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15/3/10-15/Farm_554/07

Navrae/Enquiries:
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22 September 2026

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Sir

PROPOSED REZONING AND CONSENT USES ON PORTION 7 (A PORTION OF PORTION 3) OF THE FARM JACOBUS KRAAL NR 554, DIVISION MALMESBURY

Your application with reference YZE/11907/AC/IV dated 7 August 2025 on behalf of Jetvest 1157(Pty)Ltd. has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 9 September 2026 to **approve** application for the footprint rezoning of Portion 7 of Farm Jacobus Kraal No. 554, Division Malmesbury, from Agricultural Zone 3 to Business Zone 4, in order to develop a fuel filling station (petroport), restaurants, shops and ancillary uses, in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. Application for consent uses on the proposed Business Zone 4 of Farm Jacobus Kraal No. 554, Division Malmesbury, in order to accommodate a tasting facility, **is approved** in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. Approvals A. and B. are subject to the conditions that:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) A portion of 7 of Farm Jacobus Kraal No. 554 (10 3690 ha in extent) be rezoned from Agricultural Zone 3 to Business Zone 4 and that the uses be restricted to the following:
- (i) Petro port (fuel pumps for cars and trucks) and entrances & parking;
 - (ii) 2x Restaurants;
 - (iii) 2x Shops: Convenience Shop and shops;
 - (iv) Supportive facilities*: Administrative area, Ablution, Lockers, Service Yard, Walkways, pet area and play park, as presented in the application on the proposed Site Development Plan 554/2025, dated 28 January 2026;
- (b) The Site Development Plan, architectural drawings and visual design package be revised to demonstrate a building form, scale and architectural treatment that responds appropriately to the rural West Coast landscape character of the R27/R315 corridor. Particular attention be given to roof form, building massing, façade articulation, materials, colour palette, landscaping and the integration of the built form within the surrounding landscape, prior to building plan stage;
- (c) The architectural design be revised to reduce the visual prominence and scale of the proposed development. Particular attention be given to the substantial double-volume glazed western gable, which introduces a contemporary commercial expression that is not fully consistent with the restrained character of the rural West Coast landscape. Consideration be given to reducing the scale of the glazed frontage, incorporating verandas or covered walkways, increasing the proportion of solid wall surfaces, and simplifying the roofscape through fewer and less

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- prominent gable elements, lower roof ridges, and a more fragmented building composition that reflects the character of traditional West Coast rural buildings;
- (d) The mitigation measures and recommendations contained in the approved Visual Impact Assessment by New World Associates, dated 5 February 2026, be implemented to reduce the visual prominence of the development through the use of appropriate architectural treatment, landscaping, a muted colour scheme and perimeter fencing;
 - (e) The revised site development plan further to illustrate/indicate vehicle carriageway crossings and circulation, vehicle and pedestrian safety, risk management of fuel pumps and fuel tanks, the screening of areas used for storage purposes, visual impact on the surrounding rural environment, aesthetics, landscaping, impact softening on adjoining land uses, and location of buildings, indicators and structures;
 - (f) A detailed landscaping plan be submitted to the Senior Manager: Development Management for consideration and approval. The landscaping design includes suitable tree planting and other vegetation measures to soften the visual impact of the development, provide screening from the R27 and R315, and integrate the development into the surrounding rural landscape. Consideration be given to the use of indigenous species and other tree species that are consistent with the cultural landscape and environmental conditions of the area;
 - (g) External lighting and advertising signage shall be minimised and designed to avoid unnecessary visual intrusion. Details thereof shall form part of the Site Development Plan approval process;
 - (h) The revised Site Development Plan, architectural drawings, visual design package, landscaping plan and associated renderings shall be submitted to the Senior Manager: Development Management for consideration and approval prior to the approval of any building plans;
 - (i) The consent use authorises the establishment of a tasting facility (90m² in extent), as presented in the application;
 - (j) On-site parking bays be provided at a ratio of 1 bay Per 25m² Gross Leasable Area and that parking bays be finished in a permanent dust free surface, whether it be tar, concrete, paving or any other material, as approved by the Director: Civil Engineering Services beforehand and the parking bays be clearly demarcated, at building plan stage;
 - (k) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
 - (l) Application be made to the Senior Manager: Development Management for the right to display any signage;
 - (m) Billboards and advertising boards be restricted to signs directly related to the activities of the petro port. The height of the signs on the site be restricted to 12m;
 - (n) A Certificate of Compliance be obtained from the West Coast District Municipality for the preparation of food and sale of perishable products;
 - (o) A trade licence be obtained from Swartland Municipality for the operation of the petroport and ancillary uses;
 - (p) The Environmental Management Programme (EMPr), dated January 2026, including the Groundwater Monitoring Plan, be implemented to the satisfaction of the Western Cape Government: Environmental Affairs and Development Planning;
 - (q) The owner/developer submits proof of the appointment of an Environmental Control Officer for the duration of the construction phase, to the Senior Manager: Development Management, at building plan stage;

C2 WATER

- (a) Water supplied to the development comply with the water quality standards prescribed by SANS 241;
- (b) The water use be appropriately registered with the Department of Water and Sanitation;
- (c) An operational plan for the sustainable operation and maintenance of the water supply system shall be prepared and implemented;
- (d) The water supply system be designed by an engineer appropriately registered in terms of the provisions of Act 46 of 2000;
- (e) The design be submitted to the Director: Civil Engineering Services for approval, whereafter construction be undertaken under the supervision of the appointed engineer.

