



OFFICE OF THE MUNICIPAL MANAGER  
BERGRIVIER MUNICIPALITY  
P.O. BOX 60  
PIKETBERG  
7320

MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION HELD ON TUESDAY  
6 OCTOBER 2020 AT 15:00 AT THE MUNICIPAL OFFICES, PIKETBERG

**PRESENT**

Authorised Official (Manager: Planning and Environmental Management: W Wagener)

ACTION

AON001/10/2020

**APPLICATION FOR DEPARTURE: PORTION 64 OF THE FARM EENDEKUIL NO.71, DIVISION  
PIKETBERG  
Farm 71/64**

**RESOLUTION: APPROVED**

That the application made in terms of section 15 of Bergrivier Municipal By-Law Relating on Municipal Land Use Planning for permanent departure of the Northern building line from 30meter to 10meter and Eastern building line to 3.5meter respectively to accommodate existing and proposed agricultural buildings (two storage silos) and permanent departure of the 15meter height restriction to 23meter to allow the erection of two storage silo's on Portion 64 of the Farm Eendekuil No. 71. Division Piketberg, **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning.

**TOWN AND REGIONAL  
PLANNER: EAST  
(KEENIN ABRAHAMS)**

**REASONS FOR RESOLUTION**

Section 65 (i) of Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the Integrated Development Plan (IDP), including the Municipal Spatial Development Framework (MSDF) 2019-2024

The zoning of the property remain the same and the application do not give rise to circumstances inconsistent with the MSDF.

Section 65 (d) consideration of comments on response to the notice of the application etc.

No objections were received from surrounding affected property owners or general public. Approval were received from the Department of Transport.

Relevant consideration were given to the development principles of Spatial Justice, Spatial efficiency as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014.

Allowing departure from the height restriction from 15m to 23m will enable the owner to develop two storage silos in accordance with the main activities of the rooibos tea processing plant, similar to other storage silos in the vicinity of Eendekuil. Ground level storage bags on this land unit considering their size of 1350m<sup>2</sup>, will infringe on the areas used to dry rooibos tea. By allowing the proposed storage silos and existing building line encroachment is considered spatially sustainable, without having an impact on the main activities of the



agricultural land unit. The property is already services and has no impact on municipal engineering services.

Spatial Justice

The property is located in close proximity to Eendekuil's residential areas, within the urban edge and within walking distance to job opportunities on the land unit. By allowing this additional vertical storage units on site, will prevent storage elsewhere in the rural area. Storage elsewhere will negatively impact the local community already working on site as they will have to travel further to their work place, this would be inconsistent with the principle of spatial justice by bringing work opportunities in closer proximity to previous disadvantage communities and their homesteads. The proposal in its current form do have a contribution to spatial justice and should be supported from this perspective.

The zoning of the property remain the same.

The proposed utilisation will support job creation and improve the social well-being of the local community in a rural setting, strengthening the rural economy. The storage of rooibos tea, furthermore promote the sustainable development of agricultural land, without impacting on other agricultural activities on site.

The proposed utilisation of land do not impact on municipal civil and electrical engineering services. Allowing the departure of height restrictions is similar to other storage units in the vicinity of Eendekuil for grain, which is compatible with the dominant agricultural land uses in the area. Allowing silo storage units is not foreign to the local community and no objections were received against the application from surrounding property owners or the Ward Councillor.

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**AON002/10/2020**

**APPLICATION FOR REMOVAL OF RESTRICTIONS : ERF 593, PIKETBERG  
PB. 593**

**RESOLUTION: APPROVED CONDITIONALLY**

1. That the application received in terms of section 15 of Bergrivier Municipal By-Law Relating to Municipal Land Use Planning for removal of restrictive conditions as contained in deed of transfer T98618/1997 namely : B.5 (a), (b), (c) and (d) in order to rectify existing encroachments and to allow the erection of a second dwelling unit on Erf 593, Piketberg, **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:
  - 1.1. All additional structures and/or alterations to existing structures must be of corresponding architecture;
  - 1.2. The second dwelling unit may not exceed 60m<sup>2</sup> in extent, unless a consent use or land use approval has been granted for it in terms of Bergrivier Municipality By-law on Municipal Land Use Planning; and
  - 1.3. The second dwelling unit must connect to existing services available to the property.

**TOWN AND REGIONAL  
PLANNER: EAST  
(KEENIN ABRAHAMS)**



2. That the applicant at whose instance this restrictive title deed conditions are removed/amended must, after the publication of a notice contemplated in terms of section 33 (6) of Bergrivier Municipal By-law relating to Land Use Planning, in the Provincial Gazette, apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal/amendment of the restrictive conditions prior to any building plan approval.

### **REASONS FOR RESOLUTION**

Section 65 (i) of Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the Integrated Development Plan (IDP), including the Municipal Spatial Development Framework (MSDF).

