

# CK RUMBOLL & VENNOTE / PARTNERS



PROFFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE  
CONSULTANTS

25/04/2023

Ref: LB/12877/NG

ATTENTION: Mrs. Tracy Brunings

Municipal Manager  
Langeberg Municipality  
3 Piet Retief Street  
**MONTAGU**  
6720

## **AMENDMENT IN TERMS OF SECTION 52 (1) OF THE LANGEBERG LAND USE PLANNING**

### **BY-LAW: REZONING & CONSENT USES ON PORTION 4 OF FARM JOUBERTSDAL Nr.**

#### **189, SWELLENDAM REGISTRATION DIVISION**

The land use application for a rezoning and consent uses on Portion 4 of Farm 189, Swellendam, dated 16 March 2023, refers. The applicant hereby requests to amend the application in terms of Section 52 (1)(c) of the abovementioned By-Law.

The purpose of the amendment is to replace all references to "**Shop**" in the application and site development plan with the term "**Farm Shop**". This amendment is based a technicality where the term "shop", as defined in the Langeberg Land Use Planning By-Law, is not permitted under the current zoning of the property; Agricultural Zone I. The amendment does not change the essence of what is proposed in the sense that the character of the land use will remain the same. Accordingly, application is made for a consent use on the subject property to permit a tourist facility which consists of a Restaurant and Farm Shop as opposed to a tourist facility which includes a Restaurant and Shop.

Kindly provide the application fees where after proof of payment will be provided.

Kind regards

Nical Grobbelaar

**CK RUMBOLL AND PARTNERS**

#### **VENNOTE / PARTNERS:**

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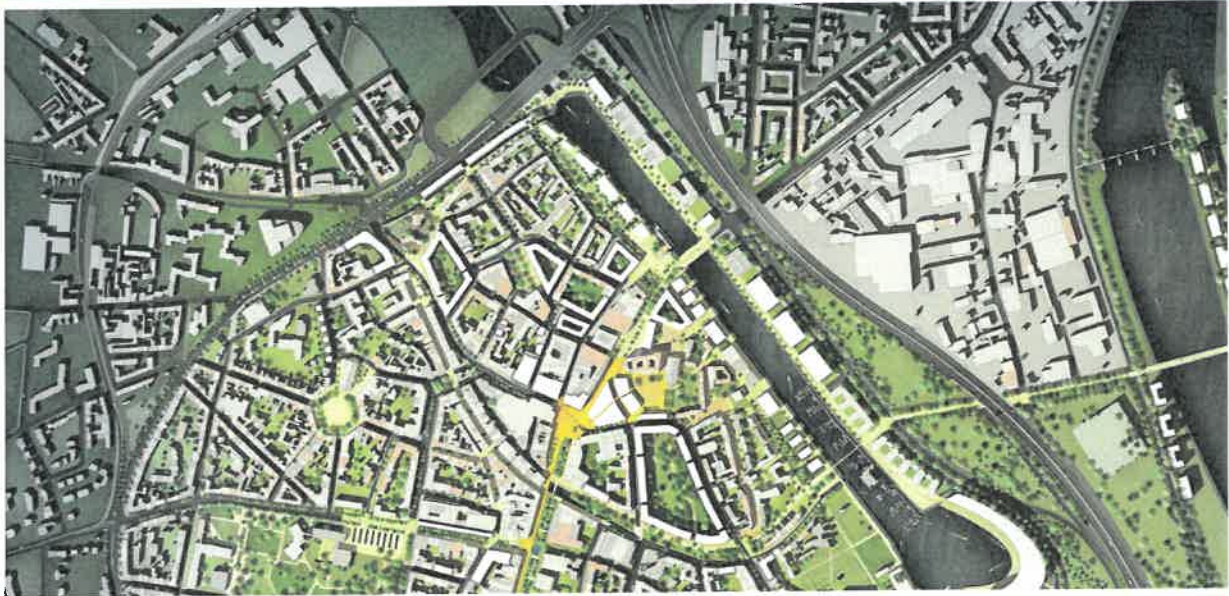


**CK RUMBOLL**  
& PARTNERS

**REZONING & CONSENT USES: SERVICE STATION, TOURIST  
FACILITY AND RENEWABLE ENERGY STRUCTURE**

**Portion 4 of Farm Joubertsdal No.189**

**Swellendam Registration Division**



**Ref: LB/12877/NG**

**7 February 2023**

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|     |                                                                                               |    |
|-----|-----------------------------------------------------------------------------------------------|----|
| 1.  | INTRODUCTION .....                                                                            | 2  |
| 2.  | PURPOSE.....                                                                                  | 4  |
| 3.  | LOCALITY .....                                                                                | 5  |
| 4.  | PROPERTY DESCRIPTION .....                                                                    | 5  |
|     | 4.1. Summary of property particulars .....                                                    | 5  |
|     | 4.2. Restrictive title conditions .....                                                       | 6  |
|     | 4.3. Bondholder .....                                                                         | 7  |
|     | 4.4. Servitudes .....                                                                         | 7  |
|     | 4.5. Zoning and surrounding land uses .....                                                   | 7  |
|     | 4.6. Restrictions and Opportunities .....                                                     | 8  |
| 5.  | DEVELOPMENT PROPOSAL .....                                                                    | 9  |
| 6.  | MUNICIPAL ZONING SCHEME BY-LAW.....                                                           | 15 |
| 7.  | MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) .....                                          | 18 |
| 8.  | OTHER LEGISLATION & GUIDELINES .....                                                          | 19 |
|     | 8.1. CONSTITUTION OF SOUTH AFRICA.....                                                        | 19 |
|     | 8.2. ELECTRICITY REGULATION ACT (ACT 4 OF 2006) &<br>INTEGRATED RESOURCE PLAN (IRP 2019)..... | 19 |
|     | 8.3. NATIONAL DEVELOPMENT PLAN 2030 (NDP 2012) .....                                          | 20 |
|     | 8.4. WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT<br>FRAMEWORK.....                            | 20 |
| 9.  | PRINCIPLES OF LAND USE PLANNING .....                                                         | 22 |
| 10. | CONCLUSION .....                                                                              | 23 |



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## List of Annexures

No

|                                 |   |
|---------------------------------|---|
| Power of attorney               | A |
| Municipal application form      | B |
| Title deed & property diagram   | C |
| Locality Map                    | D |
| Site Development Plan           | E |
| ZCC brochure                    | F |
| ZCC carbon savings calculations | G |
| DEADP Letter                    | H |



## 1. INTRODUCTION

Although South Africa is the 27th largest economy in the world, it is the 12th largest carbon dioxide emitter mainly because of a dependence on carbon-based fuels. The National Development Plan (2030) has identified the reduction of carbon dioxide emissions as a priority for advancing an environmentally sustainable – low carbon economy. Data from the Draft National Greenhouse Gas Inventory for South Africa suggests that the transport sector contributes 9% of the country's emissions and the NDP emphasizes the importance of alternatively powered vehicles, such as electric and bio-fuel, to reduce vehicle emissions. The NDP further anticipates that South Africa can expect to see greater use of electric vehicles over the next 20 years making decarbonised electricity generation even more important.

Currently, it is estimated that there are less than 1000 electric vehicles (EV's) in South Africa with an expected growth of approximately 200 000 EV's by 2027 and that by 2032 majority of new cars will be EV's. Growth of the market share of eco-friendly cars that are less dependent on fossil fuels will be driven by higher and stringent taxation on carbon-emitting vehicles, which is proposed in the NDP, as well as a global trend towards decarbonisation – to this end, major automotive manufacturers such as; Volkswagen, Ford, Mercedes-Benz, General Motors and Volvo have pledged to stop the manufacture of internal combustion engine (ICE) cars by 2030.

