

LAND USE PLANNING ASSESSMENT REPORT FOR **LANGEBERG MUNICIPAL PLANNING TRIBUNAL**
(In terms of Sections 56, 65 & 66 of the Langeberg Land Use Planning Bylaw PN 264/2015, 30 July 2015)

REM OF MYRTLE GROVE 217, ROBERTSON: TEMPORARY DEPARTURE FOR RECYCLING FACILITY

Date of meeting: 4 May 2022

Reference number	15/4/14/9	Application submission date	12.10.2021	Date report finalised	14/04/2022
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PART A: AUTHOR DETAILS

First name(s) & Surname	Tracy Brunings
Job title	Assistant Town and Regional Planner
SACPLAN registration number	Pr. Pln A/951/1997

PART B: PROPERTY DETAILS

Property description (Title Deed)	Rem of Myrtle Grove 217, Robertson				
Physical address	±5km W of Bonnievale off MR287	Town	Rural - Wolvendrift		
Current zoning	Agricultural Zone I	Extent (m2 /ha)	94,1593ha.	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Langeberg Integrated Zoning Scheme, 2018				
Current land use	Agricultural			Title Deed number & date	T13774//1996
Any restrictive title conditions applicable	Y N	If Yes, list condition number(s)	The restriction in the Title Deed that this farm may not be transferred, bonded or administered without Ptn 3/215, has been waived by the Minister of Agriculture (26 March 2019).		
Any third party conditions applicable?	Y N	If Yes, specify			
Any unauthorised land use/building work	Y N	If Yes, explain			

PART C: APPLICATION DESCRIPTION

Application has been lodged for temporary departure for a recycling facility in an existing fenced area of ±1,2ha. With reference to the plans at [Annexure A](#), the proposed uses are as follows:

- Existing closed building of ±280m² to be used for offices and ablution facilities;
- Old milking parlour of ±360m² and adjacent room of 35m² to be used for the recycling facility;
- Existing roofed areas and an open store to be used for the storage of recycled bales; and
- Open areas to be used for parking and off-loading.

The photo sheet at [Annexure B](#) illustrates the current existing disused buildings.

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

An application for subdivision of this farm into Ptn A/217 (41,7ha.) and a Remainder (52,46ha.) was approved in 2019 and is in the process of being registered. PtnA/217 is in the process of being consolidated with the adjoining farm (Ptn 90/169). The proposed recycling facility will be located on the proposed Rem of Myrtle Grove 217 (52,46ha.).

Agricultural activities on the proposed Rem of Myrtle Grove 217, Robertson comprise some 15,4ha. of orchards (citrus), with 16,9ha. water registered at the Zanddrift Water Users' association. Buildings on the farm comprise: a primary dwelling house, additional dwelling units, farm labourer housing, offices and disused agricultural buildings.

The applicant's motivation report is attached at [Annexure C](#). The applicant motivates that the proposed land uses are desirable in terms of the following:

- The Rural Areas Guideline supports businesses serving the needs of the rural community in suitable locations.
- This is a temporary use of existing and unused buildings on a farm – the previous use of the buildings has become redundant due to a change in the nature of agricultural land use of the farm.
- There is a lower chance of squatting and looting when buildings are occupied and used.
- These buildings can be functionally used for a business that contributes to the sustainability of the farm without any negative impact on the surrounding rural community.
- Three permanent work opportunities are created with a further 5 temporary work opportunities.
- Only recycled materials are fetched or delivered to the proposed facility.
- Limited waste is generated and this will be transported to the municipal refuse site.
- The use is space-extensive and difficult to locate within the existing towns.
- Adequate space for turning and loading / offloading.

The applicant further motivates that the proposed development is consistent with SPLUMA, LUPA and the Langeberg SDF, 2015.

PART E: SUMMARY OF PUBLIC PARTICIPATION

Public participation required in terms of Sections 45- 49 of the By-law?

Y

N

Where participation is required,
state method of advertising

Press

Notices

Ward Councillor

Other

PART F: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION (If applicable)

The application was not advertised. Letters were sent to the surrounding property owners on 26 October 2021. No comments or objections were received from neighbours.

PART G: SUMMARY OF COMMENTS AND OBJECTIONS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

The following departments had no objection to the proposed development:

- ☐ Manager: Civil Engineering Services
- ☐ Manager: Electrical Engineering Services. It is noted that the property already has electricity supply. However, there is currently no capacity available from Eskom.
- ☐ Cape Winelands District Municipality: Health
- ☐ Department of Water Affairs (Breede Gouritz Catchment Management Agency: BGCMA)
- ☐ Eskom
- ☐ Ward Councillor

Objections were received from the following Departments (refer to [Annexure D](#)):

The WC Department of Agriculture does not support the application "as the use is intended as an industrial use which is not related to primary agricultural processing and will set a precedent".

The Department of Transport objects to the application as the current access alignments off MR287 are not ideal, and various improvements to these access points have been required in the past, which improvements have not yet been completed.

PART H: APPLICANT'S RESPONSE TO DEPARTMENTAL COMMENTS AND OBJECTIONS (Annexure E)

With regard to the restrictions in terms of electricity availability, the applicant is able to make use of a generator until such time as electricity becomes available.

With reference to the WC Department of Agriculture's comments, the applicant agrees that it is a sound land use principle to not allow industrial uses on agricultural land and that "setting a precedent" needs to be avoided. However, it is argued that this application will not set a precedent given the use of existing, disused buildings on a temporary basis. It is further noted that: there is a lack of alternative zoned industrial sites; the approval will ensure that current jobs are retained; and no objections were received from neighbours.

With reference to the WC Department of Transport's requirements for improvement of the intersection with MR 287, the applicant advises that a site meeting has been held between the applicant and the DoT, and alternative options for road improvements are in the process of consideration.