*Erf 593, Piketberg is earmarked for residential purposes and the land use being applied for will not detract from the surrounding residential area. The zoning of the property remains the same, a second dwelling unit not exceeding 60m<sup>2</sup> is also a primary right on the property. The application furthermore has a contribution to densification. The application is therefore consistent with Bergrivier Municipal Spatial Development Framework 2019-2024(BMSDF).*

Section 65 (d) consideration of comments on response to the notice of the application etc.

No objections were received against the proposed application.

Section 65 (h) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the impact of the proposed development on municipal engineering services.

The application has no impact on municipal technical services as services are already available to the property. The structures must connect to existing municipal services available to the property.

Relevant consideration were given to the development principles of Spatial Justice, Spatial efficiency and Spatial Sustainability as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014.

Development principle of Spatial Justice - Section 59 (1) (a) of the Land Use Planning Act, 2014 prescribe the following development principle "*past spatial and other development imbalances should be redressed through improved access to, and utilisation of land*"

Deed of Transfer nr. T98618/1997 contains several conditions of a general and public nature that have been imposed at the behest of the Administrator and the Municipality at the establishment of extension 3 of Piketberg during the early 1954's, with the purpose to protect the amenity and character of the specific extension. It is submitted that this aforementioned norms and standards have materially change though the years and that the proposed utilization of Erf 593 Piketberg comply with the current state of affairs.

Development principle of Spatial Efficiency – Section 59 (3) (a) of the Land Use Planning Act, 2014 prescribe the following "*land development should optimise the use of existing infrastructure...*"



No objections were received from internal municipal departments, giving an indication that the proposed application is efficiently accommodated within available resources.

Section 65 (s) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the provisions of the applicable zoning scheme.

The proposed application do not affect the zoning of the property. No objections were received from surrounding affected property owners. The proposed conversion of a portion of the existing dwelling house to second dwelling unit of 56.18m<sup>2</sup> is a primary right on the property. The current coverage of the property is 29% and no departure is required.

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**AON003/10/2020**

**APPLICATION FOR CONSOLIDATION, SUBDIVISION, REZONING: ERF 1692, 453, 454 & 455 PIKETBERG**

**PB. 1692, 453, 454 & 455**

**RESOLUTION: APPROVED CONDITIONALLY**

1. That the applications made in terms of section 15 of Bergrivier Municipal By-Law Relating on Municipal Land Use Planning for :

- 1.1 Rezoning of Erf 1692 Piketberg from Undetermined Zone to Industrial Zone 2 for industrial purposes;
- 1.2 subdivision of Erf 1692 Piketberg into Portions A & B (±2000m<sup>2</sup> respectively) and Remainder Erf 1692 Piketberg (±1.7176 hectare);
- 1.3 consolidation of Erven 453, 454 & 455 Piketberg to create a newly consolidated land unit (±5949m<sup>2</sup>) to formalise and rectify existing building line encroachments; and
- 1.4 application for consolidation of the newly created consolidated land unit (Erven 453, 454 & 455 Piketberg, ±5949m<sup>2</sup>) with Remainder Erf 1692 Piketberg (±1.7176 hectare) to create a land unit ±2.3152hectare in extent for industrial purposes, **be approved** in terms of section 60 Bergrivier Municipality By-law on Municipal Land Use Planning, subject to the following conditions:
  - a) The newly created land units (Portion A & B) be provided with separate water-, electricity-, sewerage connections and access;
  - b) Additional services that may be required as a result of the proposed utilisation of land must be borne by the developer/owner(s) as negotiated and agreed between the owners/developer and this Municipality Technical Department;
  - c) Bulk service contributions be paid for the newly created land subdivided portions as predetermined in the municipal budget; and
  - d) Development of the land units must comply with the development parameters of the applicable zoning scheme by-law.

**TOWN AND REGIONAL  
PLANNER: EAST  
(KEENIN ABRAHAMS)**

**REASONS FOR RESOLUTION**

Section 65 (1)(a) to (t) of Bergrivier Municipal By-law Relating to Municipal Land Use Planning prescribe the criteria for consideration of land use



application, among other the following relevant criteria were considered:

Section 65 (i) of Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the integrated development plan, including the municipal spatial development framework.

The spatial proposal map of Piketberg earmark the Erf 1692 Piketberg for industrial diversification. Erven 453, 454 and 455 Piketberg's zoning after consolidation will remain the same. The spatial strategies as provided in the SDF for socio-economic environment states among other "**expand industrial activities on the eastern side of the N7 to promote job creation and skills development**". The proposed application for rezoning, subdivision is consistent with Bergrivier Municipal Spatial Development Framework 2019-2024.

Section 65 (d) consideration of comments on response to the notice of the application etc. No comments was received from surrounding affected property owners or general public.

The ward councillor and technical department have no objections against the application. No objections were received from surrounding property owners or general public.

