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Ref: LB/12877/NG

25 August 2023

Per electronic mail: tbrunings@langeberg.gov.za

Attention: Mrs. Tracy Brunings

Langeberg Municipality

3 Piet Retief Street

MONTAGU

6720

**RESPONSE TO COMMENTS AND OBJECTIONS:
PROPOSED REZONING AND CONSENT USES ON PORTION 4 OF FARM
JOUBERTSDAL NR. 189, SWELLENDAM REGISTRATION DIVISION**

Dear Mrs. Brunings

This written response addresses the comments received from the interested and affected parties during the public participation process as it relates to the proposed rezoning and consent uses on Portion 4 of Farm 189, Swellendam Division.

During the public participation process, comments were received from the following parties:

- i. The Western Cape Department of Agriculture;
- ii. The Western Cape Department of Environmental Affairs and Development
Planning (Development Management)
- iii. Cape Nature
- iv. The Breede-Olifants Catchment Management Agency

i. The Western Cape Department of Agriculture

This department does not support the renewable energy component based on the premise that the infrastructure should not be located on cultivated land and should not interfere with agricultural production areas. However, a comprehensive analysis of on-site data and aerial imagery from Google Earth reveals that the designated site for the proposed infrastructure has remained uncultivated for a minimum of 17 years. Consequently, the department's argument, asserting that the proposal must avoid cultivated land, is fundamentally flawed. Furthermore, it must be recognized that the development area's size is relatively small, and its location within a cluster of buildings and barns dedicated to existing farming operations further decreases the likelihood of it being utilized for agricultural production.

In addition to the arguments provided above, the department should also acknowledge that the property on which the development is proposed is not considered to be a sustainable agricultural land unit. Chapter 5 of the Western Cape Rural Development Guidelines provides norms and standards for determining property sizes which can be considered sustainable agricultural land units. 30ha is the Smallest land unit which can be considered a sustainable agricultural land unit when used for growing export table grapes. Considering that the subject property measures just over 21ha, the subject property cannot be regarded as a sustainable agricultural land unit and therefore the current location of the proposal aims to have as little impact as possible on productive agricultural land units.

Considering the above points, we firmly believe that pursuing the renewable energy development on this land offers numerous advantages. It not only diversifies the farm's income sources but also provides a reliable and predictable revenue stream independent of fluctuating agricultural economic factors such as weather conditions, agricultural markets, and input costs. By embracing this opportunity, the landowner can leverage the land's potential to maximize returns while still preserving the surrounding agricultural areas and adhering to the principles of sustainable land use.

FARMING ENTERPRISE	SIZE/QUANTITY	IRRIGATION WATER	COMMENT
1. Grain (rotational practices are not included in the calculation and should therefore be taken into consideration).	1 200 tonnes		Based on long term yield e.g. 1 200 units ÷ 3 tonnes/ha = 400 ha
2. Livestock: Extensive beef cattle, milk (grazing)	1 200 Small Stock Units (SSU) 200 Large Stock Units (LSU) 60 cows (lactating)		Based on carrying-capacity e.g. 1200 SSU x 10 ha = 12 000 ha
3. Deciduous Fruits	40 ha	40 ha @ 7 500m ³ /ha	Arable land
4. Citrus	40 ha	40 ha @ 7 500m ³ /ha	Arable land
5. Vineyards	40 ha	40 ha @ 7 500m ³ /ha	Arable land
6. Dryland vineyards	80 ha	-	Suitable climate and soil potential
7. Export Table Grapes	30 ha	30 ha @ 7 500m ³ /ha	Arable land
8. Combination of the above	On merit, comparable to the above sizes		

TABLE 2: IDEAL FARMING UNIT SIZES

Figure 1: Table indicating sustainable agricultural land unit sizes as provided in Chapter 5 of the Western Cape Rural Development Guidelines



Figure 2: Aerial Image from April 2006



Figure 3: Aerial Image from February 2016



Figure 4: Aerial Image from July 2020

ii. DEADP (Development Management)

From the outset, it is important to note that the Department does not oppose the application. However, they have raised several points that require clarification. In the interest of thoroughness, these points will be addressed by referencing the key concerns and subsequently, providing a response to each.