PART I: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

With reference to Section 65 of the Langeberg Land Use Planning Bylaw, PN 264/2015 of 30 July 2015 an application is required to be assessed, *inter alia*, in terms of the following:

- desirability of the proposed use (with reference to Province's "Relevant Considerations Guideline");
- compliance with relevant plans (IDP, SDF, PSDF): The proposal must be consistent with the forward planning vision for the application area. Only in exceptional circumstances should deviation from these policies and/or plans be considered;
- compliance with relevant policies and principles;
- compliance with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014): In terms of section 49 of LUPA consideration must be given to applicable spatial development frameworks and structure plans, and the desirability of the proposal must be determined. In addition, the proposal must be consistent with the land use planning principles referred to in section 59 (spatial justice, spatial sustainability, efficiency and good administration); and
- compliance with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013): The proposal must be consistent with the principles of spatial justice, spatial sustainability, efficiency, spatial resilience and good administration. Public interest, constitutional transformation imperatives, facts and circumstances of the application, rights and obligations of those affected, impact on engineering services/social infrastructure/open space requirements, *inter alia*, must be taken into account.

Rem of Myrtle Grove 217, Robertson is zoned Agricultural Zone I in terms of the Langeberg Integrated Scheme, 2018. The proposed recycling business is not specifically defined. It could be accommodated in an Industrial zone, under the definition of Industry, namely a "property ... in which an article is ... processed, adapted .. sorted ...". However, there is no suitably located and sized Industrial zoned site within the towns of Bonnievale and Robertson. Further, the use is not a conventional industry comprising a "factory" as per the definition of "industry", and will operate as a service to the community by reducing waste to landfill and re-purposing waste generated within the Municipal area. It is therefore not considered as a conventional industrial use which would set a precedent for other conventional industrial uses to locate in the rural areas.

The proposed use is considered to be in line with the overall aims of the Provincial SDF, the Langeberg SDF and the Rural Land Use Planning and Management Guidelines (RLUPM, 2019). The guidelines for the Agriculture SPC (pp 26 & 27) support the processing of local products on farms where "land uses are of an appropriate scale that do not detract from farming production, that diversify farm income and add value to locally produced products" (albeit waste products). Chapters 12 and 13 relating to Rural Business and Rural Industry (pp 56 & 57 and 58 & 59, respectively) of the RLUPM Guidelines recommend that non place-bound business should be located in urban areas, however, as noted above, there are no suitably located and sized Industrial zoned sites within the Bonnievale / Robertson area, and the proposed use meets the specified criteria of "generating positive socio-economic returns, not compromising the environment or ability of the municipality to deliver on its mandate" and will not adversely impact on "the agricultural activities, agricultural sustainability or the scenic heritage and cultural landscape". Further, it could be argued that the use is partially ancillary to agriculture and serving the rural needs, as recyclable waste is also generated by the rural areas. Such rural business/ industrial activities in suitable locations, and at appropriate scale, are viewed as strengthening the rural economy.

The buildings proposed to be used were previously used for purposes permitted as a primary right in the Agricultural Zone (dairy and agricultural stores). The farm is leased to Unipack farms which has converted the agricultural land use of the farm to citrus production, and there is currently no need for the existing buildings for agricultural purposes. Existing underutilized farm buildings will be optimally used and the proposed scale of development is well suited to the existing infrastructure on the farm in terms of scale and the fact that this infrastructure is already fenced, which assists with litter prevention, and security. Furthermore, existing services will be used; and there is sufficient space for storing the finished product. It is noted that there is a current shortage of electricity despite the existing connections to the site. The applicant is able to make use of a generator until such time as electricity becomes available.

The existing vehicular access will be used. The site has good accessibility, being located just off the Bonnievale-Robertson road (MR287) with good access to Robertson, Bonnievale and to the N2 via Stormsvlei. There is sufficient space for the provision of parking, loading and turning areas in accordance with the Zoning Scheme requirements. Nonetheless, the Department of Transport objects to the alignment of the existing access roads onto the MR287 from Farms 216 and Re/217 as shown by the red arrows in the google image below:



Various improvements to the above access points are currently being negotiated between the farm owners, the applicant and the Department of Transport. Given that these concerns do not relate specifically to the proposed land use in question and need to be addressed regardless of whether the recycling facility is in operation, it is considered that the requirements relating to improved access onto the MR 287, should not hold up the decision on the current application. Realignment of the access points, to the satisfaction of the Department of Transport, is recommended as a condition of approval. Compliance with the zoning requirements relating to parking and loading provision, is also recommended as a condition of approval.

No natural vegetation is impacted on, as the proposed use will occupy existing buildings, with existing services. The primary use of the property will remain agricultural and the proposed recycling business will not impact on land under agricultural production. The use is temporary, for a maximum period of 5 years, where-after the buildings could be reused for agricultural purposes.

The proposed recycling business does not require water supply other than for drinking and sewage services, which are already available. BGCMA has no objection to the proposed recycling business.

Materials to be recycled are plastic and paper that will be baled to form bales of 150-200kg each. No further processing is done - the bales are stored and transported per truck where they are sold as is. Only one baler will be used within an existing building, with noise levels similar to agricultural equipment.

There are no conditions of title that restrict the proposed development. No additional cadastral entities are being created, and no levies are payable.

In terms of the SPLUMA and LUPA principles, the proposed recycling facility will promote spatial justice in terms of the inclusion of previously disadvantaged and improving access to land; promote efficiency and spatial sustainability in terms of the efficient use of existing buildings and with no adverse impact on agricultural land or environmentally sensitive land. Spatial resilience and good administration will be facilitated through accommodating flexibility in terms of land use management systems and contributing to less waste to landfill.