C3 SEWERAGE

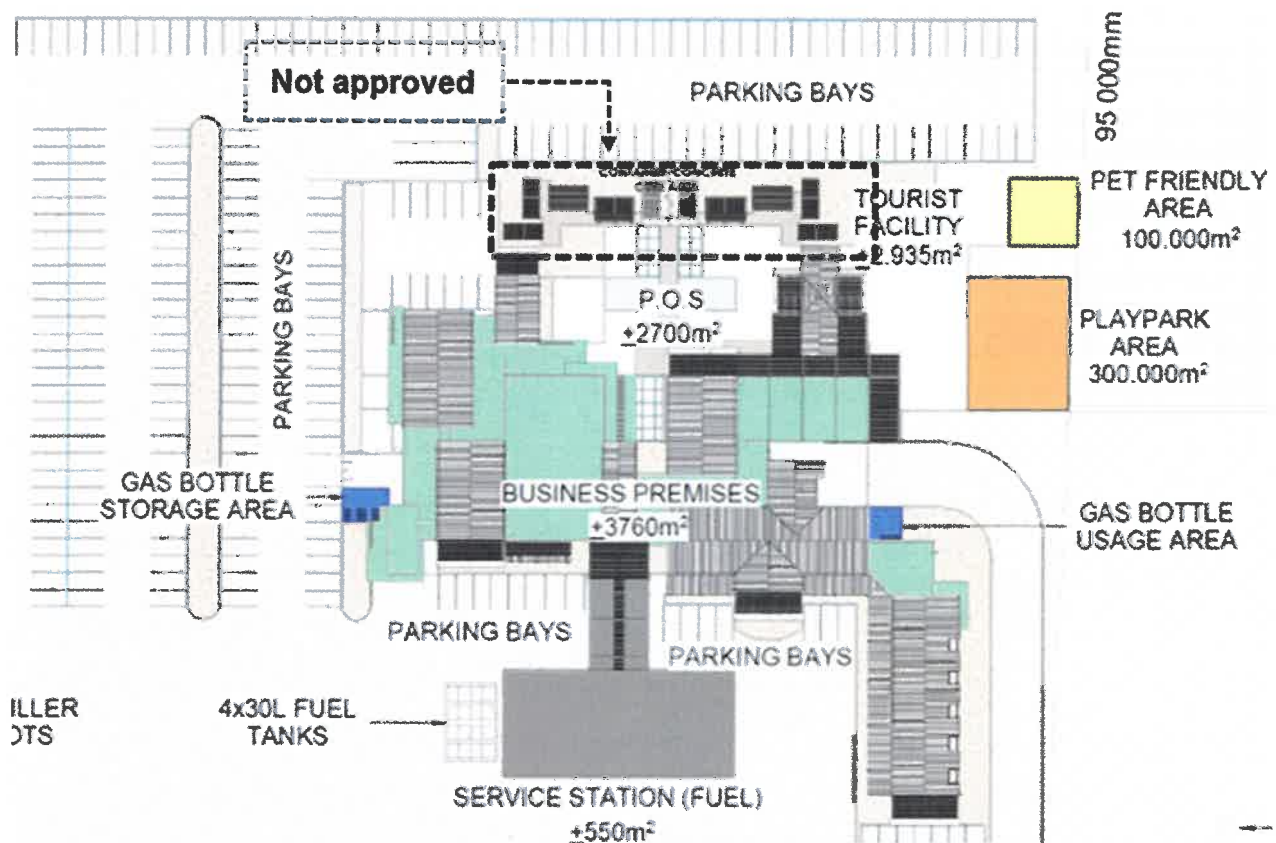
- (a) The final effluent standard comply with the applicable limits prescribed by the Department of Water and Sanitation;
- (b) The water use be appropriately registered and/or authorised by the Department of Water and Sanitation;

- (c) An operational plan for the sustainable operation and maintenance of the wastewater treatment plant be prepared and implemented;
- (d) The wastewater treatment system shall be designed by an engineer appropriately registered in terms of the provisions of Act 46 of 2000. The design shall be submitted to the Director: Civil Engineering Services for approval, whereafter construction be undertaken under the supervision of the appointed engineer.

