

The Municipal Manager
Beaufort West Municipality
112 Donkin Street
Beaufort West
6970

Dear Mr C Wright

8 September 2022

Land development application: Consent use

Poortjie Wes cluster of solar energy facilities

Ziyanda Energy (Pty) Ltd., through its Special Purpose Vehicles is developing a cluster of three (3) solar energy facilities to be known as the ***Poortjie Wes cluster***.

Ziyanda Energy (hereafter referred to as Ziyanda Energy) hereby submits this land development application for the land use rights to establish the *Poortjie Wes cluster* of solar energy facilities as consent use on three (3) properties located in the Beaufort West municipal area. The *cluster* consists of three solar PV facilities with a facility on each of the three properties. These properties are located about 60km north-east of Beaufort West and to the south and south-east of Nelspoort.

We apply for:

1. Consent use to accommodate the *Poortjie Wes cluster* of three solar PV facilities on land zoned as Agriculture Zone 1.
2. Municipal consent to register lease agreements in favour of each of the respective Special Purpose Vehicles over the relevant properties.

Please find attached the land development application (consent use) and supporting documents.

If you have any questions or require clarity on any of the issues, please do not hesitate to contact me.



B P Rode
Managing Director

Municipal Land Use Planning Bylaw

Land development application (consent use)

Solar PV Energy Facilities

Location

On the following properties:

- (1) Portion 4 of the Farm Montana, No. 123
(2) Remainder of Portion 3 of the Farm Montana, No. 123, and (3) Portion 1 of the Farm Belvedere, No. 73,**

**in the Registration Divisions of Murraysburg and
Beaufort West, Western Cape**

Applicant

Montana 1 Solar Energy Facility (Pty) Ltd.

Montana 2 Solar Energy Facility (Pty) Ltd.

Montana 3 Solar Energy Facility (Pty) Ltd.,

**(as companies created by *Ziyanda Energy* as Special
Purpose Vehicles)**

Assisted by

RodePlan (Pty) Ltd.

Date:

September 2022

Applicant (on behalf of the Special Purpose Vehicles):

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6970

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Executive summary

Ziyanda Energy, through its Special Purpose Vehicles, proposes the establishment of the *Poortjie Wes cluster consisting of three solar energy facilities* on three farm properties in the Beaufort West municipal area.

The aim of this land development application is to obtain the land use rights to allow renewable energy generation as consent use on land zoned for agriculture.

Location and development proposal

The *Poortjie Wes cluster* comprises three solar PV facilities with a facility on each of the following farm properties:

1. Portion 4 of the Farm Montana, No. 123 (accommodating the Montana 1 solar PV facility).
2. Remainder of Portion 3 of the Farm Montana, No. 123 (accommodating the Montana 2 solar PV facility).
3. Portion 1 of the Farm Belvedere, No. 73 (accommodating the Montana 3 solar PV facility).

These titled and privately-owned properties are in proximity and about 60km north-east of Beaufort West and to the south and south-east of Nelspoort. All three properties fall within the Beaufort West Renewable Energy Development Zone (REDZ, as a preferred area to develop and construct large-scale renewable energy facilities, and the Central Transmission Corridor.

The three properties have a combined land extent of 27 902 ha with a development area of between 415 ha and 450 ha on each property to accommodate the three solar PV facilities and their associated infrastructure. The respective development footprints within these areas will be less than 400 ha each. Hence, the total land use for the proposed renewable energy structures will be less than 6% of the combined land extent.

The key components of each facility include solar voltaic apparatus (e.g. panels, mountings, and foundations), central inverter stations, internal and external electric grid connections, battery storage, internal gravel roads, fencing and additional building infrastructure (e.g. on-site substation). Each facility will have a generating capacity of up to 230 MW with the generated power to be connected to the proposed 132kV Belvedere Collector Switching Station via 132kV overhead lines, or they will connect directly to a new Poortjie Wes LILO MTS.

Land ownership

The three properties belong to two different landowners. These landowners have issued Powers of Attorney for the submission of this land development application to the Beaufort West Municipality.

Environmental impact assessment

The *Poortjie Wes cluster of solar energy facilities* is the subject of environmental impact assessments in terms of the 2014 Regulations under the National Environmental Management Act, 1998 (Act No. 107 of 1998, with amendments). Please note that Environmental Authorisations (EAs) have not yet been issued but the environmental impact assessment processes have been completed and the final Basic Assessment Reports submitted to the Department of Forestry,

Fisheries and the Environment (DFFE) for approval. During this process, Registered Interested and Affected Parties (I&APs) were invited to review and provide comment on the Environmental Impact Assessment (EIA) Reports.

Please also note that amendment(s) to an EA is/are regularly sought by a project proponent because of advances in technology and new project-specific findings. If applicable, and after the EAs have been issued, an amendment thereto will be communicated to the Municipality as an amendment to the land development application in terms of section 52 of the bylaw, i.e. prior to the approval thereof.

Land use rights

The development proposal of a renewable energy facility implies a non-conforming land use on land zoned as Agriculture Zone 1. Hence, as provided for in the Land Use Planning Bylaw of the Beaufort West Municipality read together with the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), a land development application is being made to add the land use of 'renewable energy structure' as consent use to the current zoning of the properties concerned. The aim is to change the land use in accordance with the provisions made in the Zoning Scheme Bylaw.

We are also applying for municipal consent to conclude lease agreements over each of the properties. The long-term leases will be notarially executed and registered against the title deeds of the properties at the Deeds Office. The lease agreements are over the whole of the properties, as such ministerial approval in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) will not be required.

Site selection

The site selection process conducted by Ziyanda Energy that resulted in the siting of the solar PV energy facilities as potential projects, included the identification of other 'suitable' sites for renewable energy facilities throughout the Western Cape Province. This process was also informed by the outcome of the environmental impact assessments and by the national government's intervention to identify preferred areas for establishing large-scale wind and solar PV energy facilities, i.e. Renewable Energy Development Zones.

The 'selection' of the sites by Ziyanda Energy was based on several factors, including (but not limited to):

- Solar resources
- Site extent
- Grid access
- Land suitability
- Nature reserves
- Local economic stimulation
- Current land use
- Existing use rights, e.g. prospecting and mining rights
- Landowner support.

We mention the Renewable Energy Development Zones as the preferred areas for large-scale renewable energy development and the roll-out of supporting

transmission and distribution infrastructure.¹ The proposed *Poortjie Wes cluster* falls entirely within such a zone, i.e. *providing certainty in decision making*. In this regard, each development area lends itself to renewable energy generation as also evidenced by the approval and operation of prominent renewable energy features and infrastructure in proximity.

Solar PV energy facility layout

Through the environmental impact assessment processes, which, as mentioned, included various stakeholder and specialist inputs, a number of issues relating to the design and layout of the renewable energy facilities were identified and considered. This has led to several layout alternatives in order to balance the technical and financial objectives of maximising the output of the proposed facilities with the critical environmental, topographical and social constraints.

Parts of the plans and layouts provided for the purposes of this application may be subject to amendment if required by any of the EAs and/or technological advances. In this regard, an iteration process was and still is inevitably part of this land development application. Final layouts will be submitted to the Municipality as part of the building plans approval prior to construction.

Benefits of the proposed development

The proposed facilities will form part of the Renewable Energy Independent Power Producer (REIPP) Procurement Programme rolled out countrywide, or the initiative by Government to allow larger-scale power producers to generate and sell-on unlimited electricity through registration without a generation licence.

Both these initiatives are intended to promote the use of renewable energy in the national energy mix of supply that is severely constrained. It is stated that rolling blackouts are here to stay for at least another 12 months, even if Government presses ahead with President Ramaphosa's recently announced energy plan. In this regard, Government plans to move with speed to register and approve new renewable energy projects that can feed electricity into the national electricity grid. In addition to such electricity-related benefits, the development of a renewable energy facility contributes to income generation and (local) job creation.

Development parameters

We believe this kind of renewable energy facility is straight-forward and almost inflexible in application, unlike, e.g. township development. In this regard, we take note of the development parameters set for renewable energy structures in the Zoning Scheme Bylaw.

Desirability

Government must assess renewable energy generation initiatives by considering a wider-than-normal perspective on long-term structural changes, e.g. climate change, energy security and other shifts. In this regard, impacts are certain to happen. Planners must become aware of the need to take a broader look at spatial planning and land use management by, for example, considering buffer

¹ Strategic Environmental Assessment for wind and solar photovoltaic in South Africa, 2105 as published in Government Gazette No.41445, 16 February 2018.

areas around existing installations as suitable locations for renewable energy infrastructure.

In this context and when applying the principles of economies of scale and highest and best use of land, the rationale for solar energy generation on the properties becomes clear. The proposed development (1) blends with the particular type of land(scape), (2) promotes the (better) economic use of land and infrastructure and (3) conforms to the outcome of socio-political interaction. This is best demonstrated by the approval and operation of similar facilities in proximity and the location of the *Poortjie Wes cluster* within a Renewable Energy Development Zone.

However, the proposed development will introduce a site-specific land use (on each of the three properties) that is different to (but not incompatible with) the established land use of farming. We believe the proposed land use is moderately compatible with the rural landscape and conforms to past land-use conversion initiatives in the area, e.g. high-voltage power lines, substations and renewable energy generation infrastructure. It is foreseen that the impact on on-site and adjacent land use because of the proposed facilities will be very low if mitigating measures are applied.

It is also clear that the proposal conforms to the intention of the development principles listed in section 7 and section 58 of the Spatial Planning and Land Use Management Act, 2016 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), respectively.

This motivation report includes sufficient information regarding the criteria as listed in section 65(1) of the municipal bylaw, which must be considered in decision making on a land development application.

Section I – Preamble

1. Introduction

Current national policy and implementation provides for an unprecedented optimism amongst investors and the public alike, concerning the government's commitment towards finding and supporting credible solutions in a transition to a low carbon economy. For example, the gazetted Integrated Resource Plan envisions the bulk of the increase in the country's total electricity-production capacity coming from renewable sources.

As part of this narrative, the target-setting for renewable energy output was supplemented by the mapping of a preferred geographical distribution for power-generating facilities and the (future) electricity grid. Renewable Energy Development Zones (REDZ) were identified as areas of strategic importance where the development of large-scale wind and solar photo-voltaic energy facilities can be 'fast-tracked'.² In this regard, certain procedural arrangements were promulgated to apply to developments within these areas. It is however, stated that suitable wind and solar PV development is still promoted across the country and any proposed development must be considered on its own merits.

The REDZs were 'demarcated' based on high level integrated spatial analysis of the best available environmental, technical and social data. In this context (and even if sited within a REDZ), it is still up to each developer to source (local and site-specific) data and spatial directives through planning and environmental processes.

Ziyanda Energy proposes the establishment of the *Poortjie Wes cluster of solar PV facilities* within the Beaufort West REDZ. This motivation report assists the decision maker in evaluating the merit of the proposed land use by providing qualitative and quantitative information and articulating outcomes.