PART J: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS (N/A)

PART K: RECOMMENDATION

That the application for temporary departure for a recycling facility in an existing fenced area of $\pm 1,2$ ha on Rem of Myrtle Grove 217, Robertson, be approved in terms of Sections 60 of the Langeberg Land Use Planning Bylaw, PN 264/2015, of 30 July 2015 subject to the following conditions in terms of Section 66 of the Bylaw:

1. The development and use of the property and buildings must be substantially in accordance with the plans marked MYRTLE GROVE 217/R ROB-LBM-LP and TP (May 2022).
2. The existing structures may only be used as follows:
 - 2.1. Existing closed building of $\pm 280\text{m}^2$ to be used for offices and ablution facilities;
 - 2.2. Disused milking parlour of $\pm 360\text{m}^2$ and adjacent room of 35m^2 to be used for the recycling facility;
 - 2.3. Existing roofed areas adjoining the disused milking parlour, and existing open store to be used for the storage of recycled bales; and
 - 2.4. Open areas to be used for parking and off-loading.

No recycling materials may be received, stored or sorted outside the above identified areas.

3. Prior to the use commencing:
 - 3.1. Provision must be made for parking and loading in accordance with the Zoning Scheme requirements. The parking and loading area/s must be as compact and unobtrusive as possible and must be located and managed so as not to adversely impact on the daily agricultural activities on the farm and surrounding area.
 - 3.2. A Fire Plan must be submitted to the Langeberg Municipality's Fire Department for approval and inspection.
4. Water supply, waste water disposal, sewage disposal and refuse disposal services must be provided by the owner. Such services must be provided in accordance with the requirements of the Langeberg Municipality, Cape Winelands District Municipality's Environmental Health Department and the Department of Water Affairs (BGCMA), including the following specific requirements:
 - 4.1. Water for human consumption must comply with SANS 241-2015 and the owner is responsible for regular testing to confirm compliance, and submission of test results to CWDM (Health) and the Manager: Civil Engineering Services, Langeberg.
 - 4.2. A suitable and effective sewage disposal system must be provided for all waste water.
 - 4.3. The conditions imposed by the Breede-Gouritz Catchment Management Agency, in their letter dated 19 November 2021, ref. 4/10/1/H50A/Myrtle Grove 217 Robertson (attached) must be complied with.
 - 4.4. A suitably screened refuse collection area must be provided. All solid waste must be collected and disposed of weekly, to an approved solid-waste disposal site, and in terms of a written agreement with the administering authority. No organic materials may be stored on site so as to prevent any nuisance (smell, flies etc.) from arising.

5. The conditions imposed by the Cape Winelands District Municipality (Health) in their letter dated 27 October 2020 must be complied with.
6. With regard to Municipal Electricity, there are existing connections, however, there is currently no capacity from Eskom. Connections will be subject to any restrictive provisions which the National Government may deem necessary for saving of electricity. The owner is responsible for the costs associated with any future relocation of existing services, new connections, upgrading or alterations to existing electrical connections or networks, once electricity capacity becomes available.
7. The restrictions of any law and regulations relating to noise control are applicable to the property and the owner is obliged to ensure that the operation does not cause any undue noise nuisance, as described in the Western Cape Noise Control Regulations (PN 200/2013 of 20 June 2013).
8. Only the existing, approved access point may be used. All conditions imposed by the Department of Transport with regard to the intersection with MR287, must be complied with to the satisfaction of the Department of Transport.
9. No name, advertising sign or tourism board may be erected without written approval of the administering authority.
10. The owner must sign the attached agreement with respect to the implementation of all conditions of approval. Where there is any uncertainty regarding the conditions, the Town Planning Department must be contacted.

Reasons for Decision:

1. The proposed use is consistent with the overall aims of the Provincial SDF, the Langeberg SDF and the Rural Land Use Planning and Management Guidelines (RLUPM, 2019).
2. The proposed recycling business is desirable in that there will be no adverse impact on land under agricultural production or the natural environment; and the business will make use of existing unutilized agricultural buildings for a temporary time period.
3. The land use is space extensive and no alternative suitable site / buildings currently exist within the industrial areas of Bonnievale and Robertson.
4. No objections have been received from the neighbours.
5. The use will retain existing job opportunities.
6. Existing road infrastructure will be used and the road improvements, as required by the Department of Transport, are included as a condition of approval.

PART I: ANNEXURES

Annexure A: Locality and Site Plan
 Annexure B: Photo sheet
 Annexure C: Applicant's Motivation Report
 Annexure D: Objections from WC Department of Agriculture and Department of Transport
 Annexure E: Applicant's Response to Objections
 Annexure F: Departmental Comments: CWDM, BGCMA.

PART N: SIGNATURES FOR AUTHORISATION

Authorised for submission to Tribunal

.....
JV BRAND
MANAGER: TOWN PLANNING / BESTUURDER : STADSBEPLANNING

.....
DATUM

.....
M JOHNSON
DIRECTOR: ENGINEERING SERVICES / DIREKTEUR: INGENIEURS DIENSTE

.....
DATUM

SKEDULE / SCHEDULE 1

Ooreenkoms / Agreement

aangegaan deur / *entered into by*

.....
Volle name en van / *Full name*

.....
Identiteitsnommer / *Identity number*

.....
Adres / *Address*

(die aansoeker / *the applicant*)

met die **Langeberg Munisipaliteit** / *with the Langeberg Municipality*

ten opsigte van die volgende ontwikkeling, soos goedgekeur op:
in respect of the following development, as approved on:

... **May 2022**

REM OF MYRTLE GROVE 217, ROBERTSON: TEMPORARY DEPARTURE FOR RECYCLING FACILITY

Die aansoeker aanvaar die voorwaardes ten opsigte van bogenoemde goedkeuring en onderneem om toe te sien dat die voorwaardes uitgevoer word.

The applicant accepts the conditions in terms of the abovementioned approval and undertakes to ensure the execution thereof.

Geteken op die / *Signed on the* dag van / *day of* 20.....

