



Kantoor van die Munisipale Bestuurder
4 Junie 2026

Die Lede van die Munisipale Beplanningstribunaal, te wete –

Interne lede:

Munisipale Bestuurder, mnr J J Scholtz (voorsitter)
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger

Tegniese Adviseur:

Snr Bestuurder: Ontwikkelingsbestuur, mnr A M Zaayman

Eksterne lede:

Me C Havenga
Mnr C Rabie

Kennis geskied hiermee ingevolge paragraaf 85 van die Swartland Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning dat 'n vergadering van die Munisipale Beplanningstribunaal gehou sal word in die **KOMITEEKAMER: KORPORATIEWE DIENSTE** op **WOENSDAG, 10 JUNIE 2026** om **14:00**.

SAKELYS / AGENDA

1. **OPENING / OPENING**
2. **VERLOF TOT AFWESIGHEID / APOLOGIES**
3. **VERKLARING VAN BELANGE / DECLARATION OF INTERESTS**
4. **NOTULE / MINUTES**
 - 4.1 **NOTULE VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAALVERGADERING GEHOU OP 6 MEI 2026 / MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD 6 MAY 2026**..... bl 1-6
5. **SAKE VOORTSPRUITEND UIT NOTULE VAN 'N VERGADERING VAN DIE MUNISIPALE BEPLANNINGSTRIBUNAAL GEHOU OP 6 MEI 2026 / MATTERS ARISING FROM THE MINUTES OF A MUNICIPAL PLANNING TRIBUNAL HELD ON 6 MAY 2026**

Geen/None
6. **SAKE VIR OORWEGING / NUWE SAKE / MATTERS FOR CONSIDERATION / NEW MATTERS**
 - 6.1 **VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 2828, MOORREESBURG / PROPOSED REZONING AND SUBDIVISION OF ERF 2828, MOORREESBURG (15/3/3-9, 15/3/6-9) (WYK 1)**..... bl 7-52
 - 6.2 **VOORGESTELDE VERGUNNINGSGEBRUIK OP GEDEELTE 5 VAN PLAAS DOORNEKRAAL NO 830, AFDELING MALMESBURY / PROPOSED CONSENT USE ON PORTION 5 OF FARM DOORNEKRAAL NO 830, DIVISION MALMESBURY (15/3/10-15) (WYK 7)** bl 53-139

(get) J J SCHOLTZ
VOORSITTER



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY,
6 MAY 2026 AT 14:00**

PRESENT

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)
Director: Corporate Services, Ms M S Terblanche
Director: Development Services, Ms J S Krieger

External members:

Mr C Rabie

Other officials:

Town and Regional Planner and GIS, Mr H Olivier
Town and Regional Planner, Ms A de Jager
Manager: Secretariat and Record Services (secretary)

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

That the apologies received from Ms C Havenga and Mr A M Zaayman and Mr A J Burger be noted.

3. DECLARATION OF INTEREST

No declarations were made.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 16 APRIL 2026

RESOLUTION

(proposed by Ms M S Terblanche, seconded by Mr C Rabie)

That the minutes of a Municipal Planning Tribunal Meeting held on 16 April 2026 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED REZONING OF ERF 5095, MOORREESBURG

The chairperson requested Ms A de Jager, the author of the report, to give background on the application received for the rezoning of Erf 5095, Moorreesburg from Residential Zone 1 to Business Zone 2: General Business to facilitate a business premises in the form of a neighbourhood shop.

Ms de Jager/...

Ms de Jager confirmed the location of Erf 5095, Moorreesburg in a transitional zone between the low density, rural residential character of Hooikraal towards the west and the high-density, subsidised residential development towards the east. The site is located on the crossing between two activity streets, namely Omega Street and Vierdelaan/Palmboom Street. Therefore, Erf 5095 is clearly located on a pivotal junction between the two established and developing areas.

RESOLUTION

- A. The application for the rezoning of Erf 5095, Moorreesburg, from Residential Zone 1 to Business Zone 2, be approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) A portion of Erf 5095 (412m² in extent) be rezoned from Residential Zone 1 to Business Zone 2, in accordance with Rezoning Plan 411~5095~Mrb, dated 25 November 2025, as presented in the application;
- (b) The operating hours of any business on the property be restricted to 6:00 – 21:00 from Monday to Sunday;
- (c) Building plans, clearly illustrating the various uses and floor area of each use within the building, be submitted to the Senior Manager: Development Management, for consideration and approval;
- (d) The minimum of four (4) on-site parking bays be provided and that the parking bays be clearly marked;
- (e) The parking bays, including the sidewalk, be finished in a dust-free, permanent surface, being tar, concrete, paving or any other material previously approved by the Director: Civil Engineering Services;
- (f) Application be made to the Senior Manager: Development Management for the right to display any signage and that the signage may not project over a public street;
- (g) A trade licence be obtained from Swartland Municipality for the operation of the business premises;
- (h) Application be made to the West Coast District Municipality for a compliance certificate and that a copy of said certificate be made available to Swartland Municipality;
- (i) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (j) Any music played on the property only be audible inside the shop and no appliances used for the broadcasting or amplification of sound may be positioned or affixed externally to the building, including to any awning, stoep or shade structure;
- (k) No loitering be permitted anywhere on Erf 5095, Moorreesburg, whether it be inside or outside the buildings on the erf or around any entrance to the erf;

A2 WATER

- (a) The property be provided with a single water connection;

A3 SEWERAGE

- (a) The property be provided with a single sewerage connection;

A4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R14 103,20 towards the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R5 236,15 towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c)/...

- (c) The owner/developer is responsible for the development charge of R3 665,30 towards sewerage, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R11 007,20 towards waste water treatment, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R24 964,15 towards roads, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/247-188-9210).
- (f) The Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and may be revised thereafter;

B. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (b) Should it in future be determined necessary to extend or upgrade any engineering service in order to provide the development with services, it will be for the account of the owner/developer;
- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal. All conditions of approval be implemented before the new land use comes into operation/or the occupancy certificate be issued 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.
- (d) The applicant/objector 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 decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

C. The application be supported for the following reasons:

- (a) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (b) The application is deemed to stimulate economic development, which is supported by the SDF and PSDF;
- (c) The scale of the proposal is consistent with the character of the surrounding area, while optimising the use economic viability of the venture;
- (d) The application will comply with the character of the transitional zone, as identified by the SDF;
- (e) The development is considered desirable in the location of the intersection of two activity streets;
- (f) Engineering services are sufficiently capacitated, apart from water provision. Mitigating measures are instated to ensure water provision remains constant until such time as the municipal upgrade project has been completed;
- (g) The double storey façade that encroaches on the side building line is the same height as a regular residential dwelling would have been and compatible with the character of residential development;
- (h) The western façade is faceted, in an effort to minimise the impact of a high, 'dead' wall and improving the human scale of the façade;
- (i) The solid portion of the western façade is expected to act as a sound barrier between the application property and the residential erven towards the west;

6.1/C...

- (j) Should the area surrounding Erf 5095 develop in accordance with the SDF over time, the rezoning, will integrate seamlessly with the character of an activity street and transitional area;
- (k) The operating hours of the proposed business are restricted, in order to ensure that the business is compatible with the normal day-to-day activities associated with its current surroundings;
- (l) The increase in traffic volumes are considered moderate and both the abutting streets were confirmed to be of sufficient capacity to accommodate the development;
- (m) The rights of surrounding property owners will not be negatively affected, as the development will take the form of a dwelling, only on a small portion of the erf, such as can be expected in a rural residential neighbourhood.

6.2 PROPOSED SUBDIVISION OF ERF 1510, RIEBEEK WEST (15/3/6-12, 15/3/8-12)

The author of the item, Mr H Olivier, explained that application is made for the subdivision of Erf 1510, Riebeeck West into three portions, together with the registration of reciprocal right-of-way servitudes to ensure adequate access.

Mr Olivier confirmed that the proposed erf sizes comply with the minimum erf size of 500 m² as prescribed by the Municipal Spatial Development Framework (MSDF), 2025 and is regarded as densification and the optimal use of land and infrastructure.

RESOLUTION

- A. The application for the subdivision of Erf 1510, Riebeeck West be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- B. The application for the registration of right of way servitudes be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- C. Both decisions mentioned in A. and B. above be subject to the conditions that:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 1510, Riebeeck West (2426m² in extent) be subdivided into Portion A (±815m² in extent), Portion B (±805m²) and a Remainder (±806m² in extent) as presented in the application;
- (b) A reciprocal right of way servitude (3m wide each) be registered on Portion A in favour of Portion B as well as on Portion B in favour of Portion A, as presented in the application;

C2 WATER

- (a) Each subdivided portion be provided with a separate water connection. The water meter installation be positioned at the erf boundary with Kerk Street. This condition is applicable at building plan stage;

C3 SEWERAGE

- (a) Measures be implemented, to the satisfaction of the Director: Civil Engineering Services, to ensure the practical removal of sewerage from the subdivided properties. This condition is the responsibility of the owner/developer and is therefore applicable at clearance stage;

C4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R15 726, 36 towards the bulk supply of regional water, at clearance stage. The amount is payable per newly created portion to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b)/...

- (b) The owner/developer is responsible for the development charge of R14 969,86 towards bulk water distribution, at clearance stage. The amount is payable per newly created portion to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R8 572, 39 towards sewerage, at clearance stage. The amount is payable per newly created portion to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/240-184-9210).
- (d) The owner/developer is responsible for the development charge of R11 528,35 towards wastewater treatment works at clearance stage. The amount is payable per newly created portion to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R15 899,67 towards roads, at clearance stage. The amount is payable per newly created portion to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/247-188-9210);
- (f) The Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and can be revised thereafter;

D. GENERAL

- (a) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law not be issued unless all the relevant conditions have been complied with;
- (b) Any existing services connecting the remainder and/or new portions be disconnected, and relocated, for each erf to have a separate connection and pipe work;
- (c) Should it be deemed necessary to extend the existing services network to provide the subdivided portions with service connections, it will be for the cost of the owner/developer;
- (d) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval be implemented within these 5 years, without which, the approval will lapse. Should all the conditions of approval be met before the 5-year approval period lapses, the subdivision will be permanent, and the approval period will not be applicable anymore.
- (e) Appeals against the Tribunal decision be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000, 00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

E. The application be supported for the following reasons:

- (a) Due administrative process has been followed and the application is properly presented before the Swartland Municipal Planning Tribunal for decision-making;
- (b) The proposal supports spatial sustainability, spatial justice, efficiency, and good administration as outlined in SPLUMA Section 42 and LUPA Chapter VI, all of which were considered during assessment;
- (c) The proposal is consistent with the spatial proposals of the Municipal SDF, 2025.
- (d) The proposal is consistent with the minimum erf size determined by the SDF, namely 500m²;
- (e) The development promotes densification in an urban area, consistent with national, provincial, and local legislation and policy;
- (f) The subdivision promotes efficient utilisation of serviced urban land and supports incremental residential opportunities consistent with the adopted MSDF objectives;
- (g) Approval of this subdivision does not set a precedent for undesired densification in the area. Each land use application must be assessed on its own merits in terms of zoning, infrastructure capacity, environmental constraints, and conformity with adopted spatial policy;

6.2/E...

- (h) The subdivision introduces only two additional dwelling opportunities, resulting in a modest and acceptable increase in local traffic volumes consistent with residential streets;
- (i) On-site parking requirements remain enforceable through the development management scheme at building plan stage;
- (j) The Department: Civil Engineering Services confirmed that water, sewer, and access can be provided to the newly created portions subject to the installation of separate connections and compliance with the engineering conditions imposed;
- (k) Development charges have been levied, ensuring that the development contributes proportionately to infrastructure provision and long-term service sustainability;
- (l) Future building form, height, siting, and coverage will remain regulated through the applicable development management scheme and assessed at building plan stage, ensuring that development on each erf does not detract from privacy, visual amenity, or the area's character;
- (m) The concerns raised do not constitute sufficient grounds for refusal given the subdivision's compliance with statutory requirements, spatial policy, land use rights, engineering capacity, and development management controls.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
 Departement: Ontwikkelingsbestuur

27 May 2026

15/3/3-9/Erf_2828

15/3/6-9/Erf_2828

WYK: 1

ITEM 6.1 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 10 JUNE 2026

LAND USE PLANNING REPORT

PROPOSED REZONING AND SUBDIVISION OF ERF 2828, MOORREESBURG

<i>Reference number</i>	15/3/3-9/Erf_2828 15/3/6-9/Erf_2828	<i>Application submission date</i>	17 November 2025	<i>Date report finalised</i>	27 May 2026
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PART A: APPLICATION DESCRIPTION

Swartland Municipality received an application for rezoning of erf 2828, Moorreesburg, in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). It is proposed that erf 2828 (2,3793ha in extent) be rezoned from Residential Zone 1 to Subdivisional area in order to make provision for the following land uses: Business Zone 2, Residential Zone 5 and Transport Zone 2.

The application also includes the subdivision of erf 2828, Moorreesburg, in terms of section 25(2)(d) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), with the proposal to subdivide Erf 2828 (2,3793ha in extent) into a remainder (1,8728ha in extent), portion A (5015m² in extent), portion B to E (12,5m² in extent respectively).

The owner of the property is EP & R Martin and the applicant is CK Rumboll and Partners

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 2828, Moorreesburg				
Physical address	6 Omega Street (Please refer to the location plan attached as Annexure A)	Town	Moorreesburg		
Current zoning	Residential zone 1	Extent (m ² /ha)	2,3793ha	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)				
Current land use	Vacant	Title Deed number & date	T30828/2019		

Any restrictive title conditions applicable	Y	N	If yes, list condition number(s)	
Any third-party conditions applicable?	Y	N	If yes, specify	
Any unauthorised land use/building work	Y	N	If yes, explain	

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	<input checked="" type="checkbox"/>	Permanent departure		Temporary departure		Subdivision	<input checked="" type="checkbox"/>
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension, or amendment of restrictive conditions	
Permissions in terms of the zoning scheme		Amendment, deletion, or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval	
Determination of zoning		Closure of public place		Consent use		Occasional use	
Disestablish a homeowner's association		Rectify failure by homeowner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		Phasing	

PART D: BACKGROUND

The application relates to Erf 2828, Moorreesburg (±2.3793 ha), currently zoned Residential Zone 1 and developed with a dwelling and outbuildings.

The registered owners have appointed CK Rumboll & Partners to submit an application for the rezoning and subdivision of the property in terms of the Swartland Municipal Land Use Planning By-Law (2020).

The property is strategically located along Omega Street (an activity street) within an established urban area, surrounded predominantly by residential uses with some higher-density and community uses nearby.

The proposal aims to enable a mixed-use development by creating a business component (retail shops) as well as a rural residential/agricultural component, thereby optimising land use within the urban edge and supporting local economic activity.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	If yes, provide a summary of the outcomes below.
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PART F: SUMMARY OF APPLICANTS MOTIVATION

(Please note that this is a summary of the applicant's motivation and it, therefore, does not express the views of the author of this report)

The applicant motivates that:

- Application is made for rezoning to a Subdivisional Area and subdivision to enable Business Zone 2 and Residential Zone 5 land uses.

- The applicant highlights that there are no restrictions registered against the title deed of the property prohibiting the proposal.
- The subject property is located along an identified activity street with good accessibility and exposure supporting higher order and mixed land uses.
- The subject property is situated within an established urban area with access to the existing municipal services network. The newly created property is proposed to be integrated into this existing services network.
- The proposed rezoning integrates seamlessly with the existing character of the area given the numerous Residential zone 5 erven to the west as well as the business component being located next to the activity street. The subject property is also located opposite community as well as higher density zoned erven.
- The proposal therefore introduces a complementary mix of commercial and agricultural residential uses where the business component will provide retail services, support small business and create employment opportunities in the area. The Residential Zone 5 component supports small-scale cultivation of produce contributing to food security as well as a self-sustaining system, where agricultural produce is sold directly through the shops located on the property. The proposal aligns with sound spatial planning principles by encouraging mixed land use, sustainable development and efficient service provision within an already established urban environment.
- The proposal is consistent with the Municipal Land Use Planning By-Law (2020) & applicable development management scheme.
- The proposal aligns with the Swartland Municipal Spatial Development Framework, supporting mixed use development along activity streets, densification in transition areas as well as agricultural diversification.
- The proposal supports the principles of Chapter VI (Section 59) of the Land Use Planning Act (LUPA) as well as Chapter 2 (Section 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013. It advances improved access to goods and services and economic opportunities for all, ensures sustainability and efficiency in the use of land as well as infrastructure, advances spatial resilience through local economic development as well as the promotion of local food production.

In conclusion the applicant motivates that the proposal is deemed desirable as it compliments the character of the area, limits urban sprawl, has no legal or physical restrictions, it ensures the creation of job opportunities as well as a commercial facility in close proximity to the residential area, ensuring improved accessibility for all residents.

Please refer to the applicant motivation report attached as Annexure B as well as a copy of the rezoning, subdivision as well as site development plan attached respectively as Annexures C to E.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-Law on Municipal Land Use Planning						Y	N
With reference to Section 56(2) of the By-Law, the application was published in the local newspapers, the Provincial Gazette and notices were sent to affected property owners. A total of 13 notices were sent via registered mail / by hand to the owners of properties which are deemed affected by the application. Please refer to Annexure F.							
Total valid comments	1			Total comments and petitions refused	0		
Valid petition(s)	Y	N	If yes, number of signatures	N/A			
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	The application was referred to the Ward Councillor and no comments have been received.
Total letters of support	0						

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Date received	Summary of comments	Recommendation	
Civil Engineering Services	19 February 2026	<p>Sewerage</p> <ol style="list-style-type: none"> Each subdivided portion be provided with a sewer connection. This condition is applicable on building plan stage <p>Water</p> <ol style="list-style-type: none"> Each subdivided portion be provided with a separate water connection. This condition is applicable on building plan stage; <p>Streets and stormwater</p> <ol style="list-style-type: none"> Runoff from paved surfaces be collected and conveyed to the nearest suitable municipal collection point. The proposed parking spaces, including the sidewalk providing access, be provided with a permanent surface; <p>Other comments</p> <ol style="list-style-type: none"> Any existing services connecting the remainder and subdivided portions be relocated and/or disconnected for each erf's pipework needs to be located on the relevant erf; Should the extension of any existing services be deemed necessary in order to provide the subdivided portion with services connections, this will be to the owner/developer's account; Fixed cost development charges are payable as follows: <ul style="list-style-type: none"> Water R14 900,82 Bulk Water R40 134,32 Sewer R10 430,57 WWTW R31 323,84 Roads R71 041,99 	Positive	Negative
Electrical Engineering Services	17 November 2025	<ol style="list-style-type: none"> Each subdivided portion be provided with a separate electrical connection point and related costs be for the account of the owner/developer; Any costs incurred as a result of the relocation of electrical cables over the relevant erf, be for the account of the owner/developer; There is no existing low / medium voltage network available and the planning, design and construction in order to create a low / medium network is for the owners / developer's account; Fixed cost development charges in terms of bulk electricity to the amount of R 4 989.61 is payable for each newly created subdivided portion. This amount is valid for the 2025/2026 financial year and may be revised thereafter; Additional to the abovementioned, the owner/developer is responsible for the payment of the electrical connections of the subdivided portions; Contact Fanie Weideman for an electrical quotation; 	Positive	Negative
Building Control	24 November 2025	No comments	Positive	Negative
Protection Services	4 December 2025	No comments	Positive	Negative

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS (Please refer to Annexure I)	MUNICIPAL ASSESSMENT OF COMMENTS
<p>Mr J Streicher as owner of neighbouring affected property erf 2010, Moorreesburg</p> <p>The objection is attached as Annexure H to this report.</p>	<p>1. The objector supports development in Moorreesburg generally but believes that Hooikraal is not an appropriate location for the proposed development. The area is described as a "special" low-density residential environment that should be protected from this type of development.</p>	<p>1. The applicant notes that the objector is not opposed to development in principle, but rather to the perceived suitability of the location.</p> <p>It is argued that the proposal is contextually appropriate, as the property:</p> <ul style="list-style-type: none"> • Is located along an activity street, and • Falls within an area already characterised by mixed land uses. • The development is therefore expected to integrate with the existing character of the area. <p>The applicant emphasises that the development is low-impact and neighbourhood-serving, consisting of:</p> <ul style="list-style-type: none"> • Small-scale retail (Business Zone 2), and • Low-density rural residential/agricultural use (Residential Zone 5).
<p>1. In terms of Section 7 of SPLUMA and Section 59 of LUPA, decisions must be guided by spatial principles including spatial justice, sustainability, efficiency, and integration. The assessment of suitability must therefore be based on policy alignment, spatial context, and land use compatibility, rather than subjective perceptions of place.</p> <p>The proposed development:</p> <ul style="list-style-type: none"> • Is located along Omega Street, an identified activity street, which by its nature supports increased intensity and mixed-use development; • Falls within a transition area and mixed-use node, where a range of land uses already exist; • Is deemed consistent with the Swartland Spatial Development Framework (2025). • It furthermore retains a large Residential zone 5 (rural residential) component, thereby maintaining the prevailing character • Introduce only low-intensity Business Zone 2 uses, intended to serve the immediate locality. <p>The proposed development is consistent with the spatial character of the area, aligned with the SDF, and appropriate for its location, and the objection on this ground is not substantiated in planning terms.</p>		

	<p>2. The objector raises serious concerns regarding crime, indicating that:</p> <ul style="list-style-type: none"> • The area already experiences criminal activity and violent attacks, particularly affecting vulnerable residents. • The proposed development is perceived to attract undesirable elements, potentially exacerbating crime levels. <p>3. It is further argued that Hooikraal lacks the necessary infrastructure to accommodate the proposed development.</p>	<p>2. In response to crime concerns: The applicant acknowledges the concern but states that there is no evidence that the proposed development will increase crime levels.</p> <p>It is argued that formal development along an activity street can improve safety through increased activity and passive surveillance.</p> <p>Crime prevention is noted as a function of law enforcement authorities (SAPS) rather than land use planning.</p> <p>3. With regard to infrastructure: The applicant motivates that the site is located within an established urban area with existing services.</p> <p>Any potential impacts on infrastructure will be assessed by municipal departments, and appropriate conditions can be imposed if required.</p>	<p>2. While concerns regarding crime are acknowledged as important, land use decisions must be based on objective, evidence-based planning considerations.</p> <p>There is no observed planning evidence that neighbourhood-scale retail developments (Business Zone 2) inherently increase crime levels.</p> <p>The proposed development constitutes formal, regulated land uses, which are generally associated with:</p> <ul style="list-style-type: none"> • Increased passive surveillance (“eyes on the street”) • Greater legitimate activity and oversight. <p>The concern is noted; however, it is considered speculative in nature. In the absence of supporting evidence, it cannot be regarded as a determining factor in the assessment of the application or as justification for refusal.</p> <p>3. Infrastructure capacity Infrastructure capacity is a technical matter assessed by the relevant municipal engineering services as part of the application process.</p> <p>The available information confirms that:</p> <ul style="list-style-type: none"> • The property is located within an established urban area with access to municipal services;
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		<p>The applicant concludes that the proposal is well-considered and compatible with the area, aligned with planning policy and that the objection does not constitute sufficient planning grounds to refuse the application.</p>	<ul style="list-style-type: none"> • The development is low-intensity and limited in scale, reducing potential impacts on bulk infrastructure; • Services are available and the department civil engineering services did not object to or require that any services be upgraded in order to accommodate service connections to the proposed development. <p>There is no objective evidence that the development will exceed infrastructure capacity. Any potential impacts can be adequately mitigated through conditions of approval.</p>
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PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application

The application in terms of the By-law was submitted on the 17th of November 2025. The public participation process commenced on the 24th of November 2025 and ended on the 23rd of January 2026. The timeframe for public participation was extended due to it falling within the December holiday and therefore to provide interested and affected persons adequate time to raise any concerns, support or objections. The objection received were referred to the applicant for comment on the 28th of January 2026 and the municipality received the comments on the objection from the applicant on the 30th of January 2026.