Ziyanda Energy, through its Special Purpose Vehicles, hereby submits this report with annexures as land development application for the land use rights to establish the *Poortjie Wes cluster of solar energy facilities* as consent use on three properties in the Beaufort West municipal area.

2. Project proponent

Ziyanda Energy is a Renewable Energy Development and Consulting company and has been involved in the development of wind and solar projects in sub-Saharan Africa with nearly 250 MW of projects in operation in South Africa.

The company has the unique ability to fully develop renewable energy projects in-house with experts in site development, financing and construction management and operations. In this regard, Ziyanda Energy work with governments, local

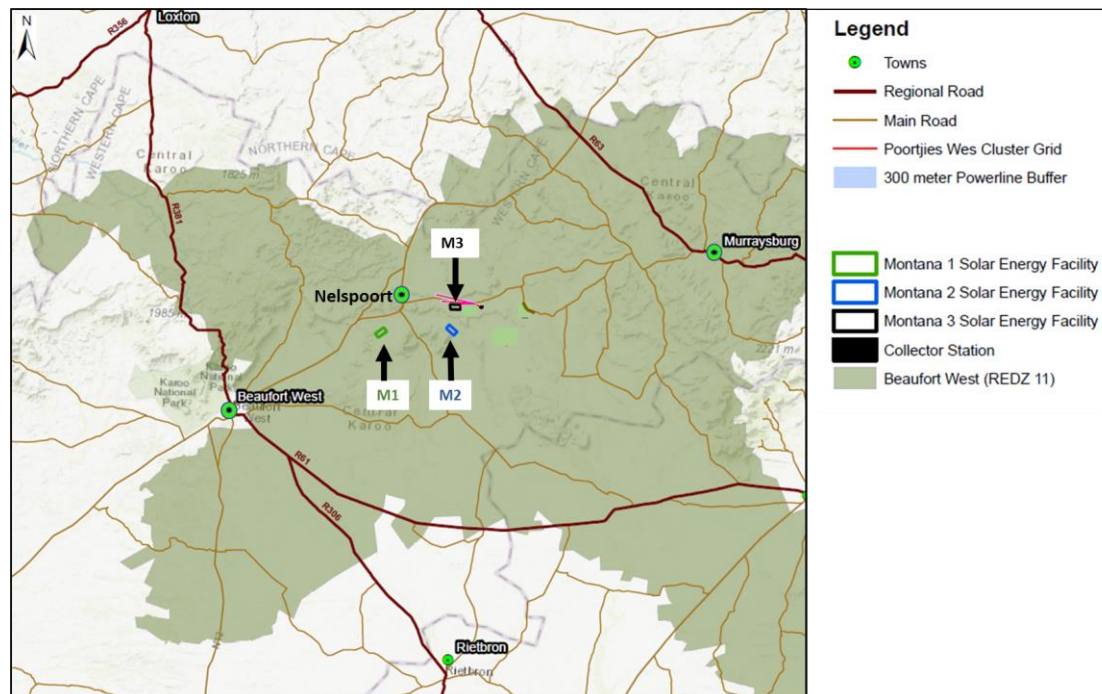
² In 2018, the (then) national Department of Environmental Affairs commissioned a Phase 2 Strategic Environmental Assessment for identifying more renewable energy development zones adding to the identified 8 (eight) areas.

partners and industry associations to extend renewable energy commitments across the country.

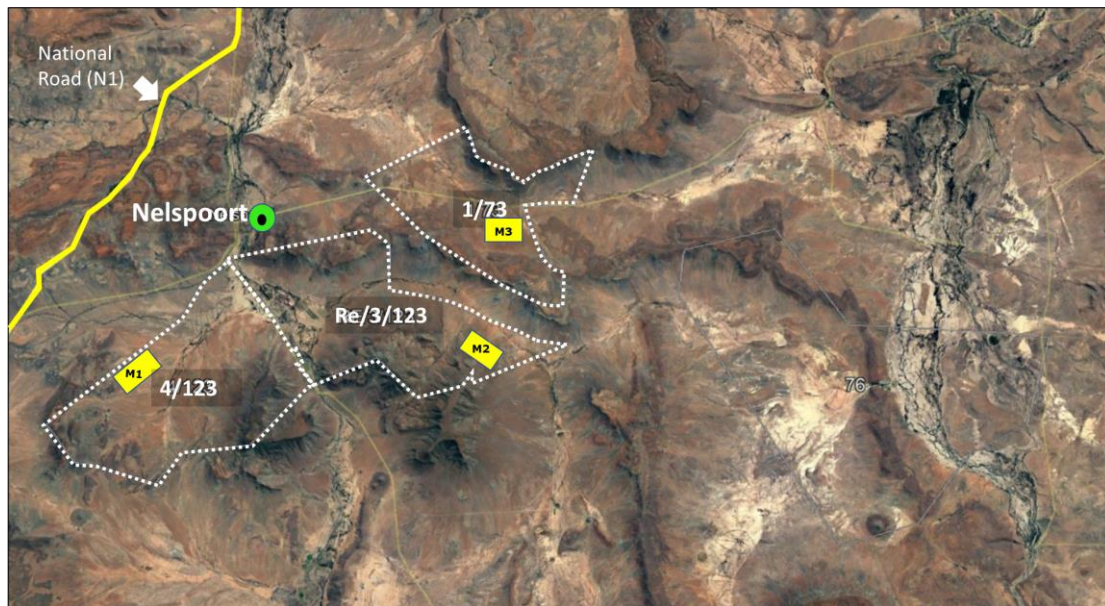
3. Location and development area

The proposed *Poortjie Wes cluster of solar energy facilities* is sited on three properties within the jurisdiction area of the Beaufort West Municipality as local authority, and the Central Karoo District Municipality as category-C Municipality.

The three properties are in proximity, have an east west orientation, and are about 60km north-east of Beaufort West and to the south and south-east of Nelspoort (see **Maps 1** and **2**). The titled and privately-owned properties have a combined land extent of 16 857 ha with the two properties south of Nelspoort bordering each other (see **Map 2**). The properties fall within the Beaufort West REDZ and Central Transmission Corridor.



Map 1: Regional location



Map 2: Local orientation of the *Poortjie Wes* cluster of solar PV facilities

The properties are all zoned Agriculture Zone 1 with extensive grazing as the current land use. The table below lists the properties concerned and the relevant property specifics:

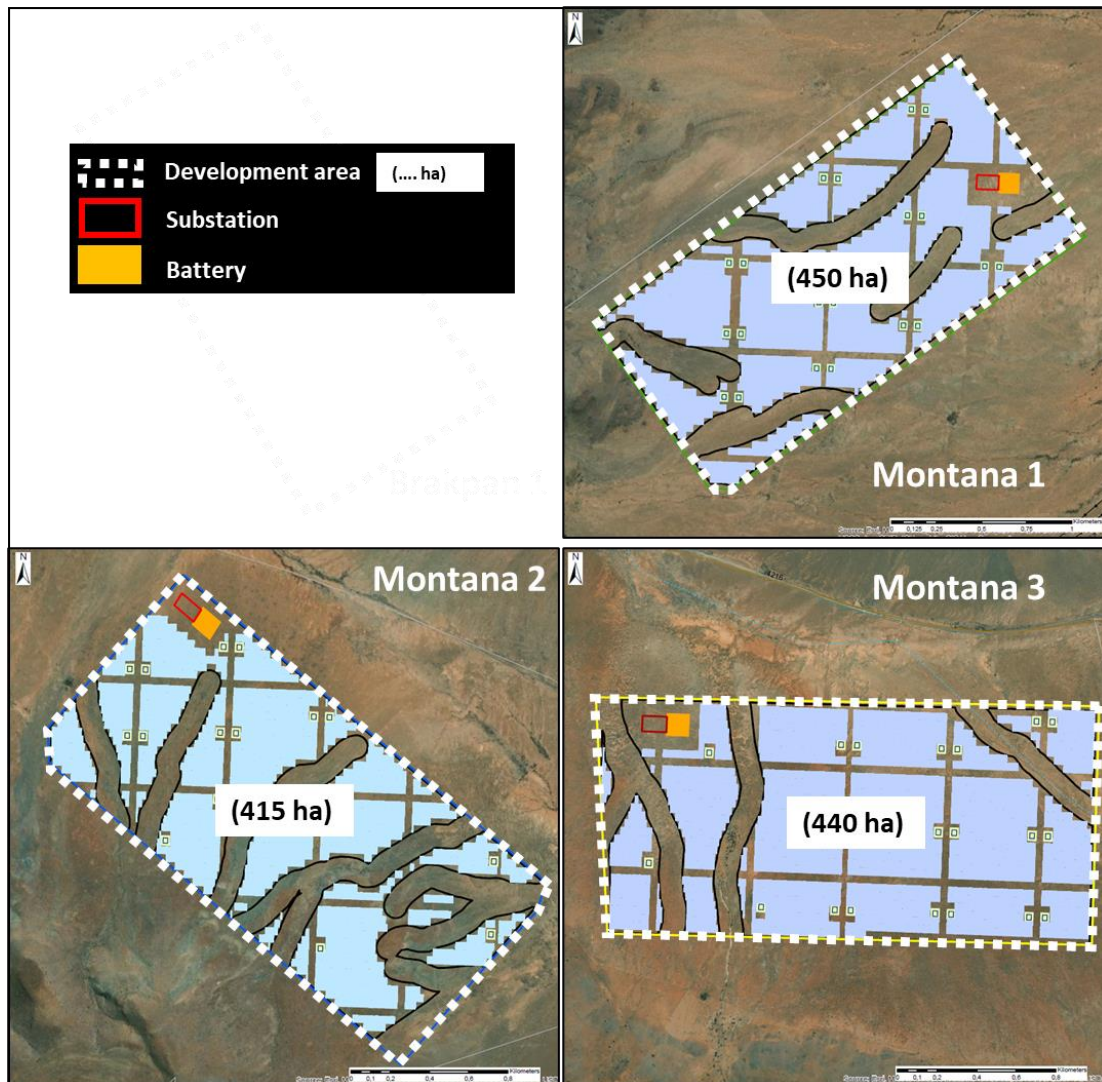
Table 1 Properties associated with the <i>Poortjie</i> cluster of solar PV facilities			
Property description	Land extent (ha)	Zoning of properties	
		Current	Proposed
Portion 4 of the Farm Montana, 123	6 711	Agriculture Zone 1	Agriculture Zone 1 with consent use
Remainder of Portion 3 of the Farm, Montana, 123	6 047	Agriculture Zone 1	Agriculture Zone 1 with consent use
Portion 1 of the Farm Belvedere, 73	4 099	Agriculture Zone 1	Agriculture Zone 1 with consent use
Total	16 857		

The following coordinates are the approximate central coordinates of each property:

- 32° 10' 19.68" S and 22° 58' 40.69" E as the central point of Portion 4 of the Farm Montana, 123.
- 32° 08' 37.95" S and 23° 04' 46.19" E as the central point of Remainder of Portion 3 of the Farm Montana, 123.
- 32° 05' 39.16" S and 23° 07' 36.42" E as the central point of Portion 1 of the Farm Belvedere, 73.