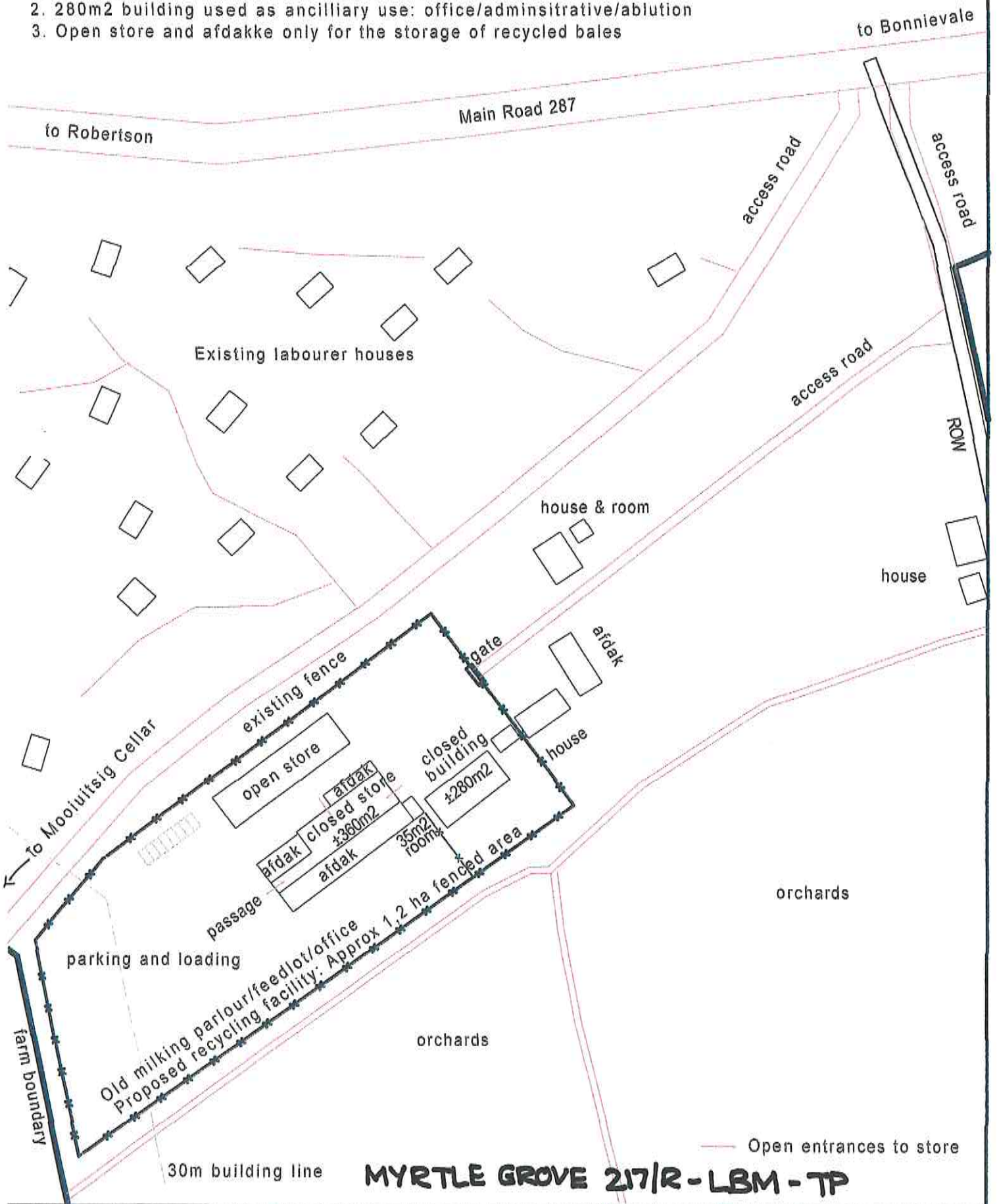
te / *at*

.....
Aansoeker / *Applicant*

.....
Datum

NOTES:

1. Recycling done only in closed 360m2 store and closed 35m2 room
2. 280m2 building used as ancilliary use: office/administrative/ablution
3. Open store and afdakke only for the storage of recycled bales

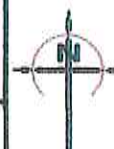


MYRTLE GROVE 217/R - LBM - TP

**SITE PLAN: PROPOSED RECYCLING FACILITY
ON FARM MYRTLE GROVE NO 217, ROBERTSON RD**

PLAN:
F217Bon

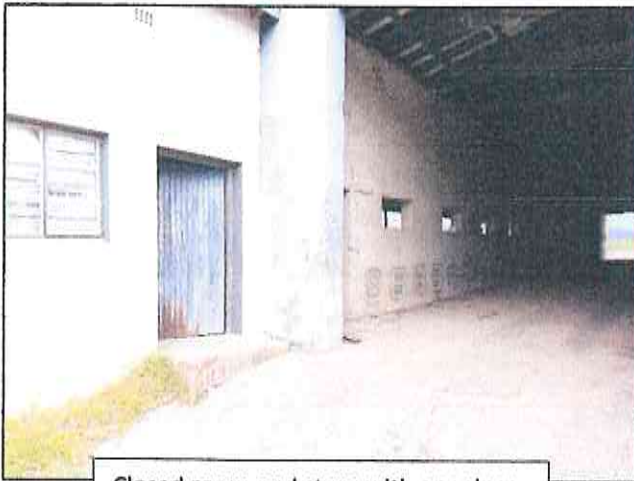
Oct 2021



UMSIZA
PLANNING
Town and Regional Planner

SCALE 1:1500

Old milking parlour / feedlot in fenced area on Farm Myrtle Grove No 217, Robertson RD