During the compilation of the report, it was noted that no NID was submitted and the comments / approval from Heritage Western Cape has not been obtained. The applicant was duly informed that in terms of Section 38(1)(d) of the National Heritage Resources Act, (Act 25 of 1999), the proposed rezoning exceeds the 10000m² threshold and that it is therefore required that the municipality be provided with a copy of the decision of Heritage Western Cape on the NID (Notice of Intent to Develop) you have submitted to it or a record of HWC correspondence. Only after receipt of the correspondence on the 13th of May 2026 (Please refer to Annexure G), the application can be presented to the MPT for decision making.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

The application is evaluated according to the principles of spatial planning, as contained in the abovementioned legislation.

Spatial Justice

The proposal provides closer access to retail opportunities, reducing the need for travel, particularly for surrounding residents. It therefore supports broader participation in local economic activity supporting the principle of spatial justice.

Spatial Sustainability

The development occurs within the existing urban edge, limiting outward expansion. It promotes mixed-use development and introduces a degree of localised food production. Re-use of existing structures reduces resource consumption and it can therefore be argued that the proposal is generally consistent with sustainability objectives.

Spatial Efficiency

The utilisation of a well-located, underutilised property improves land use efficiency. Existing infrastructure and buildings are optimised rather than duplicated and the proposal supports compact, integrated development which is consistent with the Municipal Spatial Development Framework. The proposal is therefore deemed efficient in spatial and infrastructure terms.

Spatial resilience

The proposal contributes positively to local resilience, although small in scale. The inclusion of the agricultural activity is regarded as a level of economic diversification contributing to spatial resilience.

Good Administration

The application has followed the statutory public participation process, with only one objection received and addressed. Key issues raised are capable of being assessed within the planning and legal framework and any

uncertainties (e.g. services) can be addressed through conditions of approval. The application therefore is deemed consistent with the principle of good administration.

2.2 Provincial Spatial Development Framework (PSDF)

The PSDF (2014), indicates that the average densities of cities and towns in the Western Cape is low by international standards, despite policies to support mixed-use and integration. There is unmistakable evidence that urban sprawl and low densities contribute to unproductive and inefficient settlements as well as increase the costs of municipal and Provincial service delivery.

The PSDF suggests that by prioritising a more compact urban form through investment and development decisions, settlements in the Western Cape can become more inclusionary, widening the range of opportunities for all.

It is further mentioned in the PSDF that the lack of integration, compaction, and densification in urban areas in the Western Cape has serious negative consequences for municipal finances, for household livelihoods, for the environment, and the economy. Therefore, the PSDF provides principles to guide municipalities towards more efficient and sustainable spatial growth patterns.

One of the policies proposed by the PSDF is the promotion of compact, mixed-use, and integrated settlements. This according to the PSDF can be achieved by doing the following:

1. Target existing economic nodes (e.g. CBDs (Central Business District), township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares, and markets, etc.) as levers for the regeneration and revitalisation of settlements.
2. **Promote functional integration and mixed-use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development.**
3. Locate and package integrated land development packages, infrastructure, and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.
4. **Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining, and tourism remain important economic underpinnings of rural settlements.**
5. Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.
6. Delineate Integration Zones within settlements within which there are opportunities for spatially targeting public intervention to promote more inclusive, efficient, and sustainable forms of urban development.
7. Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.
8. **Municipal SDFs (Spatial Development Framework) to include growth management tools to achieve SPLUMA's spatial principles. These could include a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities, and appropriate development typologies.**

It is further stated in the PSDF that scenic landscapes, historic settlements, and the sense of place which underpins their quality are being eroded by inappropriate developments that detracts from the unique identity of towns. These are caused by inappropriate development, a lack of adequate information and proactive management system.

The Provincial settlement policy objectives according to the PSDF are to:

1. Protect and enhance the sense of place and settlement patterns
2. Improve accessibility at all scales
3. Promote an appropriate land use mix and density in settlements
4. Ensure effective and equitable social services and facilities
5. Support inclusive and sustainable housing

And to secure a more sustainable future for the Province the PSDF propose that settlement planning and infrastructure investment achieves:

1. Higher densities
2. A shift from a suburban to an urban development model
3. More compact settlement footprints to minimise environmental impacts, reduce the costs, time impacts of travel, and enhance provincial and municipal financial sustainability in relation to the provision and maintenance of infrastructure, facilities, and services.
4. Address apartheid spatial legacies by targeting investment in areas of high population concentration and socio-economic exclusion.

The proposal is consistent with the Western Cape PSDF (2014) as it:

- Promotes compact urban development;
- Supports activity street-based development;
- Enhances local economic activity; and
- Contributes to efficient land use.

2.3 West Coast District SDF, 2020

The WCDSDF, 2020 states that the functional classification for Moorreesburg is Agricultural service centre and according to the growth potential study Moorreesburg is a regional node that has a high growth potential.

In terms of the built environment policy of the WCDSDF, local municipalities should plan sustainable human settlements that comply with the objectives of integration, spatial restructuring, residential densification, and basic service provision. Priority should also be given to settlement development in towns with the highest economic growth potential and socio-economic need.

The WCDSDF rightfully looks at spatial development on a district level. However, it does promote the approach that local municipalities in the WCDM should focus on spatial integration, efficiency, equal access, sustainability, and related planning principles, to inform planning decisions (as required in terms of SPLUMA and recommended in the PSDF, 2014), to improve quality of life and access to amenities and opportunities to all residents in the WCDM.

The proposal is deemed consistent with the WCDSDF, 2020.

2.4 Integrated Development Plan (IDP) and Municipal Spatial Development Framework (SDF)

The proposed rezoning and subdivision of Erf 2828 is generally consistent with the strategic objectives of the Swartland IDP (2025). In particular, the proposal:

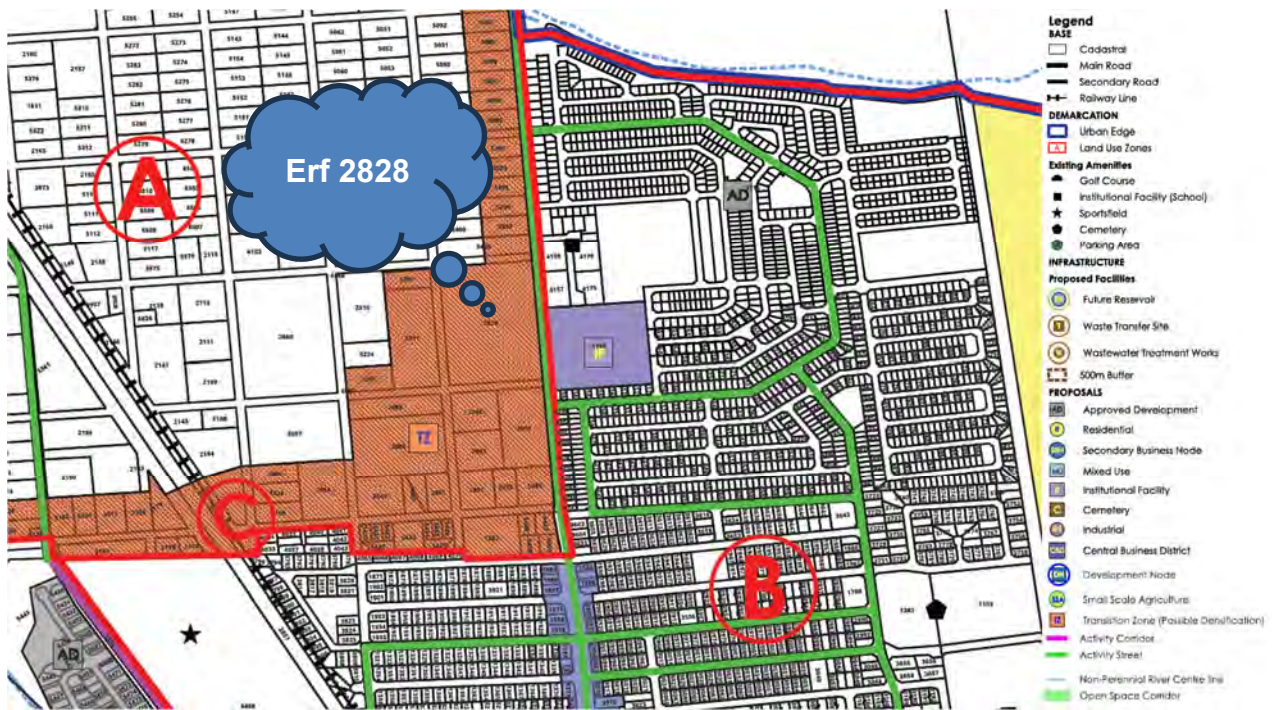
- Supports local economic development and job creation;
- Improves access to services and opportunities;
- Promotes efficient, integrated land use within the urban edge;
- Contributes to sustainable and resilient community development.

Any potential concerns relating to infrastructure can be adequately addressed through conditions of approval.

Accordingly, the proposal is considered to be aligned with the intent and direction of the Swartland Municipality IDP (2025).

The Swartland MSDF (2023–2027, as amended in 2025) provides the primary spatial policy framework guiding land use and development within the municipal area. It seeks to promote sustainable, integrated settlements, economic prosperity, and environmental protection, aligned with SPLUMA and LUPA principles.

The land use proposal map for Moorreesburg as contained in the MSDF, 2025 indicate the subject property as part of Land Use Proposal Zone A. Zone A is described as a low density rural residential area known as “Hooikraal” with a required minimum erf size of 1 900 m². Applications that seek to densify the southern and eastern boundary of Hooikraal in transitional zone is supported. Business uses are supported along activity street / corridors. Please refer to the below extract of the land use proposal map.



When objectively assessed against the Swartland MSDF (2025), the proposal is deemed consistent with key spatial objectives, particularly:

- Economic development,
- Mixed-use and corridor-based development,
- Efficient land use within the urban edge, and
- Improved accessibility to services
- It does not undermine settlement character, given its low intensity and partial retention of rural residential use,
- It further aligns with Moorreesburg-specific directives, including the strengthening activity streets, supporting local economic activity, and encouraging infill development

From the above mentioned it is clear that the proposal raises no fundamental policy conflict, with infrastructure matters manageable through conditions. The proposal is considered consistent with the objectives and spatial intent of the Swartland Municipal Spatial Development Framework (2025) and is supported from a spatial policy perspective.

2.5 Schedule 2 of the By-Law (Zoning Scheme Provisions)

The proposal complies with the provisions of the applicable development management scheme.

3. The desirability of the proposed development

The proposal introduces a mixed-use development comprising neighbourhood scale business and rural residential / agricultural uses. The property is well located along an activity street within an established urban area, making it suitable for a degree of land use intensification. This has become even more relevant with the recent development of the Moorreesburg IRDP project, where this development will result in bringing economic opportunities closer to the people.

The proposed use is of low intensity with the majority of the property being proposed for rural residential use and it will therefore complement the surrounding residential character while introducing additional local services.

The development responds to a functional need for local retail opportunities and supports job creation.

The scale of the development remains limited, with business zone 2 typically accommodating neighbourhood-level commercial uses. The retention of the large rural residential component is deemed as form of mitigation between the proposed commercial use within the earmarked transition zone and the neighbourhood of Hooikraal.

Given the location of the property next to an identified activity street the potential impacts with regards to traffic, noise as well as activity levels are deemed incremental and in support of the recent housing development. No significant or unreasonable negative impacts are anticipated on the surrounding properties. Potential impacts can be managed through conditions as deemed necessary.

The subject property is situated within the urban edge of Moorreesburg in an area that already exhibits a mixed-use character. The proposal is therefore deemed compatible with the surrounding land use pattern.

There are no restrictions registered against the title deed (T30828/2019) of the subject property prohibiting the proposal.

Physically there are no restrictions that negatively impact the proposal.

The proposal is consistent with municipal and provincial spatial planning policies as discussed above.

The proposal further does not have a negative impact on the municipality's ability to provide services to the residents of Moorreesburg. The upgrading of the electrical network to provide the proposed development with service connections is for the owner/developers account and is therefore not seen as prohibitive.

The proposal is therefore deemed desirable.

4. **Impact on municipal engineering services**

The proposal has no unacceptable or unmitigated impact on municipal engineering services.

5. **Response by applicant**

Refer to Annexure I.

6. **Comments from other organs of state/departments**

As mentioned above. With the evaluation of the application, it was noted that the development, due to its extent, requires the consent from Heritage Western Cape. Heritage Western Cape in their letter dated 13 May 2026, confirms that, since there is no reason to believe that the proposed subdivision, rezoning, and redevelopment of Erf 2828, 3rd Avenue and Omega Street, Moorreesburg will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

Their decision does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority and it reserves the right to request additional information as deemed necessary. Please refer to Annexure G.

7. Public interest

The proposal has both private and broader public benefits including, improved access to goods and services as well as the provision of local economic opportunities that result in job creation without significantly impacting neighbouring property owner's rights. The concerns raised

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights

N/A

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for rezoning of Erf 2828, Moorreesburg from Residential zone 1 to Subdivisional Area be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) to make provision for the following land uses:

Residential zone 5 ($\pm 18728\text{m}^2$), Business zone 2 ($\pm 5015\text{m}^2$) and Transport Zone 2 (corner spays).

B. The application for subdivision of Erf 2828, Moorreesburg be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):

The decisions A and B above are subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

(a) Erf 2828, Moorreesburg (2,3793ha in extent), be subdivided into a:

- (i). A Remainder 1,8728ha in extent (Residential zone 5)
- (ii). Portion A $\pm 5015\text{m}^2$ in extent (Business zone 2)
- (iii). Portion B $\pm 12.5\text{m}^2$ in extent (Transport zone 2)
- (iv). Portion C $\pm 12.5\text{m}^2$ in extent (Transport zone 2)
- (v). Portion D $\pm 12.5\text{m}^2$ in extent (Transport zone 2)
- (vi). Portion E $\pm 12.5\text{m}^2$ in extent (Transport zone 2)

(b) The site development plan as presented in the application, drawn by SeaSide Studio dated Okt 2025, with reference SSS 2025 – 30 – 01 REV 1, is hereby approved;

(c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval for any additions to the existing buildings or for any work done that does not have the required approval;

(d) Application for the right to construct or affix and display any advertising signage be made to the Senior Manager: Development Management;

(e) At least 33 on-site parking bays be provided with a permanent dust free surface being tar, concrete or paving or a material per-approved by the Director: Civil Engineering Services and that the parking bays are clearly marked;

(f) The development be provided with a secure dedicated structure for the storage of solid waste. The structure be accessible to the municipal service truck to the satisfaction of the Director of Civil Engineering Services;

(g) The corner splays be surveyed and transferred to Swartland Municipality for the cost of the owner/developer simultaneously with transfer of portion A.

- (h) A landscaping plan be submitted with the building plan application for consideration and approval by the Senior Manager: Development Management;
- (i) The use of indigenous, water-wise landscaping be used with the landscaping plan;
- (j) All approved landscaping be fully installed prior to the issuing of any occupation certificate, and the ongoing maintenance, upkeep and replacement of all landscaping elements remain the responsibility of the owner / developer for the lifetime of the development;
- (k) Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities, all works be stopped immediately, and Heritage Western Cape be notified without delay;

2. SEWERAGE

- (a) Each subdivided portion be provided with a sewer connection. This condition is applicable on building plan stage;

3. WATER

- (a) Each subdivided portion be provided with a separate water connection. This condition is applicable on building plan stage;

4. STREETS AND STORMWATER

- (a) Runoff from paved surfaces be collected and conveyed to the nearest suitable municipal collection point;
- (b) The proposed parking spaces, including the sidewalk providing access, be provided with a permanent surface;

5. ELECTRICAL SERVICES

- (a) Each subdivided portion be provided with a separate electrical connection point and related costs be for the account of the owner/developer;
- (b) Any costs incurred as a result of the relocation of electrical cables over the relevant erf, be for the account of the owner/developer;
- (c) Currently there is no existing (low / medium voltage) network available to the development. The existing network therefore needs to be extended in order to provide the proposed development with services connections. The planning, design and construction of the extension is for the developer's account;
- (a) The developer to appoints an engineer appropriately registered in terms of the relevant legislation to design the above mentioned extension of the existing network. The design be submitted to the Director: Electrical Engineering Services for approval after which construction work be carried out under the supervision of the engineer;
- (d) Additional to the abovementioned, the owner/developer is responsible for the payment of the electrical connections of the subdivided portions;

6. DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R 89 187, 03 towards the bulk supply of regional water, at building plan stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R 33 110, 60 towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R 23 174, 91 towards sewerage, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R 69 608,37 towards the wastewater treatment works at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R 263 120, 14 towards roads, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/247-188-9210);

- (f) Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and may be revised thereafter;

7. GENERAL

- (a) The legal certificate which authorises the transfer of the subdivided portions and the consolidated erf in terms of section 38 of the By-Law, will not be issued unless all the relevant conditions have been complied with;
- (b) Any existing services connecting the remainder and subdivided portions be relocated and/or disconnected for each erf's pipework needs to be located on the relevant erf;
- (c) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (d) 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;
- (e) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval be implemented within these 5 years, without which, the approval will lapse. Should all the conditions of approval be met before the 5-year approval period lapses, the subdivision will be permanent and the approval period will not be applicable anymore.
- (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 R5000-00 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.

PART M: REASONS FOR RECOMMENDATION

1. The proposal is consistent with the spatial planning principles of SPLUMA as well as the matters referred to in Chapter VI of LUPA, specifically through the promotion of spatial justice, spatial sustainability, efficiency as well as spatial integration by accommodating a mixed use development along an identified activity street.
2. The proposal is aligned with the applicable spatial policy in terms of provisional, district as well as local Spatial Development Frameworks. Consistent with the objectives of the spatial policy, the proposal consist of mixed use development along an identified activity street, falls within a transition zone where intensification is supported as well as promotes infill development within the urban edge.
3. The development is deemed desirable as it introduce low-intensity mixed use development compatible with the surrounding area, supports local economic development and job creation, improved accessibility to neighbourhood-scale retail services, retains a significant Residential zone 5 component maintaining the character of the area.
4. Engineering services departments have confirmed no unacceptable impact on municipal engineering services and any concerns have been included as conditions of the approval.
5. Public participation as well as the request for the approval from Heritage Western Cape complies with the provisions of the By-Law. Only one objection was received and which does not raise valid planning grounds for refusal.
6. The proposal complies with the applicable provisions of the development management scheme and there is also no restriction registered against the title deed of the property prohibiting the proposal.
7. The proposal promotes economic activity and employment, improves access to services, supports sustainable urban development patterns and does not disproportionately affect the rights of adjacent owners. The proposal therefore results in a positive public interest outcome.

