



Reference: 18 August 2023

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Sir/Madam,

ENQUIRY: SOLAR PHOTOVOLTAIC ENERGY FACILITY – SPEF (RENEWABLE ENERGY STRUCTURES/SOLAR FARM) – PROJECT QUANTUM 1 PORTION 265 OF THE FARM VLAKPLAATS 160IQ (REF. No. 15/1/1/QUERY)

1. Reference is made to your email enquiry dated 17 July 2023, addressed to Ms. Glaudi Turner; as well as to both the subsequent meeting of 28 July 2023 and various telecoms with the author hereof.
2. Portion 265 of the Farm Vlakplaats 160IQ, is located north of the intersection of the N14 Road and the R24 Road, Tarlton. According to the consultant the farm is owned by PEPSICO [but leased] and measures ±100Ha in extent. There is an existing ESKOM substation on the property.
3. The site is zoned **Agricultural** in terms of the Mogale City Land Use Scheme (MogCLUS) 2022. Therefore, your proposed **20 hectare “Solar Photovoltaic Energy Facility”** and the associated infrastructure (including Battery Energy Storage Systems – BESS) as well as the grid connection infrastructure (substation and powerline) is **not** a primary land use right under the “Agricultural” zoning; thus, relevant land use rights must be applied for.
4. According to the Mogale City Local Municipality Spatial Development Framework, 2022-2027, the site is located within the Tarlton Precinct Plan Zone, which its objective and strategy, respectively, *inter alia*, is to provide and improve public infrastructure as well as infrastructure and services management plus provision.
5. The MogCLUS 2022 defines:
 - i. an **Industrial Purpose/Use** as; “the use of a building/s and/or land or part thereof as a factory and in which an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed; broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker’s quarters or other uses which are subservient and ancillary to the use of the property as a factory; and includes a warehouse, **the generation of electricity**; the developing or processing of photographs, films or tapes; refuse disposal sites; recycling and abattoir but does not include a noxious trade or risk activity.”

- ii. a **Renewable Energy Structure** as; “a plant that utilises renewable energy (wind turbines, trough system, power tower system and **photovoltaic system**) and where agricultural activities can be practised on areas which are not utilised for the renewable energy plant. It includes all plant and equipment, and other miscellaneous infrastructure associated with the generation, transmission and distribution of renewable energy whether it feeds into the national grid or not. Such infrastructure includes but is not limited to workshops and stores, offices, site canteen, medical station, fire station, a tourist facilitation centre, ambulance garage, compressor house buildings, water supply infrastructure, guard houses, accommodation facilities, as well as recreational facilities for personnel, excluding temporary housing. No subdivision of any section thereof will be allowed.”
6. Hence, the **Solar Photovoltaic Energy Facility** is contained in the [Scheme 2022] definition of the *Renewable Energy Structures*, as indicated above.
7. In terms of the provisions of the MogCLUS ,2022, the following conditions are applicable regarding **Industrial Purposes/Uses** with a maximum floor area:
 - a. **not exceeding 500m²**, a **Consent Use** application must be submitted in line with **Section 43** of the Mogale City Spatial Planning and Land Use Management Bylaw, 2018.
 - b. **not exceeding 3000m²**, a **Rezoning** application must be lodged in terms of **Section 45** of the Bylaw 2018.
 - c. **more than 3000m²**, a **Township Establishment** application must be submitted in terms of **Section 51** of the Bylaw 2018.
8. After careful consideration this office, based on present facts and circumstances, **conditionally supports in principle** [subject, *inter alia*, favourable and supportive internal and external comments] a **rezoning** application from “Agricultural” to “**Agricultural**” **with an annexure for Industrial Use for the Solar Photovoltaic Energy Facility and the associated infrastructure (including Battery Energy Storage Systems – BESS) as well as the grid connection infrastructure (substation and powerline)** for the Generation, Storage, Transmission and Distribution of Electricity as per the provisions of the Mogale City Land Use Scheme, 2022, with a [total] floor area (footprint) of **20 hectares**. Moreover, an application for **Exemption** in terms of **Section 90** of the Bylaw 2018, **from establishing a township**, must be **simultaneously** lodged with the **rezoning** application. Hence, the said application processes are to assist in curbing the national electricity loadshedding crisis by facilitating the development of the facility, which in this instance is considered as an exceptional case.
9. It is the responsibility of the applicant, among others, to:
 - i. verify that there are no restrictive conditions of title that may be registered against the property.
 - ii. contact the Gauteng Department of Roads and Transport (Gautrans) in respect of any existing/proposed/planned provincial roads transgressing/adjacent the site.
 - iii. obtain Environmental Authorisation from the Gauteng Department of Agriculture and Rural Development (GDARD).
 - iv. procure permission from the South African Civil Aviation Authority (SACAA).

10. A Site Development Plan (SDP) with a complete schedule of permissible and actual land use controls, drawn to a scale of 1:200 or any other scale that the municipality may request, must be submitted to this office for consideration prior to the submission of any Building Plan (BP) for assessment.
11. Prior to commencing with any building or construction activities, Building Plans shall be submitted to the Building Management Division for consideration.
12. Bulk Services Contributions may be payable to the municipality as a result of the proposed development. The bulk services contributions will be determined during the consideration of the SDP.
13. **Note that the abovementioned is the opinion of the Executive Manager: Economic Development Services and must not be construed as the municipality's decision.**
14. **It is brought to your attention that the Mogale City Local Municipality shall take immediate and vigorous legal action against any unauthorised land use(s) and/or structure(s) on site and the full costs of the legal action shall be recovered from the property owner(s) and/or offender(s).**

Yours faithfully



MR. L. MOKONE (M.SAPI), (M.Inst.D)
ASSISTANT MANAGER: LAND USE MANAGEMENT

18-08-2023

DATE



MS. G. TURNER (Pr. Pln.)
MANAGER: DEVELOPMENT PLANNING
DEPARTMENT OF ECONOMIC DEVELOPMENT SERVICES
MOGALE CITY LOCAL MUNICIPALITY
GAUTENG PROVINCE

22.08.2023

DATE