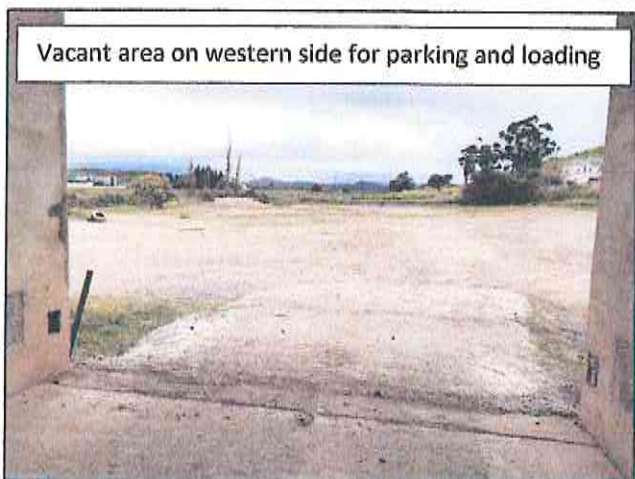
Closed room and store with openings



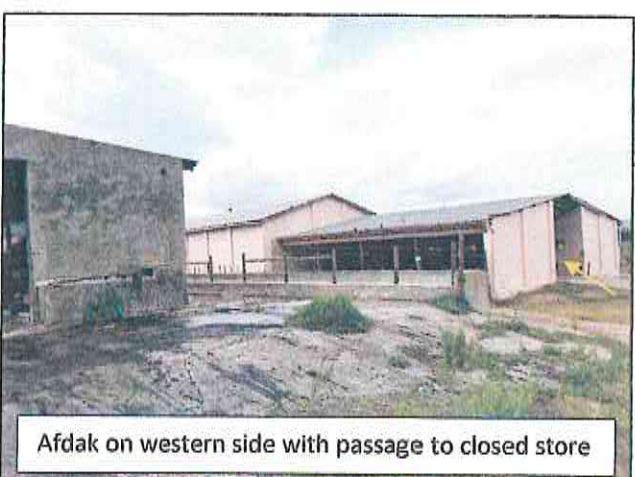
Open store and view to workers houses



Vacant area on western side for parking and loading



Closed store with afdak in front and open store



Afdak on western side with passage to closed store

MOTIVATIONAL REPORT

APPLICATION FOR A TEMPORARY DEPARTURE ON THE FARM MYRTLE GROVE NO 217, ROBERTSON RD: RECYCLING FACILITY

1. INTRODUCTION / PURPOSE

The purpose of this application is to obtain approval in terms of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) for a temporary departure to use existing, unused buildings on the farm Myrtle Grove No 217 as a recycling facility.

2. LEGISLATION APPLICABLE

2.1 LANGEBERG MUNICIPAL LAND USE PLANNING BY-LAW, P.N. 264/2015 & LANGEBERG MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW, P.N. 71/2018

The owner of land or his/her agent may apply to the Municipality in terms of Subsection 18(1)(b) of the Langeberg By-law on Municipal Land Use Planning, PN 264/2015, to utilize land on a temporary basis for a purpose not permitted in terms of the primary rights of the zoning applicable to the land for a period not exceeding five years.

The application site is zoned Agricultural Zone I with "Agriculture" as primary use according to the Integrated Zoning Scheme By-law.

"Agriculture" means agricultural buildings or infrastructure that are reasonably connected with the main farming activities, including a dwelling house, one farm manager's dwelling and agricultural worker accommodation at an appropriate scale relating to the proposed farming activity.

As the zoning does not allow a recycling facility, application is made for a temporary departure of five years.

2.2 WESTERN CAPE LAND USE PLANNING GUIDELINES RURAL AREAS, MARCH 2019

The rural area guidelines support businesses serving the needs of the rural community and tourists, as well as agricultural production in suitable locations throughout the landscape.

According to this document, 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 its mandate, should be accommodated.

The long term impact on the municipality (resources and financial), agricultural activities, production and sustainability, risks and finances, landscape (scenic, *heritage and cultural*) *should be considered when decisions are taken.*

3. THE PROPERTY

Farm Myrtle Grove No 217, district Robertson is 94,1593 ha in extent and belongs to the N.L. Jonker Trust according to Title Deed T13774/1996.

[The restriction in the Title Deed that this farm may not be transferred, bonded or administered in any other way without Ptn 3 of Farm 215, district Robertson, has been waived by the Minister of Agriculture on 26 March 2019, but has not been registered.]

The subdivision of this farm into a Remainder of 52,46 ha and Portion A of 41,7 ha (subject to consolidation with Portion 90 of Farm Langverwacht No 169) has also been approved in 2019 and is in process of being registered.

The proposed recycling facility will therefore be located on the not yet registered Remainder of Myrtle Grove No 217.

4. LOCATION & EXISTING LAND USE & SERVICES applicable on Remainder/217

The Remainder of farm Myrtle Grove No 217 is located 5km to the west of Bonnievale on both sides of Main Road (MR) 287 to Robertson and gets access from this road at ±km 25,25. A right of way (ROW) servitude is registered on this road in favour of Ptn 1/217.

The approved, unregistered Remainder of farm Myrtle Grove No 217 consists of the following:

- Primary dwelling house
- Office and flatlet;
- Tennis court;
- Stores/old agric buildings;
- Three dwelling houses (prior 1986);
- 17 old workers' houses (between 40m² and 80m²) (prior 1986) that are leased to low income lodgers;
- Structure for water pump;

- Dam; and
- 15,4 ha citrus with 16,9 ha water registered at the Zanddrift Water User Association.

Unipack Farms has entered into an agreement dated 8 Sept 2014 with the owner to lease the whole property for the farming of fruit over a 20 year period.

All of the above uses are legal land uses with existing services - municipal electricity, agricultural water and septic tanks.

5. THE PROPOSAL

In terms of Section 15(2)(c), application is made for a temporary departure over a period of five years for a recycling facility in an existing fenced/secured area of approximately 1,2 ha that will be used as follows:

- Existing closed building of $\pm 280\text{m}^2$ to be used for offices and ablution facilities;
- Old milking parlour of $\pm 360\text{m}^2$ to be used for the recycling facility;
- Existing afdakke and open store to be used for the storage of recycled bales; and
- Open area to be used for parking and off-loading.

6. NEED AND DESIRABILITY OF PROPOSED FACILITY

6.1 Need

This is a temporary use of existing and unused buildings on a farm. The structures/stores/milking parlour/feedlot has become redundant as the whole farm is planted with citrus.

These buildings can be functionally used for a business that contributes to the livelihood of the farm owners and sustainability of the farm, without any negative impact on the surrounding rural community.