PART N: ANNEXURES

Annexure A	Locality plan
Annexure B	Copy of applicant's motivation
Annexure C	Rezoning plan
Annexure D	Subdivision plan
Annexure E	Site development plan
Annexure F	Public participation plan
Annexure G	Comments from Heritage Western Cape
Annexure H	Objection J Streicher

Annexure I Applicant's comments on the objection

PART O: APPLICANT DETAILS

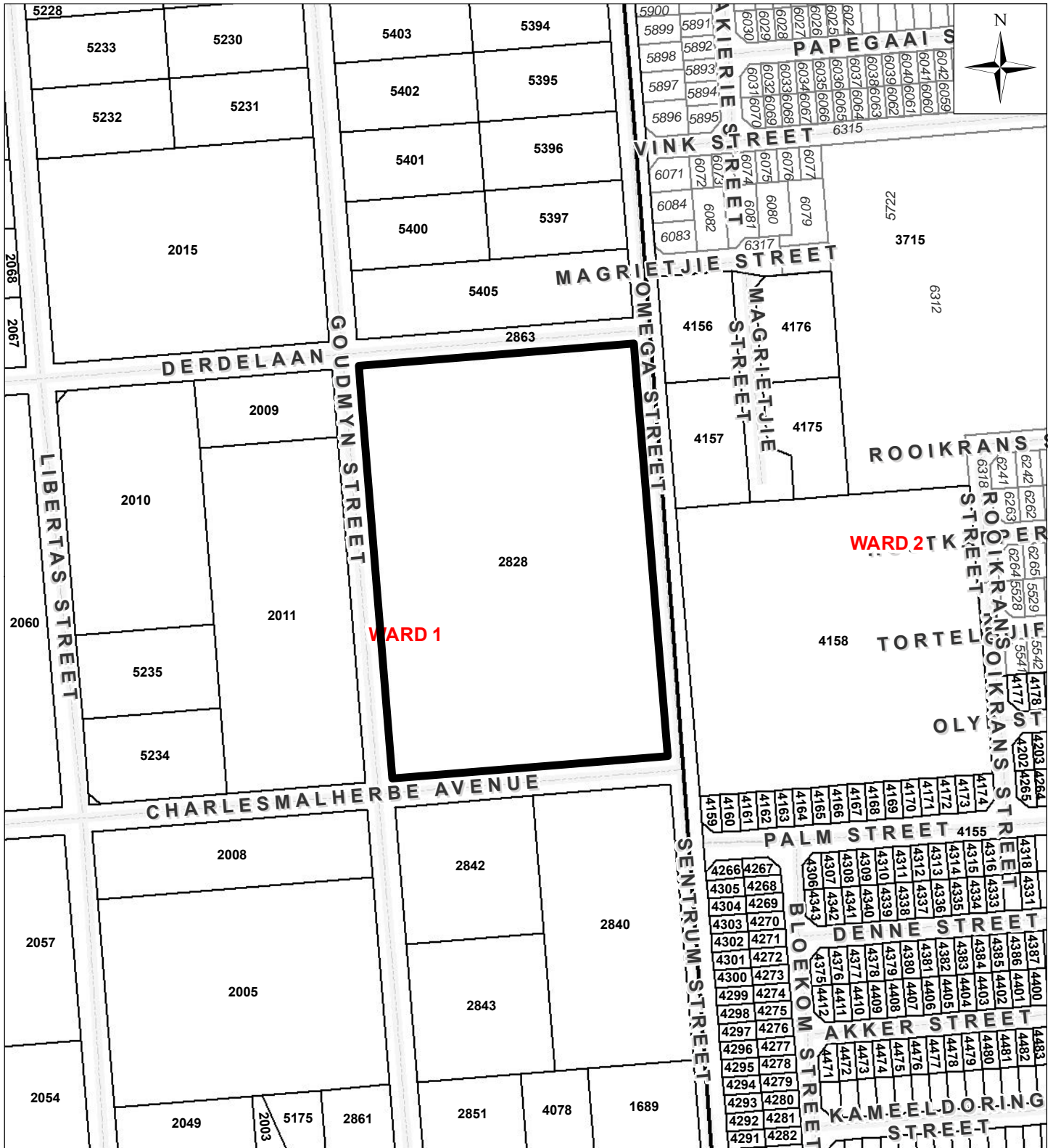
Name	CK Rumboll & Partners			
Registered owner(s)	EP & R Martin	Is the applicant authorised to submit this application:	Yes	N

PART P: SIGNATURES

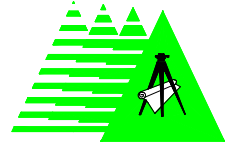
Author details: Herman Olivier Senior Town and Regional Planner & GIS Administrator SACPLAN: A/204/2010			Date: 29 May 2026	
	Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended
			Date: 1 June 2026	

LOCATION PLAN

REZONING AND SUBDIVISION: ERF 2828, MOORREESBURG



CK RUMBOLL & VENNOTE / PARTNERS



PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATE: 4 November 2025

OUR REF: MOOR/14858/NJdK

BY HAND

Attention: Mr. A. Zaayman
Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

REZONING AND SUBDIVISION OF ERF 2828, MOORREESBURG

With reference to the above-mentioned application, please find attached the following:

1. Motivational report
2. Power of attorney
3. Application form
4. Title deed and General Plan
5. Locality Map
6. Zoning Map
7. Subdivision Plan

We trust you find the above to be in order.

Kind regards

NJ de Kock

For CK RUMBOLL AND PARTNERS

VENNOTE / PARTNERS:

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: jolandie@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661

MOTIVATIONAL REPORT

Proposed rezoning and subdivision of Erf 2828, Moorreesburg

Application in terms of
the Swartland Municipal
By-Law on Land Use
Planning (PG 8226 of 25
March 2020)

Authority:

Swartland Municipality

Date:

October 2025

Our Reference:

YZER/14858/NJdK

Compiled By:

NJ de Kock for

CK Rumboll & Partners

Town Planners

Professional Surveyors

16 Rainier Street, Malmesbury

Tel: 022-4821845

Fax: 022-4871661

Email: planning2@rumboll.co.za



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- F: Site Development Plan



1. SECTION 1 INTRODUCTION

CK Rumboll and Partners have been appointed by Pieter and Rachel Martin to handle all town planning matters related to the rezoning and subdivision of Erf 2828, Moorreesburg, with the intention of creating two properties, one designated for business use and the other for urban agriculture purposes. A copy of the Power of Attorney is attached as **Annexure A**.

1.1 Purpose

It is the purpose of this report to apply in terms of:

- ▶ Section 25 (2) (a) of the Swartland Municipal By-law on Municipal Land Use Planning (25 March 2020), for the **Rezoning** of Erf 2828, Moorreesburg, from Residential Zone 1 (2.3793Ha) to Subdivisional Area to accommodate Business Zone 2, Residential Zone 5 and Transport Zone 2 erven;
- ▶ Section 25 (2) (d) of the Swartland Municipal By-law on Municipal Land Use Planning (25 March 2020), for the **Subdivision** of Erf 2828, Moorreesburg, into a Portion A ($\pm 5015\text{m}^2$ in extent), Portion B ($\pm 12.5\text{m}^2$ in extent), Portion C ($\pm 12.5\text{m}^2$ in extent), Portion D ($\pm 12.5\text{m}^2$ in extent), Portion E ($\pm 12.5\text{m}^2$ in extent) and Remainder ($\pm 1.8728\text{Ha}$ in extent);

The completed application form is attached as **Annexure B**.

1.2 Property Description

Table 1: Property details

Erf 2828, Moorreesburg	
Extent	2.3793Ha
Registered Owner	Pieter Edwin Martin and Rachel Martin
Local Authority	Swartland Municipality
Current Zoning	Residential Zone 1
Current Land Use	Dwelling house
Title Deed	T30828/2019
Title Deed Restrictions	None

Copies of the Title Deed and Diagrams are attached as **Annexure C**.

1.3 Restrictions

From the Title Deeds of Erf 2828, Moorreesburg, it is clear that the property does not have any restrictions that will prohibit the proposed development. Copies of the Title Deed and Diagrams are attached.

2. SECTION 2 CONTEXTUAL ANALYSIS

2.1 Locality

Moorreesburg is located approximately 100 kilometres north of the Cape Metropole along the N7 route and 70 kilometres to the east of the West Coast towns of Langebaan and Saldanha. Erf 2828, Moorreesburg, is located within the central part of town and favourably located along an activity street. The property borders four streets namely; 3rd Avenue, Omega Street, Charles Malherbe Street and Goudmyn Street. The property currently gains access from Omega Street on its eastern boundary. The Locality Map is attached as **annexure D**.

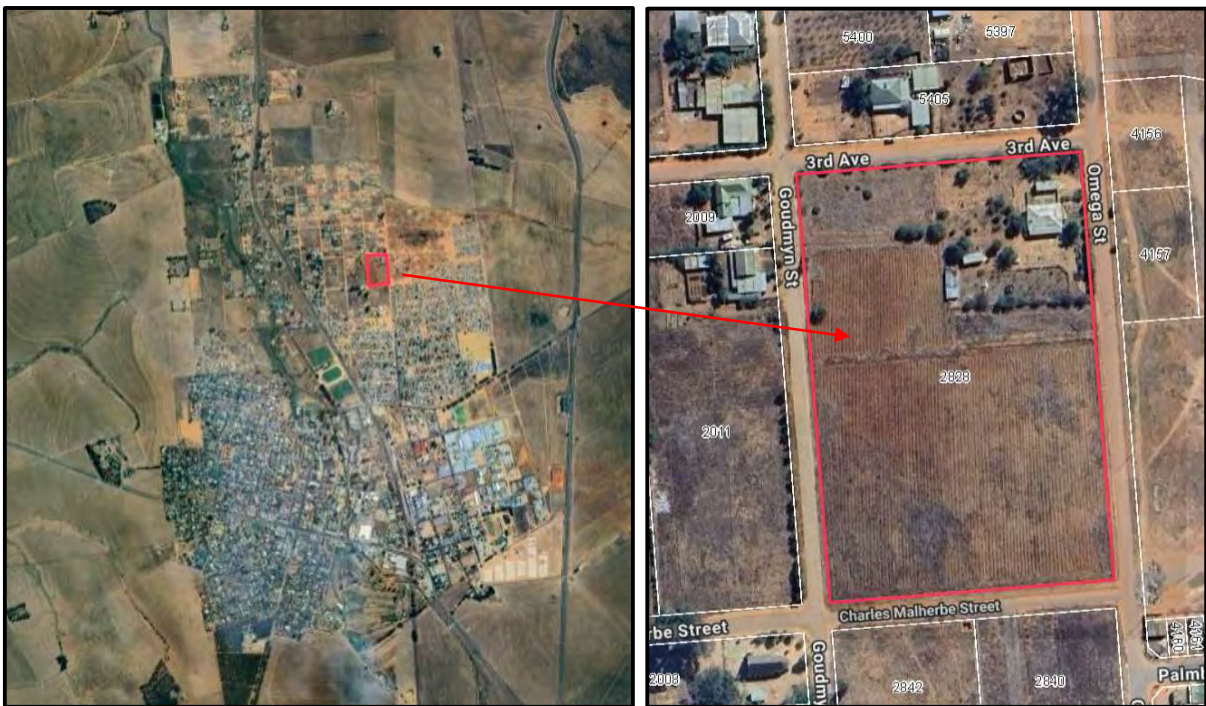


Figure 1: Locality of Erf 2828, Moorreesburg

2.2 Existing Zoning and Surrounding Uses

In terms of the *Swartland Municipal Land Use Planning By-law (PG 8226)*, Erf 2828, Moorreesburg, is zoned Residential Zone 1. Erf 2828 comprises of a dwelling house and three outbuildings and is currently used for residential purposes.

The surrounding area consists mostly of low-density residential uses to the north, west and south with some higher density residential even to the east. There are also community zoned even to the east to accommodate future needs within the area. The property is further favourably located along an activity street (Omega Street).

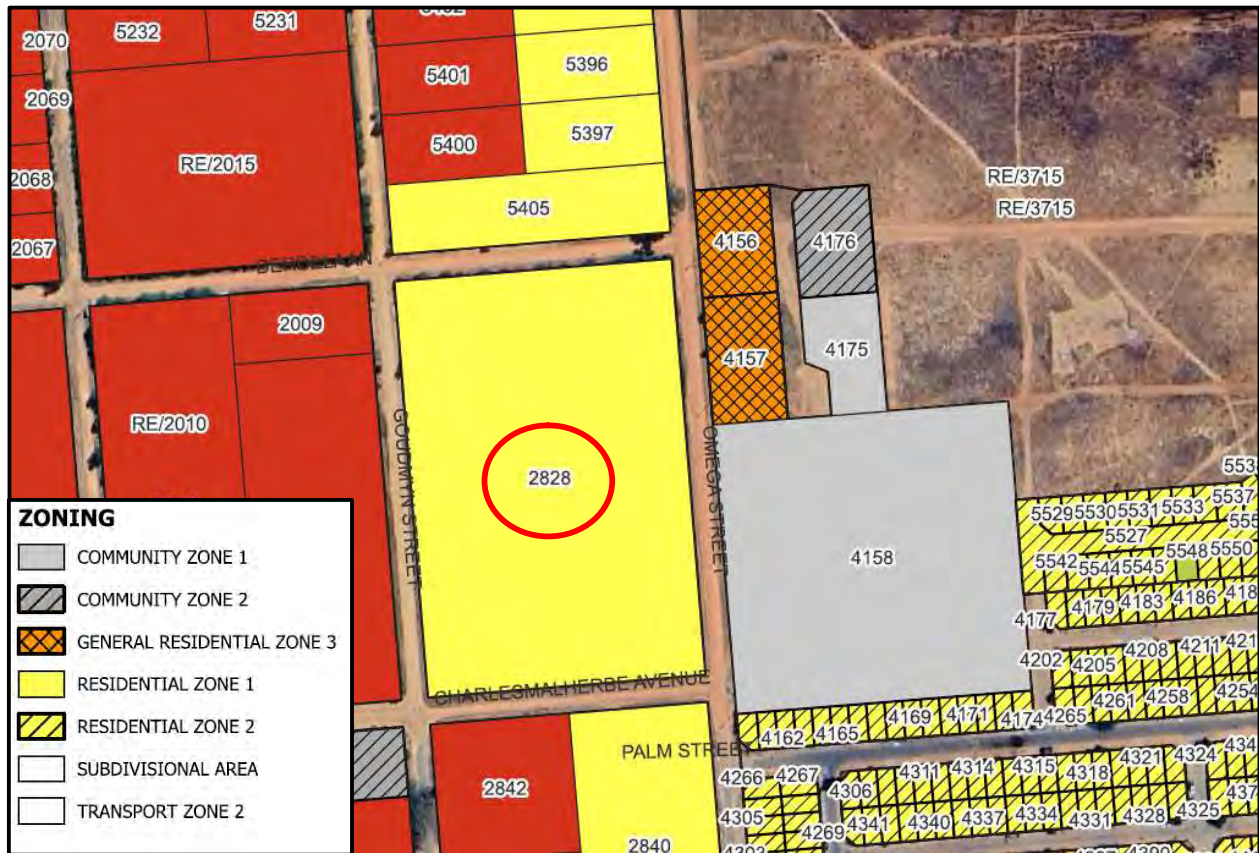


Figure 2: Erf 2828 and surrounding zoning

2.3 Access

The property borders four streets namely; 3rd Avenue, Omega Street, Charles Malherbe Street and Goudmyn Street. The property currently gains access from Omega Street on its eastern boundary. Following the development, both the proposed Portion A and Remainder will gain access from Omega Street.

2.4 Services

Erf 2828 is situated within an established urban area with access to existing municipal services. The newly created property will be integrated into this existing service network as follows:

- There is no sewage infrastructure available in the Hooikraal area and conservancy tanks will have to be installed on the newly proposed property that will be serviced by a sewage truck.
- Electricity in the area is supplied by Eskom. A new Eskom connection will be made.
- Water infrastructure is available in the area and will be extended to the new erf.

3. SECTION 3 DEVELOPMENT PROPOSAL

The purpose of this development is to subdivide and rezone the property in order to create two distinct land use zones: one erf designated for business purposes and the other for rural residential use. This will allow for more effective utilization of the property by accommodating both commercial activity and low-density residential living on the same site. Accordingly, the following applications are being submitted:

3.1 Proposed Rezoning

It is the purpose of this report to apply in terms of:

- Section 25 (2) (a) of the Swartland Municipal By-law on Municipal Land Use Planning (25 March 2020), for the **Rezoning** of Erf 2828, Moorreesburg, from Residential Zone 1 (2.3793Ha) to Subdivisional Area to accommodate Business Zone 2 and Residential Zone 5 erven;

REZONING OF ERF 2828		
Property Erf 2828	Current Zoning Residential Zone 1	Proposed Zoning Business Zone 2 Residential Zone 5 Transport Zone 2 (splays)

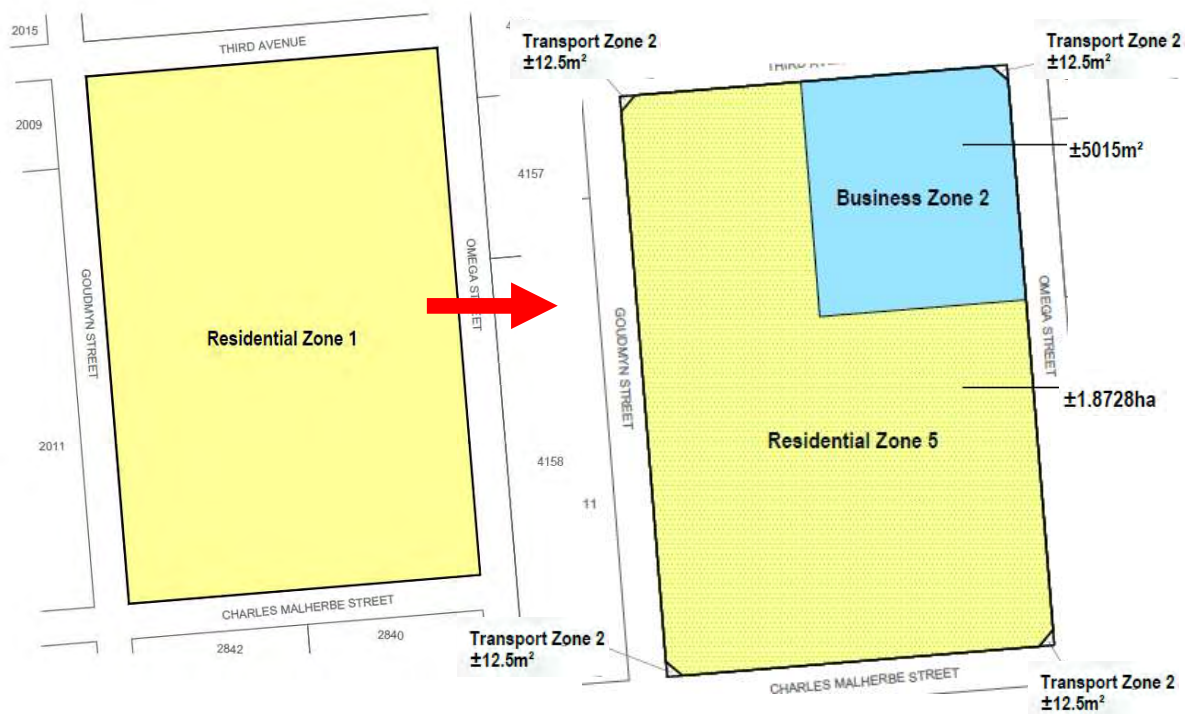


Figure 3: Rezoning of Erf 2828 Moorreesburg

The owners of Erf 2828, Moorreesburg, propose to rezone the property to a Subdivisional Area in order to enable the creation of separate land use zones: a Business Zone 2 erf, a Residential Zone 5 erf and four splays (Transport Zone 2). The proposed rezonings will seamlessly integrate with the existing character of the area, given the numerous Residential Zone 5 properties to the west. Since Erf 2828 is located along an activity street and adjacent to community zone and higher residential zone erven, the proposed business property will integrate seamlessly into the mixed-use area.

The Business Zone 2 portion is intended to accommodate shops that will serve the surrounding residential and rural community, thereby enhancing access to goods and services within the area and supporting local economic development. The Residential Zone 5 portion will be used for rural residential purposes, with the owners intending to cultivate a variety of fruits and vegetables on-site. This zoning category allows for low-density residential living in conjunction with small-scale agricultural activities. An integrated approach is envisioned, whereby produce grown on the Residential Zone 5 portion will be sold at the shops located on the Business Zone 2 erf. This creates a self-sustaining, small-scale agri-business model that supports local entrepreneurship, promotes food security, and strengthens the local economy. The proposal aligns with sound spatial planning principles by encouraging mixed land use, sustainable development, and efficient service provision within an already established urban environment.