To allow for a successful transition from fossil fuel dependent cars to EV's, it is critical that supporting infrastructure be available to ensure EV's are functional. For the 1000 or fewer EV's in South Africa, there are 250 charge points of which most are at dealerships. A substantial rollout of charge points is thus necessary to accommodate the expected growth<sup>1</sup> in EV's. Apart from the requirement for new charge points, there are also challenges relating to travel distance, inter-provincial travel, the time it takes to charge an EV's, and how the electricity is generated and/or sourced.

The Achilles heel of EV's is that 'refueling' times<sup>2</sup> are uncompetitive compared to ICE vehicles. Charging could be improved by the introduction of purpose-built, fast-charge points that offers

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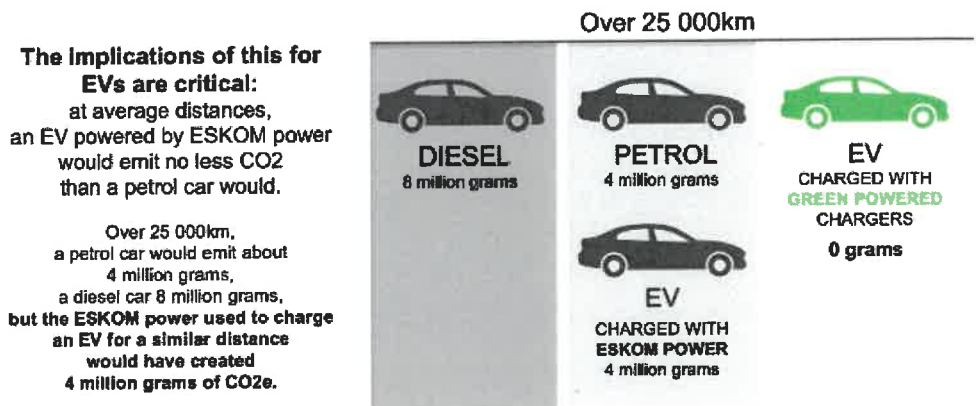
<sup>1</sup> Major manufacturers have committed to producing EV's and sales penetration continues to exceed expectations; in late 2021 the market share of EV's as a percentage of new vehicle sales measured 28% in the UK and 34% in Germany. SA new sales are circa 250,000 a year. A 20% market share of new sales would result in over 50,000 EV's sold in South Africa in a year and, at a conservative ratio of 1:20 chargers to EV's, would require 2000 chargers to be added each year.

<sup>2</sup> A typical electric car (60kWh battery) takes just under 8 hours to charge from empty-to-full with a 7kW charging point.



150KW and enables a range of 250km after 20 minutes of charging or 500km after 40 minutes. Providing purpose-built charge points along key national roads such as the N1, N2 and N7 will enable fast, efficient inter-provincial travel (considering that most EV's are currently used for daily commutes due to limited facilities along national routes).

Equally important is how electricity is generated and/or sourced. Most of the existing charge points, within urban areas, make use of grid electricity which is supplied either directly or indirectly by ESKOM – which heavily relies on fossil fuels to generate electricity and is becoming less and less reliant with the advent of loadshedding. An EV's powered by electricity generated from coal has the same carbon footprint as a petrol vehicles and therefore, to amplify the effectiveness of eco-friendly vehicles, the electricity used to power EV's has to be generated in sustainable ways such as wind, hydro or solar electricity. Accordingly, EV's must make use of "clean" energy and are robust to the challenges of the national grid. The market adoption of EV's is anticipated to have profound implications for the energy market as a whole and electricity demand as EV's share of total electricity consumption is expected to reach 10% of total grid capacity and up to 20% in certain areas<sup>3</sup>. Consequently, the adoption of EV's will require an increased electricity generation output.



This application addresses the posed dilemma by facilitating the national rollout of fast-charge points along strategic national routes which will enable inter-provincial travel, help to reduce the reliance on fossil fuels and will advance the transition to eco-friendly cars by providing the necessary infrastructure to allow for market adoption (considering range anxiety and a lack of ubiquitous charging stations are currently a deterrent for would-be EV owners<sup>4</sup>). The development proposal incorporates a renewable energy structure adjacent to the charging point which ensures; (a) that the electricity used to power vehicles is clean and (b) that the development does not rely on or place a further strain on the national grid.

<sup>3</sup> EV Driver Survey, New Motion, 2021, P10

<sup>4</sup> Electric Mobility Insights Report by New Motion, May 2020, P5



## 2. PURPOSE

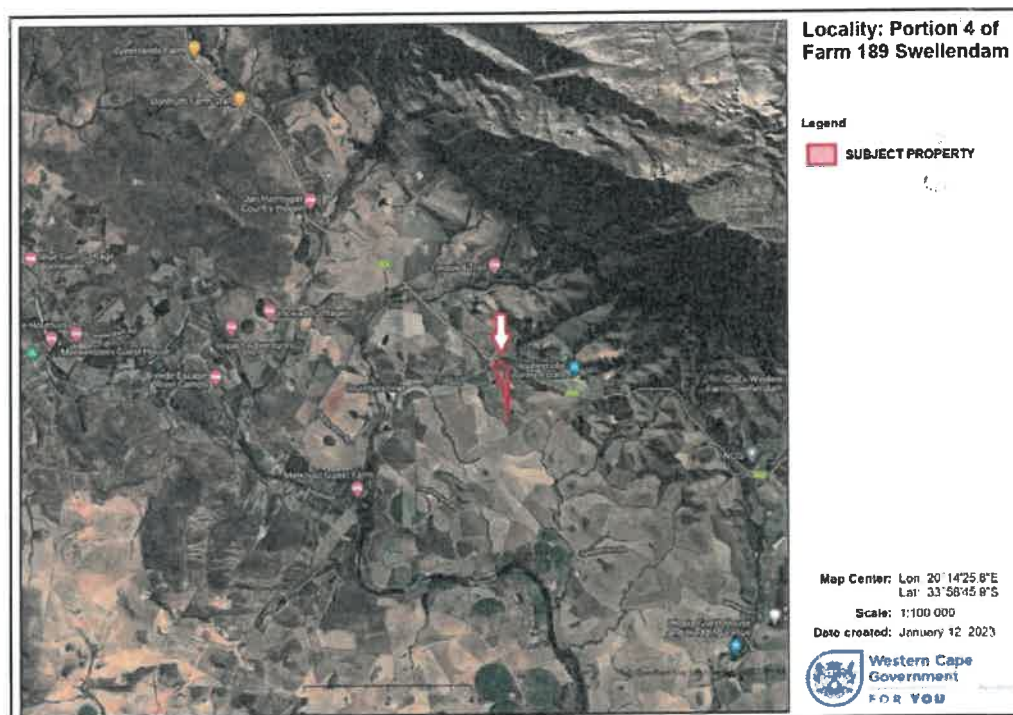
The purpose of this application is to apply for the following on Portion 4 of Farm Joubertsdal No. 189, Swellendam Registration Division which is zoned Agricultural Zone I:

- A **Rezoning** in terms of Section 15(2)(a) of the Langeberg Municipal By-Law on Land Use Planning to rezone  $\pm 52\text{m}^2$  of the property from Agricultural Zone 1 to Business Zone II;
- A **Consent Use** in terms of Section 15(2)(o) of the Langeberg Municipal By-Law on Land Use Planning to permit a Service Station as a consent use under the proposed Business Zone II zoning;
- A **Consent Use** in terms of Section 15(2)(o) of the Langeberg Municipal By-Law on Land Use Planning to permit a Renewable Energy Structure on  $\pm 8500\text{m}^2$  of the property;
- A **Consent Use** in terms of Section 15(2)(o) of the Langeberg Municipal By-Law on Land Use Planning in order to permit a Tourist Facility ( $\pm 348\text{m}^2$ ) on the property.