A development area of between 415 ha and 450 ha on each property has been identified to accommodate the three solar PV facilities and their associated

infrastructure (see **Map 3**). The respective development footprints within these areas will be less than 400 ha each. The total land use for the proposed renewable energy structures will be about 7% of the combined land extent.



Map 3: Development areas and layout

4. Renewable energy rationale

The South African economy — founded upon and maintained by the burning of fossil fuels³ — is faced with a medium-term low-growth scenario and confronted with, *inter alia*, an ever-increasing unemployment rate, continued reliance on fossil fuels and the need for social infrastructure, e.g. housing.⁴ The ability of Government to meet these economic, environmental and social challenges is, at best, allaying imminent fears of non-delivery. This is, however, in the face of widening inequalities, increasing community protest action over service delivery,

³ Currently, coal plants generate 77% of electricity in the country.

⁴ The South African power system consists of the following generation options: 38GW installed capacity from coal; 1.8GW from nuclear; 2.7GW from pumped storage; 1.7GW from hydro; 3.8GW from diesel; 3.7GW from renewable energy.

ever-increasing electricity tariffs, decaying electricity infrastructure and power shortages.

The National Development Plan (NDP) identifies energy infrastructure as a critical component in facilitating economic growth and sustaining economic activities country-wide. It is stated by many stakeholders that by including extensive renewable energy technologies in our power mix, great opportunities are offered for local job creation and for making the best use of our natural resource base. In this regard, Government's response in the Integrated Resource Plan (IRP) – gazetted on 18 October 2019 – is appropriately focused and through its response, Government recommits to international commitments, ambitions and reporting initiatives, e.g. Millennium Development Goals. Furthermore, the demarcation of Renewable Energy Development Zones solidified this commitment considering that it would take roughly 320 million solar panels or 37 000 wind turbines to add 100GW of renewable energy capacity to the national grid. More recently, the State President announced a set of radical actions and measures to respond to South Africa's yearslong energy crisis and to deregulate the energy sector. These actions included (1) accelerated procurement of new generation capacity and (2) the buying of surplus power from existing IPPs.

Procurement of electricity from Independent Power Producers

Government's IRP, as long-term energy plan, states the scale and pace of new electricity generation capacity to be commissioned over the next decade. It is stated in the IRP that wind energy will represent 17 742MW of installed energy capacity in the country by 2030, i.e. 55% of the South African power system and up from the 11 442MW or 15% stated in the draft IRP. This target will now change due to the announced actions. These actions include:

- Determining the remaining allocations in the Integrated Resource Plan 2019 and opening further bid windows on an expedited basis.
- Ensuring that all projects from Bid Window 5 of the renewable energy programme can start construction on schedule. This includes "taking a pragmatic approach" to the local content requirements for these projects and prioritising the need to build new capacity as quickly as possible.
- Doubling the amount of new generation capacity procured through Bid Window 6 for wind and solar power from 2 600 MW to 5 200MW.
- Releasing a request for proposals for battery storage by September 2022, and a further request for gas power as soon as possible thereafter.

Please note that the current estimations in the IRP regarding the deployment of solar PV *and wind energy* will contribute up to 110 000 jobs over the next decade. This will now increase drastically.

After the first four bidding windows of the national procurement programme, the total in renewable energy procured is over 6300 MW – mobilising private investment of R168 bn from about 112 producers, leaving a further 14 376 MW to be procured until 2030. A fifth window was introduced in 2021 with an allocation of 2600 MW. Bid window 6 proposals has been given an extended bidding period due to the amount of new generation capacity procured. National Government also introduced the risk-mitigated programme in August 2020 as a result of the need for emergency energy supply. This programme has procured about 2000 MW of new generation capacity derived from different types of dispatchable power generation projects.

As significant as the introduction of the afore mentioned programmes, is the announcement by Government that Schedule 2 of the Electricity Regulation Act will be changed. This announcement has now been amended in that larger-scale power producers are allowed to generate unlimited power (and not up to 100MW power as previously announced) without having to go through a long-drawn-out licencing process, and even to sell excess power back into the grid.⁵

5. Objectives

This application is submitted in terms of section 15(d) and (o) of the applicable Zoning Scheme Bylaw (Provincial Gazette 8245, 5 June 2020) and municipal land use planning bylaw (Provincial Gazette 8046, 22 February 2018). The bylaws must be read together with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

The application constitutes the following:

- In terms of section 15(2)(o): Obtaining the **Consent use** of 'renewable energy structure' to accommodate the *Poortjie Wes cluster of solar PV facilities* with a facility on each of the following properties:
 - Portion 4 of the Farm Montana, 123
 - Remainder of Portion 3 of the Farm Montana, 123
 - Portion 1 of the Farm Belvedere, 73
- In terms of section 15(2)(d): Municipal approval for the purpose of registering lease agreements over each of the properties concerned.
- Request the Municipality to certify in writing that the registration of servitudes and/or lease agreements for the provision or installation of on-site electricity transmission lines are exempt from an application in terms of section 15.

The **subdivision** of the land unit is not considered.

This document must also serve as **information document** for Interested and Affected Parties.

6. Preparatory work

RodePlan was appointed in April 2022, to compile and submit to the relevant authority an application in terms of the applicable municipal bylaw read together with SPLUMA and LUPA. A pre-application meeting was not held. However, from experience, we believe the following actions/measures will apply:

1. Legislation: A land development application must be submitted in terms of the Beaufort West municipal planning bylaw (read together with SPLUMA and LUPA) and the Zoning Scheme Bylaw that regulates the appropriate land use right.

⁵ Embedded generation — when a company produces electricity for its own use or for use by others — is widely regarded as the quickest way to bring additional megawatts onto the grid.

2. Key policy guidelines: Beaufort West Municipality Spatial Development Framework dated 2013.
3. Proposed land development application: A land development application to be submitted to the Beaufort West Municipality to obtain the applicable land use rights (viz. consent use of 'renewable energy structure') for the properties concerned. Consent use to be considered for the (long-term) duration of the facilities with the developable extent (i.e. activity and footprint) based on an approved site development plan. We propose to submit final layouts to the Municipality as part of the building plans approval prior to construction.
4. Provincial government involvement in land development application:
Obtaining provincial approval: Only if the proposed activities substantially alter or impact agricultural land that has been irrigated or cultivated during the 10-year period immediately preceding the proposed land development.
Obtaining provincial comment on the application submitted to the Beaufort West Municipality: Comment to be requested.
5. Application fee: The application to include proof of payment of the R11,685,00 application fee when submitted.
6. Submission: The application can be submitted in hard copies and by email.
7. Application process: The Beaufort West Municipality will inform the applicant regarding responsibilities and actions related to the notification process.
8. Information required: The application must include the information required in terms of section 38 of the municipal bylaw.

7. Fees

The application fee of R11,685,00 has been paid (see **Annexure 8**).

8. Advertising process

It is proposed that the municipality informs RodePlan, in writing, as to the responsibilities for notifying and advertising the application as required by the Municipality. Hence, we await written confirmation of receipt and completeness of the application and a breakdown of the notification process from the Municipality. Such letter will inform us of our responsibilities in this regard.

9. Report structure

This report is structured to firstly introduce the application process as well as the development proposal in the context of a rationale for renewable energy. Section II then describes the legal framework and Section III the spatial directives as parameters for the establishment of the solar PV facilities. Section IV refers to the NEMA application. Sections V and VI interpret the receiving environment and provide detailed specifics of the development proposal.

Section VII provides information about the public participation process and we conclude, in Section VIII, by providing clarity on the wording of the land use change and desirability. Section IX includes reference to the annexures.

10. List of tables and figures

Table 1	Properties associated with the <i>Poortjie Wes cluster of solar PV facilities</i>
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Map 9	Critical Biodiversity Areas
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Section II – Legislative and development framework

11. Land use legislation

11.1 Municipal Land Use Planning Bylaw and Zoning Bylaw

The Spatial Planning and Land Use Planning Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) are the governing framework for spatial planning and land use management in the province; replacing Ordinance 15 of 1985. The former is effective, countrywide, since 1 July 2015 and the Provincial Act is implemented in the Beaufort West municipal area since 7 October 2015.⁶

In accordance with this governing framework, the Municipality approved the Municipal Land Use Planning Bylaw as published in the Provincial Gazette 8046 on 22 February 2019 — being constitutionally empowered to make and adopt detailed laws pertaining to land use management. This bylaw governs land use planning and management in the municipal area. Its purpose is to, *inter alia*, make provision for rezoning, subdivision, consent use and departure in respect of land use, decision making in this regard as well as to provide for spatial development frameworks and zoning schemes.

The development proposal of a solar PV facility implies a non-conforming land use on land zoned as Agriculture Zone I. Please note that there is no national directive regarding a land-use category to make possible the development of commercially-operated renewable energy generation facilities. Hence, this application has been structured according to previous municipal approvals and consultations with officials. In this regard, the Zoning scheme regulates the way in which land is used. The relevant zoning scheme bylaw was promulgated under Provincial Gazette 8245, 5 June 2020 and stipulates that the land use of renewable energy structure is a consent use on land zoned as Agriculture Zone 1 (AZ1).

11. Land use legislation (continued)

11.2 Other relevant legislation (in the context of this application)

Spatial Planning and Land Use Management Act, 2013

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) was enacted by the national Department of Rural Development and Land Reform on 5 August 2013 and came into effect on 1 July 2015.

SPLUMA aims to develop a new framework to govern planning permissions and approvals, sets parameters for new developments and provides for different lawful land uses in South Africa.⁷ SPLUMA is a framework law, which means that the law provides broad principles for a set of provincial laws that will regulate planning and clarity on how planning law interacts with other laws and policies.

⁶ As published in Provincial Gazette No. 7509.

⁷ <http://www.customcontested.co.za/laws-and-policies/the-spatial-planning-and-land-use-management-act-spluma/>.

The Act emerged through the Green Paper and White Paper processes to replace (mainly) the DFA as the legislative instrument to regulate spatial planning and land use management in the country. As can be expected, the Act is all-encompassing and, amongst others, addresses the issue of putting in place a uniform, recognisable and comprehensive system of land use management to ensure economic unity and equal opportunity or equal access to government services. In this regard, the development principles as described in Section 7 are a key outcome. However, SPLUMA nor any other legislation determine or translate the legislated development principles into quantifiable outcomes, e.g. setting targets to counter long-term structural changes in the context of land use management.

SPLUMA, however, requires the use of land to be in accordance with the zoning of such land, *irrespective of the user*. Complying with SPLUMA, it is stated in LUPA that 'no person may utilise or develop land unless the utilisation or land development is permitted in terms of a zoning scheme or an approval consistent with this Act and applicable bylaws'.

