OF A LANDFILL SITE ON THE PROPERTY KNOWN AS THE REMAINDER OF PORTION 1 OF THE FARM RIET VALLEI NO. 3285 AND PORTION 10 (OF 1) OF THE FARM RIET VALLEI NO. 3285: OKHAHLAMBA LOCAL MUNICIPALITY

Draft for Comments

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EXECUTIVE SUMMARY

The Okhahlamba Local Municipality is proposing the establishment of a new landfill site to serve the local community of Okhahlamba and possibly the surrounding municipal areas with the waste disposal and other related services. This application entails the development of land situated outside the area of the Town Planning Scheme. Accordingly, a planning development application is required to legalize the proposed activity. This application is done in terms of the KwaZulu-Natal Planning and Development Act (Act No. 6 of 2008). The application is in line with Chapter 4 and 6 which is read in conjunction with Schedule 1 of the Act

The need for the development of a landfill site is in response to an inefficient waste management system and the need for a formal landfill as identified by the municipal Integrated Development Plan. The existing landfill is not formalized and not in an ideal location.

The area in which the proposed development is located is approximately 7km south of the Bergville town (KwaZulu Natal) which falls within the jurisdiction of the Okhahlamba Local Municipality.

The development of the new landfill site is commissioned under the Department of Environmental Affairs Environmental Protection and Infrastructure Programme (EPIP). This programme focuses on infrastructure related projects that contributes towards environmental protection, conservation and sustainability, whilst creating work opportunities, and providing skills development to enable beneficiaries to secure permanent employment.

This project is currently under the Planning Phase which requires feasibility assessments to be undertaken to confirm the suitability of the land to accommodate the proposed activity.

Accordingly, studies have been undertaken to confirm the existing conditions of the site. The feasibility reports further make recommendations in terms of actions that need to be taken to guard the environment.

The development of the landfill shall be undertaken in phases incorporating the entire necessary infrastructure. This includes:

- Fencing and access control,
- Weighbridge and the weighbridge control room,
- Guard house, ablutions, and offices,
- Site access and site roads,
- Storm water management system

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- Dirty water management system
- Leachate pond
- Green waste area

The total landfill is approximately 20ha in size. The actual landfill footprint will have a total of 9 possible phases with a 1.5ha size average. The leachate pond will form the ninth phase and will be filled with waste and capped as the final phase for closure. The design of the new landfill will allow for approximately 1 338 236m³ of total airspace. This will give the municipality 20 years of airspace if the above mentioned disposal quantities are achieved.

The application also involves the removal of restrictive title deed conditions as indicated below:

2.1. The land is to be used for commonage purposes only not for settlements. (Stipulated in terms of Title Deed No. T50152/02).

2.1 The land is to be used for settlement and subsistence purposes only. (Stipulated in terms of Title Deed No. T50150/2002).

2.2. The Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), will apply to the utilization of the land and the Okhahlamba Local Authority must ensure that the carrying capacity of large stock units is not exceeded

From the assessments made during the planning phase, there are no issues that were identified that may prohibit the site from being used for the intended activity.

It is recommended therefore, that the relevant authorizing body should grant approval for this application based on its merits as outlined in this report.

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1 BACKGROUND OF THE DEVELOPMENT APPLICATION

This project is commissioned under the Environmental Protection and Infrastructure Programmes (EPIP) by the Department of Environmental Affairs (DEA). The need for the development of the new landfill site was identified by the municipality based on its current inefficient waste management practices. This is contemplated in terms of the municipal Integrated Development Plan (IDP – 2013/14).

Currently the municipality operates an existing dump site informally. In addition, waste management services are limited to specific areas and rural areas are excluded. The site was identified at approximately 7km south of the town Bergville on the Remainder of Portion 1 and Portion 10 (of 1) of the Farm Riet Vallei No. 3285.

The proposed sites are located outside the scheme boundary, therefore this application is undertaken in terms of Chapter 4 (which provides for the development of land outside of the scheme) and Chapter 6 (which provides for alteration, suspension, and deletion of restrictions relating to land); this is read in conjunction with Schedule 1 of the KwaZulu Natal Planning and Development Act (Act No.6 of 2008).

2 THE DETAILS OF THE APPLICANT

This application is submitted on behalf of the applicant, that being the Okhahlamba Local Municipality (OLM). Pravin Amar Development Planners (PADP) is an authorized agent by the applicant (Okhahlamba Local Municipality) to prepare and submit this development application in terms of the relevant legislation.

3 PURPOSE OF THE REPORT

This report substantiates the need and desirability for the proposed development (the development of land outside the area of the town planning scheme) on the Remainder of Portion 1 and Portion 10 (of 1) of the Farm Riet Vallei No. 3285 to establish a new landfill site on this property.

In addition this report provides an assessment of the merits of the proposal taking into consideration the key requirements for development and planning as specified in various planning policies, guidelines and legislation. This includes alignment of the development proposal with the municipal development strategies, policies as well as local, provincial and national legislative requirements.

3.1 Aims and Objectives of the Proposed Uses

The main aim for the development of the landfill is to ensure that the municipality has in place the appropriate facility to cater for the waste disposal needs of the local communities and the surrounding areas. The following guiding principles apply:

- Ensure that the proposed use harmonizes with the existing uses.
- Ensure that the proposed use is in line with OLM's development strategies.
- Ensure that the proposed use is legalized and complies with the relevant legislative requirements.