### 3. LOCALITY

The subject property is situated in the southeastern corner of the Langberg Municipal area, with a prime location along the R60 road that connects to Swellendam. The property is conveniently located approximately 16km northwest of Swellendam, offering easy access to the town's amenities and services. The property is accessed via Divisional Road 1333, which connects directly to the R60 and provides easy access to the subject property.



*Figure 1: Locality of Property*

### 4. PROPERTY DESCRIPTION

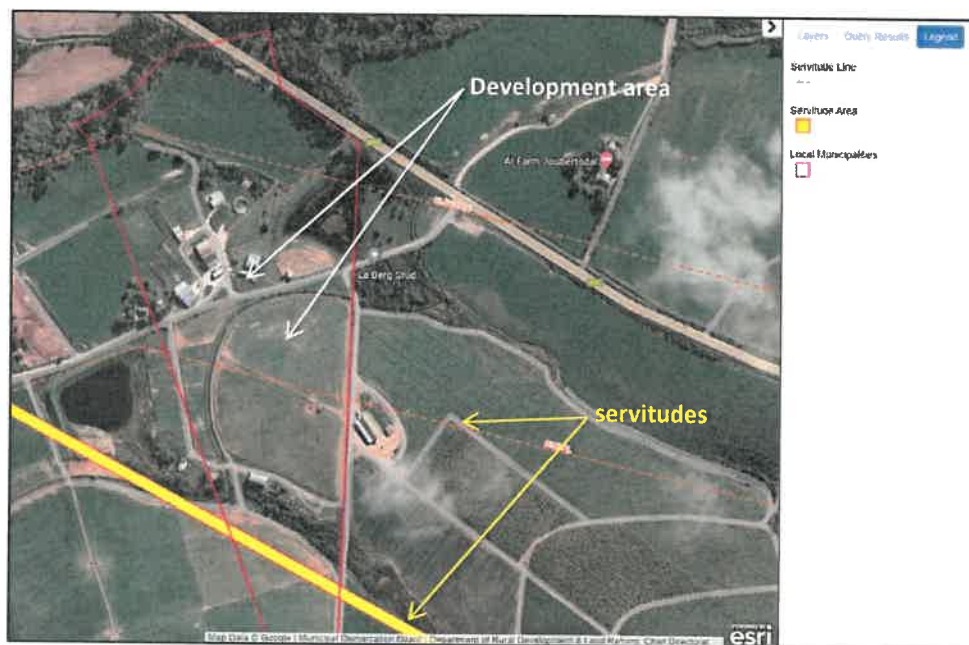
#### 4.1. Summary of property particulars

|                      |   |                                                                           |
|----------------------|---|---------------------------------------------------------------------------|
| Property description | : | Portion 4 of Farm Joubertsdal Nr. 189<br>Swellendam Registration Division |
| Property size        | : | 21,3491 Ha                                                                |
| Owner                | : | La Berg Trust (IT 28/2014)                                                |
| Local Authority      | : | Langeberg Municipality                                                    |
| Title Deed           | : | T72886/2014                                                               |
| Zoning               | : | Agricultural Zone I                                                       |



To ensure that the development proposal does not infringe on the existing servitudes, the proposed development will be strategically located to avoid any interference with these servitudes. The development will be designed in a manner that ensures no structures or facilities are placed on or near the servitudes, and that there is sufficient space between the development and the servitudes to comply with the relevant regulations.

Overall, while the title deed does contain conditions related to water rights, servitudes, and expropriations, the proposed development can be accommodated without the need to remove any of these conditions.



<sup>5</sup> Title Deed & General Plan – Annexure C



#### 4.3. Bondholder

As there is no existing bond on the property, there is no requirement to obtain consent from any bondholder for the proposed development. The property is unencumbered and the proposed development can proceed without any constraints related to bondholder consent.

#### 4.4. Servitudes

As already stated there are two electric power line servitudes that affect the property. These servitudes will not affect the development proposal. Here is an extract from the title deed conditions that describes the servitudes:

- D. **ONDERHEWIG VERDER AAN** die voorwaardes van 'n endossement gedateer 6.10.1970 op gesegde Transportakte Nr T2297/1960 en Transportakte Nr T2298/1960, naamlik:

"Kragtens Notariële Akte 496/1970 is die reg verleen aan Elektriesiteitsvoorsieningskommissie om elektrisiteit oor die hierinvermelde eiendom te vervoer tesame met bykomende regte, en onderhewig aan voorwaardes sos meer volledig sal blyk uit gesegde Akte en Kaart, afskrifte waarvan hieraan geheg is."

- E. **ONDERHEWIG VERDER AAN** die voorwaardes van 'n endossement gedateer 21.10.1963 op gesegde Transportaktes Nrs T2297/1960 en T2298/1960, naamlik:

"Kragtens Notariële Akte 544/1963 is die reg verleen aan Elektriesiteitsvoorsieningskommissie om elektrisiteit oor die hierinvermelde eiendom te vervoer tesame met bykomende regte, en onderhewig aan voorwaardes sos meer volledig sal blyk uit gesegde Akte en Kaart, afskrifte waarvan hieraan geheg is."

#### 4.5. Zoning and surrounding land uses

The subject property is currently zoned as Agricultural Zone I, which is consistent with the surrounding properties in the area. It is evident from the title deed and pasture patterns that the property forms part of a larger farming operation that spans across multiple properties.

A cluster of buildings has been erected on the subject property to support the farming operations on both the subject and adjacent properties. This approach to development is considered good practice in rural areas, as it is more efficient in terms of service provision and helps to prevent sporadic development on valuable agricultural land that could impact productivity. The buildings on the property include pack stores and sheds used for storing implements and feed, as well as various stables for breeding and training horses. In addition, there are two dwellings located on the property: a main dwelling and a second dwelling. It should be noted that the main house, which was built in 1948, has heritage significance.



The current land use and the existing buildings on the subject property are in line with the agricultural activities in the area. The clustering of development on the property is consistent with good planning principles in rural areas and has been strategically located to support the broader farming operation. The heritage significance of the main house will be taken into consideration in any proposed development plans.



**Figure 3: Land uses on property**

#### **4.6. Restrictions and Opportunities**

The only potential on-site restriction relates to the already mentioned servitudes on the property. A checklist has been submitted to the Department of Environmental Affairs and Development Planning to determine if the development triggers any environmental legislation although it is anticipated that the development will not affect the natural environment as it is proposed on already disturbed agricultural land. What can be said with reference to the environmental considerations is that no significant adverse impacts are anticipated and all impacts can be addressed through mitigation, rehabilitation, and management.

The proposal offers a dual benefit: it promotes the reduction of carbon footprints and supports the adoption of electric vehicles at a larger scale, thereby driving the transition towards more environmentally sustainable transportation. Additionally, the proposal provides financial benefits to the property owner, including capital that can be used to supplement agricultural uses, lower electricity bills, and improve the property's resilience in the face of rolling blackouts. By embracing this proposal, the property owner can contribute to a greener future while also improving the financial sustainability of their property.



