

## LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

## LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985)

## AMENDMENT OF ZONING SCHEME REGULATIONS

The Minister of Local Government, Environmental Affairs and Development Planning intends,

1. in terms of Section 9(2) of the Land Use Planning Ordinance, 1985—

(a) to amend the Zoning Scheme Regulations made in terms of Section 8 of the aforementioned Ordinance and published in the Provincial Gazette 353 of 20 June 1986 and 1048 of 5 December 1988, and

(b) to amend all Zoning Scheme Regulations that form part of the zoning schemes deemed as such in terms of Section 7(1) of the aforementioned Ordinance;

by:

(i) making provision, after the definition of 'Register' in the scheme regulations as contemplated in paragraph 1(a) above, and in the appropriate place in the scheme regulations as contemplated in paragraph 1(b) above, for a definition of the term "Renewable energy structure" in the Definitions:

'Renewable energy structure' means any wind turbine or solar voltaic apparatus, or grouping thereof, that captures and converts wind or solar radiation into energy for commercial gain irrespective of whether it feeds onto a electricity grid or not and includes any appurtenant structures or any research facility or structures that may lead to the generation of energy on a commercial basis.

(ii) the inclusion, in paragraph 2.5, Table B and paragraph 3.1.1 of the scheme regulations as contemplated in paragraph 1(a) above, of 'Renewable energy structure' as a consent use in the Agricultural zone I;

(iii) the inclusion, in the scheme regulations as contemplated in paragraph 1(b) above, of 'Renewable energy structure' as a consent use in the appropriate places in respect of the corresponding zone as contemplated in paragraph (ii) above;

(iv) the inclusion, as a new paragraph 3.1.5 under a new heading, 'Renewable energy structure' in the scheme regulations as contemplated in paragraph 1(a) above, and in the appropriate places in the scheme regulations as contemplated in paragraph 1(b) above, of the following Development parameters:

**Height:** At the most 150 metres above the mean ground level of land.

**Setback:** A distance equal to 1.5 times the overall blade tip height of the turbine from the nearest residential or commercial structures, the boundary of the land unit and any public road and private or public right of way.

**Finishing and Colour:** A neutral, non-reflective exterior colour designed to blend with the surrounding natural environment is mandatory for wind turbines. Solar structures may not cause any adverse effects due to their reflective nature and must be designed and erected in a manner to minimise possible negative effects.

**Lighting:** Wind turbines may only be lit if this is required by the South African Civil Aviation Authority in accordance with aeroplane safety standards. The lighting of other parts of a 'Renewable energy structure' must be limited only to providing for safety and operational purposes and must be appropriately shielded from abutting land units.

**Signage and Advertising:** Signs on 'Renewable energy structure' must comply with national and local signage regulations and are limited to those necessary to identify the owner, provide 24 hours emergency contact phone numbers and warn of any danger. No commercial advertising including in respect of the provider may be displayed on Renewable energy structures.

**Noise:** 'Renewable energy structure' or related structures may not cause or indirectly cause any noise pollution or be deemed as a nuisance in terms of the National Environmental Management: Air Quality Act, No. 39 of 2004, the Environmental Impact Assessment regulations or municipal by-laws.

**Land clearing, soil erosion and habitat impact:** The clearing of natural vegetation is limited to that which is necessary for the construction, operation and maintenance of the 'Renewable energy structure' and regulated by the applicable Environmental Legislation. All land cleared and which does not form part of the footprint of a 'Renewable energy structure', must be rehabilitated according to an approved rehabilitation plan for the land concerned. Soil erosion may not take place, and the rehabilitation of any high risk erosion areas is essential. Applications must prove that they have considered all adverse effects in respect of, and necessary distances that should be maintained from inter alia: wetlands/water bodies, threatened ecosystems, mountains, ridges and hills, coastal buffers, telecommunication towers, transmission towers and power lines.

**Maintenance:** The owner is responsible to maintain a 'Renewable energy structure' or appurtenant structures in a good condition. Maintenance must include, but is not limited to, painting, structural repairs and the upkeep of security and safety measures. The owner is responsible for the cost of maintaining the facility and any access road, unless deemed a public way, and for the cost of repairing any damage occurring as a result of construction and operation.

**Modification:** Any modification to a 'Renewable energy structure' made after approval require authorisation from the competent authority within the parameters of these regulations or if necessary and desirable, a departure.