- a) "The provision of renewable energy through solar panels aligns with the Western Cape government's goal to increase energy resilience, attract investment, and stimulate economic growth and job creation."

Noted.

- b) "The provision of renewable energy is aligned with the Western Cape government's drive to increase energy resilience not only to mitigate the effects of loadshedding and the resulting economic damage, but also because of the immense potential this sector has to attract investment, grow our regional economy and create jobs."

Noted.

- c) "For facilities located in rural settings, a holistic approach, in consultation with abutting municipalities, is required in order to reduce the potential negative visual impacts and the loss of productive agricultural land."

Consultation with surrounding municipalities and hearing the concerns and insights of neighboring communities can lead to more informed decisions that consider a wider range of perspectives. However, it's crucial to reiterate that, in the end, the municipality in which the proposal is located holds the authority to make the final decision on the application. Such decision must be grounded in the established land use frameworks, guidelines, and legislation that govern development in the area. While the input from abutting municipalities is valuable, the decision-making process must remain aligned with the applicable regulatory

parameters to ensure consistency, legality, and a comprehensive evaluation of the proposal's compliance with existing regulations.

Furthermore, when assessing potential visual impacts and the effect on agricultural land, it's important to approach each case individually. Every site has its own unique characteristics, challenges, and benefits. Therefore, decisions on these aspects must be made on a case-by-case basis, considering the specific context of the proposed development.

- d) "Electric vehicle recharging takes over 45 minutes, requiring occupants to find activities during charging. To cater to this, the charging station proposals includes auxiliary land uses (e.g., shops, restaurants) which could lead to the establishment of undesirable rural nodes along transport routes."

In response to this point, it is crucial to dispel any concerns regarding the proposal's potential to lead to undesirable rural nodes. The auxiliary land uses, such as shops and restaurants, are intended to provide convenience services to electric vehicle users during the charging process. These services align with common tourism-related uses already permitted in rural areas, such as farm stalls or restaurants associated with tourist facilities. The Western Cape Guidelines for Rural Areas explicitly allows for tourism-related uses across all SPC's as long as they maintain an appropriate scale and nature.

Moreover, the regulatory mechanisms in place, including the Municipal Zoning Scheme Regulations, the National Environmental Management Act, and the Subdivision of Agricultural Land Act, effectively safeguard against undesirable land uses in rural areas. The proposed convenience services will be limited to the footprint of the existing building, ensuring they remain in harmony with the character of permitted land uses on Agricultural zoned land, as evidenced by provisions in the Langeberg Integrated Zoning Scheme which allows for renewable energy structures and tourism-related uses on agricultural land.

The zoning for charging electric cars is an area where clarity is lacking, leading to varied approaches in regulation. In this instance, Langeberg Municipality requested the applicant rezone the footprint of the proposed charging units to Business Zone II for the purpose of a "service station", limited to the activity of charging electric vehicles. This step highlights the municipality's conscientious approach to ensure appropriate land use categorization.

It is essential to recognize that zoning serves the purpose of regulating development and harmonizing land uses. However, in this particular case, the zoning becomes an end in itself by categorizing the charging area within available zoning categories that might not perfectly align with its intended purpose. Despite the use of "business" zoning, it should be understood that this zoning solely permits the specific activity of charging electric vehicles and does not grant a broader basket of rights for extensive development.

For these reasons, the proposal will not result in the establishment of undesirable land uses or nodes in rural areas.

- e) *"Ideally charging stations should be placed in urban areas and when located in a rural environment should be clustered around existing infrastructure, such as farm stalls/rest stops/ conventional service stations, etc."*

The developer aims to establish electric vehicle charging services at sites with existing access and farm stalls, as exemplified by the proposed location near the Dassiesfontein Farm Stall along the N2. However, the feasibility of each site depends on various factors, including proximity to major roads, potential for future renewable energy expansion, topographic limitations, and the cooperation of property owners. It should be acknowledged that not all sites can meet these criteria, leading to some locations being distant from existing farm stalls or infrastructure. In this context, it is evident that the developer carefully considered these factors in the application, as ancillary functions like the farm shop and restaurant are planned within existing buildings at a location which already has safe access from a public road.