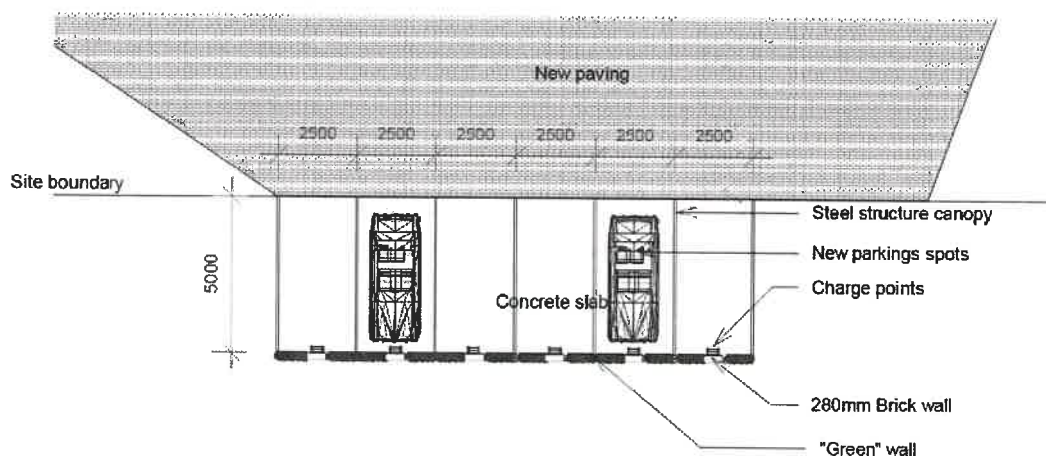
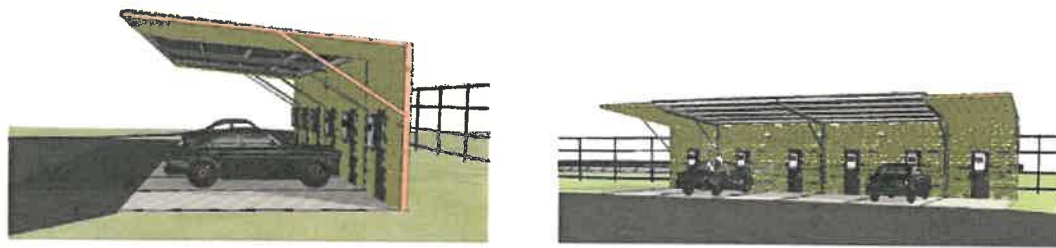
Due to the proximity of the R60, the property has the potential to accommodate uses that serve transient guests, promote tourism and diversifies the income of the farm. The income generated can be used to subsidise farming activities and help to make the farm more robust in case of droughts, fires and pests. Existing buildings on the farm can be used to accommodate such uses to minimize the development footprint as far as possible.

## 5. DEVELOPMENT PROPOSAL

The development proposal entails the development of a renewable energy structure (solar panels) the will provide electricity for the charging of electric vehicles. The electricity generated by the solar panels will only be used on the property and no electricity will be sold off. The charging component will consist of a steel canopy under which 4 cars can park. Each parking space will have a charging point at the front of the parking space where the car can be plugged in to charge. Charging will be a "self-help" service and accordingly no attendants will assist with this task.



**Figure 4:** layout solar panels and charging area



**Figure 5: Impression of parking spaces with charging units and steel canopy**

A shop ( $\pm 61,05\text{m}^2$ ) and restaurant ( $\pm 181,53\text{m}^2$ ) is also proposed. These will be ancillary to the charging facility and will be located within the existing main dwelling ( $\pm 288\text{m}^2$ ) and associated outbuilding (ablutions measuring  $\pm 60\text{m}^2$ ). Together, the shop, restaurant and ablutions will form the tourist facility. The shop and restaurant will be inter-leading and the aesthetic quality will reinforce the rural feel and character of the farm and larger surrounding area. The shop and restaurant will resemble a typical farm stall which sells a combination of locally produced products (such as jams, breads and cheeses) and convenience store goods (such as cool-drinks and chips). The restaurant will serve dishes that make use of locally sourced products. Examples of dishes are homemade pies, sandwiches, "roosterbrood", soups, bobotie etc. Gifts and local crafts will also be sold. The outbuildings will be used for ablution and storage. Considering that vehicles will on average charge between 30mins -1hour, the shop and restaurant should be considered welcome additions.

The main dwelling in which the shop and restaurant will be located was built in 1948 and thus has heritage status. A notice of intent to develop will be provided to Heritage Western Cape to notify them of the development. No external or internal alterations are proposed and therefore the integrity of the building will be kept intact and also allow the building to be reused for residential purposes if required to do so.