**Decommissioning or abandonment:** Any 'Renewable energy structure' which has reached the end of its useful life or has been abandoned, must be removed. A Renewable energy structure shall be considered abandoned when the facility fails to operate for more than one year. When the 'Renewable energy structure' is scheduled to be decommissioned or operations have been discontinued or it has been abandoned, the owner must notify the competent authority by registered mail of the proposed or past date concerned, and of plans for removal. The owner is responsible for the physical removal of the facility in all its parts not more than 150 days after date of discontinued operation. The land must then be restored to the condition it was in before the facility was constructed. Decommissioning must include, inter alia, the physical removal of all wind turbines, solar voltaic structures, equipment, security barriers and transmission lines from the site; disposal of all solid and hazardous waste in accordance with provincial and local waste disposal regulations, and the stabilisation and revegetation of the site to minimise erosion. The competent authority may grant approval to the owner not to remove landscaping or underground foundations in order to minimise erosion and disruption to natural vegetation and habitats. If the owner fails to remove the facility or parts thereof in accordance with the requirements of these regulations within 150 days of abandonment or the date of decommissioning, the competent authority may enter the property and physically remove the facility. All removal costs in such a case will be the owner's responsibility.

**Appurtenant Structures:**

- All appurtenant structures to a 'Renewable energy structure' must be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, setbacks, open space, parking and building coverage requirements;
- All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers and substations, must be:
  - architecturally compatible with each other, and be
  - contained within a 'Renewable energy structure' site;
- Appurtenant structures shall only be used for the storage of equipment for the particular site.
- Appurtenant structures should be shaded from view by indigenous vegetation and/or located in an underground vault or be joined and clustered to avoid adverse visual impacts.

Any comments should be lodged in writing to the office of the Director: Environmental and Spatial Planning, Private Bag X9086, Cape Town or at Dorp Street, Cape Town before or on Friday, 17 June 2011. Comments can also be faxed to (021) 483-4527 or e-mailed to kyan.apolles@pgwc.gov.za.

13 May 2011

23236

PLAASLIKE REGERING, OMGEWINGSKE EN ONTWIKKELINGSBEPLANNING

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985 (ORDONNANSIE 15 VAN 1985)

WYSIGING VAN SONERINGSKEMAREGULASIES

Die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning is van voorneme om—

1. Ingevolge artikel 9(2) van die Ordonnansie op Grondgebruikbeplanning, 1985—

(a) Die Skemaregulasies afgekondig in terme van Artikel 8 van die voorgenoemde Ordonnansie en gepubliseer in Provinsiale Kennisgewing 353 van 20 Junie 1986 en 1048 van 5 Desember 1988, en

(b) Alle Skemaregulasies wat deel is van soneringskemas wat ingevolge artikel 7(1) van voorgenoemde Ordonnansie as sodanig geag is,

te wysig deur:

(i) Voorsiening te maak vir 'n omskrywing van die term 'Hernubare energie struktuur', na die definisie van Grondverdieping in die skemaregulasies soos beoog by paragraaf 1(a) hierbo en op die toepaslike plek in die skemaregulasies soos beoog in paragraaf 1(b) in die Woordbepaling/Definities:

'Hernubare energie struktuur' beteken enige wind turbine of son apparaat, of groepering daarvan wat wind en sonbestraling opvang en omsit in energie vir kommersiële gewin ongeag of dit in die elektrisiteitsnetwerk invoer of nie sluit in enige bybehorende strukture of enige navorsingsfasiliteit of struktuur wat moontlik mag lei tot die opwekking van energie op 'n kommersiële basis.

(ii) die invoeging, in paragraaf 2.5, Tabel B en paragraaf 3.1.1 van die skemaregulasies soos beoog by paragraaf 1(a) hierbo, van 'Hernubare energie struktuur' as vergunningsgebruik in die Landbousone I;

(iii) die invoeging, in die skemaregulasies soos beoog by paragraaf 1(b) hierbo, van 'Hernubare energie struktuur' as vergunningsgebruik in die ooreenstemmende sone soos genoem in paragraaf (ii) hierbo;

(iv) die invoeging as 'n nuwe paragraaf 3.1.5 onder 'n nuwe opskrif, 'Hernubare energie struktuur' in die skemaregulasies soos beoog in paragraaf 1(a) hierbo en in die toepaslike plekke in die skemaregulasies soos beoog in paragraaf 1(b) hierbo, van die volgende ontwikkelingsparameters: