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Lêer verw/ 15/3/10-15/Farm_821/56

Navrae/Enquiries:
Ms D N Stallenberg

15 August 2023

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED CONSENT USE ON PORTION 56 OF THE FARM GROENE RIVIER NO. 821, DIVISION MALMESBURY

Your application with reference AL/12874/NG dated 14 September 2022 on behalf of J R W Livestock CC has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 8 August 2023 to approve the application for the consent uses on Portion 56 of the farm Groene Rivier, no. 821, Division Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises the establishment of a renewable energy plant comprised of photo-voltaic panels on a footprint of 7 900m², as presented in the application;
- (b) The consent use also authorises the establishment of a farm shop of 100m² in extent, as presented in the application;
- (c) The total footprint of the development, including the photo-voltaic panels, the farm shop, the charging stations, parking bays and circulation space around the facility, not exceeds 9 730m², as presented on Site Development Plan 63/P/100, dated 24 November 2022;
- (d) A detailed landscape plan, clearly illustrating the following:
 - (i) Mitigating measures, including landscaping and structural elements, to be employed in order to minimise light disturbances from the development towards affected properties;
 - (ii) Mitigating measures, including landscaping and structural elements, to be employed in order to minimise the visual impact of the development on the N7, the R304 and surrounding properties;be submitted to the Senior Manager: Development Management, for consideration and approval;
- (e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) The required number of parking bays be provided, in compliance with Section 13 of the By-Law, at building plan stage;
- (g) Each parking bay be clearly marked;
- (h) Application be made to the Senior Manager: Development Management for the right to display advertising and tourism signs;
- (i) A Certificate of Compliance be obtained from the West Coast District Municipality for the farm shop;
- (j) A trade licence be obtained from Swartland Municipality for the operation of the farm shop;

- (k) The owner/developer submits a decommissioning plan, including a cost estimate calculated by a similar, independent photo-voltaic plant developer, as well as a signed letter of intent from the owner/developer to honour the cost and management at such time as decommissioning of the plant becomes necessary;
- (l) The owner/developer submits a proposal for social contribution in terms of section 76(5) of the By-Law to the Senior Manager: Development Management for consideration and approval;

A2 WATER

- (a) Drinking water be made available at the farm shop, adhering to the standard determined by the West Coast District Municipality;
- (b) The exiting water volume allocated to the property not be increased;
- (c) The owner/developer be responsible to obtain additional water for the cleaning of the photo-voltaic panels from an external supplier, as presented in the application;

A3 SEWERAGE

- (a) No municipal sewerage connection be provided and that the effluent be treated on-site by means of a conservancy tank, as presented in the application;

A4 REFUSE REMOVAL

- (a) The owner/developer is responsible for refuse removal as presented in the application;
- (b) Prepaid vouchers be submitted, should any of the landfills in the municipal area be utilised. The vouchers are obtainable from any municipal office in the municipal area;

A5 ROADS

- (a) Access to the plant and facilities be restricted to the location agreed upon with the Western Cape Department: Infrastructure – Road Planning, illustrated on Site Development Plan 63/P/100 and confirmed by the Department in the letter of 12 April 2023, reference number TPW/CFS/RP/LUD/ACC-31/08;
- (b) Cognisance be taken of the correspondence from SANRAL, dated 6 April 2023 , reference number W11/4/3-7/1X-7;

B. GENERAL

- (a) Cognisance be taken of the correspondence from Openserve, dated 30 January 2023, reference number WWIP_WKKBK0289_23;
- (b) The land use approval will not cause exemption from complying with any other legal procedures, applications and/or approvals related to the intended land use;
- (c) The approval be, in terms of section 76(2)(w) of the By-Law, valid for 5 years from the date of decision by the Planning Tribunal or, if an appeal was lodged, 5 years from the outcome decision for or against the appeal;. All conditions of approval be implemented before the new land uses come into operation, without which, the approval will lapse and occupation will not be granted. Should all the conditions of approval be met before the 5 year approval period lapses, the approval period will not be applicable anymore;
- (d) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za. The appellant will be responsible for the payment of an appeal fee of R5 000,00, no later than 21 days after registration of the approval letter and ensuring that the appeal complies with the requirements of section 90 of the By-Law to be considered valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

C. The application be supported for the following reasons:

- (a) The proposed application is consistent and not in contradiction with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.
- (b) There are no physical restrictions on the property that will have a negative impact on this application. In fact, the physical characteristics render the property uniquely suited to accommodate the proposed resort and facilities.

- (c) The proposed consent uses are consistent with the character and zoning of the property and surrounding area.
- (d) The proposed activity will have a positive economic impact as it will generate income for the land owner, municipality (through rates and taxes) and tourism as a whole, through the spending of visitors to the area.
- (e) The proposal will generate a number of employment opportunities.
- (f) The development proposal does not trigger an EIA and will have no detrimental impact on the environment.
- (g) The proposal supports the generation of 'clean' energy and is aimed at contributing to the reduction of carbon emissions.
- (h) The cultural and natural heritage of the area is not negatively impacted upon and the visual impact of the development proposal will be mitigated.
- (i) The proposed development is not perceived to have a detrimental impact on the health and safety, nor the rights of surrounding land owners.
- (j) The agricultural practises of neighbouring farms are not foreseen to impact negatively on the proposed development and vice versa.
- (k) The development proposal is considered desirable within its context, i.e. spatially, culturally, environmentally and economically;
- (l) The necessary conditions were laid down to mitigate the visual impact of the development on the rural area.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services

/ds

Copies : Building Control Officer
Director: Infrastructure and Civil Engineering Services
Director: Financial Services
J R W Livestock CC, P O Box 33, Kalbaskraal, 7302, lombaardrudi@gmail.com