3.2 Subdivision

It is the purpose of this report to apply in terms of:

- ▶ *Section 25 (2) (d) of the Swartland Municipal By-law on Municipal Land Use Planning (25 March 2020), for the **Subdivision** of Erf 2828, Moorreesburg, into a Portion A ($\pm 5015\text{m}^2$ in extent), Portion B ($\pm 12.5\text{m}^2$ in extent), Portion C ($\pm 12.5\text{m}^2$ in extent), Portion D ($\pm 12.5\text{m}^2$ in extent), Portion E ($\pm 12.5\text{m}^2$ in extent) and Remainder ($\pm 1.8728\text{Ha}$ in extent);*

The proposed subdivision of Erf 2828, Moorreesburg into Portion A ($\pm 5015\text{m}^2$ in extent), Portion B ($\pm 12.5\text{m}^2$ in extent), Portion C ($\pm 12.5\text{m}^2$ in extent), Portion D ($\pm 12.5\text{m}^2$ in extent), Portion E ($\pm 12.5\text{m}^2$ in extent) and Remainder ($\pm 1.8728\text{Ha}$ in extent) is intended to facilitate a more efficient and sustainable use of the land. Portion A will be utilised as a business site, accommodating retail (shop) activities that will serve the surrounding community. Its size and location make it well-suited for this purpose, and the proposed business use aligns with the area's need for accessible commercial services. The subdivision will enable the creation of a business erf, without compromising the integrity or use of the larger rural residential area. The Remainder of the property will be utilised for urban agriculture, consistent with the current character of the surrounding area. This portion will allow for low-density living alongside small-scale agricultural activities, including the cultivation of fruits and vegetables.

The sizes of the proposed portions will still be in line with the character of the existing area, and can therefore be supported.

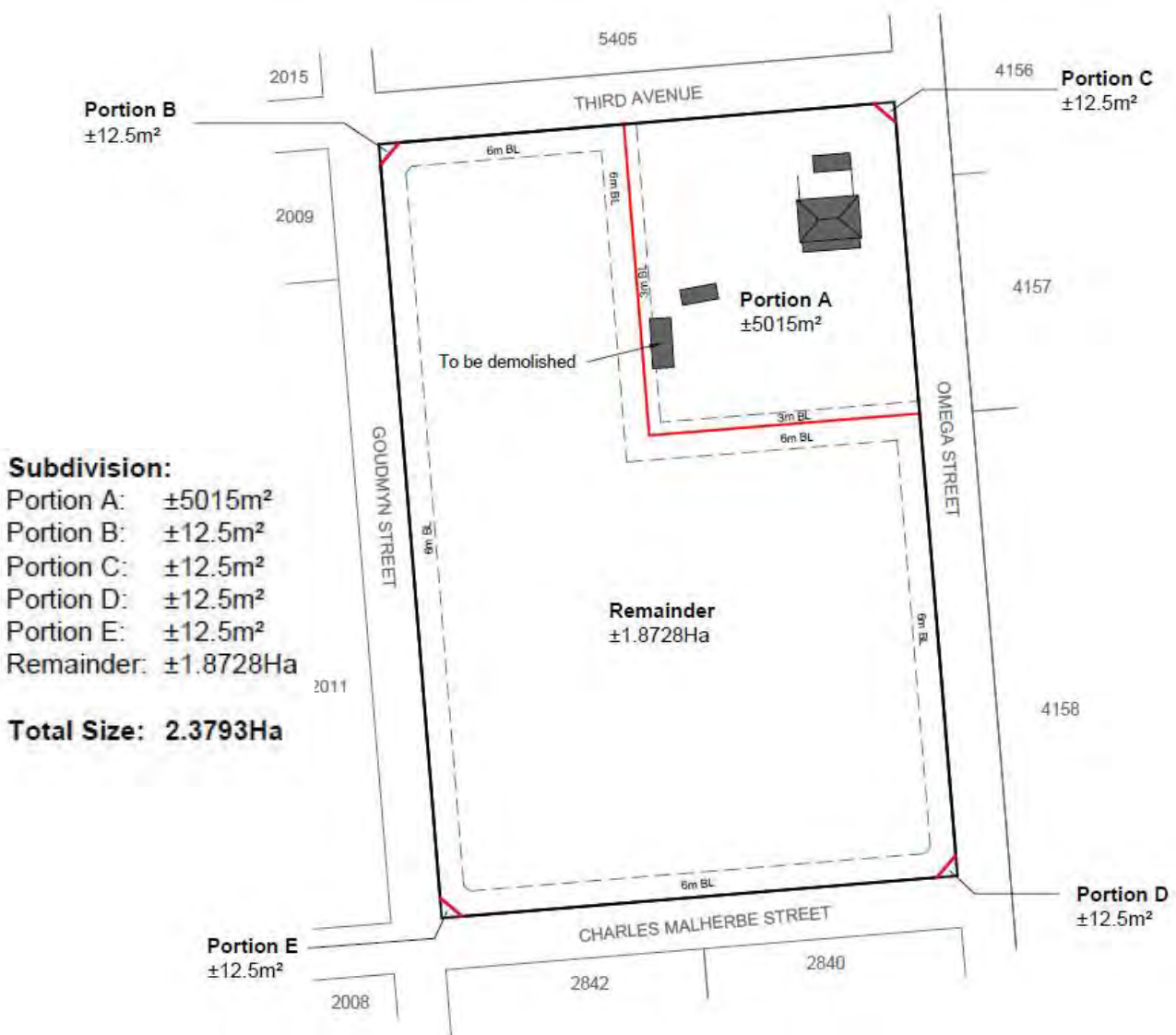


Figure 4: Subdivision of Erf 2828 Moorreesburg



3.3 Compatibility with the Municipal Land Use Planning By-Law (2020)

The tables below provide an overview of the applicable scheme regulations for the proposed development on Erf 2828, Moorreesburg, and how the development is compatible with the development parameters for Business Zone 2 and Residential Zone 5 properties.

Business Zone 2: The objective of this zone is to provide for low intensity commercial and mixed-use development which satisfies the needs of the local precinct for commodities and personal services. Such development should be limited in extent and must be able to integrate with the adjacent precinct without adversely affecting the amenities of the residential precinct.

Table 3: Zoning scheme regulations applicable to Business Zone 2 properties.

Erf 2828, Moorreesburg (Portion A) (Refer to land use provisions 3.2.1 of the Swartland Municipal Land Use Planning By-Law)		
Scheme regulations Business zone 2	Proposed Development	
<p><u>Primary use:</u> business premises, shopping centre, medical consulting rooms, offices, flats, public parking, rooftop base station, wine <u>shop</u>, filming</p> <p><u>Consent use:</u> offices, place of assembly, place of entertainment, restaurant, bottle store, service trade, car wash, nursery, lodge, tasting facility, transmission tower.</p>	Shop	✓
<p><u>Floor factor:</u> No building in this zone may exceed a floor factor of 1.5 whereby not less than 0.75 may be used for dwelling purposes above the ground floor.</p>	<p>=Total surface area of building ÷ Erf extend = $\pm 733\text{m}^2 \div \pm 5015\text{m}^2$ = ± 0.146</p>	✓
<p><u>Coverage:</u> The maximum coverage is 75%.</p>	<p>=Total surface area of building ÷ Erf extend x 100 = $\pm 733\text{m}^2 \div \pm 5015\text{m}^2 \times 100$ = $\pm 14.6\%$</p>	✓
<p><u>Height:</u> (i) No building shall exceed a height of 2 storeys; (ii) Notwithstanding the definition of “storey”, the ground storey of a building in Business Zone 2 may extend to 4m from the surface of the ground floor to the surface of the next floor above.</p>	The existing and proposed buildings are single storey and will remain single storey.	✓
<p><u>Street building line:</u> (i) The street building line is subject to: (aa) the setback regulation, and (bb) a 5m street building line that may be required where the street boundary abuts a declared road;</p>	The existing and proposed buildings comply with the street building lines.	✓

<p>(ii) Minor architectural and sunscreen features may project or extend beyond the street building line provided that such features are situated above the ground storey and do not project more than 1m beyond the street boundary.</p>		
<p><u>Side building line:</u> The side building lines may be zero, provided that: (i) a building or portion of a building which is erected on the side boundary of a land unit shall have no doors, windows or ventilation or other openings inserted in any wall on such boundary, unless the municipality is satisfied that such opening will not adversely affect any future development on adjacent land units, and (ii) where the side boundary of a Business Zone 2 land unit abuts a single or general residential zone land unit, the side building line on the Business Zone 2 land unit shall be 3m, subject to paragraph 12.2.1.</p>	<p>The existing and proposed buildings will comply with the side building lines.</p>	
<p><u>Parking and access:</u> (i) One parking bay per 25m² of the total floor space is required in respect of all the primary and consent uses, except for dwelling units and places of assembly;</p>	<p>Shop andp manager office (retail): <i>1 bay per 25m² GLA</i> $= \pm 727.25\text{m}^2 \div 25\text{m}^2$ $= \mathbf{29.09 \text{ parking bays}}$</p> <p>Total of 30 parking bays required and a total of 33 will be provided.</p>	

Residential Zone 5: This zoning accommodates larger residential properties also used for agricultural purposes where agriculture, as secondary reason for occupation of the property can be utilised.

Table 4: Zoning scheme regulations applicable to Residential Zone 5 properties.

Erf 2828, Moorreesburg (Remainder) (Refer to land use provisions 1.5.1 of the Swartland Municipal Land Use Planning By-Law)		
Scheme regulations Residential Zone 5	Proposed Development	
<p><u>Primary use:</u> dwelling, agriculture;</p> <p><u>Consent use:</u> second dwelling or double dwelling, bed-and breakfast operation, guest house, tourism facility day care centre, place of education, riding school, nursery, horticulture, commercial pet shelters, food processing, home occupation, transmission tower, roof base station, house shop, house tavern service trade;</p>	Agriculture	✓
<p><u>Coverage:</u> The maximum coverage is 40%.</p>	No buildings proposed at this stage	✓
<p><u>Height:</u> (i) The height of a dwelling may not exceed 8m, measured parallel from the grade line to the wall plate, in all cases, and 10,5m measured from the grade line to the highest point of the roof in the case of pitched roofs;</p> <p>(ii) The general provisions relating to earth walls, retaining structures, support structures and similar constructions in this By-Law shall apply.</p>	No buildings proposed at this stage	✓
<p><u>Building lines:</u> Building lines in respect of all boundaries are 6m.</p>	No buildings proposed at this stage	✓

- **Portion A: Business Zone 2**

The proposed Portion A (Business Zone 2) will utilize three existing buildings, with Buildings A and B being repurposed into retail shops and Building C serving as a manager's office. The remaining building south of building C will be demolished. This approach ensures minimal structural development while maximizing the use of existing infrastructure. Additionally, a new $\pm 500\text{m}^2$ shop is proposed to provide a wider range of essential goods and services that are currently inaccessible to the local population without traveling significant distances. This development will not only improve local access to daily necessities but will also reduce travel time and costs for residents, particularly those from surrounding high density residential areas. The inclusion of a manager's office further supports the ongoing maintenance and oversight of the site, ensuring a professional and well-run operation.

From an economic development perspective, the business site has the potential to generate employment opportunities and stimulate local trade. By creating retail space tailored to the needs of the immediate community, the development promotes micro-enterprise and entrepreneurship in an underserved market. The close connection between this commercial site and the proposed agricultural activity on the adjacent residential portion supports the development of a localized value chain, further enhancing the economic sustainability of the area.

- **Remainder: Residential Zone 5**

The proposed Remainder (Residential Zone 5) of Erf 2828 is intended to support the business site through agricultural activity. The owners intend to cultivate fruits and vegetables on this portion of the property, which aligns with the zoning's objective of allowing limited agriculture within a residential setting. This agricultural output will not only support household consumption but will be sold directly through the on-site shops in the Business Zone 2 area, creating a symbiotic relationship between the two zones. This model promotes food security, local self-sufficiency, and sustainable land use, while also contributing to the character and rural identity of the surrounding area.

4. SECTION 4 PLANNING POLICY

4.1 Municipal Spatial Development Framework

The *Swartland Spatial Development Framework (SDF) (2023)* determines the strategic policy guidelines for future development in the Swartland region and in this case, in Moorreesburg. With regard to land use proposals applicable to Moorreesburg, the *SDF* identifies the area in which Erf 2828 is located as Zone A, which presents "a low density rural residential area known as "Hooikraal" with a required minimum erf size of 1 900 m². *Densify on southern and eastern boundary of Hooikraal in transitional zone. Rehabilitation of a waste transfer station as composting and recycling plant.*"



Figure 6: Extract from Swartland SDF (2023)

MOORREESBURG LAND USE ZONES		Low Density Residential Uses	Medium Density Residential Uses	High Density Residential Uses	Secondary Educational Uses	Place of Education	Professional Uses	Business Uses	Secondary Business Uses	Places of Worship	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
		A	Zone A is a low density rural residential area known as "Hooikraal" with a required minimum erf size of 1 900 m ² . Density on southern and eastern boundary of Hooikraal in transitional zone. Rehabilitation of a waste transfer station as composting and recycling plant.	X			X	X	X	X 1	X 1	X	X	X	X

(1) Along activity streets/corridors **Business Uses** e.g. shop, supermarket, restaurant, offices, service station.

Figure 7: Extract from Swartland SDF (2023)

The table below indicates the alignment of the proposed development with the Protect, Change and Develop Place Identity for Moorreesburg as set out in the *Swartland SDF (2023)*.

Table 5: Extracts from Swartland SDF (2023)

Change	Develop
<i>In principle maintain minimum erf sizes of 1900 m², but allow for minimum erf size of 600 m² in transition zone between Hooikraal and higher density residential areas.</i>	<i>Increase density by 2027 from the current 5.2 units per hectare to 7 units per hectare in Moorreesburg</i>
<i>Diversify agricultural sector.</i>	
<i>Explore medium development potential.</i>	

Given that the property is located adjacent to an activity street, it is well-suited for higher-order land uses. According to the land use proposal map for Moorreesburg, Erf 2828 falls within Zone A, which supports business activities such as shops, supermarkets, restaurants, offices, and service stations along active streets. Therefore, the proposal to establish shops along Omega Street is directly aligned with the Spatial Development Framework for this area. Furthermore, Erf 2828 is situated within a mixed-use node (see figure 2 above) that includes both low- and high-density residential areas, as well as community facilities. The proposal to also include low impact commercial activities within this already mixed-use node will only strengthen the existing character of the area. Since Erf is located within the transition zone of Moorreesburg, these uses can be supported.

The proposal further aligns with the SDF's objective to increase residential density in Moorreesburg from the current 5.2 units per hectare to 7 units per hectare by 2027. It also supports the SDF's exploration of medium-density development opportunities. This project contributes to these goals through its dual-purpose design: the Business Zone 2 portion will provide local commercial services, reducing the need for residents to travel far, while the Residential Zone 5 portion allows for rural residential living and urban agriculture. This represents a moderate, context-sensitive intensification that supports the SDF's vision for denser but sustainable growth in well-located areas.

Lastly, the proposal directly supports the SDF's directive to "diversify the agricultural sector." By incorporating small-scale fruit and vegetable cultivation on the Residential Zone 5 portion and selling that produce through the shops located in the Business Zone 2 area promotes local food production and economic activity. This approach brings agriculture into closer synergy with residential and commercial uses, supporting a mixed-use model that advances the SDF's integrated and practical vision for development

4.2 Principles of Land Use Planning

The proposed development supports the principles of *Chapter VI (Article 59) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Article 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, as follows;*

4.2.1 Spatial justice

The proposal promotes spatial justice by improving access to goods, services, and economic opportunities for residents who have historically been underserved due to their distance from commercial centres. By introducing small-scale retail within walking distance of surrounding low-income residential and semi-rural areas, the development helps address spatial inequalities in service delivery. Furthermore, by enabling local entrepreneurs to engage in agri-business and trade from the site, the proposal supports inclusive economic participation. The proposed development does not support further segregation within the community. The development proposal is consistent with the *Swartland Spatial Development Framework (2023)* as a spatial instrument that directs future development at a Local Municipal level.

4.2.2 Spatial sustainability

This development supports spatial sustainability by promoting mixed land uses on a single erf, thus reducing the need for extensive travel and large-scale infrastructure expansion. The integration of residential, commercial, and agricultural functions encourages a self-sustaining land use model that supports local food production and retail. The reuse of existing buildings for shops and office use further contributes to sustainable land development by limiting the environmental impact and resource consumption typically associated with new construction.

The proposed development promotes the financial viability of the municipality of the present and for the future. The proposed development is within the Environmental Management requirements by developing land within the existing Urban Edge and leaving the surrounding natural areas untouched. The proposed development will have no negative effects on any potential agricultural land. No heritage resources will be negatively affected by the development. Furthermore it will not affect any endangered vegetation or conservation areas.

4.2.3 Efficiency

The development demonstrates spatial efficiency through the optimal use of existing infrastructure and built form. By repurposing existing buildings for retail and office use, and by aligning the proposed land uses with the surrounding urban fabric, the proposal minimizes additional infrastructure costs. The subdivision into complementary zoning categories on one site reduces urban sprawl, consolidates development, and promotes compact urban growth aligned with the principles of efficient spatial planning.

4.2.4 Spatial resilience

The proposed combination of agriculture and business enhances the spatial resilience of the area by promoting local food production and reducing dependency on distant markets and supply chains. In times of economic disruption or logistical challenges, residents will benefit from a more localized source of food and basic goods. The diversified land use also ensures that the site can adapt over time to changing socio-economic conditions, making the community more capable of withstanding future shocks.

4.2.5 Good administration

The proposed application will be taken through the public process by the Swartland Municipality and all relevant departments will be approached. Participation of different relevant departments and the public will ensure an informed decision.

From the above it can be concluded that the proposed development complies with the overall guidelines and proposals for future development in Moorreesburg when taking into consideration the impact and scale of the proposed development. The proposal can be deemed consistent with the applicable planning policies and guidelines as it will result in uses that will still maintain the character of the area. With the proposed development, the property will be used to its full potential and contribute to limiting urban sprawl.

5. SECTION 5 SUMMARY

The proposed development is considered desirable on the basis of the following;

- The proposed development use enhances the principles of *LUPA and SPLUMA*.
- The proposal complies with the *Swartland Spatial Development Framework (2023)* as the main forward planning document for Moorreesburg and the Swartland Municipal Area as a whole.
- The development proposal will complement the mixed-use character of the area (node).
- There are no physical restrictions on the property that will negatively affect the proposed use.
- The proposed development will limit urban sprawl in Moorreesburg.
- New job opportunities will be created.
- New shop in close proximity to the existing residential area will be established, ensuring easy access for all residents.
- New commercial opportunities will arise, which will benefit both the business owners, by allowing new commercial opportunities as well as the local municipality in terms of property tax.
- This development uses an existing erf within the Urban Edge to its optimal potential.

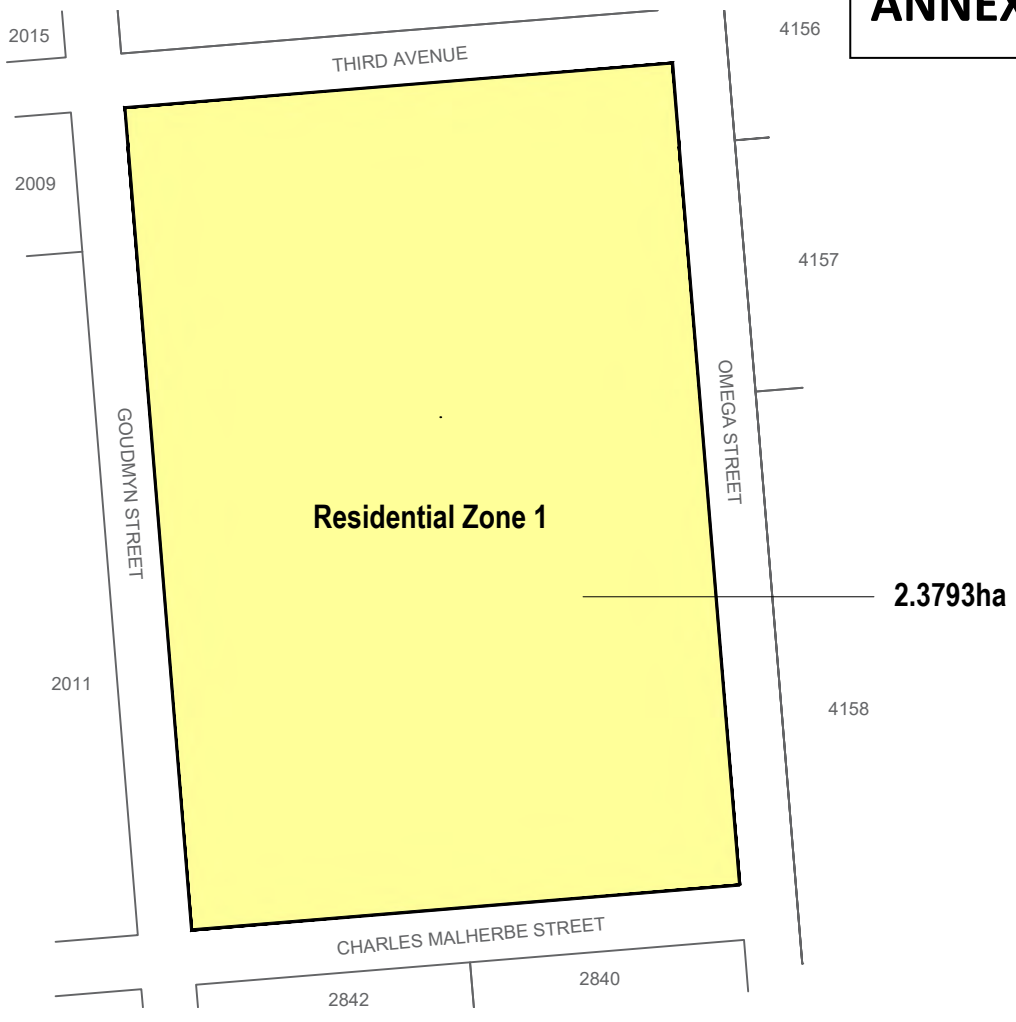
It is clear that in terms of the above, the application for the proposed development on Erf 2828, Moorreesburg, can be adequately supported. It is therefore requested that the application be considered favourably.