National Environmental Management Act, 1998 (Act 107 of 1998)

See **Section IV** (Environmental impact assessment) for the status of the NEMA processes.

National Heritage Resource Act, 1999 (Act 25 of 1999)

Has been considered in the environmental impact assessment process of each facility.

Astronomy Geographic Advantage Act (No. 21 of 2007)

The Astronomy Geographic Advantage Act (No. 21 of 2007) provides for the preservation and protection of areas within South Africa that are uniquely suited for optical and radio astronomy; for intergovernmental co-operation and public consultation on matters concerning nationally significant astronomy advantage areas and for matters connected thereto.

In line with this act, the Northern Cape Province, excluding the Sol Plaatjie Municipality, was declared an astronomy advantage area in Government Gazette No. 33462. The Karoo Core Astronomy Advantage Area contains the MeerKAT radio telescope and the Square Kilometre Array (SKA) radio telescope that are used for the purposes of radio astronomy and related scientific endeavours. The proposed *Poortjie Wes cluster* falls outside any of the Core Astronomy Advantage Areas and are not subject to the various regulations and declarations protecting the SKA sites. However, for the purpose of completeness the Project Companies have sought letters of no-objection for each proposed solar PV facility from the management agency.

12. Policy guidelines

12.1 National and provincial

National

National Government's New Growth Path

The New Growth Path (NGP) reflects Government's commitment to prioritising employment creation in all economic policies and lays out strategies to enable South Africa to grow in a more equitable and inclusive manner in the future, fulfilling the promise of our democracy.

The centrepiece of the NGP is a massive investment in infrastructure and people through skills development, together with smart government and better coordination with the private sector and organised labour so that we can achieve our national goals. Infrastructure development is identified as a critical driver of jobs across the economy. The document identifies investments in five key physical and social infrastructure areas, namely energy, transport, communication, water and housing. The sustaining of high levels of public investment in these areas would create jobs in construction, operation and maintenance of infrastructure.

The green economy is one area for which the NGP sets out an ambitious programme to create jobs, through a series of partnerships between the state and the private sector. This includes expansions in construction and the production of technologies for solar, wind and biofuels.

The document recognises the need for a coordinated set of actions across a broad front and identifies a "development package" consisting of macroeconomic strategies, microeconomic measures and stakeholder commitments to drive employment and economic growth.

These actions include, *inter alia*, the following:

- A broad pact between business, labour and the government aimed at fostering employment creation whilst enhancing competitiveness and social equity and development goals.
- Measures to strengthen the capacity of the state and enhance the performance of the private sector to achieve the employment and growth goals, e.g. slashing unnecessary red tape, improving competition in the economy and stepping up skills development.
- Enhancing rural employment through the finalisation of a spatial perspective that sets out the opportunities available and the choices that we must make to lay the basis for aligning government spending, infrastructure and housing investment and economic development initiatives.

National Development Plan

National Development Plan is a wide-ranging document that sets the tone for government thinking over the next two decades. Electricity is identified as one of the core components of a decent standard of living.

In the context of renewable energy, the plan states that, 'by 2030, South Africa will have an energy sector that provides reliable and efficient energy service at competitive rates, is socially equitable through expanded access to energy at affordable tariffs and environmentally sustainable through reduced pollution'.⁸ In this regard, the development of additional electricity capacity would be required, i.e. roll out of additional electricity infrastructure.

⁸ Integrated Resource Plan, August 2018.

Integrated Resource Plan

See §4.

Provincial

Western Cape Land Use Planning Guideline: Rural Areas, 2019⁹

The Western Cape Land Use Planning Guidelines: Rural Areas was prepared as part of a provincially-driven initiative to guide spatial planning and land use management in the Western Cape. However, the Rural Area Guideline is not mandatory and binding and will not be enforced. This notwithstanding, this guideline has the following objectives:

- Promote sustainable development in appropriate rural locations and to ensure that the poor share in the growth of the rural economy.
- Safeguard priority biodiversity areas and the functionality of the Province's life supporting ecosystem services (i.e. environmental goods and services).
- Maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, cultural and scenic rural landscapes, and natural resources.
- Assist Western Cape municipalities to plan and manage their rural areas more effectively, and to inform the principles of their zoning schemes.
- Provide clarity to the provincial government's social partners on what kind of development is appropriate beyond the urban edge, suitable locations where it could take place, and the desirable form and scale of such development.

The following principles underpin rural development in the context of this application:

- Decisions on rural development applications should be based on the spatial principles in the PSDF
- Accessibility should be a key consideration in all development decisions.
- No development should be permitted below the 1:100 flood line.
- Priority should be given to the re-use of previously developed sites in preference to greenfield sites.
- All development in rural areas should be in keeping and in scale with its location, and sensitive to the character of the rural landscape and local distinctiveness.
- Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate is supported.
- The cumulative effect of all ancillary and non-agricultural land uses should not detract from the rural character of the landscape and the primary agricultural activities.
- Rural activities must have a focus on sustainability and be in harmony with the surrounding agricultural landscape.

The document also states that rural development should not:

- Have a significant negative impact on biodiversity and ecological system services

⁹ These guidelines received ministerial approval on 3 March 2019.

- Lead to the loss or alienation of agricultural land or has a cumulative impact there upon
- Compromise existing or potential farming activities
- Be inconsistent with the cultural and scenic landscape within which it is situated
- Infringe on the authenticity of the rural landscape.

The provincial approach to managing development pressures for the rural land uses is covered in 9 categories of which we only list and discuss the application-specific category of 'infrastructure installations' – renewable energy facilities are identified as infrastructure installations and facilities that serve the broader community. This approach leads to ensuring that these essential public installations *can function effectively in suitable rural locations*.

The preferred location for infrastructure installations is within the settlement and buffer 2 spatial planning categories (SPC) with 'essential' installations to be accommodated within the agricultural SPC. However, note that suitable locations for new bulk installations would also be in the buffer areas around existing installations.

13. Investment directives

This application – submitted to a municipality as the authority of first instance – is guided by a suite of plans, ultimately informing decisions regarding land development. In this regard, the two most important municipality-driven 'plans' are the Integrated Development Plan (IDP) and Spatial Development Framework (SDF) of each of the relevant category-C and B municipalities, viz. Central Karoo District Municipality and Beaufort West Municipality. The IDPs guide the municipality-wide and needs-based operations of *all three tiers of government*, whereas, an SDF is an issue-specific informant of the IDP which provides regulatory directives for land development investment (we discuss the SDFs in **§16**).

The following plans were considered but like most municipality-driven interventions, these plans do not qualify or quantify the available and/or required (local) investment offerings:

- Central Karoo District Municipality Integrated Development Plan (CKIDP), 2022-2027
- Central Karoo Local Economic Development Strategy (CKLED)
- Central Karoo Growth and Development Strategy (CKGDS)
- Beaufort West Municipal Integrated Development Plan 2022 – 2027.

Investment priorities

The CKIDP states that, apart from the Karoo National Park, renewable energy generation is possibly the only noticeable and prominent economic feature in the Central Karoo area.¹⁰ The document includes the 'action' by government to remove constraints on growth, investment and job creation, including energy generation. The favourable local conditions and potential economic contribution

¹⁰ A statement that is supported in the Beaufort West Municipality Integrated Development Plan, 2022-2027.

(direct and indirect linkages) of renewable energy generation are acknowledged in the context of possible changes to the composition and character of the towns (and rural areas). It is stated that at least 20 000MW of renewable energy should be contracted by 2030.

The CKLED also identifies 'renewable energy generation' as an economic opportunity. The CKGDS covers the four themes of economic development, social development, strategic infrastructure development and spatial development as catalysts for growth and development. Renewable energy generation (and associated economic opportunities) is, however, not addressed in the CKGDS.

Investment geography

In the context of this application, spatial guidelines directing investment should be provided in the Central Karoo District Spatial Development Framework and the Beaufort West Municipality's Spatial Development Framework. See **Section 16** for a more detailed discussion in this regard.

14. Project response

We structure our response to the section on the regulatory environment by firstly addressing the national and provincial objectives regarding renewable energy generation and secondly the land use issue. In **§17** we deal with the regional and local site selection criteria.

National and provincial objectives

We believe that the proposed solar PV facilities promotes and supports all relevant legislative requirements, policy guidelines and development objectives/targets as formulated by the government in respect of renewable energy generation. There is a high level of support for these directives in local policy. This support has, however, not yet been transformed into guidelines to direct local investment, development and spatial preferences, notwithstanding the mapping of the Beaufort West REDZ as a preferred geographical distribution area for power-generating facilities.

Land use

Land is a finite resource and the way it is used is one of the principal drivers of environmental change, with significant impacts on quality of life and ecosystems as well as on the management of infrastructure. The use of land is influenced by a number of important drivers, *inter alia*, demography, economic development, resource availability, environmental conditions, development costs, transport infrastructure and regional and local planning policies. In this regard, land users and/or owners, continually decide on the quantum, quality and location of space required to meet specific (economic) objectives. Government's goals and regulatory mechanisms also influence the incentive to develop or use land, i.e. target-setting for biodiversity conservation, land reform, renewable energy generation, economic growth and poverty alleviation. We believe that the land use of renewable energy generation, considering its scale, form and operation, is closely associated with the land use description and guidelines of 'Infrastructure installations' in the 2019 Rural Guidelines (see **§.12.1**).

Each one of the mentioned drivers (and targets) merits detailed research and analysis but in the interests of brevity, we discuss only some of them as well as the land-use denominator of highest and best use¹¹. We have already referred to the need for regional and local planning policy as directives to guide renewable energy development in the (rural) landscape. In this regard, the proposed development will introduce a land use different to existing site-specific land use of farming, but although structurally detached from renewable energy generation and any appurtenant infrastructure, this type of farming can continue to function optimally.

The area surrounding the three properties is already home to transmission networks and substations. In a broader sense, the central Karoo area is subject to a number of development initiatives to construct and operate renewable energy facilities. Hence, we believe that the landscape has changed and are changing accordingly. It is foreseen that the impact on on-site and adjacent land use as a result of the proposed solar PV facilities, would be very low if mitigating measures were to be applied. The introduction of renewable energy generation within the identified development areas is furthermore complemented by, *inter alia*, the availability of a natural resource and landowner support.

It is also known that land uses generally conform to a regular, predictable pattern and that the conversion of land use reflects changing relations / configurations within, *inter alia*, a rural setting. This locational condition ensures the highest and best use of land. The current highest and best use for large tracts of (rural) land in the Nelspoort area is extensive agriculture. It is notable that a negative change in economic and environmental conditions, can put an end to this use; signifying a volatile (economic) situation. Hence, current economic (as well as environmental) conditions and investment priorities point to alternative investment opportunities as highest and best use of certain land areas in this region – evidenced by the mapping of the area as a REDZ and by the approval and operation of prominent renewable energy features and infrastructure in proximity.

