



**MUNISIPALITEIT - MUNICIPALITY / UMASIPALA-WASE
BEAUFORT-WES / BEAUFORT WEST / BHOBHOFOLO**

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BHOBHOFOLO

Datum

Date 27 July 2022

6970

**PRE-APPLICATION: APPLICATION FOR TEMPORATY CONSENT USE: PORTION 2
OF FARM LEEUWENFONTEIN NO.6: MURRAYSBURG: BEAUFORT WEST MUNICIPAL
AREA**

In terms of the delegation granted to me as an Authorized Officer of Beaufort West Municipality to make decisions regarding Land Use Planning applications, in terms of Section 60 of the Land Use Planning By - law for Beaufort West Municipality, 2019 (Notice 21/2019), the following:

1. Purpose

- 1.1. The purpose of the pre-application input is to ensure that the application is correct and complete and not to assess the merit of the application.

2. Application

- 2.1. Application is made to the Beaufort West Municipality for the following:

Temporary Land Use Departure:

Application for temporary land use departure on Portion 2 of Farm 6 Leeuwenfontein, Murraysburg in terms of section 15(2)(c) of the Beaufort West Municipal Planning Bylaw to allow for a quarry on the property as part of the construction of a wind farm.

3. Further considerations:

- 3.1. The application indicates (on page 5 of the T1 application form) that the property is currently zoned for agricultural purposes but then further states that the proposed zoning of the property remains agricultural, a proposed temporary zoning has been put forward by the applicant.
- 3.2. The Beaufort West Zoning Scheme currently does not permit any mining on agricultural land, BUT, does permit quarry activities as both a consent use in Agricultural Zone 1 and Agricultural Zone 2. It technically would not be necessary to apply for a temporary land use departure for this activity but rather for a consent use in terms of the current zoning ascribed to the property.

- 3.3. It is not entirely clear why the application is applying for a temporary land use departure but perhaps it is due to the fact that in the application motivation, it is stated that the applicant is formally applying for a temporary rezoning of 4.43ha of agricultural land to commercial land as this is a requirement of the formal application to the National Department of Mineral Resources (DMR) to develop a rock quarry on the property to aid in the construction of windfarms in the area.
- 3.4. A specific requirement of DMR is that the agricultural land be rezoned to commercial land as this forms part of the mining conditions. The proposal is to align the period of the temporary rezoning to that of the mining permit which is for 5 years.
- 3.5. Now it must be noted that the zoning scheme does not allow for a quarry in any zoning other than Agricultural Zone 1 and Agricultural Zone 2 both under a consent use application. It does however permit mining as a primary use under Industrial Zone 3 but the zoning scheme does state that:

"The objective of this zone is to provide for the use of land for the extraction of minerals and raw materials and, to a limited extent, associated business operations. This zone is intended for operations of a more permanent nature as opposed to temporary, short-term mining or prospecting activities."

So, in essence, the application would not fall in line with this zone as the intention in Industrial Zone 3 are for activities of a more permanent nature.

- 3.6. It is clear in the Beaufort West Zoning Scheme how a quarry is both defined and which development parameters accompany it. It notes:

"quarry"

Land use description: "quarry" means a place from which dimension stone, rock, construction aggregate, riprap, sand, gravel or slate is excavated from the ground. A quarry is a type of open-pit mine that produces building materials and dimension stone.

Development parameters:

- (a) Development parameters applicable to "agriculture" together with additional parameters determined by the Municipality apply.
- (b) If a quarry is approved as a consent use in Agricultural Zone I, the consent may only be granted for the number of years equal to the expected lifetime of the quarry concerned.
- (c) The owner must comply with national and provincial statutory requirements applicable to mining.
- (d) Any application to rezone land to Industrial Zone IV must set out the measures that will be implemented to address safety and environmental concerns including:
 - (i) control of drainage, sedimentation and erosion;
 - (ii) preservation of surface and substance water;
 - (iii) preservation of topsoil;

- (iv) provision for restoration and the re-use of the site;
 - (v) provision for noise and visual buffering;
 - (vi) accommodation of heavy traffic and vehicles on roadways; and
 - (vii) a phased programme for rehabilitation.
- (e) The Municipality may impose the measures to address safety and environmental concerns as conditions of approval.
- (f) A site development plan must be submitted to the Municipality for its approval.

Now it is important to note that the proposal falls directly in line with the zoning scheme definition of a quarry. Also, the development parameters under point (b) also clearly allow for the consent use approval to be aligned to the expected lifetime of the quarry and is thus 'temporary in nature'

Further to this, the applicant has not fully adhered to the information requirements identified in parameter (d) which should be addressed and expanded upon. The applicant should be consulted with, and it should be recommended that a consent use application be applied for instead of a temporary land use departure as this is more a suitable application to accommodate the quarry.

- 3.7. The application form also notes that the property is currently utilized for agricultural purposes but is vague in that it is not specifically mentioned what type of agriculture takes place on the farm and does not further define to what extent the quarry will impact on the agricultural activities on the farm.
- 3.8. With respect to the above, any land development that utilizes an area of five hectares or more of agricultural land that has been cultivated or irrigated during the 10-year period immediately preceding the proposed land development that involves urban development, will trigger a provincial land use application in terms of section 53 of LUPA (Land Use Planning Act, Act 3 of 2014, read together with section 10 of the LUPA regulations). Should any extension or enlargement of the quarry be sought in future, it may be subject to a S53 LUPA application.
- 3.9. From an environmental perspective, the environmental sensitivity of the area has not been completely considered. It is also not clear whether the quarry falls within Critical Biodiversity Areas or Ecological Support Areas, and this should be determined. It is also currently unclear whether this application will trigger a listed activity in terms of the National Environmental Management Act and this should be confirmed soonest.
- 3.10. During the public participation process, comments must be obtained from the following (in addition to the comments already included within the application):
- a) Department of Agriculture: Western Cape,
 - b) South African National Roads Agency,
 - c) District Roads Engineer,
 - d) Department of Environmental Affairs and Development Planning, specifically a provincial planning comment in terms of Section 45 of LUPA, and
 - e) Department of Environmental Affairs and Development Planning, Environmental Impact Management Services

The costs for the application are as follows:

• Consent use	R 688.00
• Advertising costs for public participation	R 2 758.00
• Advertising costs in the Provincial Gazette	R 1 380.00
• The total cost for the application	<u>R 4 826.00</u>

Beaufort - West Bank Details:

Bank: Nedbank
Account Holder: Beaufort West Municipality
Account Number: 10742 80318
Account Type: Current Account
Branch Code: 198765
Reference: Farm Leeuwenfontein: Murraysburg

- A copy of the minutes / letter, proof of payment and all relevant information must be attached to the final application.
- The final application must be submitted to the Senior Manager: Administration: Mr. P. Strumpher.

Address:

Email: petrus@beaufortwestmun.co.za
Donkin Street 112
Mid Town
BEAUFORT WEST
6970

- The final application must be signed by the owner.
- When the final application is submitted, 2 hard copies as well as a complete electronic copy on CD are required.
- Application will then be advertised for a period of 8 weeks for any objections and for Public Participation.
- If there are any objections, the applicant can appeal.
- Applicant can then send his appeal application to the Municipal Manager.

For your attention.


C.B. WRIGHT
AUTHORIZED OFFICIAL

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