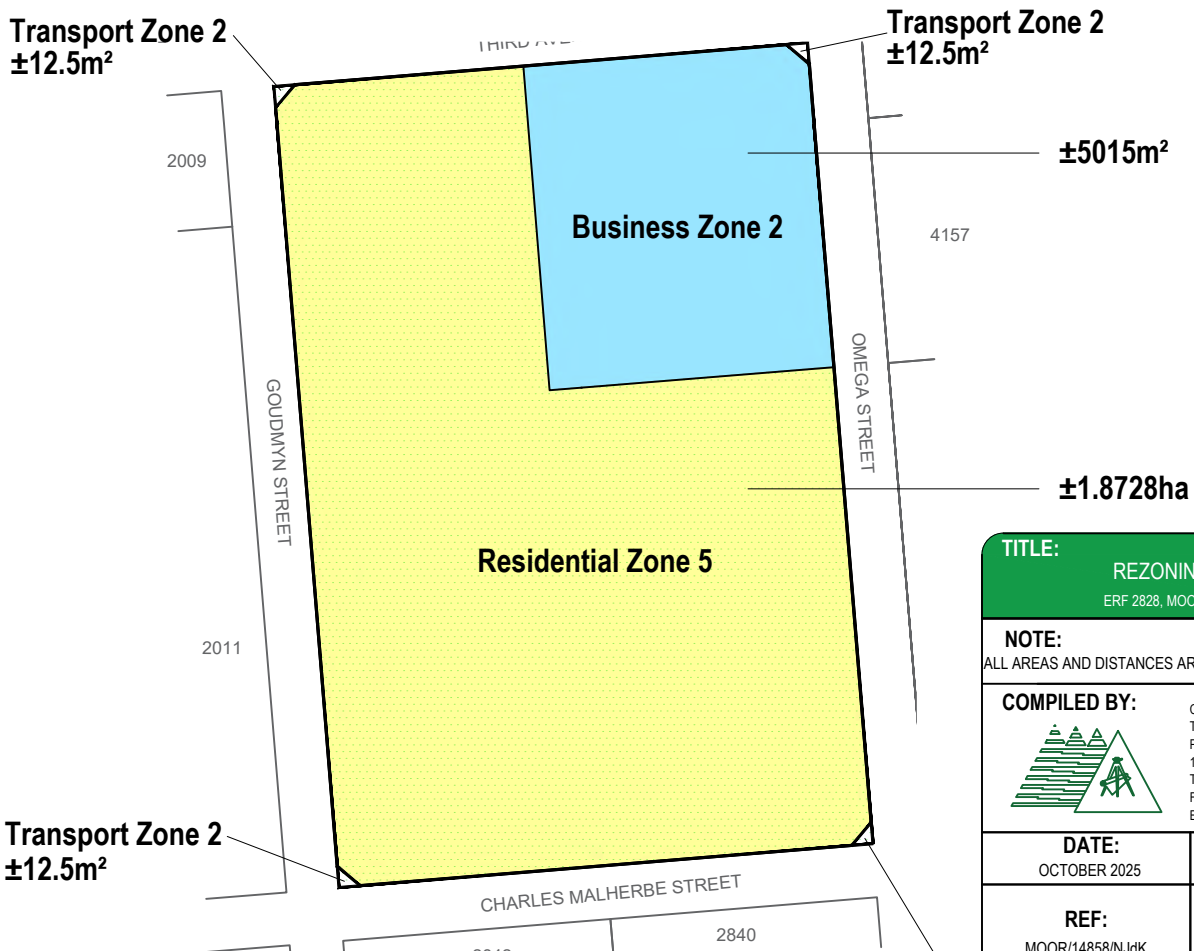
NJ de Kock

For CK RUMBOLL AND PARTNERS

ANNEXURE C



Current zoning

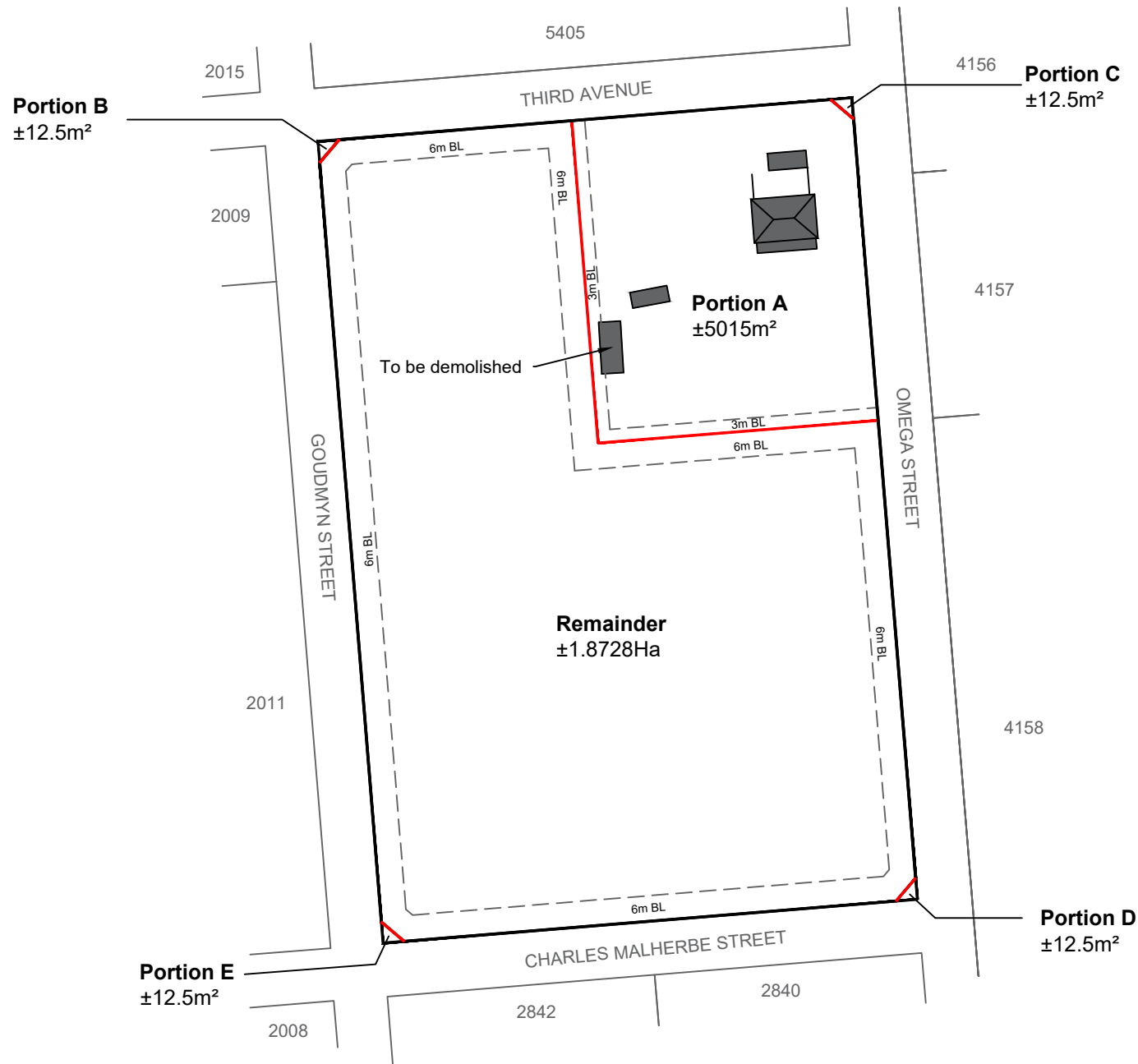


Proposed zoning

TITLE: REZONING PLAN ERF 2828, MOORREESBURG	
NOTE: ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING	
	COMPILED BY: C.K. RUMBOLL & PARTNERS TOWN PLANNERS PROFESSIONAL SURVEYORS 16 RAINIER STREET, MALMESBURY Tel: 022 - 4821845 Fax: 022 - 4871661 Email: planning2@rumboll.co.za
	DATE: OCTOBER 2025
REF: MOOR/14858/NJdK	1 IN
Drawing done by NJ de Kock - Planner: CK Rumboll & Partners	

SUBDIVISION PLAN: ERF 2828 , MOORREESBURG

ANNEXURE D



Subdivision:

- Portion A: ±5015m²
- Portion B: ±12.5m²
- Portion C: ±12.5m²
- Portion D: ±12.5m²
- Portion E: ±12.5m²
- Remainder: ±1.8728Ha

Total Size: 2.3793Ha


NOTES:

- Subdivision Line
- Existing buildings

Current Zoning: Residential Zone 1

Proposed Zoning:

- Portion A:** Business Zone 2
- Remainder:** Residential zone 5

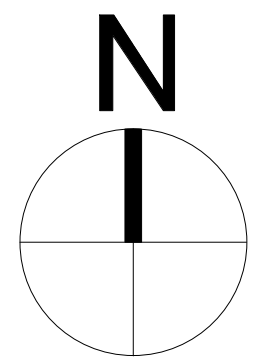
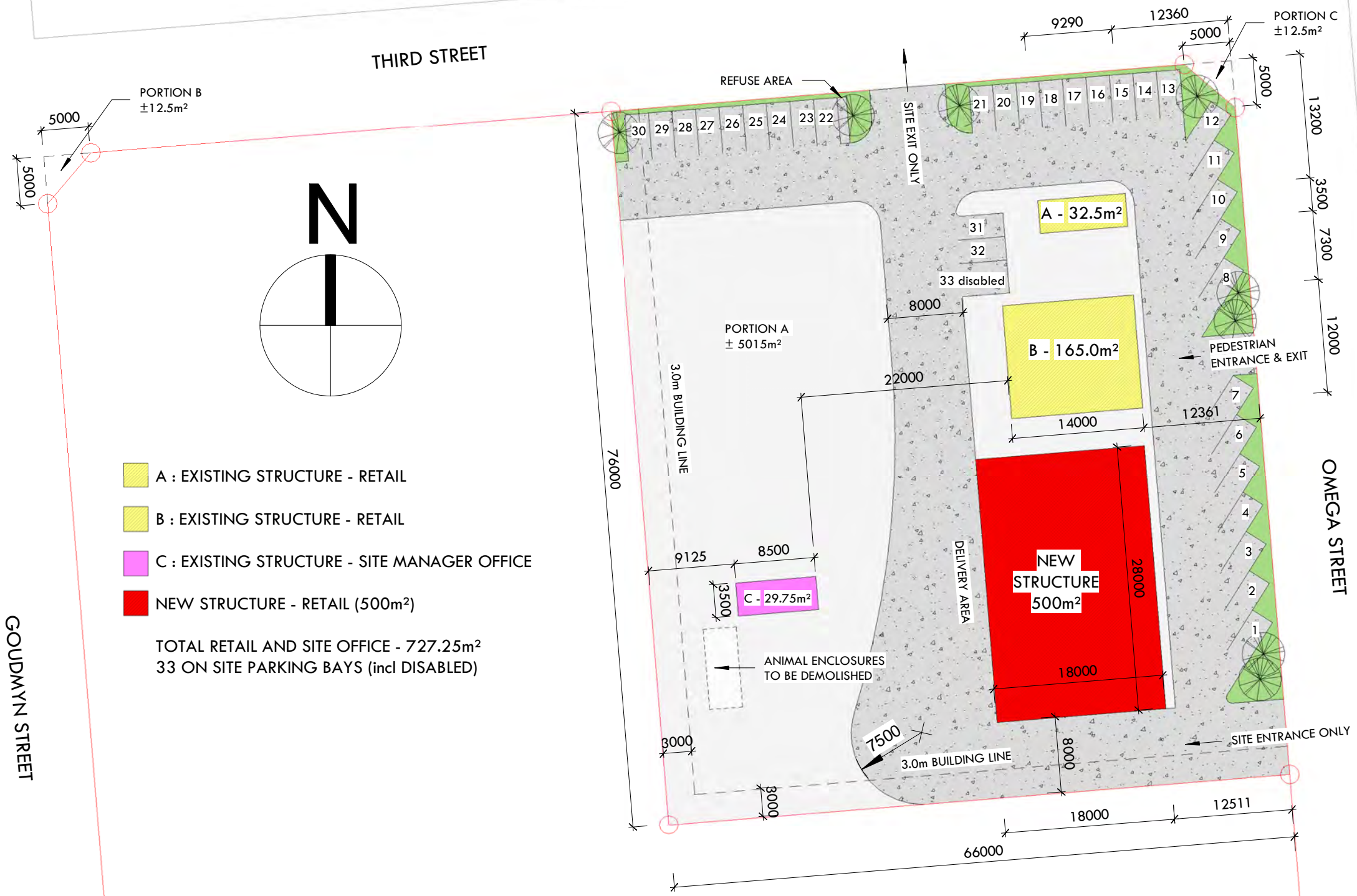
Drawing by: NJ de Kock	
ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING	
	C.K. RUMBOLL & VENNOTE TOWN PLANNERS PROFESSIONAL SURVEYORS 16 RAINIER STREET, MALMESBURY Tel: 022 - 4821845 Fax: 022 - 4871661 Email: planning2@rumboll.co.za
DATE: October 2025	AUTHORITY: SWARTLAND MUNICIPALITY
REF: MOOR/14858/NJdK	SCALE: NTS

1 01 Site Development Plan
1 : 500

ERF 2816

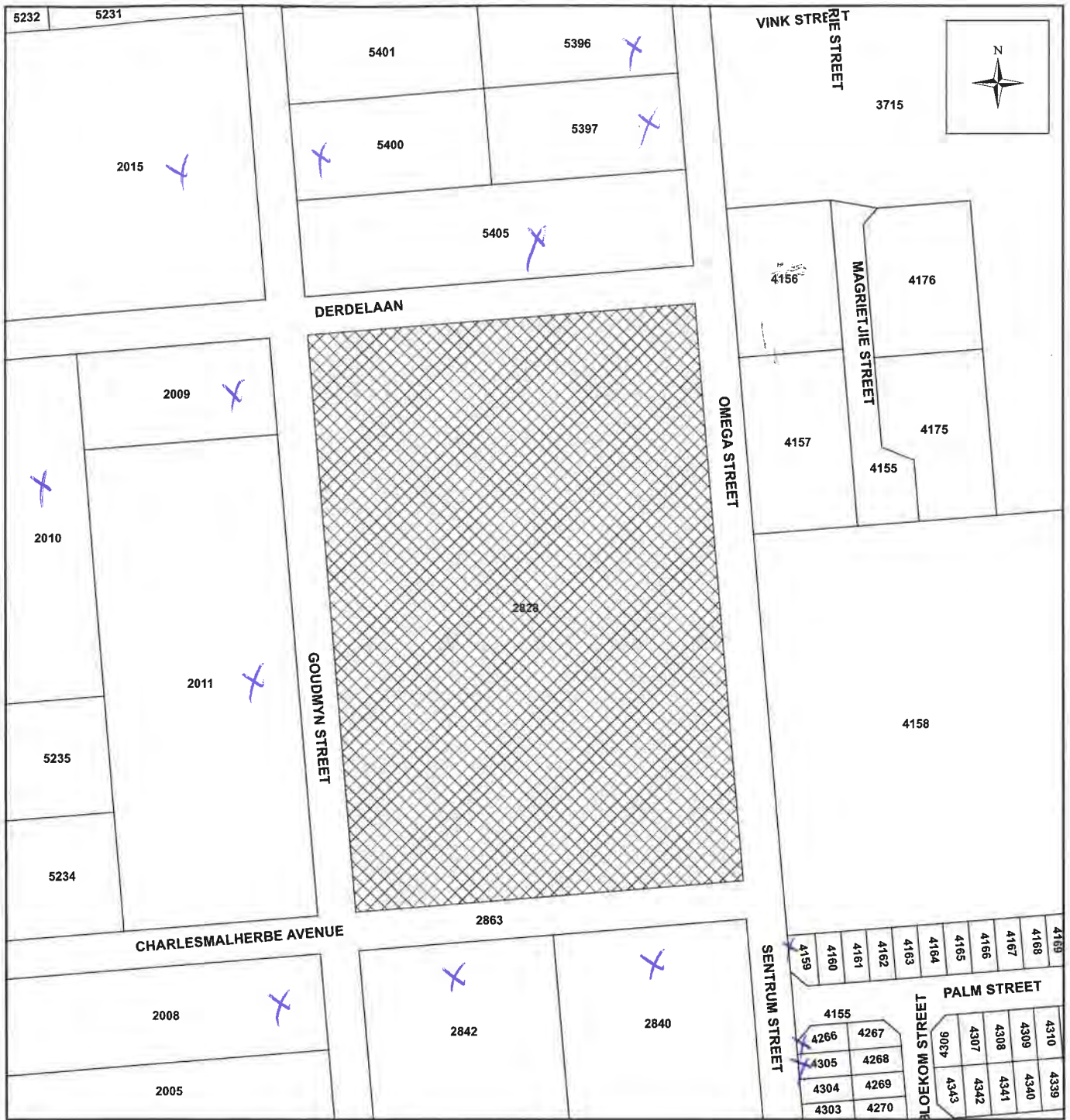
ERF 4156

ERF 4157

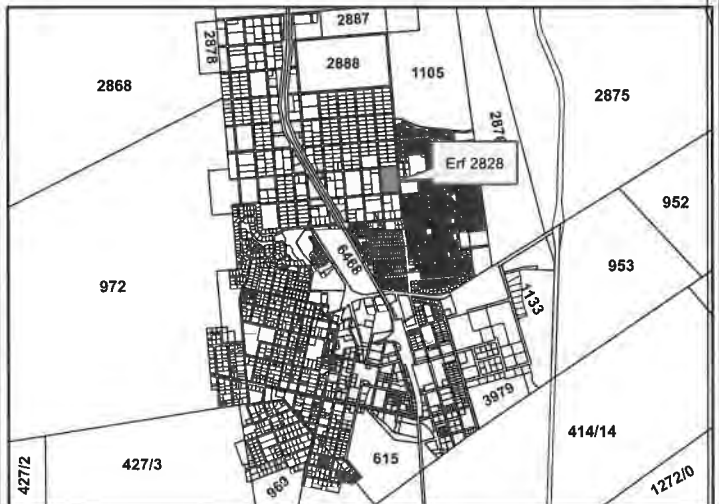


- A : EXISTING STRUCTURE - RETAIL
- B : EXISTING STRUCTURE - RETAIL
- C : EXISTING STRUCTURE - SITE MANAGER OFFICE
- NEW STRUCTURE - RETAIL (500m²)

TOTAL RETAIL AND SITE OFFICE - 727.25m²
33 ON SITE PARKING BAYS (incl DISABLED)



Voorgestelde hersonering en onderverdeling
 Erf 2828, Moorreesburg
 Publieke deelname
 Skaal: NVT



Our Ref: HM / WEST COAST / SWARTLAND / MOORREESBURG / ERF 2828
Case No.: 28274EJV0422
Enquiries: Emily-Jane Vowles
E-mail: emily.vowles@westerncape.gov.za
Tel: 021 829 3324

Mandri Viljoen

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL DECISION
In terms of Section 38(1) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED SUBDIVISION, REZONING, AND REDEVELOPMENT OF ERF 2828, 3RD AVENUE AND OMEGA STREET, MOORREESBURG SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter. This matter was discussed at the Heritage Officers Meeting held on 11 May 2026.

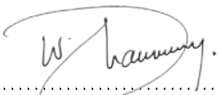
You are hereby notified that, since there is no reason to believe that the proposed subdivision, rezoning, and redevelopment of Erf 2828, 3rd Avenue and Omega Street, Moorreesburg will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.



.....
Waseefa Dhansay
Assistant Director: Professional Services



A20 15/3/3-9/Erf_2828; 15/3/6-9/Erf_2828

-----Original Message-----

From: jurie.streicher@yahoo.com

Sent: Wednesday, 17 December 2025 17:29

To: Registrasie Email

Subject: Aangaande Erf 2828 Omega Str 6 Hooikraal Moorreesburg

Goeie Dag

Ek Wil graag beswaar aan teken oor die ontwikkeling wat gaan plaas vind op die Bo genoemde Erf. Moet my nie verkeerd verstaan ek nie ontevrede oor ontwikkeling in Moorreesburg nie maar ek voel Dat hierdie Baie spesiale plekkie van ons (Hooikraal) nie die plek is vir hierdie tipe ontwikkeling nie.

Hierdie beplande ontwikkeling gaan ons area nie goed doen aangesien ons as inwoners van Hooikraal reeds sukkel met kriminele aktiwiteite in ons area. En hierdie aanvalle op ons ouer inwoners is Baie ernstig, Ons praat nie net van diefstal nie maar aanvalle om ernstig te beseer. Hierdie bogenoemde beplande ontwikkeling gaan net Meer ongewensde elemente in ons area verhoog en ons probleem met misdaad gaan verhoog

Hooikraal het nie die regte infrastrukture om so iets te Kan hanteer

Ek hoop U Sal die bogenoemde EPos ter harte vat

Groete

JStreicher Erf 2010 Hoek van 3DeLaan en Libertas straat Hooikraal
0847021539

CK RUMBOLL & VENNOTE / PARTNERS



PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATE: **30 January 2026**

OUR REF: **MOOR/14858/NJdK**

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED REZONING AND SUBDIVISION OF ERF 2828, MOORREESBURG

Your letter dated 28 January 2026 refers (see annexure A attached). Please find attached our comments to objections.