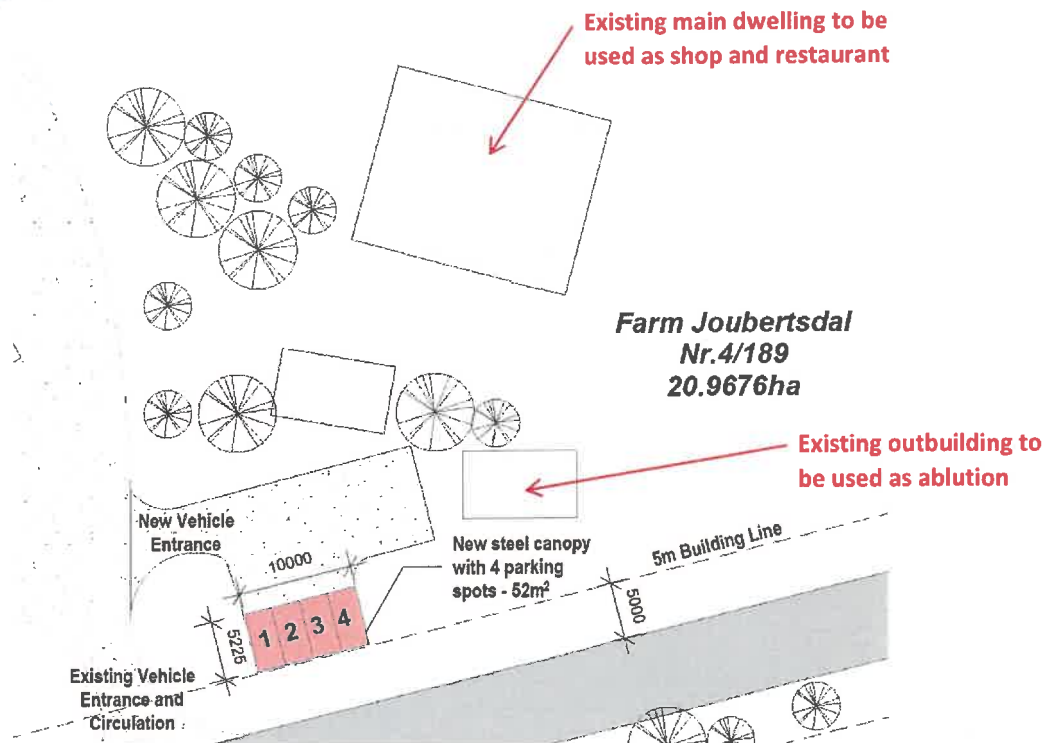


Figure 6: Layout of shop and restaurant

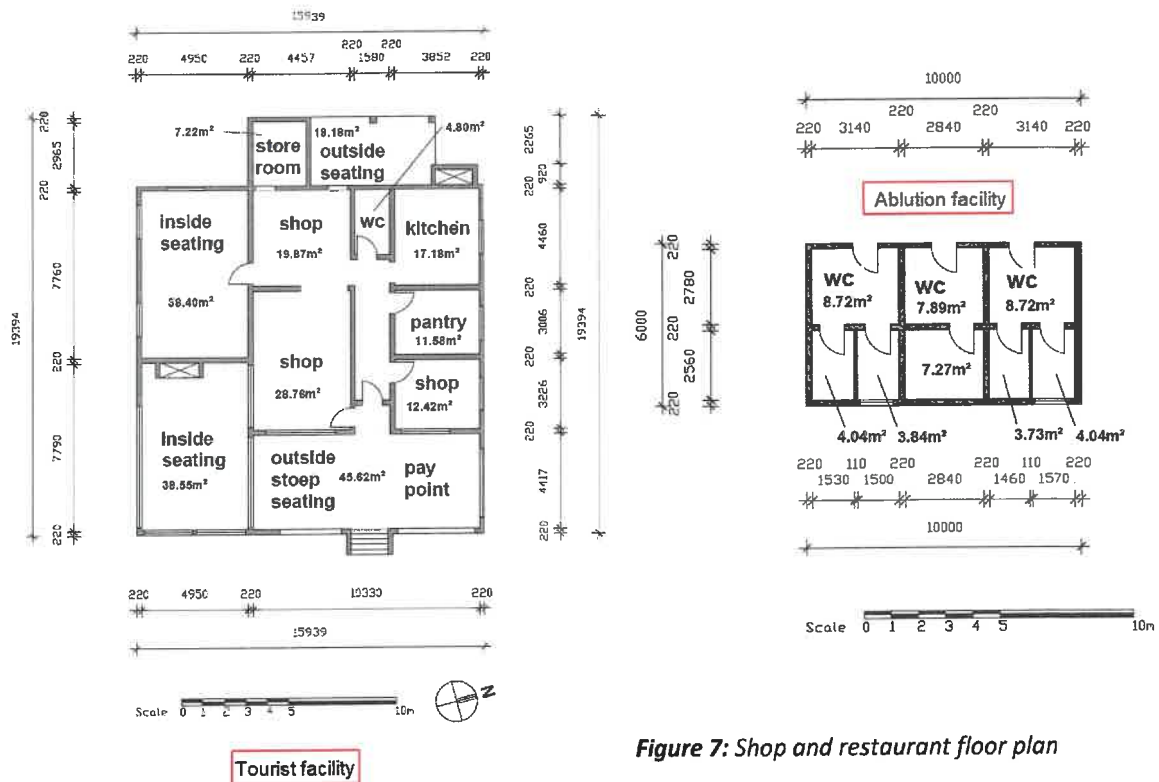


Figure 7: Shop and restaurant floor plan



The subject property obtains access via Divisional Road 1333 which connects to the R60. The solar panels will be located south of this road while the charging area with shop and restaurant will be located north of the road. Both facilities will make use of the existing access points as it is currently used by the farm.

The development will have limited visual impact due to the 200m setback from the R60. Solar panels were chosen instead of wind turbines as the turbines are visually more intrusive, typically reaching 150m + in height, compared to solar panels which are on average between 3m and 5m in height. The trees along the R60 paired with crops on the adjacent farms further help to mitigate the potential visual impact of the development.

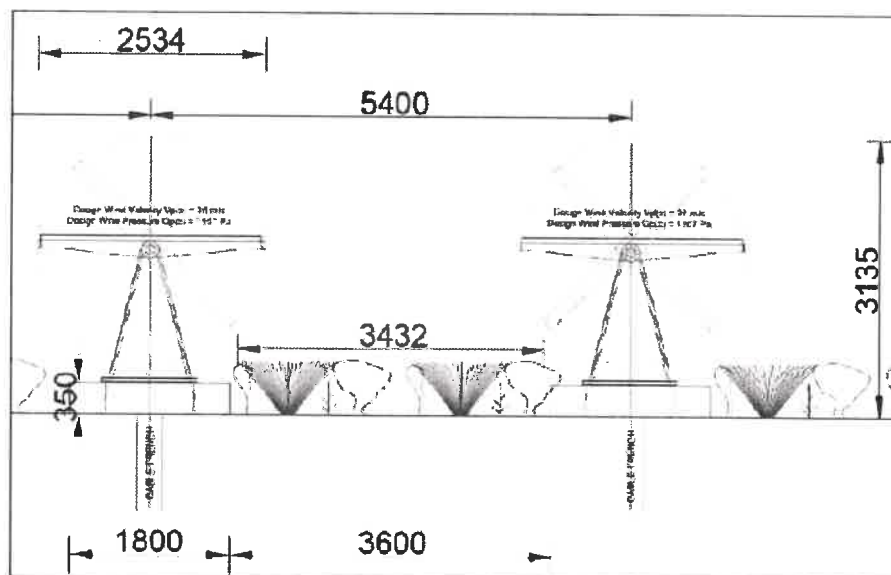


Figure 8: PV Solar panel illustration



Figure 9: PV Solar panel illustration



## DECOMMISSIONING

The renewable energy facility is expected to have a lifespan of  $\pm 25$  years. The facility would only be decommissioned, and the site rehabilitated, once it has reached the end of its economic life. Decommissioning would most likely be due to the enhancement of technology/infrastructure in the future of renewable energy as the developer also has the possibility to extend the lifespan of the facility. Solar panels are classified as hazardous waste and are banned from landfill disposal in South Africa since August 2021. The only sustainable solution in the event of decommissioning is to recycle the panels. This is why countries close to recycling and manufacturing of panels will offer to pay for old panels, as they contain valuable components. Cape Town has been cited as a centre for recycling of solar panels and after decommissioning the owner of the facility will engage with the appropriate parties to responsibly dispose of the solar panels.

## SOCIO-ECONOMIC IMPACT

The advent of electric vehicles and the extent of charging infrastructure and associated energy generation required will have a transformational impact on rural economies and employment. With charging stations 75km apart, on all the national and main highways in SA by definition and design –it is a business targeted at rural areas. The Zero Carbon Charge long term plan envisages the construction of 500 to 1000 charging stations and associated convenience offerings throughout the country. The maintenance of complex charging and generation systems will stimulate a local technically trained workforce, as it is critical that those skills are physically close in order to keep the charging stations up and running 24/7.

### THE IMPACT

#### Over a period of 20 years

##### Zero Carbon Charge

- Will invest over R51 billion in generation, charging, convenience and retail establishments
- Will inject over R10 billion rand into the local economy by means of revenue share arrangements
- Will spend over R5 billion on operations and maintenance of charging stations, and another R2.9 billion on technical support
- Will contribute around R100 billion of convenience spend while cars are charging
- Will pay over R2.9 billion in local rates and taxes
- Will create by 2043 the equivalent of over 82 000 permanent jobs with an estimated **annual** salary/wages bill of R22.9 billion





## Local Economic Impact

Per station analysis: based on 10 year snapshot

|                                                  |            |                           |                                     |               |                           |                      |                |
|--------------------------------------------------|------------|---------------------------|-------------------------------------|---------------|---------------------------|----------------------|----------------|
| Number of charging sets (as opposed to stations) | 2 128      |                           |                                     |               |                           |                      |                |
| Charging sets per station                        | 12         |                           |                                     |               |                           |                      |                |
| Number of stations                               | 177        |                           |                                     |               |                           |                      |                |
| Applied to numbers above                         |            |                           |                                     |               |                           |                      |                |
|                                                  |            | % Representing employment | Implied annual Local Econ Injection | Implied Hours | Full time equivalent jobs | Annual Salaries paid | Average Salary |
| Job Creation snapshot: one station               |            |                           |                                     |               |                           |                      |                |
| Continuous Capex                                 | 19 080 154 | 15,0%                     | 2 862 023                           | 44 031        | 22,0                      | 2 201 556            | 100 000        |
| Injection via revenue share                      | 1 787 808  | 30,0%                     | 538 373                             | 8 298         | 4,1                       | 414 902              | 100 000        |
| Operations and maintenance                       | 1 026 204  | 40,0%                     | 410 481                             | 6 315         | 3,2                       | 315 755              | 100 000        |
| Ongoing technical support                        | 513 102    | 25,0%                     | 128 275                             | 1 973         | 1,0                       | 98 673               | 100 000        |
| Security support                                 | 2 462 889  | 75,0%                     | 1 847 167                           | 28 418        | 14,2                      | 1 420 897            | 100 000        |
| Additional Convenience Spend                     | 41 851 204 | 15,0%                     | 6 292 681                           | 96 810        | 48,4                      | 4 840 524            | 100 000        |
| Direct Municipal Income (taxation)               | 513 102    | 60,0%                     | 307 861                             | 4 736         | 2,4                       | 236 816              | 100 000        |
|                                                  |            |                           | 12 387 861                          |               |                           |                      |                |
| Total permanent annual jobs and salaries         |            |                           |                                     |               | 95,3                      | 9 529 124            |                |
| Average annual salary                            |            |                           |                                     |               |                           |                      | 100 000        |