Three permanent working opportunities are created, with a further 5 temporary work opportunities in the next 12 months.

6.2 Process

Only recycled materials are fetched or delivered to the proposed facility. Local businesses/households, surrounding farms that are approached for materials are

requested to screen their waste products to ensure that only recyclable materials are transported to the recycling facility.

The waste products will be transported daily to the facility in bakkies or small trucks.

Because of the above, very little waste will be generated. The small amount will be *transported to the municipal dumping site/s on a regularly basis.*

[The recycling facility has been operated on another site since January 2021 with less than 500 kg non-recyclable waste.]

Materials received are plastic and paper that will be sorted and baled in a H10 bale machine to form bales/blocks of 150-200kg each. No further processing is done. *These bales are stored and transported per truck to the various markets where they are sold as is.*

6.3 Desirability (including impacts and services)

The proposed facility is desirable because:

- The facility will be 6km from Bonnievale adjacent to the busy Bonnievale-Robertson road;
- The recycling plant is an extensive facility that needs large space that is not available in town;
- The buildings are accessible from Main Road 287;
- The buildings are located near MR 287 with little impact on agriculture;
- The buildings and parking/loading area are fenced off and secured;
- Low impact as it will only be a H10 baler with similar noise than a tractor – i.e. an agricultural machine for making bales of hay normally, in this case bales of paper or plastic;
- Baling will be done inside the old milking parlour with low noise impact;
- Adequate afdakke and open store for the storing of finished products that will ensure protection against rain, wind and sun.
- Buildings and area are vacant and unused;
- Lower chance for squatting and looting when buildings are occupied and used;
- Large enough to accommodate the recycling indoors;
- *Ancillary building next door that can be used as office, ablution and restroom;*
- Adequate space for parking and loading and turnarounds of bakkies and small trucks;
- Many workers nearby on farm or in Mountain View/happy Valley nearby; and
- Existing and adequate services are available:
 - No water required for the productions of bales, only very limited existing agricultural water for the ablution/office.
 - A septic tank is located at the “office/ablution” building.

- Municipal electricity is provided. Application has been made to re-activate the existing three phase connection.

6.4 Adherence to Development Principles in SPLUMA and LUPA

- **Spatial Justice**
 - Three permanent and five additional temporary working opportunities will be created;
 - Opportunity to earn additional income by the farm owner; and
 - Opportunity for entrepreneur that provides service to the community.
- **Spatial Sustainability**
 - Use of existing infrastructure (buildings and all services);
 - In already disturbed area, no agriculture;
 - Accessible;
 - Food security for 8 workers, business owner and farm owner; and
 - Service to Municipality to recycle waste, therefore less waste on waste dumps for longer life expectancy.
- **Efficiency**
 - Existing infrastructure (buildings and services);
 - Workers living in walking distance / nearby; and
 - Low environmental impact.
- **Spatial resilience**
 - *Operation within closed building with low impact, existing buildings and road with adequate place for vehicular and people movement, very little chance of contributing to environmental degradation; and*
 - Only recycled bales will be stored outside to prevent waste blowing/lying around.
- **Good administration**

Good administration will be followed in the required integrated approach between land owners, planning consultants and the administered authority (Municipality) guided by policies and legislation with inputs by all role players.

7. CONCLUSION / SUMMARY

The application adheres to the rural guidelines of:

- placing a facility appropriately,
- contributing socio-economically to the owner of the farm, the operator of the business as well as the surrounding community by providing a local service,
- do not impact negatively on the environment; and
- assist the municipality to deliver its mandate of service delivery.

The proposed facility is both needed and desirable from a land use point of view.



Cor Van Der Walt
LandUse Management
Email: LandUse.Elsenburg@elsenburg.com
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/5/102
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Langeberg Municipality
Private Bag X2
ASHTON
6715

Att: T Brunings

**PROPOSED TEMPORARY DEPARTURE: DIVISION ROBERTSON
REMAINDER OF THE FARM MYRTLE GROVE NO 217**

Your application of 26 October 2021 has reference.

The Western Cape Department of Agriculture: Land Use Management does not support the application for a temporary land use departure for a recycling facility on Remainder of the Farm No. 217, Robertson.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

A handwritten signature in black ink, appearing to be "CJ van der Walt".

Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2022-03-09

Tracy Brunings

From: Van der Walt, Cor <CorvdW@elsenburg.com>
Sent: Friday, 18 March 2022 08:19
To: Tracy Brunings
Cc: Layman, Brandon
Subject: RE: Farm No. 217/re - Robertson

Hi Tracy

My concern is that the use is intended as an industrial use, this is not related to primary agricultural, agricultural processing etc and will set a precedent, even if temporary.

Groete/Kind regards

Cor van der Walt
Manager: Sub-Programme: Land Use Management
Programme: Sustainable Resource and Use Management
Western Cape Department of Agriculture
Private Bag X 1
ELSENBURG
7607
Ground Floor, Main Building, Muldersvlei Road Elsenburg

GPS Co-ordinates Elsenburg Head Office: 33.845259 S 18.834722 E

Telephone: (021) 808 5099

Email: Corvdw@elsenburg.com

Departmental Website: <https://www.elsenburg.com>

Provincial Website: <https://www.westerncape.gov.za>



**Western Cape
Government**
FOR YOU

From: Tracy Brunings <tbrunings@langeberg.gov.za>
Sent: Wednesday, 16 March 2022 16:12
To: Van der Walt, Cor <CorvdW@elsenburg.com>
Cc: Layman, Brandon <BrandonL@elsenburg.com>
Subject: FW: Farm No. 217/re - Robertson

Hello Cor,

I refer to the attached letter.

Please could you clarify the reasons for not supporting the application (namely, a temporary use of an agricultural building within a fenced-in area on farm 217).