During the public participation period, comments were received from the following objectors:

- J Streicher (Owner of Erf 2010)

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845



Figure 1: Locality of subject property and objector's property

Objector	Objection	Comment from CK Rumboll & Partners
<p>J Streicher (Owner of Erf 2010)</p>	<p>1. I would like to lodge an objection to the development that is planned to take place on the above-mentioned erf. Please do not misunderstand me; I am not opposed to development in Moorreesburg, but I feel that this very special place of ours (Hooikraal) is not suitable for this type of development.</p>	<p>1. It is noted that the objector does not have an objection against the development. The proposed subdivision and rezoning are contextually appropriate and aligned with the surrounding land use pattern. Erf 2828 is located along an activity street where higher order development is encouraged and within an area already classified as mixed-use with a combination of various zonings. This proposal will therefore fit in seamlessly with the existing character of the area.</p>
	<p>2. This proposed development will not benefit our area, as we, the residents of Hooikraal, are already struggling with</p>	<p>2. The proposal introduces low-impact, neighbourhood-serving land uses. The Business Zone 2 portion is intended for small-</p>

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

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	<p>criminal activities in our area. These attacks on our elderly residents are very serious. We are not only talking about theft, but also attacks intended to cause serious injury.</p>	<p>scale shops serving the local community, while the Residential Zone 5 portion provides for low-density rural residential living. Both uses are compatible with the existing character of the area.</p> <p>The concerns regarding crime are acknowledged; however, there is no evidence that the proposed land uses will increase criminal activity. On the contrary, formal development along an activity street typically increases passive surveillance and legitimate daily activity, which can contribute to improved safety compared to vacant or underutilised land.</p> <p>It should also be noted that the proposed development cannot be negatively affected due to the possibility that crime might increase in the area. The prevention of crime is the responsibility of the SAPS.</p>
	<p>3. The above-mentioned proposed development will only increase the number of undesirable elements in our area and will worsen our crime problem. Hooikraal does not have the appropriate infrastructure to handle something of this nature.</p>	<p>3. The site is located within an established urban area where municipal services already exist. Infrastructure capacity and service provision will be assessed by the relevant municipal departments, and any necessary conditions or upgrades will be imposed as part of the approval process to ensure that infrastructure is not adversely affected.</p>

In conclusion, the proposed subdivision and rezoning of Erf 2828 represent a well-considered, low-impact, and contextually appropriate development that responds to the spatial character of the area. It further supports the local community, and complies with established planning policy. The concerns raised do not constitute sufficient planning grounds to refuse the application.

We trust you will find the above in order when considering the application.

Kind regards



.....

NJ de Kock
For *CK RUMBOLL AND PARTNERS*

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845

ITEM 6.2 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 10 JUNIE 2026

LAND USE PLANNING REPORT PROPOSED CONSENT USE ON PORTION 5 OF FARM DOORNEKRAAL NO 830, DIVISION MALMESBURY					
Reference number	15/3/10-15/Farm_830/05 (Mine expansion)	Application submission date	6 October 2025	Date report finalised	29 May 2026

PART A: APPLICATION DESCRIPTION					
<p>An application for a consent use on portion 5 of farm Doornekraal no 830, Division Malmesbury in terms of section 25(2)(o) of Swarthland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The purpose of the application is to allow for a mine of 81,13ha in extent, for the mining of sand and clay.</p> <p>The applicant is CK Rumboll & Partners and owner Virtigo Prop 33 Pty Ltd.</p>					

PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Gedeelte 5 van die plaas Doornekraal nommer 830 in die Munisipaliteit Swarthland, Afdeling Malmesbury, Provinsie Wes-kaap				
Physical address	±11km south of Malmesbury	Town	N/A		
Current zoning	Agricultural zone 1	Extent (m ² /ha)	139,3 720ha	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swarthland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)				
Current land use	Agriculture, transport business, stockpiling and composting		Title Deed number & date	T44363/2013	
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)		
Any third party conditions applicable?	Y	N	If Yes, specify		
Any unauthorised land use/building work	Y	N	If Yes, explain		

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)							
Rezoning		Permanent departure		Temporary departure		Subdivision	
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions	

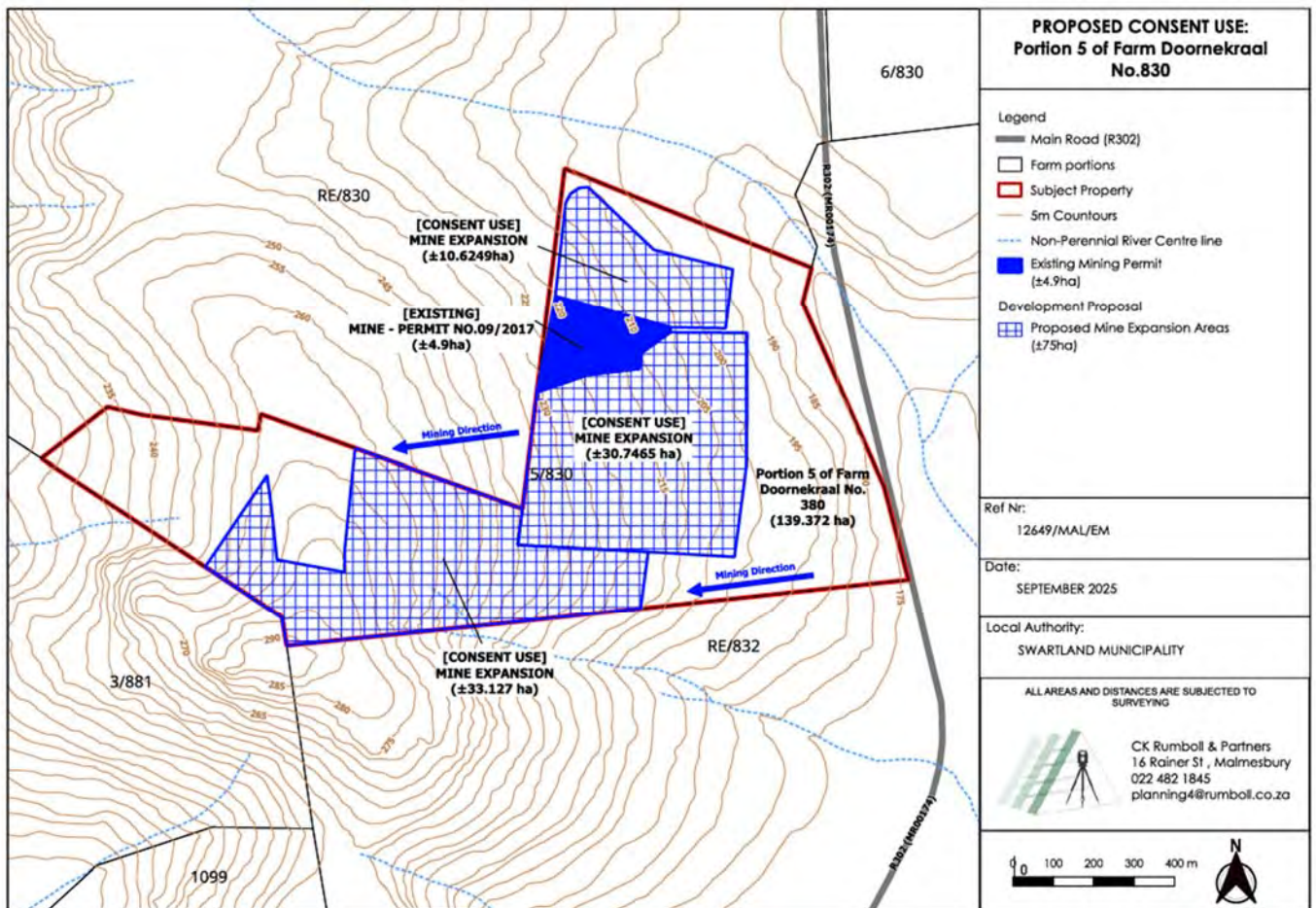
Permissions in terms of the zoning scheme	Amendment, deletion or imposition of conditions in respect of existing approval	Amendment or cancellation of an approved subdivision plan	Permission in terms of a condition of approval
Determination of zoning	Closure of public place	Consent use	Occasional use ✓
Disestablish a home owner's association	Rectify failure by home owner's association to meet its obligations	Permission for the reconstruction of an existing non-conforming use	

PART D: BACKGROUND

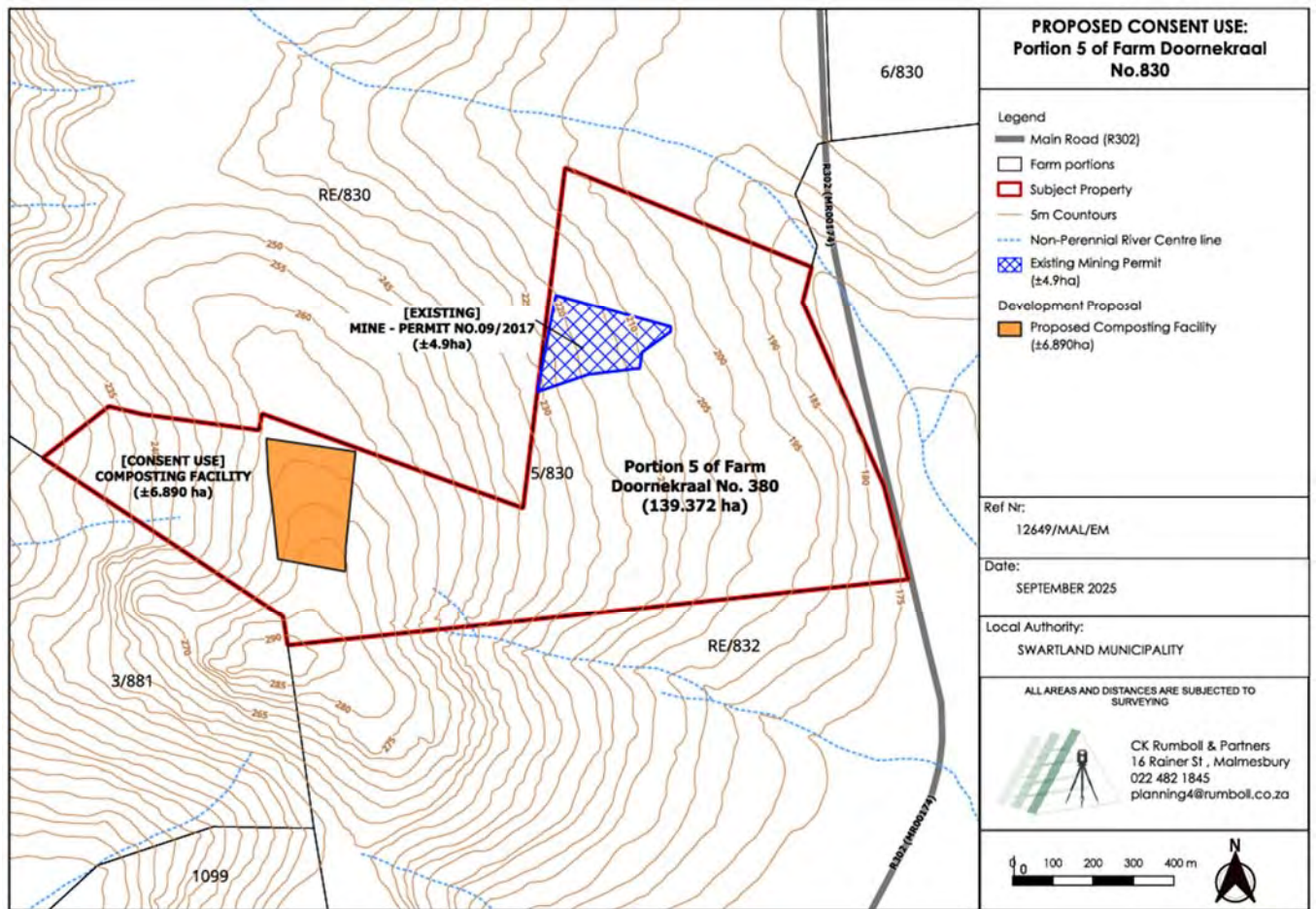
Land use rights for mining on farm Doornekraal no 830/5, Division Malmesbury was approved by the municipality in December 2017. An Environmental Authorization and Mining permit were also issued. Mining activities were authorized for sand mining and stockpiling which were restricted to and area of 4,9ha. The mining permit was valid until 20 August 2019.

In August 2023 a closure application, to close the mine on farm 830/5, was circulated to the municipality for comments. The municipality commented that "...Not only was a larger area (±7,4ha in extent) mined than approved by the land use approval, Environmental Authorisation and Mining Permit (4,9ha approved), a second area of ±7ha has also been mined without any of the previous mentioned approvals...". Eventually the DMR issued the closure certificate on 22 January 2026.

The area of the proposed 81,13ha to be mined is indicated below. An Environmental Authorization has been granted for the mining. The decision on the Mining Right is still pending.



It is deemed relevant for the MPT to take note that there is another land use application for composting that is currently being considered on this farm. See below the site development plan of the area of 6.89ha that will be used for composting.



PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N
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PART F: SUMMARY OF APPLICANT'S MOTIVATION

The following provides a summary of the motivation as discussed in detail above. In view of the latter, the application for the consent use for the expansion of sand and gravel mine is motivated on the basis of:

- The proposed development complies with the Swartland Municipal Spatial Development Framework (2025) as the main forward planning document for the Swartland Municipal Area as a whole.
- The proposed mine utilises land with low agricultural potential, unlocking economic value without compromising food production.
- It contributes to regional economic diversification by introducing a small-scale mining sector into the rural economy. The locally sourced sand and gravel reduce transport costs and emissions, supporting sustainable construction and infrastructure development.
- The proposed mining extraction process follows a phased approach with progressive rehabilitation, topsoil reapplication, re-vegetation, and erosion/stormwater management to maintain ecological integrity.
- Use of existing infrastructure, compact operational footprint, and complementary land uses optimise land, resources, and long-term viability while diversifying the rural economy.
- The application will undergo statutory consultation with Swartland Municipality and relevant authorities, ensuring informed decision-making and transparent administration.
- The proposed development enhances the principles of LUPA and SPLUMA.

- The proposal will result in the improvement of land use efficiency;
- Optimal use of infrastructure and services will occur;
- The character of the area will not adversely be affected by the proposed development;
- An EIA report has already been submitted to the Department of Mineral Petroleum Resources.
- A mining permit has already been issued by the Department of Mineral Petroleum Resources.

It is therefore clear that in terms of the above, the proposed application for a consent use on Portion 5 of Farm Doornekraal No.830 Malmesbury Registration Division, can be adequately supported.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?

Y **N**

The application was advertised by sending registered notices to a total of 12 affected parties, as well as external departments. 10 notices were also send via email.

The application was also send to Department of Agriculture, Department Water & Sanitation, Telkom, Eskom, Department of Infrastructure and the West Coast District Municipality for comments.

The public participation process started on 4 November 2025 and ended on 4 December 2025 for affected parties and on 4 January 2026 for external departments.

The objections were sent to the applicant for comments on 10 December 2025. The comments from the applicant on the objection was received on 28 January 2026, after extension was granted for the submission of the comments on 12 December 2025 until 28 January 2026.

Total valid comments	2		Total comments and petitions refused	0	
Valid petition(s)	Y	N	If yes, number of signatures	N/A	
Community organisation(s) response	Y	N	Ward councillor response	Y	N Comment was requested but no comment received.
Total letters of support	0				

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Municipal Departments – no comments.

External Departments

Western Cape Department of Agriculture, dated 22 April 2026, with reference 20/9/2/2/009 – objection.

Western Cape Department of Infrastructure, dated 27 November 2025, with reference DOI/CFS/RN/LU/REZ/SUB-26/115 (Applicatoin No: 2025-11-0103) - no objection.

Department of Mineral & Petroleum Resources, dated 27 March 2026, with reference (WC)30/5/1/2/3/2/1/10190MR – Environmental Authorization – no objection.

Heritage Western Cape, a Notice of Intent to Develop was submitted and no heritage resources were identified.

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

**1. Marina Loft-Eaton
(Portion 1 of Farm Kersfontein No.1243)**

Comments / objections	Applicant's Response	Municipal Comments
<p><i>Ek maak ten sterkste beswaar teen die Uitbreiding van bestaande mynaktiwiteite van 4.9ha na 81.13ha. Philippi se sand is uitgemyn en nou kom kontrakteurs uit Gauteng om ons plase weg te myn. Hul is besig om plase in mynhope te omskep en geld na te jaag. Kontrakte wat hul aangaan om die grond weer te rehabiliteer, word in die wind geslaan.</i></p> <p><i>Kom tot jul sinne. Ek weet waarvan ek praat. Hul voel niks vir die bewaring van ons natuur nie.</i></p> <p><i>Ek maak teen sterkste beswaar.</i></p>	<p>Noted. Application is made to lawfully expand an operational mine operating in accordance with Mining Permit No. 09/2017, issued by the Department of Mineral Resources and Energy (DMRE). The proposed expansion area (±81.13 ha) forms part of the same registered agricultural property and does not constitute the establishment of a new mining operation.</p> <p>The property is zoned Agricultural Zone 1, within which mining is permitted as a consent use in terms of the Swartland Municipal Land Use Planning By-law (2020). The proposed expansion therefore complies with the applicable zoning framework, subject to municipal approval. The By-law further allows for non-agricultural land uses where such activities do not permanently compromise the long-term agricultural potential of the land.</p> <p>An Environmental Impact Assessment (EIA) were prepared by Enviro-EAP and submitted to the Department of Mineral Resources and Energy (DMRE) and Department of Environmental Affairs and Development Planning (DEADP) on 15 July 2025 as part of the environmental authorisation process. The EIA confirms that mining will occur in controlled 1 ha phases (East to West), with only two active blocks at any given time, and that rehabilitation must commence immediately after each phase (Windrows Method). Detailed rehabilitation steps include topsoil stripping and reinstatement, establishment of cover crops, erosion monitoring and alien vegetation control. These are listed requirements included within the Mine Closure/Rehabilitation Plan and it is vital that the mine right holder's liability for the site continues until such time as a Closure Certificate is issued under the Minerals and Petroleum Resources Development Act (No 28 of 2002) (MPRDA).</p>	<p>The mining permit of the previous 4,9ha portion has been closed as a closed certificate has been issued by DMRE. It is therefore not an expansion of an existing mining right but an application for a new mining right.</p> <p>An Environmental Authorization, dated 27 March 2026, has been issued by DMRE for the mining operations. The application for the mining permit is still pending.</p> <p>The applicant's comments are supported regarding the provisions made for mining in the southern parts of the municipal area as defined by the MSDF.</p> <p>The Environmental Authorization (EA) is prescriptive regarding the operation, closure and rehabilitation of the mining areas. The environmental right holder needs to ensure compliance with the EA by means of appointing professionals (Environmental Control Officer and Environmental Assessment Practitioner) which needs to monitor compliance and providing audit reports to the DMRE.</p> <p>The author is satisfied that the concerns of the objector has been addressed by the EA issued by the DMRE.</p>

The submitted EIA further confirms that the proposed mining will not significantly reduce future agricultural potential if rehabilitation is implemented according to the rehabilitation plan that form part of EMPr. As part of the rehabilitation responsibility a financial rehabilitation guarantee of R239,329 is secured in accordance with DMRE guidelines, ensuring that rehabilitation obligations are enforceable. Continuous compliance monitoring by an Environmental Control Officer is mandatory, with quarterly reporting to authorities.

Should any contraventions exist, these fall under the jurisdiction of the DMRE and DEADP. Enviro-EAP, the ECO, confirmed that a final closure inspection was undertaken by DMRE early December 2025. To date, no adverse comments have been received from the relevant authorities in this regard.

The proposal is further supported by the Swartland Municipal Spatial Development Framework (MSDF) 2023–2027 (2025 Amendment). Chapter 6 of the MSDF explicitly recognises the strategic role of mineral resource extraction in supporting local economic development, employment creation and the provision of construction materials required for regional infrastructure development. The proposed mining operation contributes directly to the local construction material supply chain, reducing reliance on distant sources and supporting sustainable regional growth.

The proposed expansion occurs on land with medium potential. Appropriate mitigation measures should ensure that the agricultural potential of the farm is perhaps limited but not lost and can recovered over time.

The submitted EIA further supports this spatially, by confirming that Malmesbury fulfils an important urban and economic role within the region and the Western Cape. Its high development potential is attributed to its strategic location along road and rail corridors, proximity to Cape Town, and a diversified economic base encompassing agriculture, industrial and commercial activities. Ongoing development and construction activity within Malmesbury has resulted in an increased demand for building sand, clay and gravel.

The proposed mining area is located within approximately 13 km of

the primary development nodes where these materials are required, and the identified resource consists of economically viable hill wash deposits suitable for extraction. Accordingly, within the rural spatial context, both mining and agriculture are accommodated and is consistent with the spatial planning objectives of the MSDF.