7

The development proposal is considered desirable, and should be supported based on the following points:

- I. **Reduced greenhouse gas emissions:** EVs produce no direct emissions, and when they are charged with electricity from a renewable source, such as a small solar farm, their use results in significantly reduced greenhouse gas emissions;
- II. **Environmental benefits:** A charging station powered by renewable energy helps to reduce reliance on non-renewable energy sources and reduce the overall carbon footprint of the transportation sector;
- III. **Reduced carbon footprint:** Using surplus electricity from a small solar farm for an agricultural property reduces the carbon footprint of the property. This is especially important for environmentally conscious consumers and for businesses that want to demonstrate their commitment to sustainability;
- IV. **Reduced electricity costs:** By using surplus electricity generated by the small solar farm, the agricultural property will significantly reduce their electricity costs and may even eliminate them altogether;
- V. **Increased energy independence:** By generating electricity from a renewable source such as a small solar farm, the agricultural property can increase its' energy independence and reduce its' reliance on the grid;
- VI. **Improved energy reliability:** By generating electricity, the agricultural property will ensure a reliable source of energy, even in the event of power outages or other disruptions to the grid;



- VII. **Business opportunities:** The increasing demand for electric vehicles and the need for EV charging infrastructure presents opportunities for businesses to enter the EV charging market and generate revenue. With a charging station powered by renewable energy, the business can appeal to environmentally conscious customers who are looking for a sustainable and clean energy source for their EVs;
- VIII. **Enhanced community relations:** Using surplus electricity generated by a small solar farm to provide electricity to an agricultural property will enhance community relations by demonstrating a commitment to sustainable energy practices and supporting the local agricultural community.

## 6. MUNICIPAL ZONING SCHEME BY-LAW

The Integrated Zoning Scheme By-Law determines the scope of permissible land uses under the current Agricultural Zone I zoning. The zoning scheme allows for renewable energy structures as consent uses under the current zoning. The shop and restaurant can likewise be accommodated as a consent use under the use “tourist facility”.

### “renewable energy structure”

**Land use description:** “renewable energy structure” —

- (a) means any wind turbine, solar energy generating apparatus, including solar photo-voltaic and concentrated solar thermal, hydro turbines or bio mass facility or any grouping thereof, that captures and converts wind, solar radiation or bio mass into energy for commercial gain; and
- (b) includes any appurtenant structure necessary for, or directly associated with, generation of renewable energy, or any test facility or structure that may lead to the generation of energy on a commercial basis, excluding electrical grid connections.

### “tourist facilities”

**Land use description:** “tourist facilities” means amenities for tourists or visitors and—

- (a) includes lecture rooms, restaurants, gift shops, restrooms, farmers’ market and recreational facilities; and
- (b) does not include an off-road trail, a hotel, wellness centre; or tourist accommodation.



**SCHEDULE 1 USE ZONES TABLE**

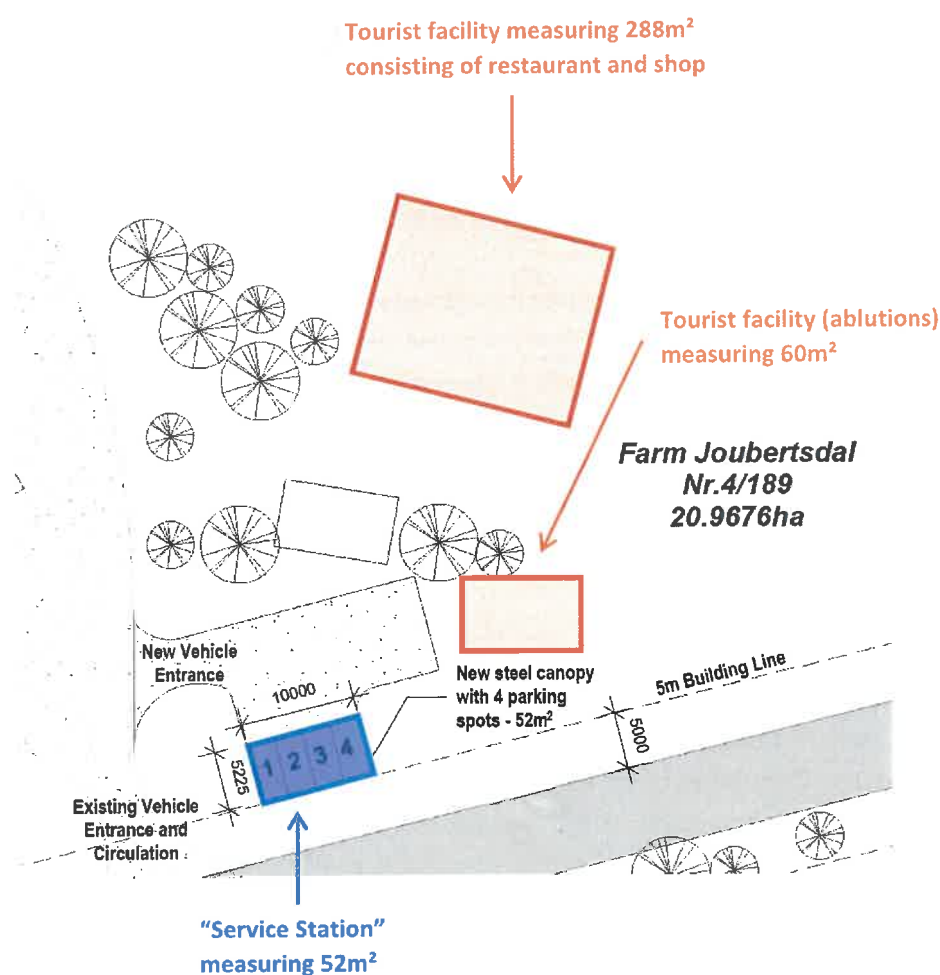
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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zoning                                                                                                                                                                                                                                                                                                                                                                                                              | Primary use                                                                                                 | Consent use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| AGRICULTURAL ZONES                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Agricultural Zone I (AZI)</b>                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><i>The objective of this zone is to promote and protect agriculture on farms as an important economic, environmental and cultural resource. Provision is made for non-agricultural uses to provide rural communities with the opportunity to increase the economic potential of their properties, provided these uses do not present a significant negative impact on the primary agricultural resource.</i></p> | <p><b>Primary use</b></p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Crèche</li> </ul> | <p><b>Consent uses</b></p> <ul style="list-style-type: none"> <li>• Agricultural industry</li> <li>• Additional dwelling units</li> <li>• Airfield</li> <li>• Animal care centre</li> <li>• Aqua-culture</li> <li>• Camping site</li> <li>• Farm shop</li> <li>• Farmer's market</li> <li>• Freestanding base telecommunication station</li> <li>• Function venue</li> <li>• Guest house</li> <li>• Guest lodge</li> <li>• Helicopter landing pad</li> <li>• Intensive animal farming</li> <li>• Intensive horticulture</li> <li>• Off-road trail</li> <li>• Plant nursery</li> <li>• Renewable energy structure</li> <li>• Second dwelling</li> <li>• Service trade</li> <li>• Shooting range</li> <li>• Tourist facilities</li> <li>• Utility service</li> <li>• Wellness centre</li> </ul> |

The zoning scheme does not have provisions to accommodate the charging area. After consulting Langeberg Municipality, it was decided that the most appropriate way to address the charging area is to apply for a consent use for a "Service Station" under Business Zone II zoning. For this reason the application entails a rezoning of a portion ( $\pm 52\text{m}^2$ ) of the property from Agricultural Zone I to Business Zone II.