4 STRUCTURE OF THE REPORT

This report is divided into the following sections:

- Section 1:** Introduction provides a brief background to the application.
- Section 2:** The details of the applicant.
- Section 3:** Purpose of the report.
- Section 4:** Provides a structure of this report.
- Section 5:** Legislative and Policy Framework Review outlines the legislative and policy requirements for the proposed project.
- Section 6:** Details of the Application Site describes the sites physical characteristics as well as its location in relation to other areas and surrounding uses.
- Section 7:** Details of the proposed development provides detail in terms of the proposed development.
- Section 8:** Assessment of potential impacts, describe potential impacts (positive and negative) anticipated from the proposed development.
- Section 9:** Alignment and Evaluation of Merits of the Application provides an outline of the applicable development planning guidelines and policies and its relevance to the proposed development.
- Section 10:** Motivation and Support of the Application provides the need and desirability of the proposed development.
- Section 11:** Conclusion and Recommendations concludes the report and provides recommendations in terms of accommodating the proposed uses into the existing uses.

5 LEGISLATIVE AND POLICY FRAME WORK REVIEW

In assessing the merits of this application consideration has been given to key legislative framework and policies that guide the development to ensure that the proposed activity adheres to the desirable planning and development principles. The relevant legislation and policies for this development are discussed below:

Table 1: Legislative Framework Review

No.	LEGISLATION/POLICIES	RELEVANCE TO LANDFILL SITE
1.	KwaZulu Natal Planning and Development Act (Act No. 6 of 2008).	<p>The KwaZulu Natal Planning and Development Act provides for development of land outside the scheme and regulations that align to the provincial planning and development norms and standards. This legislation would also guide any scheme amendments required to obtain the appropriate zoning for the establishment of landfills. The establishment of landfills requires planning permission in terms of the provisions of this act.</p> <p>In terms of the KwaZulu Natal Planning and Development Act, the development of land situated outside the area of a scheme is permissible only in accordance to Chapter 4, Section 38 which stipulates that;</p> <p>(1) The development of land situated outside the area of a scheme may only occur to the extent that it has been approved by a municipality in whose area the land is situated.</p> <p>As such, a development application will be required in terms of the KZN Planning and Development Act.</p> <p>(2) Chapter 6 of the KwaZulu Natal Planning and Development Act, that: alteration, suspension and deletion of restrictions relating to land permissible only in accordance with Chapter 6.</p>
2.	National Environmental Management Act; (NEMA) (107 of 1998) and as amended.	<p>This piece of legislation is considered the flagship statute as it provides an underlying framework upon which environmental management and implementation plans are made, because it embraces all fields of environmental concern. The fields that are of relevance to this development are land-use planning and development. This legislation provides principles of sustainability related to the use of land.</p> <p>One of the fundamental provisions in NEMA is set out in Chapter 1 Section 2 which sets out 20 principles which assists in the development of acceptable environmental management practices.</p> <p>All of the principles set out in section 2 are important and should be carefully considered. Some of the principles vis-à-vis the proposed</p>

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No.	LEGISLATION/POLICIES	RELEVANCE TO LANDFILL SITE
		<p>development to environmental legal compliance includes:</p> <p>Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably. (Section 2(2)).</p> <p>Development must be socially, environmentally and economically sustainable. (Section 2(3)).</p> <p>Sustainable development requires the consideration of all relevant factors including the following:</p> <p>Sustainable development requires that the disturbance of ecosystems and loss of biological diversity are avoided or where they cannot be altogether avoided, are minimized and remedied. (Section 2(4)(i)).</p> <p>Sustainable Development also requires that pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied. (Section 2(4)(a)(ii)).</p> <p>“Waste avoidance” – waste is to be avoided, or where it cannot be altogether avoided, should be minimised and reused or recycled where possible or otherwise disposed of in a responsible manner. (Section 2(4) (a) (iv)).</p> <p>"Responsible use of non-renewable natural resources" – the use and exploitation of non-renewable natural resources should be responsible and equitable and take into account the depletion of the resource. (Section 2(4) (v)).</p> <p>"Wise use of renewable sources" – the development, use and exploitation of renewable sources and the ecosystems of which they are a part should not exceed the level beyond which their integrity is jeopardized. (Section 2(4) (vi)).</p> <p>“Precautionary principle” – a risk averse and cautious approach should be applied which takes into account the limits of current knowledge about the consequences of decisions and actions, and whereby negative impacts upon the environment and on people’s environmental rights are anticipated and prevented, and where they cannot be altogether prevented, are minimized and remedied. (Section 2(4) (a) (vii) and (viii)).</p> <p>“Best Practicable Environmental Option” – Environmental management must be integrated, acknowledging that all elements</p>

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No.	LEGISLATION/POLICIES	RELEVANCE TO LANDFILL SITE
		<p>of the environment are linked or interrelated, and it must take into account the effect of decisions on all aspects of the environment and all people in the environment by pursuing the selection in the best practicable environmental option. (Section 2(4)(b)).</p> <p>“Environmental Justice” – Environmental justice must be pursued so that adverse environmental impacts are not distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons. (Section 2(4)(c)).</p> <p>“Cradle-to-grave” – responsibility for the environmental health and safety consequences of a policy, program, project, product, process, service or activity exists throughout its lifecycle. (Section 2(4) (e)).</p> <p>The participation of all interested and affected parties in environmental governance must be promoted, and all people must have an opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured. (Section 2(4)(f)).</p>
3.	Environmental Impact Assessment Regulations (No. R. 543 of 2010).	The purpose of these Regulations is to regulate the procedure and criteria as contemplated in Chapter 5 of the Act relating to the submission, processing and consideration of, and decision on, applications for environmental authorizations for the commencement of activities in order to avoid detrimental impacts on the environment, or where it cannot be avoided, ensure mitigation and management of impacts to acceptable levels, and to optimise positive environmental impacts, and for matters pertaining thereto. This legislation is instrumental in facilitating the necessary procedures of any environmental application. This application triggers a Basic Impact Assessment.
4.	National Environmental Management Act: Waste Act: (NEMWA) (59 of 2008), and as amended.	<p>This act regulates waste management in order to protect health and the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development and also provides national norms and standards for regulating the management of waste by all spheres of government.</p> <p>Chapter 4 Part 2</p> <p>General duty in respect of waste management</p> <p>(1) A holder of waste must, within the holder's power, take all</p>