**2. Gabriel Jacobus Lambrechts (Rhessau Trust & Nassau Boerdery)
(Portion 8 of Farm Doornekraal No.803)**

Comments / objections	Response	Municipal Comments
<p><i>Erosie Huidiglik is daar reeds onwettiglik gekrap in die grondstruktuur in die gedeelte waarvoor nou aansoek gedoen word. Spoelslote het reeds ontstaan en diep dongas is alreeds gevorm. Die Departement van Landbou het in die verlede kontourwalle en vore en apleibane ontwerp saam met ingenieurs om water in die regte rigting te laat vloei en na damme te herlei. Hierdie kontoerwalle in hierdie gedeelte, waarvoor aansoek gedoen word, is reeds onwettig vernietig deur Mnr. Burger, wat tans op die eiendom woonagtig is.</i></p>	<p>Noted. As mentioned previously, the submitted EIA prescribes mitigation measures :</p> <ul style="list-style-type: none"> • Visually inspect mining area boundaries, exposed surfaces, overburden and topsoil stockpiles for signs of erosion. If erosion channels are discovered the mine must determine the cause of erosion and implement erosion rectification and prevention measures to rehabilitate eroded areas and prevent future erosion. • Rehabilitate as soon as a phase is complete. • Undertake mining activities only in identified and specifically demarcated areas as proposed and in phases. Rehabilitating/filling excavations as soon as possible to prevent accumulation of stormwater. • Implement erosion and storm water runoff management measures as according to EMP requirements to prevent (or if prevention is not possible limit) any erosion from occurring on the mining activity areas and surrounds; and any storm water runoff from the mining areas and topsoil and overburden storage areas. <p>It is therefore recommended that the preparation and implementation of a formal stormwater management plan be included as a condition of approval. Such a plan should give effect on the prescribed mitigation measures and, where necessary, include additional measures to</p>	<p>The EA site specific conditions are clear that mining activities must be conducted in accordance with the EMP as well as stockpiled topsoil be protected from water and wind erosion.</p>

	manage potential impacts on adjoining properties.	
<p><i>Stof kan skade veroorsaak deur vragmotors wat reg bo my wingerde en sitrus moet beweeg om vrugte te laai. Foto's sal aangeheg word van die verspoelings wat reeds plaasgevind het.</i></p>	<p>The submitted EIA elaborates that the potential for dust nuisance due to vegetation clearing and mining activities such as truck movements to and from the mine is not expected to be more significant than the potential dust nuisance that is currently created during ongoing sand mining activities; and it is not anticipated that the impact will be high if mitigation measures are implemented.</p> <p>The mitigations include the following:</p> <ul style="list-style-type: none"> • Reduce drop height of material to a minimum. • Area will be mined in phases to reduce the barren areas. • Temporarily halt material handling in extreme windy conditions. • Use non-potable water to dampen bare soil areas if required to mitigate windblown dust. • A speed limit of 30km/hour will be displayed and enforced through a fining system. • All vehicle drivers entering the site will be informed of the speed limit. • The requirement of additional dust suppression measures to be implemented must be determined through a dust monitoring programme or fugitive dust control plan to limit the emission of particulate matter. <p>These controls are intended to mitigate potential dust impacts on adjacent vineyards and citrus orchards.</p>	<p>The EA site specific conditions are clear that dust suppression measures be implemented during mining activities. Sufficient mitigation is provided to address the concern.</p>
<p><i>Op die ou mynregte wat Mnr. Burger voor hierdie aansoek gedoen het in die verlede, is daar nog nie eers rehabilitasie op die grond gedoen nie. Ongeveer 5 jaar gelede is bourommel onder die hoofpad "gedump" en net</i></p>	<p>Noted. No formal evidence has been submitted to substantiate the allegation that illegal dumping has taken place on the property. Final Closure inspections were conducted in December 2025 by DMRE, as confirmed by Enviro-EAP, that past rehabilitation had occurred. The</p>	<p>A closure certificate has been issued by the DMRE on 22 January 2026. This is sufficient proof that rehabilitation of the mine area was done and that no other issues were identified.</p>

<p><i>gewone grond bo-oor gestoot om dit weg te steek.</i></p>	<p>closure certification process is currently underway in accordance with DMRE requirements.</p>	
<p><i>Die groot probleem is dat ons ondergrondse drinkwaterboorgate reg onder hierdie gebied sit, en kontaminasie van die water kan veroorsaak.</i></p> <p><i>So in die verlede is dinge soos huidiglik nog nooit op die regte, eerbare manier gedoen nie, en ek kan nie indink hoe dit in die toekoms sal verloop nie.</i></p> <p><i>Hierdie is baie ernstig en kan groot probleme vir drinkwater vir mense veroorsaak.</i></p>	<p>The EIA confirms that mining activity will not come into contact with any groundwater resources and therefore will have minimal impact. The application is supported by a valid Water Use License (01G10k/A/10941) issued in 2021.</p> <p>Furthermore, strict environmental controls are prescribed in the EIA, including the following:</p> <ul style="list-style-type: none"> • Undertake mining activities only in identified and specifically demarcated areas as proposed. • Storm water and erosion control as per an EMP must be conducted and monitored to prevent siltation of drainage line. • No disturbance should be allowed within drainage lines or wetland areas. This includes no dumping of fill, no roads, and all forms of temporary disturbance. • No drainage line or wetland areas edges may be disturbed or impacted upon by the proposed activities. • All roads need to be maintained and monitored. Visible signs of possible erosion must be immediately rehabilitated. • All storm water falling outside the mine property must be diverted around the quarries with the use of boundary berms. This forms part of the Storm Water Management Measures and part of the EMP. • If any groundwater is reached during the proposed mining activities on site, mining of that area must immediately be ceased, the Environmental Control Officer must be informed, and the area must be rehabilitated to prevent any potential detrimental impact on the groundwater resource. • No mining activities may occur within 100m from any drainage line or wetland without determining requirement for water use authorisation from Department of Water and Sanitation. • All measures should be put in place to ensure proper post-mining rehabilitation of affected areas, to as close to the original condition as possible. 	<p>The comments from the applicant is supported.</p>

- No pollution of surface water or ground water resources may occur due to activities on the property. Oil spillages from vehicles on site must be controlled to prevent pollution of water resources.

Further groundwater protection is ensured through strict compliance with:

- The National Water Act
- Ongoing monitoring
- DMRE regulatory oversight and enforcement

These measures collectively ensure the early detection and prevention of pollution, safeguarding groundwater resources and public health.

As noted previously, it is recommended that the preparation and implementation of a formal stormwater management plan be included as a condition of approval. Such a plan should have effect on the prescribed mitigation measures and, where necessary, include additional measures to manage potential impacts on adjoining properties.

PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application

An application for a consent use on portion 5 of farm Doornekraal no 830, Division Malmesbury in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The purpose of the application is to allow for a mine of 81,13ha in extent, for the mining of sand and clay.

The application was advertised by sending registered notices to a total of 12 affected parties, as well as external departments. 10 notices were also send via email.

The application was also send to Department of Agriculture, Department Water & Sanitation, Telkom, Eskom, Department of Infrastructure and the West Coast District Municipality for comments.

The public participation process started on 4 November 2025 and ended on 4 December 2025 for affected parties and on 4 January 2026 for external departments.

The objections were sent to the applicant for comments on 10 December 2025. The comments from the applicant on the objection was received on 28 January 2026, after extension was granted for the submission of the comments on 12 December 2025 until 28 January 2026.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

2.2 Spatial Development Framework (SDF)

2.3 Schedule 2 of the By-Law: Zoning Scheme Provisions

The mining activities are indicated to take place onto 0m on the farm boundary of the farm which encroaches the 30m building line.

As no structures are proposed the mining taking place inside the building lines are not seen as a departure of development parameters. However, it is advised that integrity of the natural ground level on the boundary with the adjoining farms are not compromised by the mining activities.

2.4 Desirability of the proposed utilisation

Farm 830/5 is zoned Agricultural zone 1 in terms of the Swartland Planning By-law. The farm does not consist of any physical restrictions which may impact negatively on the application.

The farm accommodates two dwelling units, a barn, an office and a workshop with associated buildings for a transport business that is being operated from the property. Agricultural activities on the farm are limited to only a portion of the farm that is being used as grazing for sheep. A portion of the farm was previously used for mining and the operation of a manure storage facility (composting). These activities are not currently in operation. However, stockpiling of sand and gravel is taking place with material being transported to and from the farm.

See below a Google Earth photo (dated 1 April 2026) of the farmstead, the transport business and the area currently used for stockpiling. The stockpiling are is ±9,4ha in extent.



The character of the surrounding area is agriculture, agri-tourism (venue), intensive stock farming (chicken houses) and sand/gravel mining. (A land use application for the composting for the manure storage facility (6,89ha in extent) on the same farm is currently being considered by the municipality and will be presented the MPT shortly.) The proposed mining can be seen as complimentary to the mixed use character of the area.

The proposed mining is seen as in compliance with the spatial planning of the area.

There are no title deed restrictions which prevents mining.

An Environmental Authorization has been granted for the mining.

The Western Cape Department of Agriculture did not support the proposed mining. The statement is addressed below.

The Agricultural agro-ecosystem specialist assessment by Johann Lanz, which formed part of the NEMA: EIA application, states the following:

“...Climate is suitable for a range of agricultural crops, but the low water holding capacity soils require irrigation. The farm has no irrigation.

The investigated area is currently not used for any crop production and so there are no production records. Parts of the farm are currently under sand and gravel mining. There are no other, existing impacts on the site that are relevant to agriculture. Surrounding land use includes both vineyards and grazing land.

The agricultural protocol requires agricultural employment figures (both permanent and casual) for the land. However, all employment on the farm is related to the mining and there are therefore no expected losses in employment as a result of the mining...

The assessment has the following conclusion:

“... The conclusion of this assessment is that there are adequate reserves of sand and gravel within the recommended application area for mining and rehabilitation. The proposed mining will not significantly reduce the future agricultural production potential of the site, if effective rehabilitation is implemented. It will have no impact on agricultural employment. The proposed mine is therefore acceptable and, from an agricultural impact point of view, it is recommended that it be approved...”

The parts of the specialist assessment that is underlined indicates that currently the 81,13ha area of the farm to be mined is not used for crop production and there are no production records. There are also no other/existing impacts

that are relevant to agriculture. The proposed mining will have no impact on agricultural employment as all employment on the farm is related to the mining. (It can also be argued that some employment also relates to the transport business being operated on the farm.)

As already mentioned there is a transport business being operated from the farm. The composting (manure storage facility) that was being operated is currently awaiting a land use decision before it may continue with operations on a 6,89ha portion of the farm. Taking into consideration the total size of the farm being 139,3720ha, activities which do not relate to agriculture amounts to an area of 91ha (proposed mining 81,13ha in extent & proposed composting 6,89ha in extent & existing transport business 3ha in extent). In other words, 65% of the farm is either already being used for activities other than agriculture or are proposed to be used for activities other than agriculture.

The specialist assessment finally states that the proposed mine is acceptable and is recommended for approval from an agricultural impact point of view. As argued in the above paragraph, there are very limited existing agricultural activities to impact on, therefore the impact will be low.

See below the potential area use for activities other than agriculture.



The Recommendation Mitigation and Rehabilitation Plan of the assessment stresses the importance the success of the rehabilitation is the level of care that is taken to rehabilitate effectively during the mining process and during the rehabilitation phase. A “ten step” sequence for the rehabilitation is proposed by the assessment. “...*The proposed mining will not significantly reduce the future agricultural production potential of the site, if effective rehabilitation is implemented...*”, quoted from the assessment. Success depends heavily on the quality of rehabilitation management.

The risk of irreversible degradation is significant if rehabilitation fails. The agricultural acceptability of the development is entirely dependent on future compliance and rehabilitation success.

Notwithstanding the granting of Environmental Authorisation, the proposed mining is not supported from an agricultural land use perspective by the Western Cape Department of Agriculture, as it undermines the protection, sustainability, and long-term availability of agricultural resources, and introduces an unacceptable level of risk to soil integrity and agricultural production potential.

It is clear from the agro-ecosystem specialist assessment report that informed the Environmental Authorization the adequate rehabilitation will not significantly reduce the future agricultural production potential of the site.

3. Impact on municipal engineering services

Not applicable. No municipal services can be provided.

4. Comments of organs of state

The Western Cape Department of Agriculture does not support the application. The department has the following comments:

"...Mining fundamentally alters the land and its potential. The Department firmly objects to the proposed mine expansion, emphasizing that it will significantly diminish agricultural resources in an area already constrained by environmental factors. The remaining land designated for agriculture is insufficient to sustain economic viability. Consequently, granting this mining right turns a viable farm into one that can no longer sustain itself..."

Comments on this statement is made at point 2.5 from Part J.

5. Response by applicant

See Annexure M.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights

N/A

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for a consent use for mining on portion 5 of farm Doornekraal no 830, Division Malmesbury be approved in terms of Section 70 of the By-law, subject to the following conditions:

1. **TOWN PLANNING AND BUILDING CONTROL**

- a) The total footprint of the sand and gravel mining activity may not exceed 81,13ha, as presented in the application;
- b) The mining activity is limited to the extraction of sand and gravel, as presented in the application;
- c) The owner/developer takes the necessary measures that the integrity of the natural ground level on the boundary with the adjoining farms are not compromised by the mining activities;
- d) Drinking water be accessible and available on site, consistent with the SABS 241-1984 standards, to the satisfaction of the Director: Civil Services;
- e) No vehicles may be serviced on site;
- f) All oil / diesel spills be cleaned up using the necessary precautions and procedures, as required by the Environmental Management Plan;
- g) The health requirements as set from time to time by Department of Health, be met;
- h) Should any human remains be found during the mining process, SAHRA and Heritage Western Cape must be notified immediately;
- i) Mining activities be conducted in accordance with the approved Environmental Management Programme and layout plan;
- j) Dust on haul roads meet the requirements of the National Environmental Management Air Quality Act, 2004;
- k) The Environmental Authorisation holder ensures that vegetation be removed only in the specific area that is to be worked, in phases, to prevent soil erosion;
- l) Topsoil be stripped, stockpiled and re-spread in accordance with the Environmental Authorisation;

- m) Stockpiling of topsoil be restricted to alternate phases on the development site and no off-site stockpiling will be permitted beyond the boundaries of the approved 81,13ha site;
- n) Management of topsoil be conducted in accordance with the approved EMP and the EA;
- o) Drainage be provided on mining sites after mining, so the satisfaction of the EA;
- p) The waste storage facility for harmful substances shall be structured according to the NEMA, 2008, (Act 62 of 2008);
- q) No vehicle or pedestrian access into natural areas beyond the demarcated boundary of the site will be permitted;
- r) Visible, semi-permanent markers be placed along boundaries of the approved mining area, prior to mining activities commencing;
- s) Rehabilitation of each phase be completed in accordance with the EMP and to the satisfaction of the Department of Mineral Resources;
- t) Dust suppressions measures be implemented during mining activities and this may include spraying the mining area and access road with water and/or an environmentally friendly dust allaying agent, in accordance with the EMP;
- u) A social contribution agreement be entered into between the mine owner and the Municipality to be executed and finalised within the duration period of the mining activities;

2. WATER

- a) No municipal drinking water can be provided;
- b) No pollution of surface water or groundwater resources may occur due to the mining activities on the property;
- c) The person who owns, controls, occupies or uses the land in question employs preventative measures of water pollution, to the satisfaction of the Department: Water and Sanitation;

3. SEWERAGE

- a) Sewerage services can only be provided for household sewerage by means of a vacuum truck;
- b) Sufficient and acceptable toilets be provided on site;

4. GENERAL

- a) The owner/developer complies with the conditions of the Environmental Authorisation of the Department of Mineral Resources and Energy, reference number WC30/5/1/2/3/2/1/10190MR, dated 27 March 2026;
- b) There be complied with the conditions of the Department of Transport and Public Works, reference TPW/CFS/RP/LUD/REZ/SUB-26/270 (Job 21115), dated 23 February 2023;
- 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 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 R5000,00 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.

PART M: REASONS FOR RECOMMENDATION

1. There are no physical restrictions on the property that will have a negative impact on this application and all possible impacts will be mitigated by the EMP.
2. The application is in compliance with the Municipal Spatial Development Framework.
3. The application complies with the principles of LUPA and SPLUMA.
4. Due to the temporary nature of the proposed mining activity as well as the concurrent mining and rehabilitation process that will be implemented, as prescribed by the Environmental Authorization and EMP, the proposed application will not have a substantial impact on the character of the surrounding area.
5. The proposed activity will have a positive economic impact as it will generate income for both the land owner and mine operator as well as contributing to the construction and infrastructure industry.
6. It is clear that with the implementation of mitigation measures the agricultural potential of the land will not be jeopardised as the area will be rehabilitated to its pre-mining state.
7. It is calculated that the proposal will be profitable and viable thus able to finance rehabilitation.
8. With the mitigation measures implemented it is argued that the proposed mining activity will not have an impact on the well-being, health or safety of the surrounding land owners.


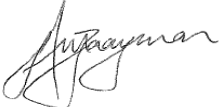
PART N: ANNEXURES

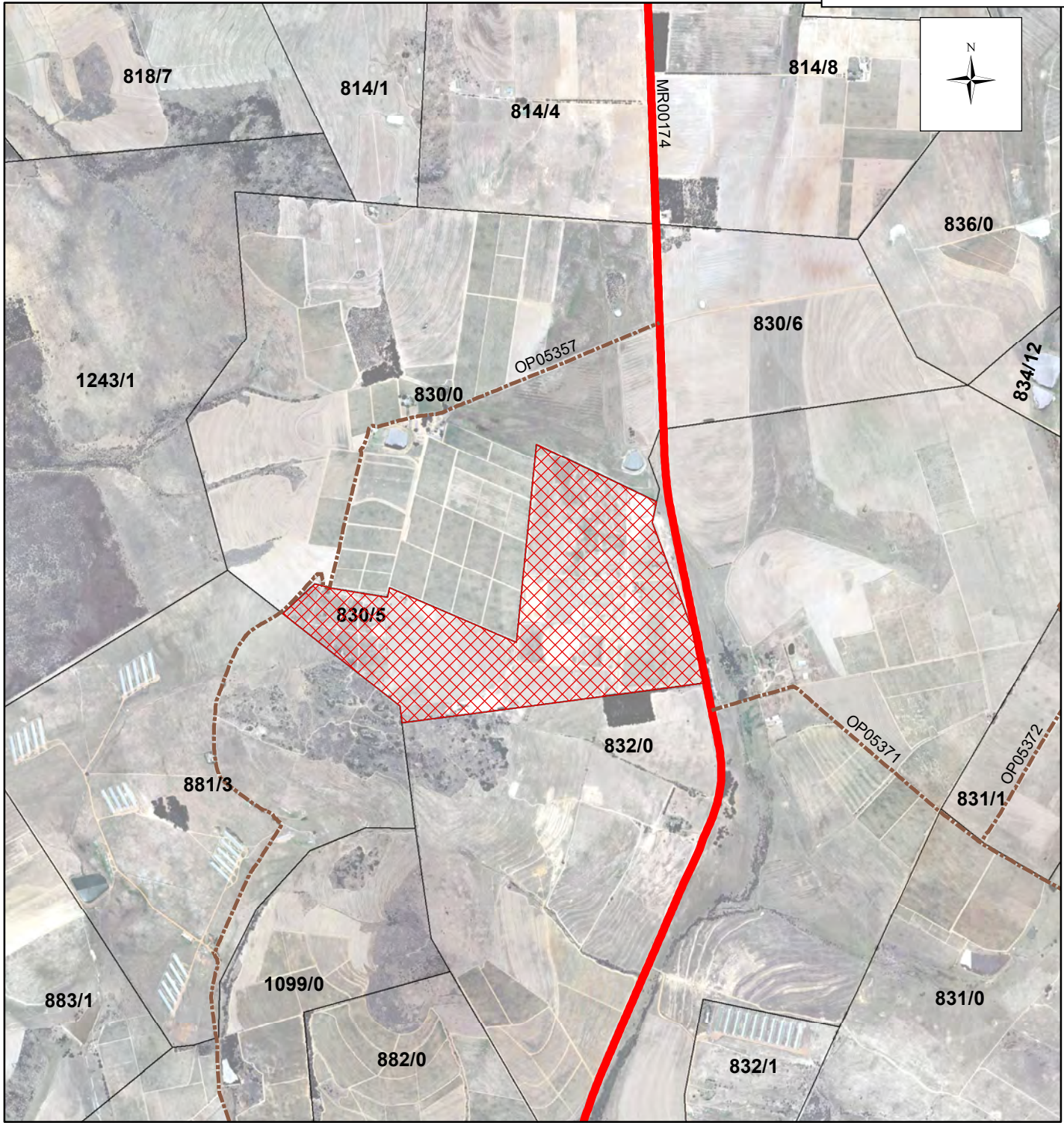
Annexure A	Locality Plan
Annexure B	Site development plan
Annexure C	Plan indicating the public participation process
Annexure D	Plan indicating the position of the objectors
Annexure E	Objection from Marina Lofty-Eaton
Annexure F	Objection from GJ Lambrechts (Rhessau Trust)
Annexure G	Comment from the applicant on the objections
Annexure H	Letter from the Department of Infrastructure
Annexure I	Letter from the Western Cape Department of Agriculture
Annexure J	Agricultural and Soil Impact Assessment by Johann Lanz
Annexure K	Environmental Authorization

PART O: APPLICANT DETAILS

First name(s)	CK Rumboll & Partners – Etienne Malan			
Registered owner(s)	Virtigo Prop 33 Pty Ltd	Is the applicant authorised to submit this application:	Y	N

PART P: SIGNATURES

Author details: AJ Burger Manager Town & Regional Planning SACPLAN: B/8429/2020		Date: 28 May 2026		
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 1 June 2026		