The Langeberg zoning scheme requires that: "when a consent use is granted by the Municipality in a particular zone, the applicable land use must be supplementary to the primary use right allowed under the particular zone, and when land is intended to be utilised exclusively for a consent use in a particular zone and the consent use is a primary right in another zone, application must be made for rezoning to the zone where the applicable land use is a primary right". In light of this statement, the tourist facility will remain secondary to the agricultural activities on the property. The Service Station and Business Zone II are the exception to this rule but it should be noted that the Langeberg zoning scheme does not make provision for the specific use and therefore a tailor-made approach was taken.



It should further be noted that the proposed use of "service station" will not be similar to conventional service stations. While service stations normally cater for diesel and petrol cars, this facility will cater exclusively for electric cars. As such the expected trip generation will be far lower compared to conventional service stations. The tourist facility will be accommodated in the existing main dwelling and outbuildings and thus no development parameters (i.e. coverage, building lines and height) need to be considered. This also means existing services will be used and that no additional services are required. Apart from the 4 spaces provided for charging electric vehicles, sufficient parking spaces will be provided alongside said charging area to serve the shop and restaurant. The parking requirements are calculated at 4 bays per 100m<sup>2</sup> GLA and therefore 12 parking bays are required and provided.



**Figure 10: Respective footprints of the Service station, zoned Business Zone II, and Tourist facility**



Regarding renewable energy structures, most of the development parameters applicable to renewable energy structures are specific to wind turbines. There are far less parameters relating directly to solar panels notwithstanding the development conforms to the specifications of the zoning scheme as relates to building lines, height and setback. The applicant will work closely with Langeberg Municipality to ensure the facility is to their satisfaction

The development also conforms to the Roads and Ribbon Development Act (Act 21 of 190) which mandates a 95m setback along high order roads (R60). A 5m setback will be maintained along the Divisional Road 1333.

## **7. MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF)**

The Langeberg MSDF does not have a lot to say about development in this particular area but general principles are provided for rural areas. The MSDF requires that arable land be protected against development and that river networks and natural systems be kept intact. The document further alludes to enhancing the quality of the R60 road to make it more appealing to tourists.

The proposal adheres and supports these statements as the development will be located on land that is not currently used for planting crops and seeks to use existing buildings to accommodate the proposed tourist facility, thereby further reducing the footprint of the development. The extent of the solar panels ( $\pm 8500\text{m}^2$ ) is small in comparison to conventional solar farms and therefore will not be an eyesore in the landscape. The proposal does not impact on any river networks or natural systems as it will be located on already disturbed land. The tourist facility is a supporting tourism function and thereby aims to promote tourism along the R60 road.

Apart from the above, the proposal supports policies that are important informants of the MSDF such as Spatial Development Goal 7 of the UN's 2030 Agenda for Sustainable Development which seeks to focus on sustainable energy to ensure that adequate energy is supplied in order to meet developmental challenges increase energy security and mitigate climate change and the Western Cape Infrastructure Framework (WCIF 2013) initiative to promote the development of renewable energy plants in the Province. The development proposal addresses renewable energy on a micro-level by providing a renewable energy structure that is far smaller, and will consequently have a smaller development footprint and visual impact, compared to larger renewable energy structures. The value of the proposal lies in its potential to have a positive cumulative impact on a national level. It is consequently argued that the development proposal is aligned and in support of the MSDF. The proposal also supports agri-tourism that leads to new opportunities and funding.



## **8. OTHER LEGISLATION & GUIDELINES**

### **8.1. CONSTITUTION OF SOUTH AFRICA**

Chapter 2 of the Constitution is the Bill of Rights. The Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. Section 2(24) *Environment* affirms the right of every person to (a) an environment that is not harmful to their health or well-being; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that; (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development. The proposal supports the rights of Section 2(24) of the Bill of rights by supporting reducing the impacts of a carbon based economy and greenhouse gasses to promote a transition to a low carbon, sustainable energy future, which delivers clean sources of energy to urban consumers, and mitigates the effects of climate change.

### **8.2. ELECTRICITY REGULATION ACT (ACT 4 OF 2006) & INTEGRATED RESOURCE PLAN (IRP 2019)**

The Integrated Resource Plan for Electricity (IRP) provides South Africa's long-term plan for electricity generation to ensure the security of electricity supply, minimise the cost of that supply, limit water usage and reduce greenhouse gas (GHG) emissions while allowing for policy adjustment in support of broader socio-economic developmental imperatives. The IRP 2019 calls for 37 696 MW<sup>3</sup> of new and committed capacity to be added between 2019 and 2030 from a diverse mix of energy sources and technologies as aging coal plants are decommissioned and the country transitions to a larger share of renewable energy. By 2030, the electricity generation mix is set to comprise of 33 364 MW (42.6%) coal, 17 742 MW (22.7%) wind, 8 288 MW (10.6%) solar photovoltaic (PV), 6 830 MW (8.7%) gas or diesel, 5 000 MW (6.4%) energy storage, 4 600 MW (5.9%) hydro, 1 860 MW (2.4%) nuclear and 600 MW (0.8%) concentrating solar power (CSP). Furthermore, a short-term gap at least 2 000 MW is to be filled between 2019 and 2022, thereby raising new capacity requirements, while distributed or embedded generation for own use is positioned to add 4 000 MW between 2023 and 2030. In May 2020, NERSA concurred with a determination for the procurement of various technology solutions to close the 2 000 MW gap (between 2019 and 2022), while another determination is undergoing public consultation and awaiting concurrence by NERSA.



With reference to the above, it is clear that there is a shortage of alternative energy-producing facilities. While the proposal will not contribute to the generation of electricity that will be fed into the grid, it will facilitate the adaption of EV's without placing further strain on the already over-burdened electric network. Without such facilities, it is difficult to envisage a large-scale market adaption to EV's due to inconsistent electricity provision and limited availability.

### **8.3. NATIONAL DEVELOPMENT PLAN 2030 (NDP 2012)**

The National Development Plan (NDP, National Planning Commission, 2012) sets out six interlinked priorities (National Planning Commission, 2012 - p. 29):

- Uniting all South Africans around a common programme to achieve prosperity and equity;
- Promoting active citizenry to strengthen development, democracy and accountability;
- Bringing about faster economic growth, higher investment and greater labour absorption;
- Focusing on key capabilities of people and the state;
- Building a capable and developmental state; and
- Encouraging strong leadership throughout society to work together to solve problems.

Transforming the South African economy is a challenging, long-term project. The NDP proposes to enhance human capital, productive capacity, and infrastructure to raise exports, which will increase resources for investment and reduce reliance on capital inflows. Higher investment, supported by better public infrastructure and skills, will enable the economy to grow faster and become more productive. Rising employment and productivity will lead to improved incomes and living standards and less inequality. Shifting the economy towards more investment and lower consumption is thus necessary for long-term economic prosperity (p. 42). The proposed facility contributes to achieving this goal by providing infrastructure that supports the adaption of EV's which contributes to reducing the carbon footprint of South Africa.