Section III – Spatial directives

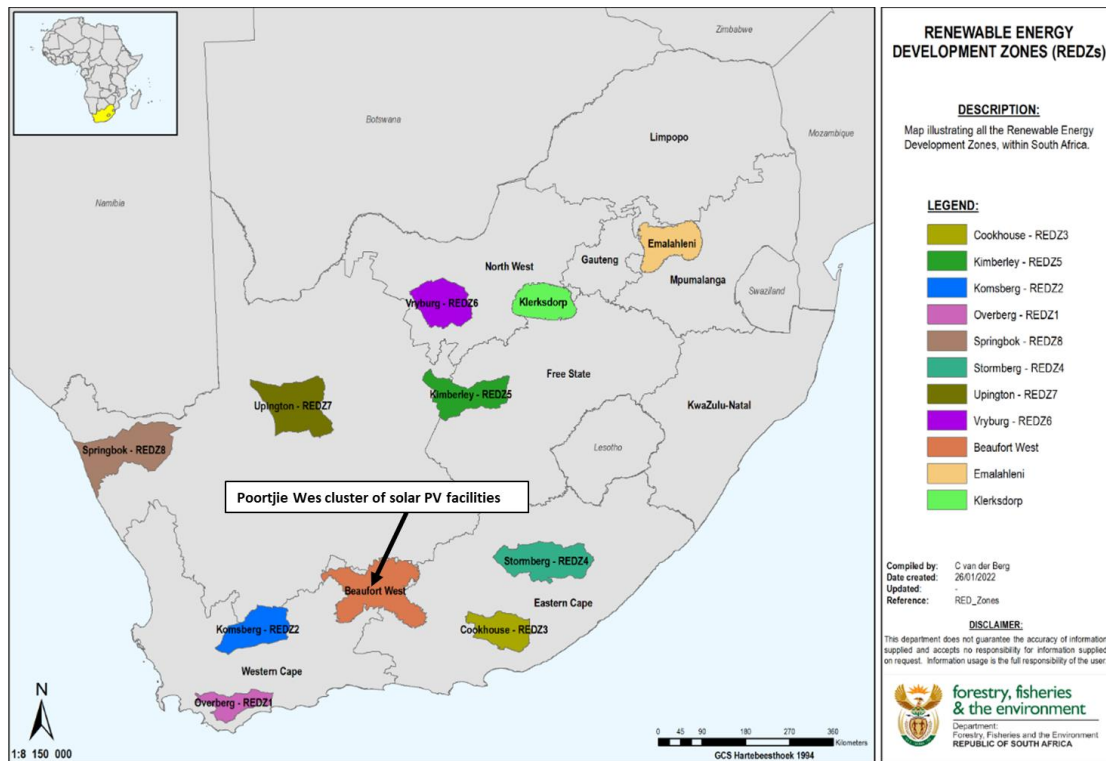
15. Spatial rationale

What determines the optimum location of a renewable energy facility?

The Western Cape government conducted a provincial study that used positive and negative mapping based on composite overlays of all positive and negative criteria to filter out “exclusion” or “restricted” zones, or “inclusion” or “preferred” zones.

In 2018 and in 2020, the relevant national Department commissioned the Council for Scientific and Research Council (CSIR) to identify, country-wide, focus areas best suited for the roll-out of renewable energy projects and electricity grid infrastructure (see **Map 4**).

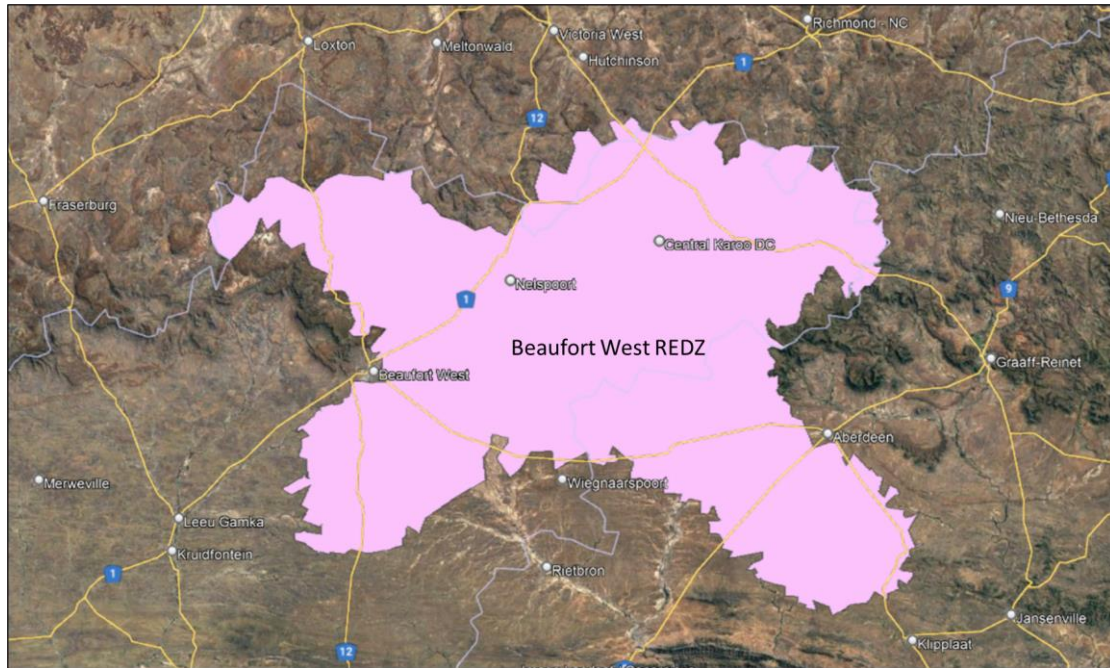
¹¹ The most probable use of a property that is physically possible, appropriately justified, socially just, legally permissible, financially feasible and which results in the highest value of the property.



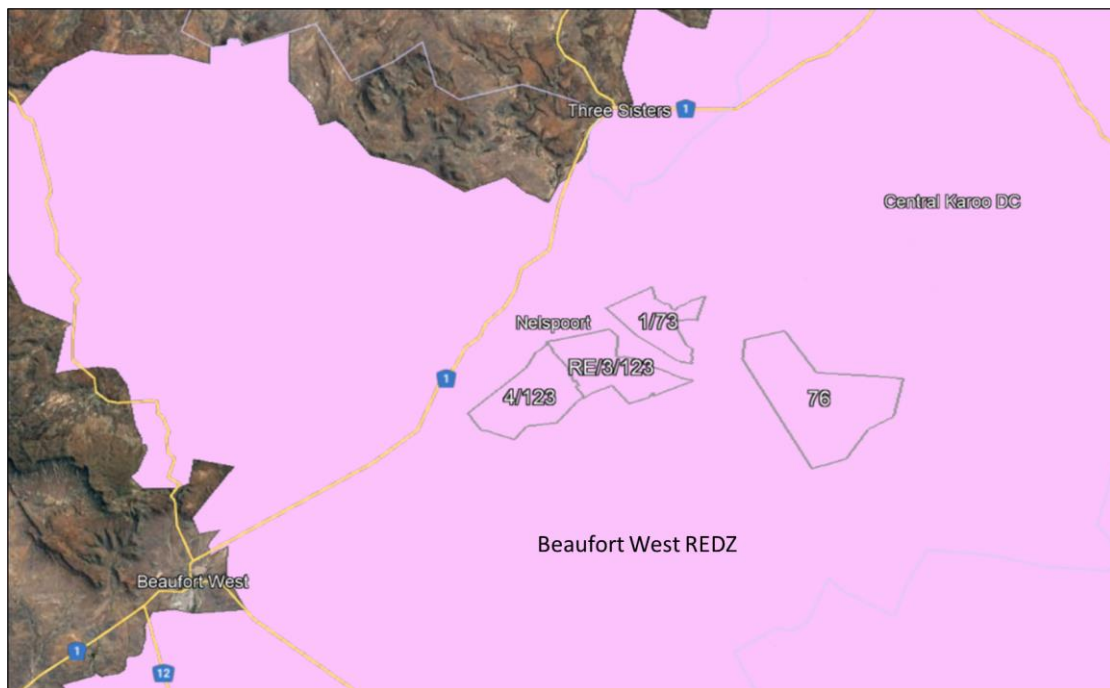
Map 4: REDZ in South Africa

Renewable Energy Development Zones were identified as focus areas, and although grid investment would be prioritised in these areas, it is stated that such investment (by government) should not be limited to these areas. In this regard, 'suitable wind and solar PV development is still promoted across the country and any proposed development must be considered on its own merits'.

The proposed solar PV facilities fall within the Beaufort West REDZ, alongside several authorised renewable energy facilities and infrastructure and within the central corridor of the proposed electricity grid infrastructure corridors (**see Maps 5 and 6**).



Map 5: Beaufort West REDZ



Map 6: Location of relevant properties within the Beaufort West REDZ

16. Spatial Development Frameworks

Western Cape Provincial Spatial Development Framework (March 2014)

The methodology and procedure used to draft the PSDF, were based on a review of the 2009 provincial SDF and replacing it with a *transversal* Provincial framework. In this regard, three interrelated themes were used, i.e. sustainable

use of spatial assets, opening up opportunities in the space-economy and developing integrated and sustainable settlements.

In taking the national and provincial agendas forward, the PSDF 2014 applies the following five spatial principles:

1. Spatial justice
2. Sustainability and resilience
3. Spatial efficiency
4. Accessibility
5. Quality and liveability.

Are these principles in line with the development principles in the Spatial Planning and Land Use Management Act as the 'rule' of how spatial planning (and land use management) should be done henceforth? Yes. However, there are slight nuanced differences in name and content. Note that, in SPLUMA, there are some additional principles and sub-principles as directives for, specifically, land use management. Basically, the same results should be achieved, if the SPLUMA and PSDF principles are 'considered' as concerns in decision making, and by using the means provided in SPLUMA.

We refrain from any further interpretation and discussion of the PSDF based on the assumption that the provincial Rural Guidelines (2019) provides detailed guidelines for rural land use management in the spatial context ordered by the PSDF.

Central Karoo Spatial Development Framework

The district SDF divides the jurisdiction area into functional areas based on Spatial Planning Categories (SPCs) of the Bioregional Planning Framework (BPF) for the Western Cape. Basic guidelines for land use management for the SPCs are used in the District SDF as this supports alignment with the Western Cape Bioregional Planning Framework (BPF) and PSDF. The Central Karoo is structured into functional areas as follows:

- Rural areas
- Rural settlements
- Institutional settlements
- Local towns, and
- Main local towns.