Section 65 (h) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the impact of the proposed development on municipal engineering services.

The proposed application has a minimal impact on existing services, on account of comment received from this municipality's technical departments, subject to conditions. The application therefore has no financial burden on the municipality.

Relevant consideration were given to the development principles of Spatial Justice, Spatial efficiency and Spatial Sustainability as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014.

#### Spatial Justice

Erven 1692, 453, 454 & 455 Piketberg are located in the earmarked industrial area of Piketberg. Existing land that would have been excluded from development is made available and industrial activities is expanded and made available to the market by the proposed application, in line with spatial guidelines, creates job opportunities and within the urban edge of Piketberg where dominant industrial activities exist, and within walking proximity of the local community.

#### Spatial Sustainability and efficiency

The proposed development is within the urban edge of town and outside any natural or conservation areas within close proximity of available municipal engineering services. The proposed application is in line with current norms as provided in the SDF for industrial expansion. The proposal can be regarded sustainable on account of aforesaid. Piketberg is a service and commercial node of the surrounding agricultural sector, allowing expansion of such land uses in the industrial area within town will strengthen the local economy.



Section 65 (s) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the provisions of the applicable zoning scheme.

Sufficient space will be available on the remainder of Erf 1692 and the newly created Portion A and B to comply with the development parameters of industry as provided in the zoning scheme bylaw.

The application is furthermore determined desirable from a planning perspective taking into account aforesaid relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning, subject to conditions.

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**AON004/10/2020**

**APPLICATION FOR REZONING AND CONSENT USE: REMAINDER FARM LANGBERG NO. 91, DIVISION PIKETBERG**

**Farm 91**

**RESOLUTION: APPROVED CONDITIONALLY**

1. That the application for Rezoning of a portion ( $\pm 2800\text{m}^2$  in extent) of Remainder farm Langberg No. 91, Division Piketberg from Agriculture Zone 1 to Resort Zone 1 for tourist accommodation, and Consent use in Resort Zone 1 for a tourist facility and function venue, in accordance with the site plan dated October 2019 with reference FARM RE/91, 29/91 & 6/91 PB, **be approved**, subject to the following conditions:
  - a) That development takes place reasonably in accordance with the sketch design proposal plan by Warrick Raubenheimer dated 25 September 2019;
  - b) That tourist accommodation may only be offered on a temporary basis and no alienation of units are permitted;
  - c) Adherence to the conditions listed in the Department of Water and Sanitation's letter referenced 16/2/7/G10K/A/8 dated 21 May 2020;
  - d) A service level agreement be entered into between the developer and the Municipality's Directorate Technical Services, to the satisfaction of the Municipality's Directorate Technical Services, prior to any construction works taking place;
  - e) Compliance with all controlling Environmental Health legislation including obtaining a Certificate of Acceptability from the West Coast District Municipality; and
  - f) This approval does not exempt the owner(s)/applicant from complying with the requirements of any other legislations e.g. Environmental legislation.
2. That the application for Consent use for two additional dwelling units for guest accommodation on Remainder farm Langberg No. 91, Division Piketberg indicated as Guest house 1 and Guest house 2 on the site plan dated October 2019 with reference FARM RE/91, 29/91 & 6/91 PB, **be approved**.
3. Consent use for off-road bicycle trails on Portions 6, 29 and Remainder of farm Langberg No. 91, Division Piketberg, **be approved**, in

**TOWN AND REGIONAL  
PLANNER: WEST  
(HANNES VERMEULEN)**



accordance with the off-road trail maps dated October 2019 with reference FARM RE/91, 29/91 & 6/91 PB.

**REASONS FOR RESOLUTION**

The application is consistent with the development principles of LUPA and SPLUMA and is desirable from a planning perspective taking into account the relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning.

Section 59(3)(a) of the Land Use Planning Act requires that land development should optimise the use of existing resources, infrastructure, agriculture, land minerals and facilities. Part of the proposal involves the renovation of existing buildings and erecting buildings on existing footprints within the existing resort.

Section 22 of the Spatial Planning and Land Use Management Act requires that development applications must be consistent with the municipal spatial development framework and may only be departed from in site specific circumstances. Bergrivier Municipality's SDF acknowledges the importance of agriculture as a key economic sector for the municipality. The SDF describes Piket-Bo-Berg as a highly productive irrigation farming area. The SDF also recognises Piket-Bo-Berg as one of Bergrivier's unique landscape features with the potential for further development as a tourist destination. The SDF lists Piket-Bo-Berg and agri-tourism as opportunities and competitive advantages for Bergrivier Municipality. The proposed extension of the resort and the establishment of related recreational amenities is regarded as being in line with the Bergrivier Municipality Spatial Development Framework.

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**EVALUATION COMPLETED AT 16:00**

**CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

  
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**AUTHORISED OFFICIAL**

07/10/2020  
/DATE