Regards,

Tracy Brunings Pr.Pln A/951/1997

PROFESSIONAL TOWN AND REGIONAL PLANNER
TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720
Tel: 023 614 8001 Faks: 023 614 1841

✉ tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

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From: Layman, Brandon <BrandonL@elsenburg.com>
Sent: Wednesday, 16 March 2022 16:01
To: Tracy Brunings <tbrunings@langeberg.gov.za>
Subject: Farm No. 217/re - Robertson

Hi Tracy
Please find attach comments from the WCDoA: LUM.

With many thanks and kind regards

Brandon Layman

Administrative Assistant to:
Cor Van der Walt : LandUse Manager
Department of Agriculture
Provincial Government of the Western Cape
Private Bag X1
ELSENBURG
7607
GPS koordinate Elsenburg kantoor: 33.845259 S 18.834722 E.

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E-mail: brandonl@elsenburg.com
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Provincial Website: www.capegateway.gov.za



BETTER TOGETHER.





REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-04/237 (Job 29043)

ENQUIRIES: Ms G Swanepoel

DATE: 13 December 2021

The Municipal Manager
Langeberg Municipality
Private Bag X2
ASHTON
6715

Attention: Ms T Brunings

Dear Madam

REMAINDER FARM MYRTLE GROVE 217, ROBERTSON: MAIN ROAD 287: APPLICATION FOR TEMPORARY DEPARTURE

1. The application received from Messrs Umsiza Planning via e-mail on 21 October 2021 refers.
2. The subject property is located 5km west from Bonnievale, access is taken off Main Road 287 at \pm km25.3.
3. The access is adjacent to the access to Mooiuitsig Cellar and the two accesses together measure some 25m across. This kind of access arrangement may result in unsafe situations and requires improvement.
4. The ideal improvement would be that the access is reconstructed as a Main Farm Access measuring 6.8m wide and after some distance introduce a T-junction which will serve the other property.
5. This Branch commented on a previous application for the Mooiuisig Cellar, Farm 216 Robertson, (Job 20821), that the very same access be improved to a Main Farm Access. See our letter dated 4 December 2012.
6. This application is for a Temporary Departure to accommodate a recycling facility which would generate approximately 8 trips daily.
7. The current access arrangements are not ideal and therefore the Branch objects to the application in terms of the Land Use Planning Act, No 3 of 2014.

8. Upon receipt of a revised access proposal, this Branch may review its comment.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS



ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

Tel: +27 21 483 4669 Fax: +27 21 483 2166

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: 13/3/5/1-04/118 (Job 20821)

ENQUIRIES: Ms GD Swanepoel

DATE: 4 December 2012

The Municipal Manager
Langeberg Municipality
Private Bag X2
ASHTON
6715

Attention: J van Zyl

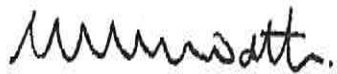
Dear Sir

PROPOSED REZONING OF THE FARM MOOIUITSIG NO 216, ROBERTSON

1. Your letter dated 6 November 2012 with the above-referenced subject refers.
2. The subject property is located approximately 5km west of Bonnievale and takes access from Main Road 287.
3. The main access is at km 25.32 on Main Road 287 is shared with an adjacent farm, however, the geometric arrangement is not acceptable.
4. This application is for the rezoning of ± 3.3 ha from Agriculture I to Agricultural II to accommodate a wine cellar and storage areas.
5. This Branch offers no objection to the rezoning application in terms of the Land Use Planning Ordinance (Ordinance 15 of 1985), subject to the following conditions:
 - 5.1 The access at km 25.32 on Main Road 287 is improved to the attached standard as a main farm access.

- 5.2 The access at km 24.70 is improved to the attached standard as a camp access.
- 5.3 The access at km 24.11 (on both sides of the road) is improved to the attached standard as a camp access.

Yours faithfully



ML WATTERS
For EXECUTIVE MANAGER: ROAD & TRANSPORT MANAGEMENT

ENDORSEMENTS

1. Langeberg Municipality
Attention: T Brunings (e-mail: tbrunings@langeberg.gov.za)

2. Umsiza Planning
Attention: Ms A-C Redelinghuys (e-mail: annachris@mweb.co.za)

3. Mr E Smith (e-mail)

4. Mr S Carstens (e-mail)

5. Mr F Fakier (e-mail)

12 April 2022

Municipal Manager
 Langeberg Municipality
 Private Bag X 2
ASHTON
 6715

For attention: Tracy Brunings

**PROPOSED TEMPORARY DEPARTURE FOR A RECYCLING FACILITY ON THE FARM
 MYRTLE GROVE NO 217, DISTRICT ROBERTSON:
 REPLY ON COMMENTS RECEIVED**

Western Cape Department of Agriculture's comments dated 9 March 2022 as well as liaison with the provincial Department of Transport and Public Works refer.

Dept. of Agriculture

Mr Cor van der Walt from Elsenburg indicated in his letter that the proposed recycling facility is not supported.

In a follow-up email to Tracy Brunings, he explained that his concern was that the use is intended as an industrial use and not related to primary agricultural or agricultural processing etc. and will set a precedent, even if temporary.

This is a good land use principle to follow, but each application and the specific circumstances need to be evaluated independently to ascertain and measure the impacts and desirability. This has been addressed in the motivational report.

In addition, it is the opinion that this application will NOT set a precedent because:

Other industrial uses are operating and/or have been approved in the CBD and along Main Road, Bonnievale due to the lack of alternative workable industrial sites:

- Agricultural Erf 901 Bonnievale: Engineering works: Workshop for industrial machines
- Agricultural Erf 2615 Bonnievale: Eram Boublok en Vervoer (historic approval)
- Within CBD: Pieterse Engineering Works, Marais Bakwerke, Rigg Engineers.

These industries have contributed to the economy of Bonnievale without creating a negative precedent. Although Eram has been located on agricultural land for decades, it has not caused any precedents for additional industrial development adjacent. This is also applicable to Erf 901 Bonnievale.

The engineering facility on Erf 901 Bonnievale had similar circumstances than the current application site i.e. large un-used buildings on agricultural land that cannot be used in harmony with the rural guidelines for agricultural or agricultural industry uses as there is no land available to justify an agricultural primary use or - industry.