### **8.4. WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK**

The Western Cape Provincial Spatial Development Framework (Provincial Government of the Western Cape (2014), refers to the importance of a coherent framework for the Province's urban and rural areas that gives spatial expression to the National and Provincial development agendas. The Spatial Development Plan proposed a number of spatial policies, including policy R4 which relates to "Recycle and recover waste, deliver clean sources of energy to urban consumers, shift from private to public transport, and adapt to and mitigate against climate change". Specific objectives related to energy include pursuing energy diversification and energy efficiency for the Western Cape to transition to a low carbon, sustainable energy future, and delink economic growth from energy use. Furthermore,



emergent Independent Power Producers (IPPs) and sustainable energy producers (wind, solar, biomass and waste conversion initiatives) should be supported in suitable rural locations. In short, The Western Cape's energy is primarily drawn from the national grid which is dominated by coal-based power stations and the goal is to develop the renewable energy sector. The proposal supports the objectives of the PSDF by proposing a land use that contributes to the transition to a low carbon, sustainable energy future, which delivers clean sources of energy to urban consumers, and mitigates the effects of climate change.

## 8.5 WESTERN CAPE RURAL DEVELOPMENT GUIDELINES

Chapter 11 and 12 of the Western Cape Rural Development Guidelines provides guidelines for developing tourist and recreational facilities and for rural businesses in general. These chapters provide objectives to diversify the province's rural economic base and to facilitate the development of rural businesses that *inter alia* serve the needs of rural tourists.

According to the guidelines, tourist and recreational facilities should be of an appropriate nature and scale, not lead to the creation of new nodes in rural areas or ribbon development, prevent the need for accommodating employees on-site and generate positive socio-economic returns. The development must not negatively affect the environment, agricultural resources, society, and the municipality's long-term impact, and should not compromise farm production. The prescriptions for rural business in some sense overlaps with those for tourist and recreational facilities. Place-bound businesses should ideally be located on the farm to consolidate the farmstead precinct, complement farm operations, and be of appropriate scale and vernacular design. New buildings in the rural area should adhere to local vernacular and include appropriate buffers and landscaping. Only activities appropriate for the rural context, with positive socio-economic returns and no negative impact on the environment or municipality's mandate, should be allowed.

The proposal is considered to be appropriate and aligned with and in support of Chapter 11 and 12 of the Western Cape Rural Development Guidelines based on the following:

1. Firstly, the development involves the construction of a renewable energy structure (solar panels) that will provide electricity for the charging of electric vehicles. This aligns with the objective of diversifying the province's rural economic base and developing rural businesses that serve the needs of rural tourists.
2. Secondly, the proposed tourist and recreational facility (restaurant and shop) is ancillary to the charging facility and will be located within the existing main dwelling and associated outbuilding, which reinforces the rural feel and character of the farm and surrounding area. The shop will sell locally produced products, while the



restaurant will serve dishes that make use of locally sourced products. The development of such place-bound businesses ideally located on the farm consolidates the farmstead precinct and complements farm operations, which meets the guidelines for rural businesses.

3. Thirdly, the development will not lead to the creation of new nodes in rural areas or ribbon development and will not negatively affect the environment, agricultural resources, society, and the municipality's long-term impact. The visual impact of the development will also be limited due to the 200m setback from the R60 and the use of solar panels instead of wind turbines. The proposed development adheres to the local vernacular and includes appropriate buffers and landscaping.

## 9. PRINCIPLES OF LAND USE PLANNING

In accordance with Article 42 of the SPLUMA, a Municipal Planning Tribunal must be guided by the development principles as set out in Chapter 2 when considering an application. In terms of section 6(1), the general principles set out in Chapter 2 apply to all organs of state and other authorities responsible for the implementation of legislation governing the use and development of land. The following principles apply in terms of section 7 to spatial planning, land development and land use management, namely: Spatial justice, Spatial sustainability, Efficiency, Spatial resilience and Good administration. Accordance to section 59(2) of LUPA, a municipality considering a land-use application should take into account, among other things, the principles referred to in Chapter VI. Pursuant to Rule 58, the Land Use Planning Principles set out in Chapter VI apply to all organs of state responsible for implementing legislation that governs land use planning and development. These principles correspond with those of SPLUMA namely: Spatial justice, Spatial sustainability, Efficiency, Spatial resilience and Good administration.

**Spatial Justice:** The proposed development is in line with provincial goals and to generate renewable energy in order to pursue sustainable energy initiatives. The application will not result in the exclusion of any groups. The proposed facility will create job opportunities in the construction phase and will subsidise the farms' income.

**Spatial Sustainability:** The proposed solar photovoltaic facility aims to use the most efficient method (which is cost-effective and utilises the least space) to generate sustainable energy. The proposal supports a transition to a low carbon, sustainable energy future, which delivers clean sources of energy to urban consumers, and mitigates the effects of climate change without threatening any ecological resources. The application will not result in extensive loss of agricultural land with high potential, due to the small extent that will be used to accommodate the proposed facility. The development will be self-sustaining, making use of electricity generated by the facility. Water and waste-related infrastructure will be provided and maintained by the



developer. These services will not be similar to those provided for residential occupancy as the facility will be remotely operated with inspections and occupancy only recurring from time to time. The facility will promote long-term financial sustainability for the property.

**Spatial Efficiency:** Natural resources will be used and less pressure will be on non-renewable resources. The proposal will result in the efficient use of land by capitalising on the opportunity created by the unique climate, without threatening the prosperity of the larger agricultural landscape.

**Spatial resilience:** The proposed development can be easily decommissioned and demolished allowing for the reinstatement of farming activities.

**Principles of Good Administration:** The application will be taken through the advertisement process by the Municipality and all relevant departments will be notified to comment. The decision-making process will be guided by statutory land use planning systems.

## 10. CONCLUSION

The proposed renewable energy facility contributes to the goals of the White Paper on Renewable Energy. Renewable energy provides an environmentally friendly alternative to energy generation and can contribute to the restriction of pollution and global warming. The application can be seen positively in the light of the following:

- The facility will Increase electricity capacity to contribute to the alleviation of SA's energy crisis;
- The facility will meet the demand for diversified energy sources;
- Ensure the future of sustainable energy use;
- Provide local employment opportunities;
- Reduce CO2 emissions and the nation's carbon footprint;
- The proposed development is supported by the MSDF;
- The proposed development supports spatial sustainability in terms of LUPA and SPLUMA;
- The proposed development is supported by the Western Cape Provincial Spatial Development Framework (WCPSDF) which guides sustainable future development in the Western Cape area;
- The proposed development is supported by the National Development Plan 2030 (NDP).
- The proposal has an array of socio-economic benefits including:
  - ❖ **Increased energy security:** The current energy crisis in South Africa emphasizes the important role that renewable energy can play to generate electricity.
  - ❖ **Reduced pollution levels:** The emissions of carbon dioxide by-products generated from burning fossil fuels to generate power have a very harmful impact on human health and contribute to the deterioration of ecosystems. The generation of electricity



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will not result in any emissions.

- ❖ **Acceptability to the community:** Energy generation through wind and solar has a number of benefits to the community such as reduced pollution, improved human and ecosystem health, generation of jobs in the short term, and no contribution to factors that cause climate change.

It is therefore clear that in terms of the above, the proposed application can be supported. For all the above reasons, the application is strongly recommended by CK Rumboll & Partners and requests that Council consider it positively.

Regards

Nical Grobbelaar  
Pr. Pln A/2777/2019  
CK RUMBOLL & PARTNERS