It should further be noted that providing electric vehicle charging services at existing fossil fuel filling stations would not align with the commercial interests of the company launching this initiative, which places sustainability at the core of its values. The company seeks to distance itself from traditional fossil fuel stations, which have long been associated with environmental concerns like carbon emissions and air pollution. Establishing dedicated charging stations would allow the company to reinforce its commitment to clean energy and position itself as a leading brand in sustainable transportation solutions. Moreover, by setting up its own charging stations, the company gains direct control over the energy sources used for charging. On the other hand, relying on existing filling stations might necessitate partnerships with fossil fuel providers for electricity, which would contradict the company's focus on renewable energy.

- f) "As per the Western Cape Land Use Planning Guidelines - Rural Areas, 2019, the Agricultural SPC should accommodate only essential infrastructure on low-value agricultural land, ensuring no adverse impact on existing or planned production areas and agricultural infrastructure. The current proposal contradicts this principle by situating 8500m² solar panels on planted pastures, which is discouraged."

The classification of the land as "planted pastures" by the web-based screening tool is based on outdated data. A thorough analysis of historical imagery from Google Earth reveals that the land has remained uncultivated and unused for farming over the past seventeen years. Consequently, the outdated "planted pastures" classification should not be applied, and the designation of high sensitivity for the land should be reevaluated.

- g) "The extent of the energy generating area raises concern as it lacks sufficient justification in the planning report. Other charging stations in the area operate with rooftop solar panels, approximately 2000m² in size. Additionally, ZeroCC promotes their charging sites with various amenities, including bathrooms, food and retail options, four vehicle chargers, and around 1500m² of solar panels."

The proposed facility should be viewed as a forward-thinking initiative, considering the current low market adoption of electric vehicles. Its primary aim is to pave the way for larger market acceptance by accommodating current needs while also preparing for future growth and demand. To achieve this, an 8500m² energy generation area has been identified, of which 1500m² will be initially covered with solar panels. The remaining 7000m² provides surplus space for increasing energy generation capacity as demand rises over time. While the initial 1500m² is projected to meet the current demand adequately, it's essential to recognize that the electricity requirements will grow exponentially as the electric vehicle market continues to expand. To this point, opting for ground-mounted solar panels offers significant advantages over strictly roof-mounted panels. Ground-mounted panels allow for easy expansion of generation capacity without the constraints of being limited to existing building roof sizes. If future demand surges, this flexibility enables the facility to meet the needs without constructing new buildings or seeking additional sites elsewhere. Furthermore, ground-mounted panels can track the sun as it moves, maximizing energy output efficiency, unlike roof-mounted panels.

Upon comparing the proposed facility to existing charging stations at Graham Beck Estate, The Lab at Rosendal Farm, and Montagu Country Hotel, significant distinctions emerge that underscore the uniqueness of the proposal. While these mentioned facilities treat charging electric vehicles as an additional amenity, the proposed facility revolves entirely around this service, constituting a pivotal and core aspect of its commercial activity. To contextualize this, the Montague Country Hotel possesses a single type 2 charger (22kW), Graham Beck Estate has two type 2 chargers (22kW), and the Buffeljagsrivier BP Garage near Swellendam features two type 2 chargers (22kW and 30kW), while the proposal offers four 300kW chargers. This translates to charging speeds that are 10 times faster than those provided by the aforementioned facilities and an availability of twice as many chargers. Consequently, the proposed facility will deliver superior charging services, necessitating measures to ensure an uninterrupted supply of electricity and safeguard against any potential shortfall in delivering its primary service.