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No.	LEGISLATION/POLICIES	RELEVANCE TO LANDFILL SITE
		<p>reasonable measures to—</p> <p>(a) avoid the generation of waste and where such generation cannot be avoided, to minimise the toxicity and amounts of waste that are generated;</p> <p>(b) reduce, re-use, recycle and recover waste;</p> <p>(c) where waste must be disposed of, ensure that the waste is treated and disposed of in an environmentally sound manner;</p> <p>(d) manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts;</p> <p>(e) prevent any employee or any person under his or her supervision from contravening this Act and prevent the waste from being used for an unauthorized purpose.</p> <p>(2) Any person who sells a product that may be used by the public and that is likely to result in the generation of hazardous waste must take reasonable steps to inform the public of the impact of that waste on health and the environment.</p> <p>(3) The measures contemplated in this section may include measures to—</p> <p>(a) investigate, assess and evaluate the impact of the waste in question on health or the environment;</p> <p>(b) cease, modify or control any act or process causing the pollution, environmental degradation or harm to health;</p> <p>(c) comply with any norm or standard or prescribed management practice;</p> <p>(d) eliminate any source of pollution or environmental degradation; and</p> <p>(e) remedy the effects of the pollution or environmental degradation.</p> <p>(4) The Minister or MEC may issue regulations to provide guidance on how to discharge this duty or identify specific requirements that must be given effect to, after following a consultative process in accordance with sections 72 and 73.</p> <p>(5) Subsection (4) need not be complied with if the regulation is amended in a non-substantive manner. The proposed activity is listed in terms of Listing Notice 921 and Activity No. 1, 2, 3, 10 and 12.</p>
5.	National Water Act (Act 36 of 1998).	1. The main purpose of the act is to provide for fundamental reform

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No.	LEGISLATION/POLICIES	RELEVANCE TO LANDFILL SITE
		<p>of the law relating to water resources; to repeal certain laws; and to provide for matters connected therewith.</p> <p>2. The purpose of this Act is to ensure that the nation's water resources are protected, used, developed, conserved, managed and controlled in ways which take into account amongst other factors -</p> <p>(a) meeting the basic human needs of present and future generations;</p> <p>(b) promoting equitable access to water;</p> <p>(c) redressing the results of past racial and gender discrimination;</p> <p>(d) promoting the efficient, sustainable and beneficial use of water in the public interest;</p> <p>This act ensures that no water sources are polluted or degraded and it is used in a sustainable manner, thereby ensuring its continued availability.</p>
6.	National Waste Information Regulations August 2012 (No. R625).	The purpose of these Regulations is to regulate the collection of data and information to fulfil the objectives of the national waste information system as set out in section 61 of the Act
7.	Waste Classification and Management Regulations (No.R634).	<p>2. (1) The purpose of these Regulations is to -</p> <p>(a) Regulate the classification and management of waste in a manner which supports and implements the provisions of the Act;</p> <p>(b) establish a mechanism and procedure for the listing of waste management activities that do not require a Waste Management licence;</p> <p>(c) prescribe requirements for the disposal of waste to landfill;</p> <p>(d) prescribe requirements and time frames for the management</p> <p>(e) prescribe general duties of waste generators, transporters and managers.</p>
8.	National Norms and Standards for the Assessment of Waste for Landfill Disposal (No. R635 of 2013).	These Norms and Standards prescribe the requirements for the assessment of waste prior to disposal to landfill in terms of Regulation 8(1)(a) of the regulations. This legislation is applicable in providing appropriate standards for the assessment of waste.
9.	National Norms and Standards for the Disposal of Waste for Landfill (No. R636 of 2013).	These norms and standards determine the requirements for the disposal of waste to landfill as contemplated in regulation 8(1)(b) and (c) of the Regulations.
10.	List of Waste Management activities that have, or are likely to have a Detrimental Impact on the	To regulate waste management activities in terms of storage, recycling, treatment and disposal of waste in accordance with the category they fall under. This legislation is applicable as it provides

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No.	LEGISLATION/POLICIES	RELEVANCE TO LANDFILL SITE
	Environment (No. R921 of 2013).	a list of waste management activities that can have a harmful effect on the environment. This application triggers the following activities GNR 921 (Activity No. 1, 2, 3, 10 and 12).
11.	National Norms and Standards for the storage of Waste (No. R926 of 2013).	<p>The purpose of these norms and standards is to-</p> <ul style="list-style-type: none"> a) Provide a uniform national approach relating to the management of waste storage facilities; b) Ensure best practise in the management of waste storage facilities; and c) Provide minimum standards for the design and operation of new and existing waste storage facilities.
12.	National Waste Management Strategy.	<p>The overall objective of this strategy is to reduce the generation of waste and the environmental impact of all forms of waste and thereby ensure that the socio-economic development of South Africa, the health of the people and the quality of its environmental resources are no longer adversely affected by uncontrolled and uncoordinated waste management. The internationally accepted waste hierarchical approach was adopted of waste prevention/minimisation, recycle/reuse, treatment and finally disposal.</p> <p>The strategy outlines the functions and responsibilities of the three levels of government and where possible, firm plans and targets are specified. During the development of the strategy a number of priority strategic initiatives were identified which were categorized into short-term (by the year 2004), medium-term (by the year 2008) and long-term (by the year 2012) initiatives. Action plans have been developed for the short-term initiatives for integrated waste management planning, a waste information system, waste minimisation and recycling, general waste collection, waste treatment and disposal, and capacity building, education, awareness and communication. A logical framework analysis approach was adopted to develop the Action Plans that analysed the problems, stakeholders, and the risks to successful implementation followed by the development of outputs, activities, inputs and assumptions, as well as a proposed allocation of functions, roles, and responsibilities of the three levels of government.</p> <p>The roles and responsibilities in terms of the NWMS for local government include:</p>