It is particularly important to note, *inter alia*, the following conditions for agricultural areas, given the dominance of the sector in the Central Karoo:

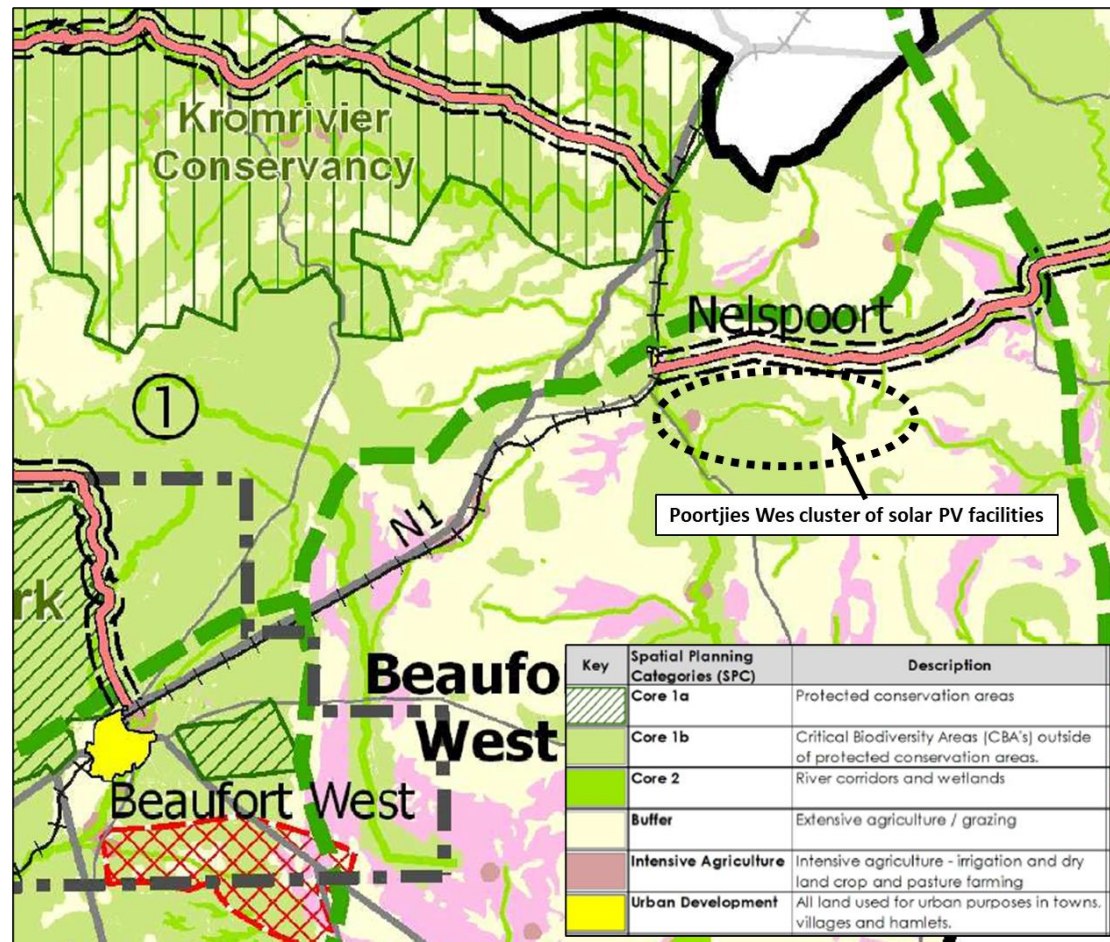
- Care should be taken to maintain the rural character of non-urban areas.
- The formation of small rural towns should be avoided.
- Areas should provide for the development of alternative agricultural use, to make a positive contribution to sustainable economic growth.

Spatial provision has been made for renewable energy generation as the Central Karoo climate enables alternative energy solutions.

Beaufort West Municipality Spatial Development Framework, 2013

It is stated in the Spatial Development Framework (SDF) of the Beaufort West Municipality that it has broadly been accepted that the Bioregional Planning Framework (BPF) will guide spatial planning and management in the Western

Cape. Hence, the formulation and demarcation of Spatial Planning Categories (SPCs) in the municipal area were based on the bioregional planning principles. It is envisaged to use the ensuing classification to develop land-use management guidelines for each SPC covering the entire municipal area. The SPCs for the rural area include the following categories, viz. core, buffer, intensive agriculture and urban settlement, with a basic description and preferred 'policy' provided for each category. However, we were only able to find very coarse-scale spatially-referenced evidence of 'demarcated' SPCs in the municipal SDF as an extract of the provincial SDF (see **Map 3**).



Map 7: Spatial Planning Categories

The SDF does not provide a site level methodology for determining location and development of renewable energy sites to assist in both the detailed preparation of proposals by private-sector developers and assisting the local authority in assessing such proposals. In this regard, this motivation report provides qualitative and quantitative (site-specific) information and articulates outcome(s) to assist government in their response to this potential investment offering.

17. Project response: Site selection

The site selection process conducted by Ziyanda Energy that resulted in the siting of the solar PV facilities as potential projects, included the identification of other 'suitable' sites for renewable energy facilities throughout the Western Cape Province. This process was also informed by the outcome of the environmental

impact assessments and by the national government's intervention to identify preferred areas for establishing large-scale wind and solar PV energy facilities, i.e. Renewable Energy Development Zones.

The 'selection' of the sites by Ziyanda Energy was based on several factors, including (but not limited to):

- Solar resources
- Site extent
- Grid access
- Land suitability
- Nature reserves
- Local economic stimulation
- Current land use
- Existing use rights, e.g. prospecting and mining rights
- Landowner support.

We mention the Renewable Energy Development Zones as the preferred areas for large-scale renewable energy development and the roll-out of supporting transmission and distribution infrastructure.¹² The proposed *Poortjie Wes cluster* falls entirely within such a zone, i.e. *providing certainty in decision making*. In this regard, each development area lends itself to renewable energy generation as also evidenced by the approval and operation of prominent renewable energy features and infrastructure in proximity.

¹² Strategic Environmental Assessment for wind and solar photovoltaic in South Africa, 2105 as published in Government Gazette No.41445, 16 February 2018.

Section IV – NEMA application

18. Environmental impact assessment

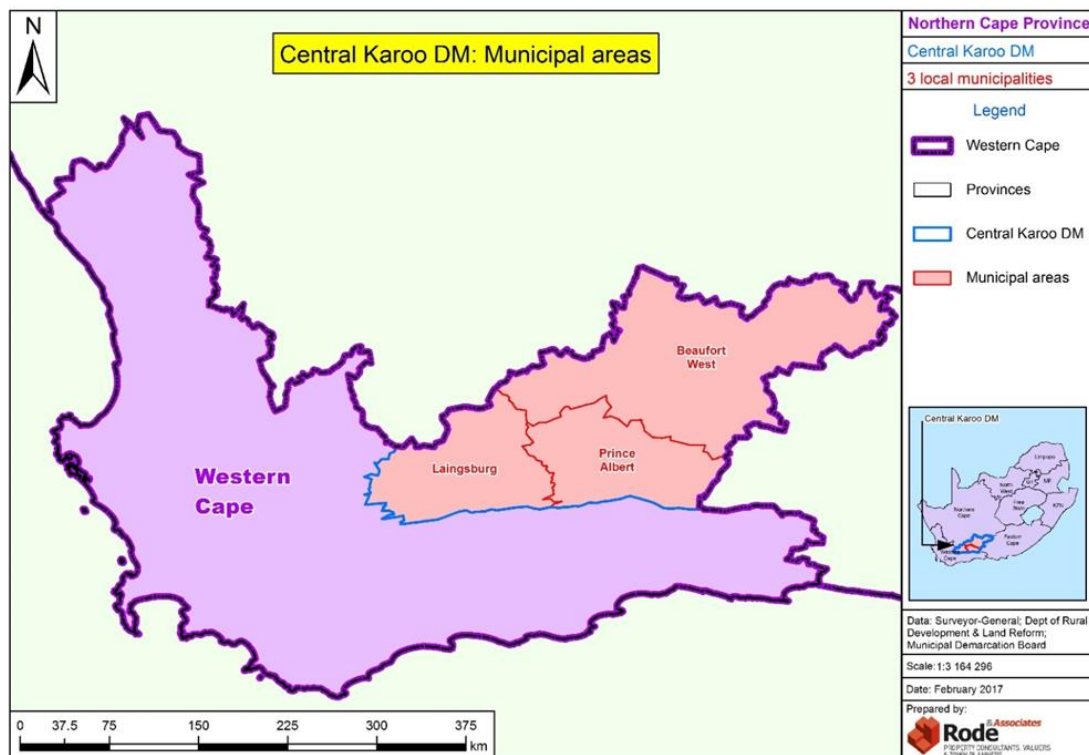
The *Poortjie Wes cluster of solar energy facilities* is the subject of environmental impact assessments in terms of the 2014 Regulations under the National Environmental Management Act, 1998 (Act No. 107 of 1998, with amendments). Please note that Environmental Authorisations (EAs) have not yet been issued but the environmental impact assessment processes have been completed and the final Basic Assessment Reports submitted to the Department of Forestry, Fisheries and the Environment for approval. During this process, Registered Interested and Affected Parties were invited to review and provide comment on the Environmental Impact Assessment Reports.

Please also note that amendment(s) to an EA is/are regularly sought by a project proponent because of advances in technology and new project-specific findings. If applicable, and after the EAs have been issued, an amendment thereto will be communicated to the Municipality as an amendment to the land development application in terms of section 52 of the bylaw, i.e. prior to the approval thereof.

Section V – Development context

19. Receiving environment 19.1. Regional and local context

This land development application concerns properties in the jurisdiction area of the Beaufort West Municipality with Central Karoo District Municipality the category-C municipality (see map below).



Map 8: Central Karoo region with municipalities

The Central Karoo district can be described as having, *inter alia*, the following local characteristics:

- It is a small to medium-town sub-region with a low level of development despite the strategic location in terms of the road and rail national transport corridor.
- Sparsely populated towns with a number of larger towns serving as “agricultural service centres”; spread evenly throughout the district as central places.
- High rate of unemployment, poverty and social grant dependence.
- Prone to significant environmental changes owing to long-term structural changes (such as climate change, energy crises and other shifts).
- Geographic similarity in economic sectors, growth factors and settlement patterns.
- Economies of scale not easily achieved owing to the relatively small size of towns.
- A diverse road network with national, trunk, main and divisional roads of varying quality.

- Potential and impact of renewable energy resource generation.
- Potential and impact of 'fracking', i.e. the possible exploration for shale gas.

20. Development specifics

20.1. Site information

The next section includes extracts from the Basic Assessment Reports to describe, in brief, site-specific elements of the development areas. Please see the relevant annexures for more detailed descriptions of each development area.

Climate

The receiving environment is located within an arid region with the climate classified as cold desert climate and cold semi-arid climate.

Landscape features

The development areas are located on flat land with an elevation of between 960 - 1000 m above sea level and a gentle slope percentage of between 0% and 10%. The surrounding area does include more elevated *koppies* but is characterised by wide-open expanses and extreme isolation. Shrubland and bare rock and soil is the predominant land cover with areas of wetlands, grasslands and old fields in proximity.

Hydrological context

The study area is located within the Sout and Kariëga River catchments. There are numerous minor drainage lines draining into the two rivers.