Moreover, the brand identity of the proposed facility is intrinsically tied to providing 100% renewable energy. Unlike the mentioned facilities, which can draw on conventional electricity from ESKOM if necessary, the proposed facility must ensure continuous operation with renewable energy. This commitment aligns with the company's core values and primary purpose. The facility's capacity planning takes into account potential variations in sunlight, ensuring a constant supply of renewable electricity, even during adverse weather conditions.

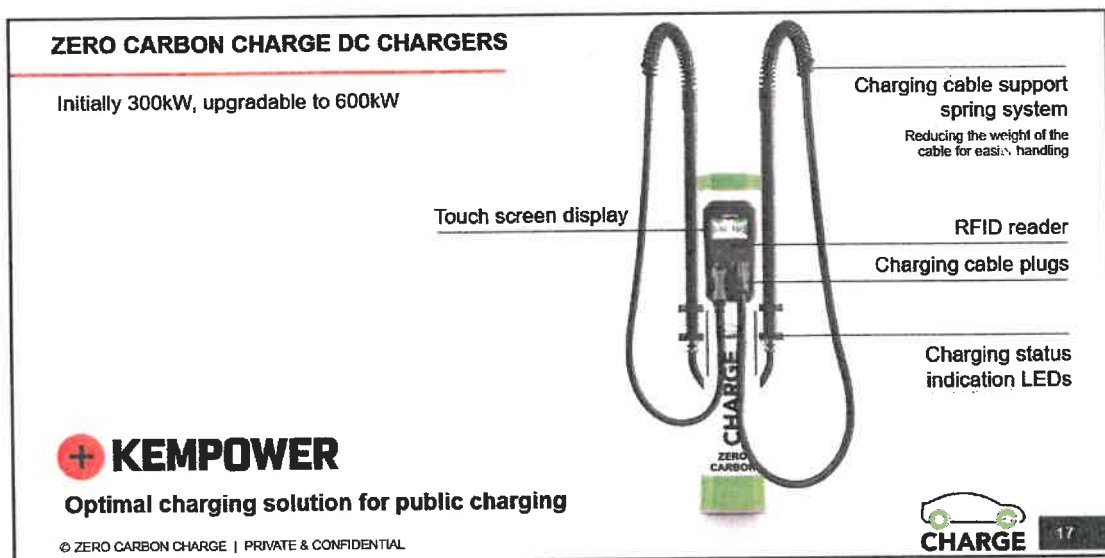


Figure 5: Proposed 300kW chargers that will be available at the proposed facility

The superiority of fast charging is indisputable

Using the Audi range as example



MINUTES TO CHARGE FROM 10% TO 80%

		e-tron GT	Q4	Q4 (low)	Q8	Q8 (low)
SLOW CHARGER	22 kW	199,5	346,5	357	241,5	199,5
	30 kW	130	118	78,5	156,5	131,5
	75 kW	52	49	43,5	62	53
	150 kW	26	33	33	36	31
	200 kW	22	33	33	31	31
ULTRA FAST CHARGER	300 kW	17	33	33	31	31

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CHARGE 18

Figure 6: Comparison of 22kW, 30kW and 300kW charging times according to Audi

iii. Cape Nature

Cape Nature's feedback focused solely on the biodiversity-related impacts of the proposal and not on the overall desirability of the application. Cape Nature recognized that while the renewable energy component of the application is situated on land where natural vegetation is not present, they expressed concern about potential critical biodiversity impacts near the proposed site for the electric vehicle charging area. Consequently, Cape Nature requested a thorough investigation to definitively determine the presence of indigenous vegetation at the location of the proposed charging facility.

Subsequently, a comment from DEADP confirmed that the proposal does not constitute a listed activity in terms of NEMA. Furthermore, after conducting a site inspection, a representative from Cape Nature concluded that no natural vegetation exists within the footprint of the proposed electric vehicle charging facility.

Additionally, Cape Nature has mandated the submission of an Environmental Management Plan to ensure that the construction and operation of the project adhere to the highest environmental standards. The developer is fully committed to meeting this requirement, and it is worth noting that this request aligns with the decommissioning requirements for renewable energy structures as stipulated in the Langeberg Municipal Integrated Zoning Scheme By-law. Consequently, the developer is prepared to willingly comply with both sets of obligations.