No.	LEGISLATION/POLICIES	RELEVANCE TO LANDFILL SITE
		<ul style="list-style-type: none"> • Integrated waste management planning: Local government will be responsible for the compilation of general waste management plans for submission to provincial government. • Waste information system: Local government will be responsible for data collection. • Waste minimisation: Local government will implement and enforce appropriate national waste minimisation initiatives and promote the development of voluntary partnerships with industry. <p>Recycling: Local government are to establish recycling centres and/or facilitate community initiatives.</p>

5.1 Development Policy Review

5.1.1 Okhahlamba Integrated Development Plan (IDP) 2013/2014

The Okhahlamba IDP serves as a strategic guide for decision making with respect to matters relating to the developmental state of the municipal areas. The municipality has a responsibility to prepare strategic planning documents such as the IDP and SDF, entailing priority areas of development within the municipality.

The IDP further identifies challenges that require a speedily address by the municipality. In terms of the IDP the municipality's waste management system has been identified as being inefficient and its landfill as being illegal. Furthermore, there is a lack of proper infrastructure for waste collection. Accordingly, this application aligns to the municipal integrated development plan.

5.1.2 Okhahlamba Spatial Development Framework (SDF) 2013

The municipal SDF forms part of the Integrated Development Plan which generally outlines developmental principles, policies and goals that are applicable to a municipal area in relation to its physical space. An SDF indicates the desired patterns of land use within the municipality, which should be informed by the IDP development priorities. It is therefore imperative that the identification of land for the development of landfills is well informed by the SDF.

5.1.3 Okhahlamba Integrated Waste Management Plan (IWMP) 2013/14

The Okhahlamba Waste Management Plan integrates and optimizes waste management services in a manner as to achieve the best health, environmental, economic and engineering results. This plan also provides strategies for the improvement of waste management services within the municipality.

The key elements of an IWMP are: generation of waste, separation, storage and collection of waste, transfer and transportation of waste, re-use and recycling of waste and the disposal of waste. This document is essential to refer to as it points strategies to improve waste management in communities as well as identify key problem areas of the waste management plan.

The proposed landfill responds to the municipality's IWMP by facilitating the establishment of a waste disposal site to address the waste management issues within the municipality and the immediate surroundings.

5.1.4 Okhahlamba Housing Sector Plan (HSP) 2013/14

The Okhahlamba Housing Sector Plan assesses the current status of housing needs and identifies challenges that need to be redressed with regards to housing in line with the municipality's resources and capacity. It further serves to assess the delivery of housing over a period of five years in the municipality. This has an impact on waste generation and other related waste management services that are essential for the households.

Section 7 of the Okhahlamba Housing Sector Plan provides the statistics according to each ward within the municipality. With these statistics an indication of the quantity of waste generated for different household types as well as an understanding of waste management practices and needs for those households can be deduced to weigh the need of developing a functional waste disposal site.

6 DETAILS OF THE APPLICATION SITE

6.1 Spatial Setting and the Context

The application sites are located within close proximity Bergville which is the main town within the municipality. The Okhahlamba Local Municipality is one of the five (5) local municipalities that fall within the jurisdiction of the UThukela District Municipality.

The local municipality is located between Lesotho, Free State, Mnambithi and Mtshezi. On a broader context the local municipality is situated on the north western portion of KwaZulu Natal within close proximity to Harrismith and Ladysmith. It is located 244km from Durban and 358km from Johannesburg.

The major town center's within OLM include; Bergville, Winterton, Geluksburg, Zunckels and Cathkin Park. The local municipality is predominantly rural with the majority of residential areas being located in traditional tribal authority areas.

The R74 runs through the local municipality providing access to the areas within the municipality with other routes such as the R616 and R600 also providing greater connectivity. The proposed development is located on the D116.

The adjacent road being the P10-2 connects the D116 to the R74. Evidently, the site has adequate access to the surrounding regional and local roads and is appropriate for the proposed use that being a landfill. Please refer to Annexure 6 and 7 (Locality Plan and context map respectively) for more details.

From the above assessment it is clear that the municipality is strategically located and easy to access. Therefore this creates an opportunity for this proposed facility to be utilized by neighboring municipalities within the district and beyond.

6.2 Site Description

The affected properties are:

- The Remainder of Portion 1 of the Farm Riet Vallei No 3285, and
- Portion 10 (of 1) of the Farm Riet Vallei No 3285

6.3 Ownership

The details of ownership are as follows:

- According to Title Deed No. T50152/02, the Remainder of Portion 1 of the Farm Riet Vallei No 3285 is owned by Okhahlamba Local Municipality, and

- According to Title Deed No. T50150/2002, Portion 10 (of 1) of the Farm Riet Vallei No 3285 is under the ownership of Felokwakhe Hlatshwayo Communal Property Association.

6.4 Title Deed Conditions

The property described as the Remainder of Portion 1 of the Farm Riet Vallei No 3285 (attached as annexure 1) is subject to the following title deed condition:

2.1. The land is to be used for commonage purposes only not for settlements.

2.2. The Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), will apply to the utilization of the land and the Okhahlamba Local Authority must ensure that the carrying capacity of large stock units is not exceeded

The property described as Portion 10 (of 1) of the Farm Riet Vallei No 3285 (attached as annexure 1) is subject to the following title deed condition:

2.1. The land is to be used for settlement and subsistence purposes only.

2.2. The Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), will apply to the utilization of the land and the Okhahlamba Local Authority must ensure that the carrying capacity of large stock units is not exceeded

Accordingly this application includes the removal of the afore-mentioned title deed conditions in terms of Chapter 6 of the Act (No. 6 of 2008).

6.5 Servitudes

According to both SG diagrams (attached as annexure 5) there are no registered servitudes to this site. However, identified are powerlines adjacent to the northern parts outside of the site. These powerlines are situated outside the development footprint.

