

PROVINCIAL NOTICE

No. 6

DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS
EASTERN CAPE.

LAND USE PLANNING ORDINANCE 1985 (ORDINANCE 15 OF 1985)
AMENDMENT OF ZONING SCHEME REGULATIONS.

I, Mlibo Qoboshiyane in my capacity as a Member of the Executive Council responsible for the Department of Local Government and Traditional Affairs Eastern Cape intends,

- 1 in terms of Section 9(2) Ordinance 15 of 1985 ("LUPO") applicable in the Eastern Cape -
 - a) to amend the Zoning Scheme Regulations made in terms of Section 8 of the LUPO 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 LUPO.

by

- (i) making provision, after the definition of "Register" in the scheme regulations as contemplated in paragraph 1(a) 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, solar energy generating apparatus (including solar photo-voltaic and concentrated solar thermal), small scale hydro turbines or bio mass facility and or any grouping thereof, that captures and converts wind, solar radiation or bio mass into energy for commercial gain irrespective of whether it feeds onto an electricity grid or not and may include



Ikumva eliqambileyo!

administration facilities and any associated infrastructure that may lead to the generation, transmission, and distribution of electricity on a commercial basis. Such infrastructure may also include but is not limited to: workshops and stores, offices, site canteen, medical station, fire station, a tourist facilitation centre, ambulance garage, compressor house buildings, water supply infrastructure, research facilities, guard houses and recreational facilities for personnel.

- (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 1";
- (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;

Renewable Energy Structure Development Parameters

Height: Wind Turbine at the most 200 metres above the mean ground level of land.

Setback: A distance equal to 1.5 times the maximum structure height from the nearest public, residential or commercial structures, the boundary of the land unit and any public road and or public right of way.

Consent Use: The consent use for the erection on and utilization of the property / land portion for a renewable energy structure be granted for a maximum period of 25 (twenty five) years.

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 size, setbacks, open space, parking and building coverage requirements;

All such appurtenant structures must be -

Architecturally compatible with each other, and

Appurtenant structures should be shaded from view by indigenous vegetation and / or clustered to minimize visual impacts; and

A site development plan must be submitted and approved by the municipality concerned indicating the location, specifications as well as positioning of the renewable energy structure and associated facilities supporting infrastructure and access roads. The site development plan must form part of the approval.

The location of the proposed renewable energy structures as well the associated buildings, roads and servitudes must comply with relevant Environmental Legislation.

All comments should be lodged in writing to the office of the Senior Manager: Spatial Planning Private Bag X35 Bhisho 5605 or at the Office 1165 Tyamzashe Building Phalo Avenue Bhisho on or before 22 February 2012.

Comments can also be faxed to 040 609 5525 or email to dirk.duplessis@eclogta.gov.za

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Also available at the Legal Advisory Services, **Province of the Eastern Cape**, Private Bag X0047, Bisho, 5605. Tel. (040) 635-0052