Cape Nature also acknowledged that the proposal aligns with the Draft Western Cape Climate Change Response Strategy, which aims to promote the transition from internal combustion vehicles to electric vehicles using renewable energy. As a result, the comment from Cape Nature is regarded as a comment in support of the proposal.

iv. **The Breede-Olifants Catchment Management Agency (BOCMA)**

The comment from the BOCMA states that this department supports the application. This department did however require a freshwater risk matrix be conducted to verify the impact and risk associated with the proposal as it relates to the nearby water sources. The developer will comply with the requirements as stipulated by the BOCMA to ensure responsible water resource management.

CONCLUSION

In conclusion, the development proposal should be considered as a positive and groundbreaking proposal which paves the way for a greener future for all South Africans. The proposal respects the visual, agricultural and natural resources of the surrounding area and demonstrates this by proposing to develop on land which is underutilised agricultural land on an unsustainable agricultural land unit which has low visual exposure and existing access. We believe that the Municipality will evaluate our application fairly and make a decision based on the strength of our arguments and the overall benefits of the proposed project.

Kind regards



Nical Grobbelaar

Pr. Pln. A/2777/2019

Tracy Brunings

From: CK Rumboll and Partners Planning <planning3@rumboll.co.za>
Sent: Monday, June 12, 2023 10:09 AM
To: Brandon Layman
Cc: Tracy Brunings; Juanita van der Merwe
Subject: Re: Farm No. 189/4 - Swellendam

Good day Brandon

I hope this email finds you well.

I would like to express my gratitude for your Department's feedback regarding our proposed renewable energy structure. However, I would like to address the concern raised in your comment, which is based on the classification of the land in question as "cultivated land." Our understanding is that the designated area, where the developer plans to construct the renewable energy structure, is currently utilized for horse training purposes and does not fall under the category of cultivated land. It is important to note that the developer deliberately selected this location precisely due to its existing usage.

In light of the aforementioned information, the developer is arranging a meeting with Cor van der Walt, as the developer aims to engage in a constructive discussion and find a mutually agreeable resolution. Our objective is to facilitate a positive outcome that would allow your department to reconsider its comment.

We appreciate your attention to this matter and remain hopeful for a productive dialogue.

kind regards

Nical Grobbelaar | Town Planner | Pr. Pln A/2777/2019

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On Thu, 8 Jun 2023 at 15:22, Brandon Layman <Brandon.Layman@westerncape.gov.za> wrote:

Hi Ms. Brunings

Please find attach comments from the WCDoA: LUM.

Tracy Brunings

From: Helene Janser <Helene.Janser@westerncape.gov.za>
Sent: Wednesday, 06 September 2023 12:30
To: Tracy Brunings
Subject: RE: FW: Joubertsdal 189_4 Zoning

Dear Tracy

Thank you for the opportunity to provide comment on the written response from CK Rumboll, dated 25 August 2023.

The Department of Environmental Affairs & Development Planning's Directorate Development Management (Region 2) has no further comment to offer other than to reiterate that our concern was not directed to the tourist facilities per se, but rather to the extent and impact of the proposed solar pv array.

Kind Regards

Helene Janser
Chief Town & Regional Planner: Development Management Region 2
Department of Environmental Affairs and Development Planning
Western Cape Government

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Be 110% Green. Read from the screen.

Should you not be able to contact the numbers above, please call +27 (0)21 483 4091 between 7:30 -16:00.

From: Tracy Brunings <tbrunings@langeberg.gov.za>
Sent: Wednesday, September 6, 2023 8:09 AM
To: Cor Van der Walt <Cor.VanderWalt@westerncape.gov.za>; Helene Janser <Helene.Janser@westerncape.gov.za>; Rhett Smart <rsmart@capenature.co.za>; info@bgcma.co.za
Subject: FW: FW: Joubertsdal 189_4 Zoning

Good day,