6.6 Current Zoning

There is no zoning for landfill site as the proposed site does not fall within a town planning scheme area. The surrounding properties are also not zoned.

6.7 Land Use of the Site and Surroundings

The site is currently not developed. The presence of cultivated land and settlements were noted surrounding the proposed site. The land use surrounding the proposed site area is as follows:

North: Cultivated land

East: Cultivated land

South: Small settlements of the Mabhulesini Village

West: Cultivated and vacant land

6.8 Access and Accessibility

The study area is located in an area that is easily accessible by different modes of transport. The R74 is the main route providing access to the community of Bergville and the vicinity of the proposed site. The P10-2 connects the R74 to the D116. The site gains direct access via a gravel road called the D116.

Accordingly the site is accessible from the general public perspective.

6.9 Topography and Physical Character of the Site

The topography of the site slopes in the north easterly direction. Refer to annexure 9 (land survey maps). The site gradient is suitable for the proposed development.

6.10 Bulk Infrastructure Services

The site is located within a rural area and the current services provided are electricity and roads. The necessary service to be provided for the site is water. It is envisaged that the proposed use will not put pressure on the existing bulk infrastructure services as the nature of the use does not necessarily require excessive supply of these services.

6.11 Hydro-geological and Geotechnical Conditions

6.11.1 Hydrological Setting

The proposed landfill site is underlain by a fractured aquifer with an average groundwater yield of between 0.1 l/sec and 0.5 l/sec. The underlain aquifer is classified as a Minor Aquifer System, thus having moderately groundwater yielding potential and will be unable to support large abstractions schemes for public water supply and other purposes.

The groundwater level below the site is considered to be deep and a sufficient barrier exist below the site, ranging between 22.73 and 33.94 meters below ground level (mbgl) and flows in a north easterly direction.

Based on the geophysical investigation, two groundwater characterisation boreholes (MB1 and MB2) were drilled. MB1 is situated down gradient from the proposed landfill site and will act as a down gradient monitoring borehole, while MB2 is up-gradient from proposed landfill site and will act as a “background” groundwater quality indicator.

Results of the aquifer testing indicate a permeability of 1.24×10^{-6} m/sec (0.18 m/day) for the Sandstone aquifer, while the siltstone aquifer has very low permeability of 4.29×10^{-8} m/sec (0.04 m/day).

During the hydrocensus survey, seven groundwater receptors were identified, from which five of them were from domestic abstraction boreholes. One was from an unused borehole and one from a spring. Five groundwater samples were collected in total, from which two samples were collected from the two newly drilled groundwater characterisation boreholes (MB1 & MB2) and three were collected from hydrocensus receptor points (HP5, HP2 & HP3).

The groundwater laboratory results for MB1 indicate sodium-bicarbonate water which has been recently recharged. All constituents analysed for MB1 was compliant with the SANS 241-1:2011 drinking water standards. Iron and aluminium concentrations recorded in MB2 exceeded the standards. MB2 represents a dynamic and coordinated regime with water rich in bicarbonate with an increasing sodium concentration. HP2, HP3 and HP5 represents recently recharged groundwater rich in calcium, magnesium and bicarbonate. Vanadium concentration recorded in HP2 marginally exceeded the standard, while the remaining constituents were compliant with the standards.

6.11.2 Geotechnical Findings

During this investigation, a total of eight test pits were dug by means of a TLB excavator and seven auger holes were drilled with a Johnsons hand Auger. Based on these soil logs the average soil profile underlying the proposed landfill site is as follows:

- Between 0m - 0.3m = Calcareous Sandy-Clays layer (Ac_1 soil type),
- Between 0.3m - 1.05m = Reddish brown Sandy-Loam layer,
- Between 1.05m - 3.3m = Thick yellowish Sandy-Silt layer (saprolitic zone),
- Between 1.74m - 3.3m = Fractured Bedrock (dolerite, sandstone and siltstone).

Seven in-situ permeability tests test were conducted on the seven auger holes. The permeability range of these was calculated to be:

- Sandy Loam: 9.04×10^{-7} m/sec
- Sandy Sand: 1.39×10^{-7} m/sec

Laboratory test was carried out in order to confirm the permeability analyses.

Foundation Indicator Tests and Particle Size Analysis were conducted on the two main soil profiles. The sandy loam soil has a grade of CL in accordance with the Unified Soil Classification System (USCS). These soil profiles have poor grading as it has a grading modulus (GM) of 0.27 and has a medium potential expansiveness. The sandy silt soil profile has a grade of SC in terms of the USCS. These soils also have poor grading as its GM is 0.85 and it has a low potential expansiveness.

Two compaction tests were carried out on the two main soil profiles (TP4 representing Sandy Loam and TP6 with Sandy Silt) have “Normal to Good” strength characteristics according to the CBR Test.

6.12 Assessment of Existing Social Economic Conditions

6.12.1 Demographics Profiles

The Okhahlamba Local Municipality consists of 14 wards. According to Statistics SA (2011) the local municipality has a total population of 132 068. The proposed development falls within Ward 12 of the municipality which consists of a population of 10 114 which entails the second largest population within the municipality. The population dynamics for the municipality are outlined below:

Table 2: Okhahlamba Local Municipality Race Profiles (Census 2011)

Race	
Black African	128 263
Coloured	287
Indian or Asian	469
White	2822
Other	227
Total	132 068

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Table 3: Okhahlamba Local Municipality Population Profiles (Census 2011)

Ward	No. Of Households	Population
1	2337	9295
2	2110	11065
3	1780	9113
4	1924	9262
5	1482	8556
6	2071	9223
7	1995	8720
8	2016	8918
9	1868	8711
10	2274	9327
11	2103	10885
12	2018	10114
13	1821	9316
14	1778	9564
Total	27 576	132 068

Table 4: Okhahlamba Local Municipality Gender Profiles (Census 2011)