Vegetation

The area is within the Nama Karoo Biome where rivers are mostly non-perennial due to low precipitation and droughts that are unpredictable and prolonged.

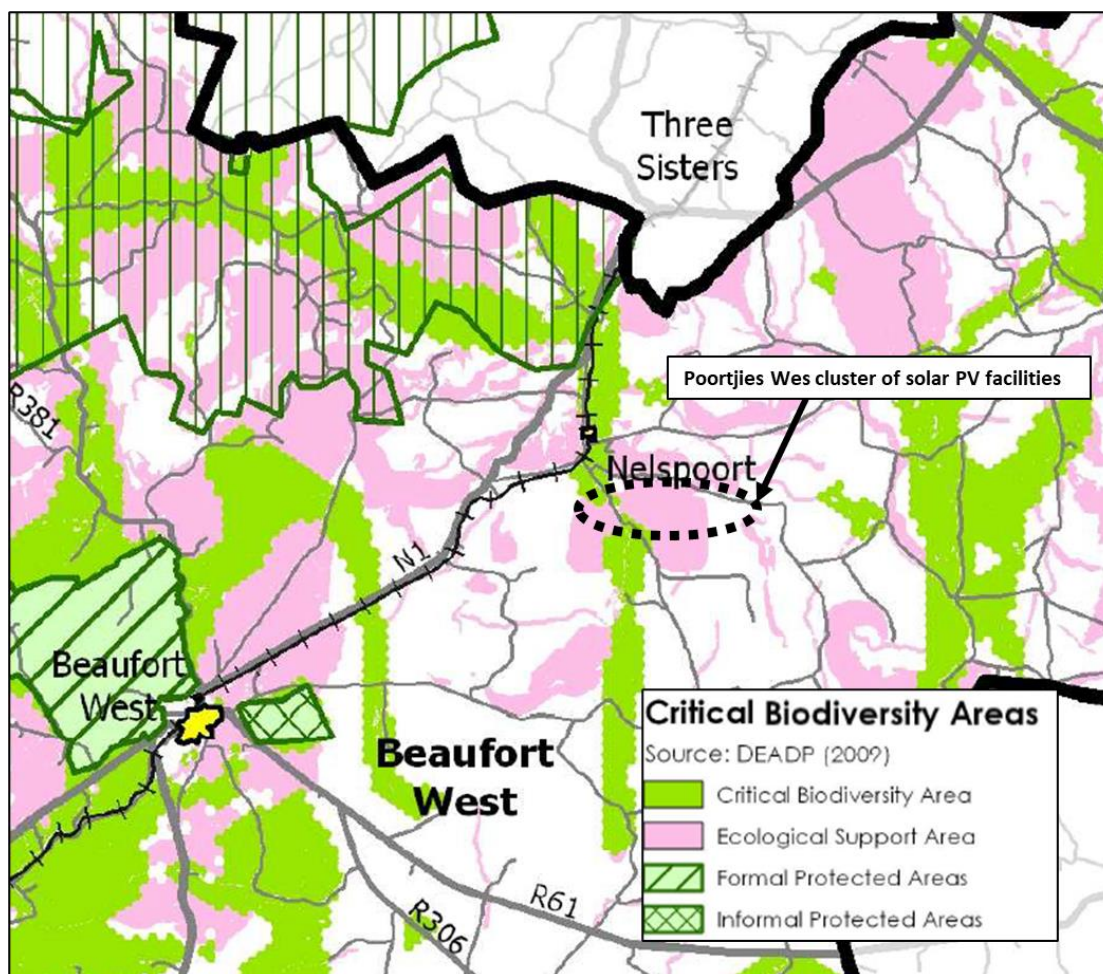
Protected areas

The development areas do not occur within any protected area.

Critical biodiversity areas

We state that the development area for Montana 1 is located outside any protected area and outside of any Critical Biodiversity Areas (CBAs) as defined in the Provincial Conservation Plan (see **Map 9** and **Annexure 7**). The development area for Montana 2 has a marginal overlap with a CBA while the area for Montana 3 is recognised as an Ecological Support Area. However, it has been assessed that there are no identified environmental fatal flaws when considering the biodiversity impacts on the affected and surrounding areas of the Montana 2 and 3 facilities, with avoidance mitigation proposed and to be implemented.

Please note that the map below is used in the municipal SDF and is a very coarse-scale spatially-referenced illustration of CBAs in the municipal area.



Map 9: Critical Biodiversity Areas

20. Development specifics (continued)
20.2. Leasehold area information

The *Poortjie Wes cluster of solar PV facilities* involves three properties. The details of these land parcels, farm names and owners are tabled below.

Table 2 Specifics of the properties earmarked for the <i>Poortjie Wes cluster of solar PV facilities</i>				
Farm name	Portion	Size (ha)	Title deed	Landowner
Farm Montana, 123	Portion 4	6 711	T55361/2003	RA Koster Family Trust
Farm Montana, 123	Remainder of Portion 3	6 047		
Farm Belvedere, 73	Portion 1	4 099	T23110/1999	GJ Vivier Boerdery Trust

Ziyanda Energy has secured the use of the land through long-term leasehold agreements i.e. the registration of lease agreements against the title deeds of the properties concerned. These lease agreements are over the whole of the

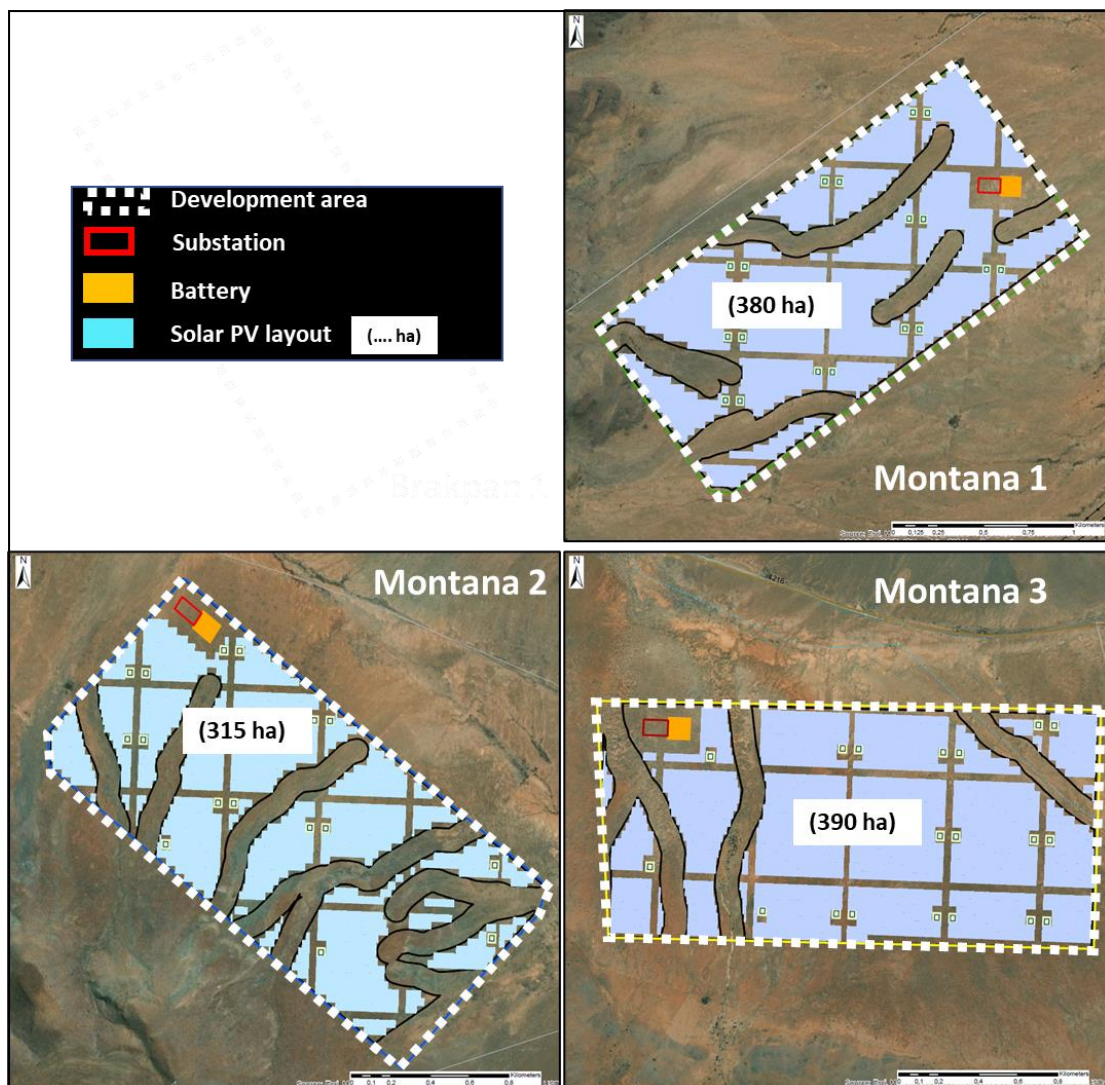
properties, as such ministerial approval in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) will not be required. Please note that other servitude agreements are also already in place.

20. Development specifics (continued)

20.3 Solar PV facility layout

We state that the placement and design of a solar facility is sophisticated and operate at extremely high efficiencies — hence positioning being important and exacting. Please note that the design will be according to relevant national specifications and standards which are regarded as best practice in the renewable energy sector.

The number of inverters and the areas covered by inverters / transformer stations / substations, will be determined at detailed design phase based on the sizes of the inverters and transformer stations available at the time of construction. However, the development footprint of each solar field (including electrical infrastructure, the structure of the solar PV array and foundations) is estimated to be up to 400 ha (see maps below).



Map 10: Layout

The following coordinates are the approximate central coordinates of the current layout of each facility:¹³

- 32° 09' 52.06" S and 22° 57' 03.46" E as the central point of Montana 1.
- 32° 09' 28.41" S and 23° 07' 54.64" E as the central point of Montana 2.
- 32° 06' 07.75" S and 23° 08' 30.22" E as the central point of Montana 3.

See **Annexure 8** for the site (or corner) coordinates of each facility.

Through the environmental impact assessment processes, which, as mentioned, included various stakeholder and specialist inputs, a number of issues relating to the design and layout of the renewable energy facilities were identified and considered. This has led to several layout alternatives in order to balance the technical and financial objectives of maximising the output of the proposed facilities with the critical environmental, topographical and social constraints.

Parts of the plans and layouts provided for the purposes of this application may be subject to amendment if required by any of the EAs and/or technological advances. In this regard, an iteration process was and still is inevitably part of this land development application. Final layouts will be submitted to the Municipality as part of the building plans approval prior to construction.

20. Development specifics (continued)

20.4. Infrastructure

The key components of the proposed *Poortjie Wes cluster of solar PV facilities* include the following (which are discussed in more detail in **Annexure 7**):

- Solar PV modules and mountings
- Central inverter stations
- Substation and substation compound
- Battery storage modules
- Roads
- Other infrastructure.