There is no use for the buildings on the current application site as the farm has been subdivided and the remainder is rented out and farmed by another large company on a long term basis.

Therefore, it is proposed to make use and manage an existing opportunity optimally in comparison with empty, dilapidated buildings that can become a much larger problem such as illegal occupation etc.

The proposed land use will be operated within the buildings with little impact, the access road will be changed to the satisfaction of the Dept. Roads, and services are available in an already disturbed and accessible area.

The approval for five years use of this facility will not impact or change the character of the environment (although close to Main Road, it is hardly visible due to the lower gradient and many labourer houses in between). It is a *temporary* measure/consent to use existing unused buildings until a permanent site/solution can be found.

No entrepreneur will build temporary facilities that can only be used for five years on agricultural land, and therefore a precedent cannot be created with the approval of a temporary departure.

The approval will ensure that the current workers will keep their jobs to support their families.

No objections were received by the neighbours.

Dept. Roads and Public Works

A site meeting was held on 7 March 2022 between Mr Fakier and myself as well as the owners of both Farm 216 and 217 and the owner of Two Sirs Recycling (Pty) Ltd.

After the discussions on site, an amended site plan was forwarded to Mr Fakier for consideration. After written liaison, the plan was amended to include a low hedge.

Mr Fakier indicated on 29 March that he will ask his senior for his opinion.

The final letter is still pending.

For your favourable consideration.

Yours faithfully,



Anna-Christa Redelinghuys

Pr.Pln (A/1076/1998)



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

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U VERW/YOUR REF/IREF YAKHO:
ONS VERW/OUR REF/IREF YETHU:

ST McLean
023 626 8302
-
smcclean@capewinelands.gov.za
15/2/61

Van Reenensstraat 44 Street
50
ROBERTSON
6705

27 October 2020

The Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: M Johnson
Engineers Dept.

**PROPOSED APPLICATION FOR A TEMPORARY DEPARTURE: MYRTLE GROVE No 217,
ROBERTSON ROAD.**

Your correspondence dated 26 October 2021 regarding the above matter refers:

Municipal Health Services of the CWDM supports the proposal and comments as follows:

1. Service Delivery:

No domestic services (drinking water, sanitation, electrical and refuse removal services) are supplied by CWDM.

2. General:

- Waste collected \ received must be placed in areas which are fenced in and where sorting can be done as quickly as possible to prevent unnecessary stockpiling;
- All collected waste must be stored so as not to cause waste pollution from occurring in times of high wind and excessive rainfall;
- Fire Department will need to approve the measures put into place before operations begin.
- Rodent proofing of entire area needs to be in place before operations begin – a reputable and registered Pest Control Company needs to be appointed to carry out the necessary measures which also needs to include insect control measures;
- All vehicles transporting waste need to be properly and securely covered to prevent possible pollution occurring;
- Own vehicles used need to be cleansed on a regular basis and wash bays need to have proper waste disposal drainage in place which meets the standards and approval of the Langeberg Municipal Engineers Department;
- Drinking water which complies to SANS 241 standards must at all times be available to workers on site;
- This office reserves the right to call for additional requirements if deemed necessary at any later stage.

Yours sincerely,

For: Municipal Manager
Mr. H Prins
STM



BREED-GOURITZ

CATCHMENT MANAGEMENT AGENCY

Corner Mountain Mill & East Lake Roads, Worcester, 6850 | Private Bag X3055 Worcester 6850

Enquiries: S Lupa Tel: 023 346 8000 Fax: 023 347 2012 E-mail: slupa@bgcma.co.za

Your Ref: Our Ref: 4/10/1/H50A/Myrtle Grove 217, Robertson Date: 19/11/2021

Langeberg Municipality
Private Bag X2
ASHTON
6715
tbrunings@langeberg.gov.za/admin@breeland.gov.za

Attention: Tracy Brunings

COMMENTS: APPLICATION FOR A TEMPORARY DEPARTURE FOR A RECYCLING FACILITY IN AN OLD MILKING PARLOUR/FEEDLOT ON FARM MYRTLE GROVE NO 217, ROBERTSON.

The Breed-Gouritz Catchment Management Agency (BGCMA) has received the application as mentioned above on 26 October 2021.

It is noted that the proposed recycling facility will not use water in the process and septic tanks are used for ablution purposes. It is also noted that Farm Myrtle Grove No 217 has allocation of scheduled water for irrigation purposes from the Zanddrift Water Users Association which is also confirmed on our database as an Existing Lawful Use (ELU) of water.

Therefore, due to no water uses of the National Water Act, 1998 (Act No 36 of 1998) triggered by the proposed development; BGCMA has no objections to the proposed recycling facility as all water related issues have been addressed.

Please Note: Septic Tanks for new developments are not encouraged as they have a potential to pollute groundwater in the near future.

General

- No water must be taken from a water resource for any purpose without authorisation from the National Water Act, 1998 (Act 36 of 1998).
- No waste or water containing waste may be disposed without authorisation from the National Water Act, 1998 (Act 36 of 1998) and/or National Environmental Management: Waste Act, 2008 (Act 59 of 2008).
- All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
- No pollution of surface water or groundwater resources may occur.

- Stormwater management must be addressed both in terms of flooding, erosion and pollution potential.
- No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted stormwater must be contained.

Please be advised that no activities may commence without the appropriate approvals/authorizations where needed from the responsible authority. The onus remains with the registered property owner to confirm adherence to any relevant legislation that such activities might trigger and/or need authorisation for.

This office reserves the right to amend and revise its comments as well as to request any further information.

Please do not hesitate to contact this office if you have any further queries. Please ensure to quote the above reference in doing so.

Yours faithfully,



JAN VAN STADEN

CHIEF EXECUTIVE OFFICER (ACTING)

Cc: Anna-Christa Redelinghuys (annachris@mweb.co.za)

UMSIZA Planing

P. O. Box 649

ROBERTSON

6705