Gender	
Males	61 624
Females	70 443
Total	132 068

Table 5: Okhahlamba Local Municipality Employment Statistics (Census 2011)

Employment Status	Number
Employed	13 718
Unemployed	10 501
Discouraged Work Seeker	9709
Not Economically Active	39 853
Total	73 781

Table 6: Okhahlamba Local Municipality Access to Piped Water at Household Level (Census 2011)

Access to services (at household level)	
Piped Water	
Piped (tap) water inside dwelling/institution	4648
Piped (tap) water inside yard	3382
Piped (tap) water on community stand: distance less than 200m from dwelling/institution	7083
Piped (tap) water on community stand: distance between 200m and 500m from dwelling/institution	2313
Piped (tap) water on community stand: distance between 500m and 1000m (1km) from dwelling/institution	688
Piped (tap) water on community stand: distance greater than 1000m (1km) from dwelling/institution	544
No access to piped (tap) water	8917
Total	27 575

Table 7: Okhahlamba Local Municipality Source of Water at Household Level (Census 2011)

Access to services (at household level)	
Source of water	
Regional/local water scheme (operated by municipality or other water services provider)	8666
Borehole	7433
Spring	6335
Rain water tank	216
Dam/pool/stagnant water	1068
River/stream	1288
Water vendor	285
Water tanker	1437
Other	851
Total	27 579

The socio-economic conditions indicate that the municipal area is no different from other rural municipalities in KZN, with the majority of the population being African who generally relies on government departments for services.

From the analysis above the majority of the population do not have access to basic services such as water and sanitation. This could be due to affordability issues as table no. 7 indicates a high rate of unemployment.

The proposed development is expected to contribute in job creation as well as skills development for the local people. This is also the Department of Environmental Affairs objective regarding its Environmental Protection and Infrastructure Programmes.

7 THE DEVELOPMENT PROPOSAL

The development of the landfill shall be undertaken in phases incorporating all the necessary infrastructure. This includes:

- Fencing and access control,
- Weighbridge and the weighbridge control room,
- Guard house, ablutions, and offices,
- Site access and site roads,
- Storm water management system
- Dirty water management system
- Leachate pond
- Green waste area

The total landfill is approximately 20ha in size. The actual landfill footprint will have a total of 9 possible phases with a 1.5ha size average. The leachate pond will form the ninth phase and will be filled with waste and capped as the final phase for closure. The design of the new landfill will allow for approximately 1 338 236m³ of total airspace. This will give the municipality 20 years of airspace if the above mentioned disposal quantities are achieved.

The application involves the removal of restrictive title deed conditions for The Remainder of Portion 1 of The Farm Riet Vallei No. 3285 as indicated below:

2.1. The land is to be used for commonage purposes only not for settlements.

2.2. The Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), will apply to the utilization of the land and the Okhahlamba Local Authority must ensure that the carrying capacity of large stock units is not exceeded.

The application also involves the removal of restrictive title deed conditions for Portion 10 (of 1) of the Farm Riet Vallei No. 3285 as indicated below:

2.1. The land is to be used for settlement and subsistence purposes only.

2.2. The Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), will apply to the utilization of the land and the Okhahlamba Local Authority must ensure that the carrying capacity of large stock units is not exceeded.

8 ASSESSMENT OF POTENTIAL IMPACTS

The assessment takes into consideration the negative and positive impacts of the proposed development. The key areas of assessment are; the impacts on development and planning, the impacts on the physical environment, socio-economic, heritage and ecological impacts.

8.1. Development and Planning Aspect

The study is located approximately 5 km from Bergville which implies that the proposed waste disposal facility will be easily accessible to the surrounding communities and residents of the Okhahlamba Local Municipality. There currently is no zoning for landfills therefore the proposed use does not conflict with any zoning regulations.

The proposed development will positively change the character of the area by improving the infrastructure and ensuring that there is a formal waste disposal system in the municipality. It is not expected that the proposed landfill will be a nuisance or negatively impact the surrounding land uses since the majority of land surrounding the site is not developed.

8.2 Hydro-geological and Geotechnical Aspects

A risk assessment matrix was prepared for the proposed landfill site, based on the hydrogeological and geotechnical aspects. This risk assessment and mitigation measures should act as guidelines to assist with reducing the risks associated with the construction, operation and decommissioning phase of the landfill site. The following risks were identified:

Construction Phase:

- **Moderate Risk of soil** contamination before mitigation due to hydrocarbon contamination: **Low Risk** of soil contamination after mitigation;
- **Moderate Risk** of siltation of surface water bodies before mitigation: **Low risk** of siltation of surface bodies after mitigation;
- **Moderate Risk** of surface water contamination before mitigation: **Low risk** of surface water contamination after mitigation;

Operation Phase:

High Risk of soil contamination before mitigation: **Low Risk** of soil contamination after mitigation measures of installing a sufficient barrier (liner);

- **Moderate Risk** of siltation of surface water bodies before mitigation: **Low risk** of siltation of surface bodies after mitigation;
- **Moderate Risk** of surface water contamination before mitigation: **Low risk** of surface water contamination after mitigation;
- **Moderate Risk** to groundwater contamination, due to low soil permeability's: **Low risk** of contamination after mitigation.

Closure Phase:

- **High Risk of soil** contamination before mitigation: **Low Risk** after mitigation implementation;
- **Moderate Risk** of siltation of surface water bodies before mitigation: **Low risk** of siltation of surface bodies after mitigation.
- **Moderate Risk** of surface water contamination before mitigation: **Low risk** of surface water contamination after mitigation;

8.3. Environmental Impact Aspect

The proposed development triggers the activities in terms of GNR 921 activity 9 and 12.

Activity No. A (1): The storage of general waste in lagoons.

Activity No. A (2): The sorting, shredding, grinding, crushing, screening or bailing of general waste at a facility that has an operational area in excess of 1000m².