Solar fields

- ≤400 ha of photovoltaic (PV) modules mounted on single-axis or dual-axis trackers or fixed tilt PV solar module mounting structures comprised of galvanised steel and aluminium.
- Below ground electrical cables connecting the PV arrays to the inverter stations, O&M building and a collector substation.
- Ring main units.
- Inverters and mini-sub.

Collector substation

¹³ Please note that the detailed coordinates of the current layouts are included in **Annexure 7**.

- 132 kV onsite substation to receive, convert and step up electricity from the PV facility to the 132 kV grid suitable supply.

O&M Buildings

- O&M laydown area (near / adjacent substation). .
- Workshops, storage areas for materials and spare parts.
- Water storage tanks or lined ponds.
- Septic tanks and sewer lines to service ablution facilities.
- Central Waste collection and storage area.

Battery Storage Modules

- 500 MW Battery Storage Facility.

Electrical Connections

Each facility will have a generating capacity of up to 230 MW with the generated power to be connected to the proposed 132kV Belvedere Collector Switching Station via 132kV overhead lines, or will connect directly to a new Poortjie Wes LILO MTS.

Roads

- Gravel internal service roads within the plant boundary.

Other infrastructure

- Perimeter fencing and internal security fencing and gates as required.
- Access control gate and guard house on access road.
- Water supply pipeline connecting existing boreholes to storage, alternatively water will be supplied by the local municipality.
- Stormwater drainage.

20. Development specifics (continued)
20.5. Development impacts

See **Annexure 7** for the Basic Assessment Reports forming part of the environmental impact assessment processes. Please note that based on these findings, the siting of the development areas and solar PV layouts were selected.

In the interests of brevity and in the context of this application, the table below includes only some measures to mitigate possible impact.

Table 3			
Measurement of possible impact			
Potential Impact	Montana 1	Significance of impact Montana 2	Montana 3
Ecology	Low	Medium	Low
Avifauna	Medium	Medium	Medium

Heritage	Low	Low	Low
Visual	Medium	Medium	Medium
Social (+)	Low	Low	Low
Social (-)	Low	Low	Low
Traffic	Medium	Medium	Medium

In sum: The ecological importance of the development areas is regarded as medium, especially from a fauna, biodiversity and habitat perspective. The main expected impacts to be expected will be the loss of habitat and emigration of fauna.

20. Development specifics (continued)

20.6 Title deed

See **Annexure 2** for the title deeds of the relevant properties. A detailed deeds search was not completed as part of this application, but conveyancer's certificates are attached as **Annexure 2**.

20. Development specifics (continued)

20.7 Benefits of the proposed development

The proposed facility will form part of the Renewable Energy Independent Power Producer Procurement Programme rolled out countrywide, or the initiative by Government to allow larger-scale power producers to generate and sell-on unlimited electricity through registration without a generation licence.

Both these initiatives are intended to promote the use of renewable energy in the national energy mix of supply that is severely constrained. It is stated that rolling blackouts are here to stay for at least another 12 months, even if the government presses ahead with President Ramaphosa's recently announced energy plan. To implement the plan, it is crucial for Government to move with speed to register and approve new renewable energy projects that can feed electricity into the national electricity grid. In addition to electricity-related benefits, the development of a renewable energy facility contributes to income generation and (local) job creation.

Section VI – Development parameters

21. Land-use parameters

We believe this kind of renewable energy facility is straight-forward and almost inflexible in application, unlike, e.g. township development. Hence, there is relative simplicity in setting land use restrictions regarding, *inter alia*, built infrastructure, fencing, height, density, accessibility, safety and building lines.

Please note that the placement of the solar fields with associated setbacks from cadastral boundaries, critical and non-critical infrastructure adhere to normal practice for this kind of facility and as regulated by environmental legislation. We also state that all the relevant development parameters as per the Zoning Scheme Bylaw (see pages 76 to 78) have been or will be considered in the final placement of the solar fields. Thus, and at submission of this application, a final site development plan by facility was not yet available owing to on-going on-site monitoring, design and micro-siting of panels. We propose, as a condition of approval, the submission of the final site development plans to the relevant authority as part of the building plans approval before any construction activities commence.

Section VII – Communication and participation

22. Interested and Affected Parties

Mr Rode was informed that the public participation process might entail the following (to be confirmed by the Municipality):

- That a 'public' participation process be completed as determined by the municipality.
- Possible notification includes the following:
 1. Publishing of a notice, with the contents contemplated in section 47, in newspapers with a general circulation in the area concerned in at least two of the official languages of the Province most spoken in the area concerned
 2. Serving of notice on:
 - i. Every owner of land adjoining the land concerned.
 - ii. Identified Interested and Affected Parties.
- Publication on the municipality's website, a public meeting and on-site advertising is not required.

Section VIII – Conclusion

23. Wording of land use change

It is recommended that the applicable decision-making authority grant the following land use rights:

- **Consent use** of 'renewable energy structure' to accommodate the *Poortjie Wes cluster of solar PV facilities* with a facility on each of the following properties:
 - Portion 4 of the Farm Montana, 123
 - Remainder of Portion 3 of the Farm Montana, 123
 - Portion 1 of the Farm Belvedere, 73
- **Approval** for the purpose of registering lease agreements over each of the properties concerned.
- **Section 24(2) certificate** that the registration of servitudes and/or lease agreements for the provision or installation of on-site electricity transmission lines are exempt from an application in terms of section 15.

24. Desirability

Government must assess renewable energy generation initiatives by considering a wider-than-normal perspective on long-term structural changes, e.g. climate change, energy security and other shifts. In this regard, impacts are certain to happen. Planners must become aware of the need to take a broader look at spatial planning and land use management by, for example, considering buffer areas around existing installations as suitable locations for renewable energy infrastructure. Naturally, this should apply to developments in the Central Karoo district with clear signs that climate change will affect the area quite significantly, implying lower rainfall and some dampening of the current pattern of agricultural production.

The efforts to better utilise natural resources must also be intensified, e.g. power generation and the utilisation of alternative energy sources. Government has responded to the threat of energy security by announcing a broad-ranging set of interventions designed to add additional private generation capacity to the grid.

In this context and when applying the principles of economies of scale and highest and best use of land, the rationale for solar energy generation on the properties becomes clear. The proposed development (1) blends with the particular type of land(scape), (2) promotes the (better) economic use of land and infrastructure and (3) conforms to the outcome of socio-political interaction. This is best demonstrated by the approval and operation of similar facilities in proximity and the location of the *Poortjie Wes cluster* within a Renewable Energy Development Zone.

However, the proposed development will introduce a site-specific land use (on each of the three properties) that is different to (but not incompatible with) the established land use of farming. We believe the proposed land use is moderately compatible with the rural landscape and conforms to past land-use conversion initiatives in the area, e.g. high-voltage power lines, substations and renewable energy generation infrastructure. It is foreseen that the impact on on-site and adjacent land use because of the proposed facilities will be very low if mitigating measures are applied.

We believe that this document includes sufficient evidence that the proposal and beneficiary/beneficiaries conform to the intention of the development principles listed in section 7 and section 58 of the Spatial Planning and Land Use Management Act, 2016 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), respectively.

We also believe that this motivation report includes sufficient information regarding the criteria as listed in section 65 of the municipal bylaw, which must be considered in decision making on a land development application. The relevant response is given after each of the numbered criteria.

- (1) *When the Municipality considers an application, it must have regard to the following:*
 - (a) *the application submitted in terms of this Bylaw*
 - This application is submitted in terms of the municipal land use planning bylaw of the Beaufort West Municipality.
 - (b) *the procedure followed in processing the application*
 - The Beaufort West Municipality will inform the applicant regarding the processing of the application.
 - (c) *the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses*
 - The desirability of the proposed utilisation of land, viz. solar energy generation, is explained in this report.
 - (d) *the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act*
 - The Beaufort West Municipality will inform the applicant regarding the processing of the application.
 - (e) *the response by the applicant, if any, to the comments referred to in paragraph (d)*
 - The applicant will respond to any comments received from any Interested and Affected Party.
 - (f) *investigations carried out in terms of other laws that are relevant to the consideration of the application*
 - This report includes reference to investigations carried out in terms of 'other' laws.
 - (g) *a registered planner's written assessment in respect of an application for—*
 - (i) *a rezoning*
 - (ii) *a subdivision of more than 20 cadastral units*
 - (iii) *a removal, suspension or amendment of a restrictive condition if it relates to a change of land use*
 - (iv) *an amendment, deletion or imposition of additional conditions in respect of an existing use right*
 - (v) *an approval of an overlay zone contemplated in the zoning scheme;*
 - (vi) *a phasing, amendment or cancellation of a subdivision plan or part thereof*
 - (vii) *a determination of a zoning*
 - (viii) *a closure of a public place or part thereof*
 - This is the responsibility of the Beaufort West Municipality.
 - (h) *the impact of the proposed land development on municipal engineering services*
 - Municipal services will not be used.
 - (i) *the integrated development plan, including the municipal spatial development framework*
 - These plans have been assessed in this report to guide the desirability of the proposed solar PV facilities.
 - (j) *the integrated development plan and spatial development framework of the district municipality, where applicable*
 - These plans have been assessed in this report to guide the desirability of the proposed solar PV facilities.
 - (k) *the applicable local spatial development frameworks adopted by the Municipality*
 - These plans have been assessed in this report to guide the desirability of the proposed solar PV facilities.

- (l) *the applicable structure plans*
 - Not applicable.
- (m) *the applicable policies of the Municipality that guide decision making*
 - These policies have been assessed in this report to guide the desirability of the proposed solar PV facilities.
- (n) *the provincial spatial development framework*
 - This plan has been assessed in this report to guide the desirability of the proposed solar PV facilities.
- (o) *where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework*
 - Not applicable.
- (p) *the policies, principles and the planning and development norms and criteria set by the national and provincial government*
 - These guidelines (where applicable) have been assessed in this report to guide the desirability of the proposed solar PV facilities.
- (q) *the matters referred to in section 42 of the Spatial Planning and Land Use Management Act*
 - We are confident that the aspects to be considered in decision making by the relevant entity have been addressed in this report.
- (r) *the principles referred to in Chapter VI of the Land Use Planning Act*
 - We are confident that the aspects to be considered in decision making by the relevant authority have been addressed in this report.
- (s) *the applicable provisions of the zoning scheme*
 - The provisions in the zoning scheme have been adhered to.

Finally, we believe this document contains all the necessary information to enable the relevant authority to process and evaluate this consent use application.

Section IX – Annexures

Annexure 1:	Powers of Attorney and trust resolutions
Annexure 2:	Conveyancer's certificates and title deeds
Annexure 3:	SG diagrams
Annexure 4:	Application form
Annexure 5:	Set of maps
Annexure 6:	Locality map
Annexure 7:	Basic Assessment Reports
Annexure 8:	Bondholder's consent
Annexure 9:	Proof of payment