D. Application for consent use on the proposed Business Zone 4 of Farm Jacobus Kraal No. 554, Division Malmesbury, in order to accommodate tourist facilities, is **refused** in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) The refusal pertains specifically to the tourism market (a total of 150m² in extent) consisting of 10 structures of 15m² each, towards the northern portion of the development, as illustrated below:



E. GENERAL

- (a) Cognisance be taken of the conditions of approval of the Environmental Authorisation issued by the Department of Environmental Affairs and Development Planning, Directorate: Development Planning, reference 16/3/3/1FS/31/2036/25, dated 25 May 2026 and that all conditions be complied with to the satisfaction of its Director: Development Management;
- (b) Cognisance be taken of the conditions of approval issued by the Western Cape Department of Infrastructure, Chief Directorate: Road Planning, reference DOI/CFS/RN/LU/REZ/SUB - 26/426 (Application 2026-04-0032), dated 23 April 2026 and that access to the development be provided to the satisfaction of its Deputy Director-General: Transport and Infrastructure, as presented in the application;
- (c) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;

- (d) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision on the appeal;
- (e) All conditions of approval be implemented at occupation stage and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable;
- (f) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5 200,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

F. The reasons for approval being:

- (a) The site is located at the intersection of the R27 and R315, which constitutes a strategic regional transport node and an important movement corridor within the West Coast region.
- (b) The Swartland Municipal Spatial Development Framework (MSDF) identifies the R27 and R315 as significant movement corridors and recognises the economic and tourism opportunities associated with these routes.
- (c) A fuel filling station is a location-dependent land use that relies on visibility, accessibility and passing traffic and is therefore appropriately located at a strategic road intersection.
- (d) The proposal will provide traveller-support services to motorists making use of the R27 and R315 and will contribute to regional mobility and tourism-related infrastructure.
- (e) The proposal has been subjected to a comprehensive environmental assessment process and Environmental Authorisation has subsequently been granted.
- (f) Specialist investigations relating to biodiversity, groundwater, traffic, engineering services, heritage resources, palaeontology and geotechnical conditions have been undertaken and no fatal constraints were identified.
- (g) The identified environmental and technical impacts are capable of mitigation through the implementation of the conditions imposed by the Environmental Authorisation and the relevant specialist recommendations.
- (h) The proposal may contribute positively towards the local and regional economy through the creation of employment opportunities during both the construction and operational phases.
- (i) The tasting facility is tourism-related in nature and is considered compatible with the tourism character of the R27/R315 corridor.
- (j) The petroport and associated traveller-support facilities are generally consistent with the objectives of the Provincial Spatial Development Framework, the Swartland MSDF and the Western Cape Rural Development Guidelines relating to tourism, economic development and strategic transport corridors.
- (k) The petroport and ancillary traveller-support facilities are considered to comply with the principles of spatial resilience, efficiency and economic sustainability as contemplated in SPLUMA and LUPA.
- (l) No evidence was submitted demonstrating that the petroport and associated traveller-support facilities will result in unacceptable impacts on neighbouring properties or municipal services.
- (m) The proposal is considered desirable insofar as it relates to the provision of a location-dependent traveller-support facility and associated tourism activities.

G. The reasons for refusal being :

- (a) The Municipality must assess not only the location of development, but also its scale, intensity and long-term spatial implications.
- (b) While the applicant has demonstrated a strong locational justification for the petroport, the same level of locational dependence has not been demonstrated for the broader commercial and tourism-related components of the proposal.
- (c) The proposed tourism market with its retail / commercial activities create a development of uses and scale that exceeds what is reasonably required to support the primary petroport function.
- (d) Although the Swartland MSDF identifies the R27/R315 intersection as a development node, the MSDF does not necessarily support the establishment of a substantial regional commercial destination at the node.

- (e) The proposed commercial component is considered disproportionate to the traveller-support function used to motivate the application.
- (f) The Western Cape Rural Development Guidelines specifically caution against rural developments of a scale that may promote secondary development or result in the establishment of a new, unplanned development node.
- (g) The Rural Development Guidelines further provide that facilities not directly related to the rural landscape should preferably be located within or peripheral to existing settlements.
- (h) The broader commercial uses proposed as part of the application are not considered to be as location-dependent as the petroport and could reasonably be accommodated within existing urban areas.
- (i) The proposal has the potential to create pressure for additional commercial development outside the urban edge and may contribute to the incremental commercialisation of the corridor over time.
- (j) The cumulative scale of the proposed commercial development raises concern regarding the gradual erosion of rural character and the distinction between urban and rural areas.
- (k) Approval of the full commercial and tourism-related component may create an undesirable planning precedent for similar applications along the corridor and elsewhere within rural areas of the municipality.
- (l) The concern relates primarily to the scale of the proposed commercial development and not to the technical feasibility of the development.
- (m) The specialist studies and Environmental Authorisation demonstrate that the development can be implemented from an environmental and technical perspective; however, environmental acceptability does not automatically imply spatial desirability.
- (n) The Municipality is required to independently assess the desirability of the proposal in terms of SPLUMA, LUPA, the Swartland MSDF and the Rural Development Guidelines and is entitled to distinguish between supportable and non-supportable land uses within an application.
- (o) The broader commercial component is therefore not considered desirable from a spatial planning perspective due to its scale, potential cumulative impact and the risk of contributing to ribbon development and the establishment of a substantial rural commercial node outside the urban edge.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services
lds

Copies : *Director: Civil Engineering Services*

Director: Financial Services

Building Control Officer

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