Activity No. A (3): The recycling of general waste at a facility that has an operational area in excess of 500m², excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises.

Activity No. A (10): The disposal of general waste to land covering an area of more than 50m² but less than 200m² and with a total capacity not exceeding 25 000 tons.

Activity No. (12): The construction of a facility for a waste management activity listed in Category A of this Schedule (not in isolation to associated waste management activity).

The above requires a Basic Impact Assessment process be undertaken together with a Waste Management Licence. This application has been registered as WML No. DC23/WML/0009/2014.

8.4. Socio-Economic Aspect

It is recorded that the development of a landfill will provide a much needed waste facility for the Okhahlamba Local Municipality residents and surrounding communities. More importantly, the proposed landfill will stimulate a positive change for the Okhahlamba Local Municipality through job creation and diversification of the local economy.

8.5. Paleontological HIA Aspect

The study conducted has not identified any paleontological reason to prejudice the progression of the Okhahlamba Local Municipality landfill project, subject to the recommended damage mitigation procedures being enacted.

Please refer to the Paleontological HIA report as annexure 14 (c) for further details on the impact assessment as well as recommended mitigation measures.

8.6 Ecological Impacts

There are no threats that have been identified in terms of the ecological setting of the study area. Where impacts have been identified the recommended mitigation measures shall be applied.

8.7 Archaeological Impact Aspects

The presence of grave sites on-site is regarded as significant. However, due consideration of the pre-existence of these grave sites has been given during the design of the landfill as per recommendations by the specialist. Accordingly, development of the landfill site is not expected to have an impact on the existing graves.

9 ALIGNMENT AND EVALUATION OF THE MERITS OF THE APPLICATION IN TERMS OF SECTION 42 OF THE PDA

This sections analyses the merits of the application in terms of the relevant sections of the KZN PDA as well as alignment with the principles of SPLUMA

9.1. Matters relevant in determining merits of proposed development of land situated outside area of a scheme in terms of the KZN Planning and Development Act (No.6 Of 2008)

Table 8: Assessment of the merits of the Development Application In Terms of Section 42 & 64

No.	Section	Aspect	Evaluation
1.	42 (d) 64 (d)	The potential impact of the proposal on the environment, socio-economic conditions, and cultural heritage	This has been addressed under Section 8 of this report. All recommendations by specialists shall be adhered to. According to the findings of the specialists there are no issues prohibiting the development from proceeding.
2.	42 (e) 64 (e)	The impact of the proposal on existing or proposed developments or land uses in the area, or on existing developmental or mineral rights.	The proposed landfill is not anticipated to be a nuisance or negatively impact the surrounding land uses.
3.	42 (f)	The provision and standard of engineering services	The development of the site will occur in a rural area which is

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No.	Section	Aspect	Evaluation
			only serviced with electricity and roads. Therefore, the proposed site may require standard bulk infrastructure services in order to ensure efficiency and functionality of the facility. The developer (OLM) shall ensure that all necessary infrastructure is provided to ensure a fully functioning facility.
	64 (f)	The protection or preservation of cultural and natural resources, including agricultural resources, unique areas or features and biodiversity.	The proposed development does not negatively impact on any cultural or natural resources. Specialist reports provide no issues restricting the proposed development.
4.	42 (g)	The impact of the proposal on the national, provincial and municipal road networks, public transport, municipal services sewage, water and electricity supply, waste management and removal, policing and security.	The proposed landfill site is aimed at providing an efficient waste management system of Okhahlamba. It will not have any impact on national, provincial and local roads. Public transport will also not be negatively impacted by the development of the landfill site as reasonable it is located at a distance from major routes. The municipal services will not be disturbed by the proposed development as the site is not serviced currently.
	64 (g)	Any prejudice to be caused by the proposal, to any person, including an engineering service provider, a mortgagee, a holder of a servitude right, or a lessee in terms of a registered lease.	The proposed development is conducted based on the principles of transparency, public fairness, sustainability and legal compliance.
5.	42 (h)	Access to public transport, health and educational facilities.	The proposed site is accessible to different modes of transport, major routes like the N3 and the R74 and a railway. Access to the nearby social facilities can be achieved with ease.

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No.	Section	Aspect	Evaluation
	64 (h)	The general principles for land development as stated in Section 3 of the Development Facilitation Act, 1995 (Act No. 67 of 1995)	The proposed development takes into account provisions made in terms of relevant legislation and municipal development policies.
6.	42 (i)	The historical effects of past racially discriminatory and segregatory legislation on land ownership, land development and access to engineering services and public facilities, and the need to address the historical imbalances.	The spatial orientation of the proposed facility addresses past practices of locating facilities away from the people. It is imperative that current planning practices address such imbalances through the provision of compatible social facilities close or within the areas where communities reside giving careful consideration to the nature of the proposed use.
	64 (i)	The land use and development norms and standards.	The proposed site is currently vacant and does not impact on any of the surrounding land uses. Development norms and standards are addressed under Section 9.2 of this report.
7.	42 (j)	The protection or preservation of cultural and natural resources, including agricultural resources, unique areas or features and biodiversity;	The proposed landfill site is located near grave sites and burial grounds which are protected by AMAFA. Therefore, recommendations as stipulated by the specialist shall be adhered to. Please refer to 8.5, 8.6 and 8.7 of this report. Further recommendations by specialists are incorporated in the Paleontological HIA annexure 14 (c).
	64 (j)	The Municipality's integrated development plan;	The proposed development addresses the waste disposal issues pointed out in the municipal IDP. This is addressed under section 5.1.1 of this report.

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No.	Section	Aspect	Evaluation
8.	42 (k)	The natural and physical qualities of that area;	According to the ecological findings, the area displays low natural and physical significance as well as sensitivity. Recommendation by the specialist shall be adhered to.
	64 (k)	The municipality's scheme and the regulation of the same subject matter in the scheme or in a by-law.	The proposed development responds to the issue of an inefficient waste system as pointed in the municipal IDP.
9.	42 (l)	The general principles for land development as stated in section 3 of the Development Facilitation Act, 1995 (Act No. 67 of 1995), and other national norms and standards, frameworks and policies contemplated in section 146(2) (b) of the Constitution;	The proposed development conforms to the principles of SPLUMA which aligns to the DFA principles. This has been addressed under Section 9.2 of this report.
	64 (l)	Any other relevant information.	The Annexures are appended to this report as additional supporting information.
10.	42 (m)	The provincial planning and development norms and standards;	This is addressed under Section 9.2. of this report.
11.	42 (n)	The municipality's integrated development plan;	This is addressed under Section 5.2.1. of this report.
12.	42 (o)	The municipality's scheme;	The proposed landfill site falls outside the municipality's town planning scheme. Therefore this does not apply to the proposed site.
13.	42 (p)	Any local practice or approach to land use management that is consistent with (i) the laws of the Republic; (ii) the provincial planning and development norms and standards; and (iii) the municipality's integrated development plan; and (iv) the municipality's scheme and	Noted.
14.	42(q)	Any other relevant information.	The Annexures are appended to this report as additional supporting information.

**9.2. Compliance with Spatial Planning and Land Use Management Act (SPLUMA)
Act No. 16 of 2013**

Table 9: Compliance with the Spatial Planning and Land Use Management Act (SPLUMA)-Act No.16 of 2013

DEVELOPMENT PRINCIPLES	ASSESSMENT OF THE PROPOSAL TO THE PRINCIPLES
<p>Section 7. <i>The following principles apply to spatial planning, land development and land use management</i></p>	
<p>a) Spatial justice</p>	<p>(i) The development will be accessible to all target immediate community as well as the surrounding local municipalities regardless of race, ethnicity and gender. (ii) The landfill in close proximity to the residential areas as well as the functional areas to enable easy movement and accessibility.</p>
<p>b) Spatial sustainability</p>	<p>(i) The design of the landfill will be such that it promotes efficient and effective practice as per new waste disposal standards eg. National Norms and Standards for the disposal of Waste for Landfills of 2013.</p>
<p>c) Spatial efficiency</p>	<p>(i) The location of a landfill will ensure efficiency in terms of operation at cost by way of location and design considerations.</p>
<p>d) Spatial resiliency</p>	<p>(i) It should be noted that spatial variation (e.g. context, location, connectivity, dispersal etc.) changes how systems adapt maintain or return to a desired state, and ultimately persist. According to the new design standards this site can be utilized for other activities post-closure.</p>
<p>e) Spatial integration</p>	<p>(i) The proposed landfill is strategically integrated with the existing land uses and surrounding communities. (ii) The proposed use is not in conflict with the municipality's spatial plans or land use management system.</p>
<p>f) Good administration</p>	<p>(i) It is imperative that procedures for development applications include transparent processes of public participation that affords all parties the opportunity to provide input on matters affecting them. (ii) A public participation process will be convened for the proposed landfill site to ensure all members of the public and interested and affected parties are appraised and are given an opportunity to provide an input on the proposed development. In addition it is imperative that this project achieve its objectives as it is funded by public monies.</p>

DEVELOPMENT NORMS AND STANDARDS	ALIGNMENT OF THE PROPOSAL TO THE PRINCIPLES
<p>Section 8. <i>The following norms and standards apply to spatial planning, land development and land use management</i></p>	
<p><i>The norms and standards must</i> <i>a: reflect the national policy, national policy priorities and programmes relating to land use management and land development</i> <i>b: promote social inclusion, spatial equity, desirable settlement patterns, rural revitalization, urban regeneration and sustainable development;</i> <i>c: include –</i> <i>(i) a report on and an analysis of existing land use patterns</i></p>	<p>This development application takes cognizance to the prescribed development norms and standards as per the Act, particularly with regard to – fostering of social inclusion, spatial equity, desirable settlement patterns, rural revitalization, urban regeneration and sustainable development.</p>

10 MOTIVATION AND SUPPORT FOR THE APPLICATION

10.1. Development Need

As referred to in the Okhahlamba IDP Review (2013), the municipality is facing a challenge in terms of an inefficient waste management system and non-existence of the legal disposal site within the municipality. Therefore there is a need to develop a formal landfill site.

Further, due to some areas being deprived of proper waste management services, the need persists to extend and ensure waste services are provided to all.

The proposed landfill site meets the strategic objectives set out in the municipal IDP and addresses the challenge faced by the municipality.

10.2. Desirability of the Development

The desirability of this development application is viewed in terms of the following elements:

10.2.1 Site Feasibility

The specialist studies that have been undertaken confirm the site suitability to accommodate the proposed development.

10.2.2 Development and Planning Principles

The proposed development complies with the planning and development legislation. In addition, it will address challenges outlined in the municipal IDP regarding the development and planning matters with the municipality. Notwithstanding the fact that the development is a necessity to the developer, consideration is given to all the necessary measures to ensure that it complies with all relevant legislation and that it does not negatively impact on the surrounding land uses and receiving environment.

10.2.3 Land Value

The site is currently not utilized profitably. The development of the site has the potential to attract compatible land uses (e.g. industrial development). As such this will contribute to the value of land within the municipality.

10.2.4 Service Delivery

The Okhahlamba Local Municipality as a beneficiary of the DEA's EPIP projects has a responsibility to deliver on the intended outcome by the funder. Accordingly this project is desirable from the service delivery perspective.

11 CONCLUSION AND RECOMMENDATIONS

It is concluded that the proposed development application does not constitute any elements that may negatively impact on the environment. Therefore, it is recommended that this development application should be supported by the authorizing body based on its merits.

Where necessary conditions and recommendations have been stipulated, the developer shall ensure adherence to.