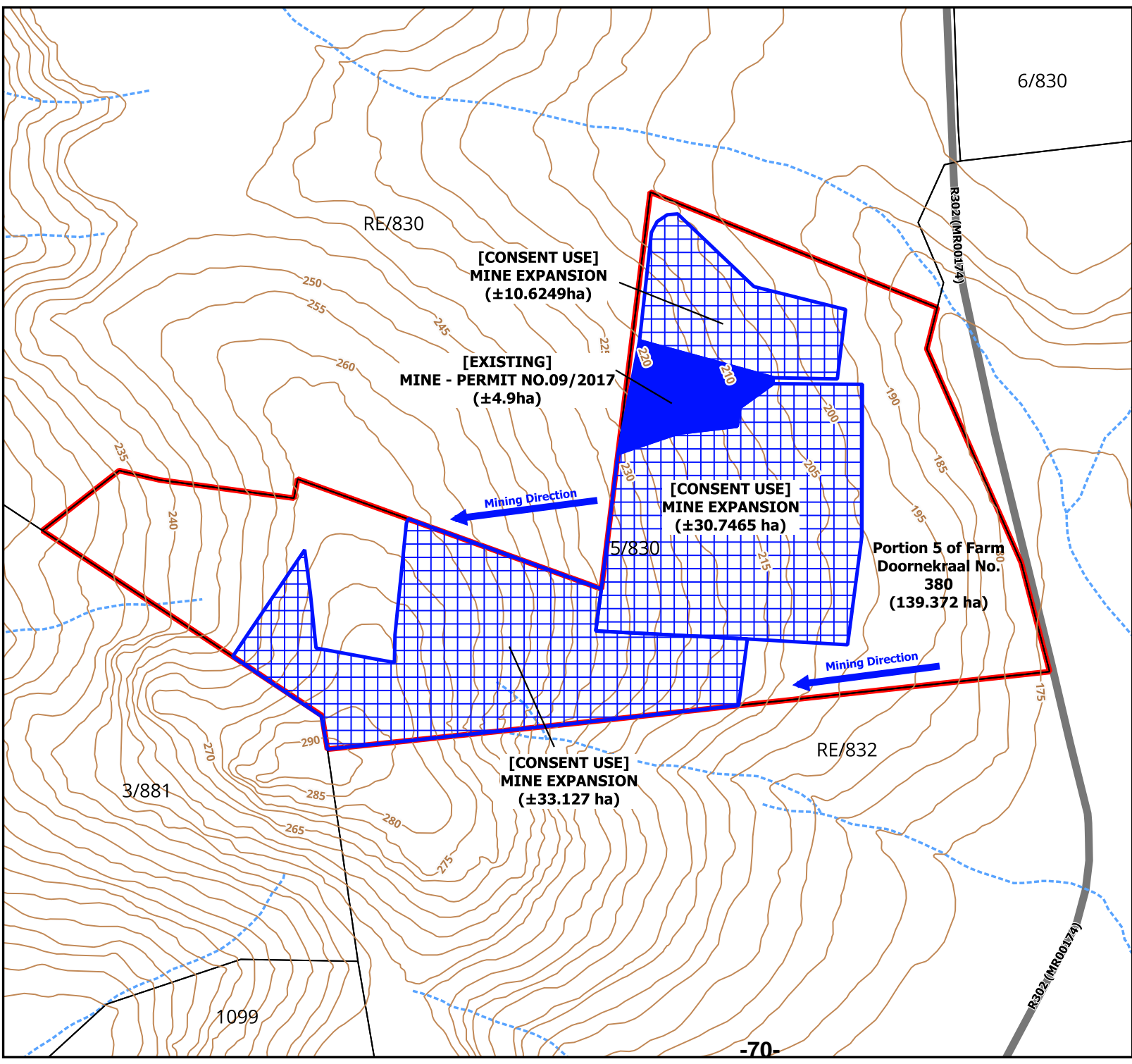
Consent use on Portion 5 of farm
Doornekraal no 830, Division Malmesbury

Locality plan

Scale: N/A



PROPOSED ANNEXURE B
Portion 5 No.830



- Legend**
- Main Road (R302)
 - Farm portions
 - Subject Property
 - 5m Contours
 - Non-Perennial River Centre line
 - Existing Mining Permit (±4.9ha)
 - Development Proposal**
 - Proposed Mine Expansion Areas (±75ha)

Ref Nr:
12649/MAL/EM

Date:
SEPTEMBER 2025

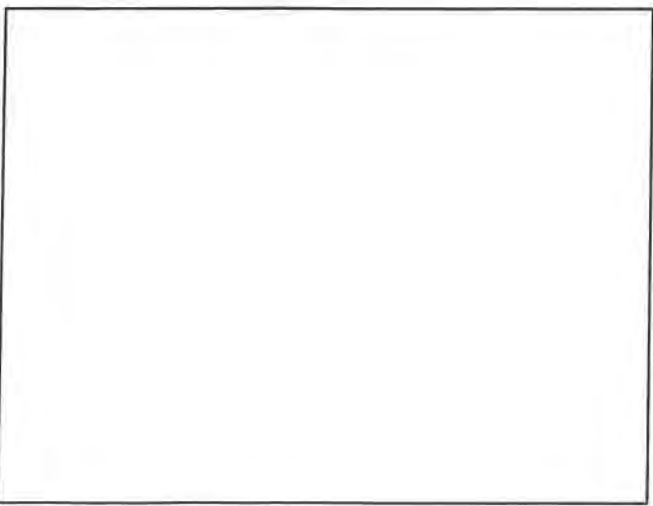
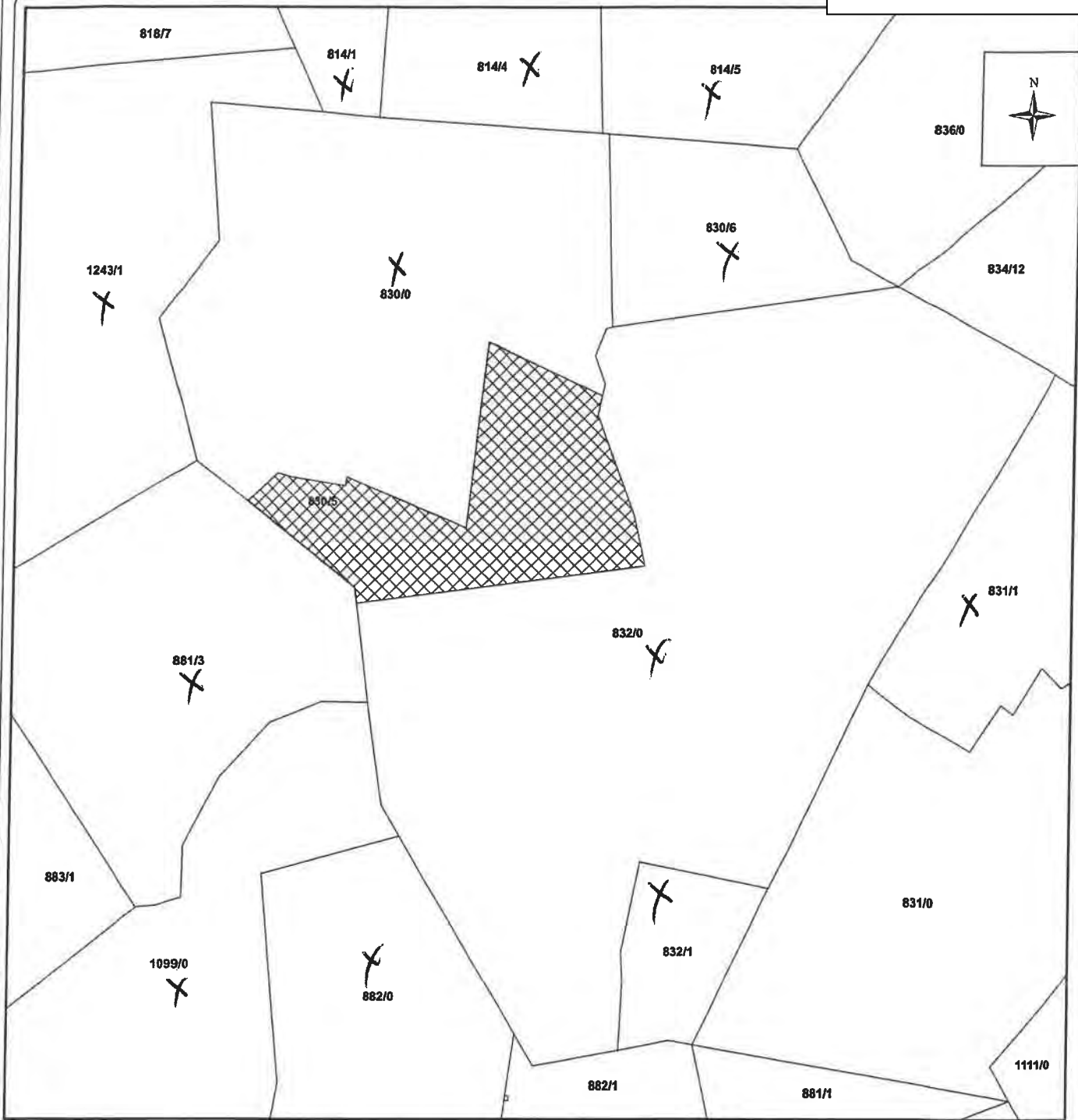
Local Authority:
SWARTLAND MUNICIPALITY

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING



CK Rumboll & Partners
 16 Rainer St , Malmesbury
 022 482 1845
 planning4@rumboll.co.za

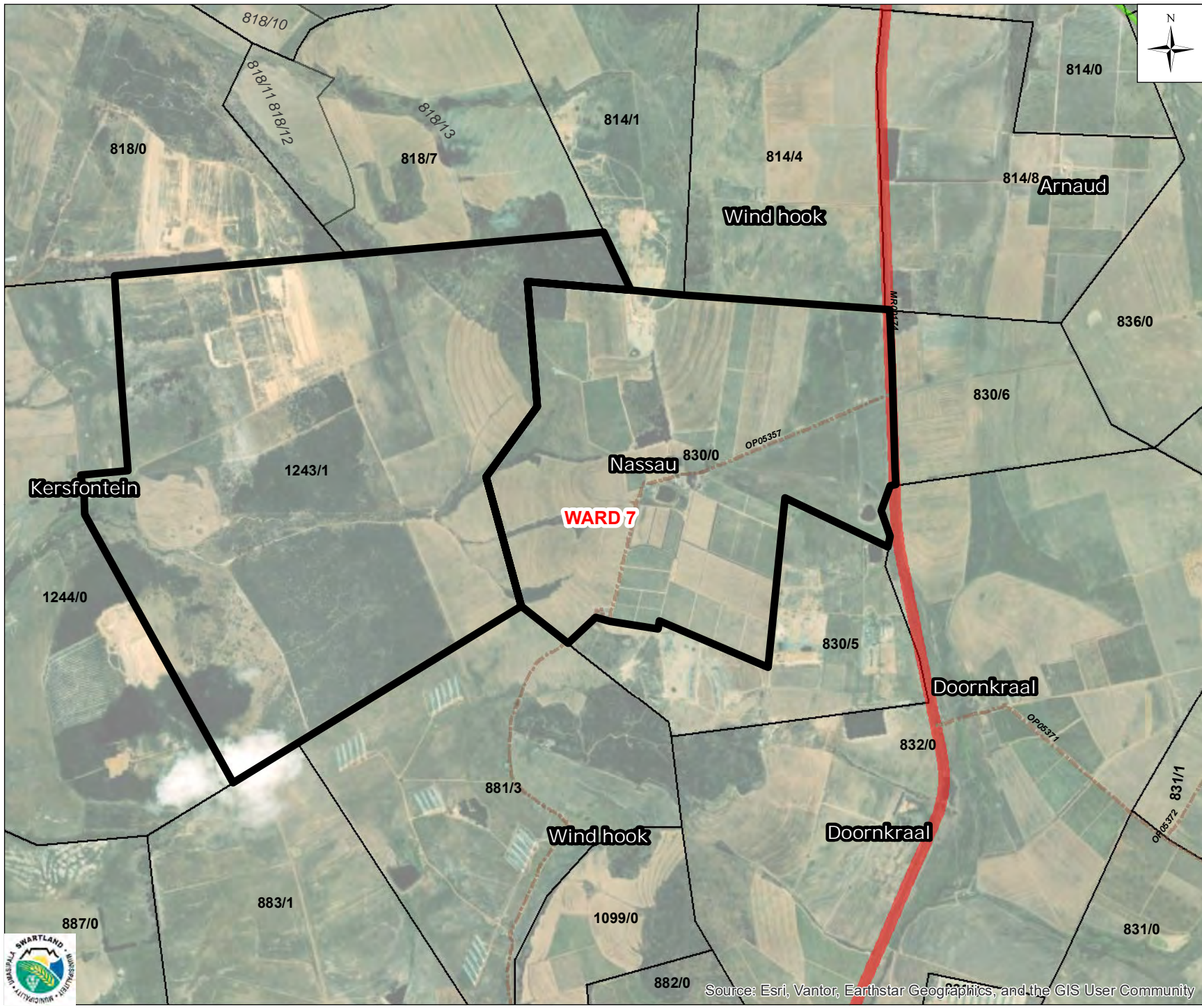




12
Lehatsene Dept.

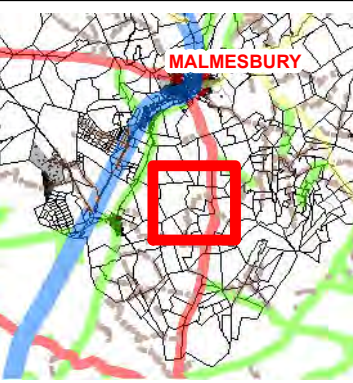
ANNEXURE D

OBJECTING AGAINST THE MINE EXPANSION



Legend

 OBJECTORS PROPERTIES



Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community



From: Marina Lofty-Eaton <marina.va@imagnet.co.za>
Sent: Tuesday, November 11, 2025 5:09 PM
To: Lenay Abdol <PlanIntern1@swartland.org.za>
Subject: RE: Voorgestelde vergunningsgebruik op gedeelte 5 van plaas Doornekraal no 830, afdeling Malmesbury

Goeie dag Lenay Abdol,

Ek is 'n trustee van die plaas Kersfontein (Nooitgedacht Trust) 1243 gedeelte 1. Skuins langs die gedeelte 5 van plaas Doornkraal No 830 wat ter sprake is.

Ek maak ten sterkste beswaar teen die uitbreiding van bestaande mynaktiwiteite van 4.9 ha na 81.13ha.

Philippi se sand is uitgemyn en nou kom kontrakteurs uit Gauteng om ons plase weg te myn . Hul is besig om plase in mynhoop te omskep en geld na te jaag. Kontrakte wat hul aangaan om die grond weer te rehabiliteer , word in die wind geslaan.

Kom tot jul sinne. Ek weet waarvan ek praat. Hul voel niks vir die bewaring van ons natuur nie. Ek maak ten sterkste beswaar.

Vriendelike groete.

Marina Lofty-Eaton

Trustee Nooitgedacht Trust

Beswaar deur grondeienaars.

Aan: Die Swartland Munisipaliteit

Name van Beswaarmaker / Plase:

Rhessau Trust & Nassau Boerdery,

Nassau Plaas, R302, Malmesbury. Doornekraal No 830, Deel 8

Verwys na Leêr: 15/3/10-15/Farm_830/05 (Mine Expansion):

**VOORGESTELDE VERGUNNINGSBEBRUIK OP GEDEELTE 5 VAN
PLAAS DOORNEKRAAL NO 830, AFDELING MALMESBURY**

Datum: 24 November 2025

**Insake: Formele Beswaar teen Aansoek om Goedkeuring van
uitbreiding van myn-aktiwiteite.**

1. Inleiding

**Ons, die ondergetekende grondeienaars en inwoners en belanghebbendes,
dien hiermee 'n formele beswaar in teen die aansoek deur : Vertigo
Properties 33 Pty Ltd, Stokeryweg, Wellington, 7654. Tel: 022 125 0043
om goedkeuring vir die uitbreiding van bestaande myn-aktiwiteite van
4,9ha na 81,13ha.**

**Die probleem wat ons gaan ondervind met die uitbreiding van die myn-
aktiwiteit.**

EROSIE:

Huidiglik is daar reeds onwettiglik ook al gekrap in grondstruktuur in die gedeelte wat nou voor aansoek gedoen word. Spoelstele het reeds ontstaan en diep dongas is alreeds gevorm. Departement van Landbou het in die verlede kontoerwalle en vore en afleibane ontwerp met ingenieurs om water in die regte rigtings te laat vloei om na damme herlei te word. Hierdie kontoerwalle in hierdie gedeelte waarvoor aansoek gedoen word is alreeds onwettig vernietig deur Mnr Burger wat tans op die eiendom woonagtig is.

Stof kan skade veroorsaak deur vragmotors wat reg bo my wingerd en sitrus verby moet beweeg om vragte te laai. Foto's sal aangeheg word van die verspoelings wat reeds plaas gevind het.

Op die ou myn-regte wat Mnr Burger voor aansoek gedoen het in die verlede, is daar nog nie eers rehabilitasie op die grond gedoen nie.

So ±vyf (5) jaar terug is bourommel onder teen die hoofpad “gedump” en net gewone grond was bo-oor gestoot om dit weg te steek.

Die groot probleem is dat ons ondergrondse drinkwater boorgate reg onder dit sit en kontaminasie van die water kan veroorsaak.

So in die verlede was dinge soos huidiglik nog nooit op die regte eerbare manier gedoen nie en kan ek nie indink hoe dit sal verloop in die toekoms nie.

Hierdie is baie ernstig, kan groot probleme aan drinkwater vir mense veroorsaak.

Alle foto's vir bewyse sal aangeheg word.

By voorbaat dank.

A handwritten signature in black ink, appearing to read 'G. Lambrechts', written in a cursive style.

GABRIËL JACOBUS LAMBRECHTS

SEL: 082 788 4460

IMG-20251124-WA0008



IMG-20251124-WA0009



IMG-20251124-WA0010



IMG-20251124-WA0011



IMG-20251124-WA0013



IMG-20251124-WA0014



IMG-20251124-WA0015



IMG-20251124-WA0016



IMG-20251124-WA0018



IMG-20251124-WA0022 & IMG-20251124-WA0024



CK RUMBOLL & PARTNERS INC.



PROFESIONELE LANDMETERS ~ ENGINEERING SURVEYORS ~ STAD- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

28/01/2026

OUR REF: 12649/MAL/EM

YOUR REF: 15/3/10-15/Farm_830/5(Mine
Expansion)

Attention: Mr A. Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Comments on Objections

PROPOSED CONSENT USE ON PORTION 5 OF FARM 830, DIVISION MALMESBURY

During the public participation period, comments were received from the following surrounding neighbours and/or the public:

- 1) Marina Loft-Eaton (Portion 1 of Farm Kersfontein No. 1243)
- 2) Gabriel Jacobus Lambrechts (Rhessau Trust & Nassau Boerdery - Portion 8 Doornekraal No. 830)

Our response to the comments provided by the above-mentioned are tabled and listed in the following section along the following annexure:

Annexure A : Water Use License (01/G10K/A/10941)

DIREKTEURE / DIRECTORS:

IHJ Rumboll GPr LS0737 | AP Steyl GPr LS0761 | J Linneman Pr Pln A/206/2010 | WA Hoffman GPr LS1223 | CR Taljaard GTc ES2672

ADDRESS/ ADRES: reception@rumboll.co.za / PO Box 211 / 16 Rainierstr, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 WEBSITE www.ckrumboll.co.za

Comments on objections

This section is intended to provide comments on the objections received. Please see our office's response to the objections received:

1. Marina Loft-Eaton (Portion 1 of Farm Kersfontein No.1243)	
Comments / objections	Response
<p><i>Ek maak ten sterkste beswaar teen die Uitbreiding van bestaaande mynaktiwiteite van 4.9ha na 81.13ha. Philippi se sand is uitgemyn en nou kom kontrakteurs uit Gauteng om ons plase weg te myn. Hul is besig om plase in mynhope te omskep en geld na te jaag. Kontrakte wat hul aangaan om die grond weer te rehabiliteer, word in die wind geslaan.</i></p> <p><i>Kom tot jul sinne. Ek weet waarvan ek praat. Hul voel niks vir die bewaring van ons natuur nie.</i></p> <p><i>Ek maak teen sterkste beswaar.</i></p>	<p>Noted. Application is made to lawfully expand an operational mine operating in accordance with Mining Permit No. 09/2017, issued by the Department of Mineral Resources and Energy (DMRE). The proposed expansion area (±81.13 ha) forms part of the same registered agricultural property and does not constitute the establishment of a new mining operation.</p> <p>The property is zoned Agricultural Zone 1, within which mining is permitted as a consent use in terms of the Swartland Municipal Land Use Planning By-law (2020). The proposed expansion therefore complies with the applicable zoning framework, subject to municipal approval. The By-law further allows for non-agricultural land uses where such activities do not permanently compromise the long-term agricultural potential of the land.</p> <p>An Environmental Impact Assessment (EIA) were prepared by Enviro-EAP and submitted to the Department of Mineral Resources and Energy (DMRE) and Department of Environmental Affairs and Development Planning (DEADP) on 15 July 2025 as part of the environmental authorisation process. The EIA confirms that mining will occur in controlled 1 ha phases (East to West), with only two active blocks at any given time, and that rehabilitation must commence immediately after each phase (Windrows Method). Detailed rehabilitation steps include topsoil stripping and reinstatement, establishment of cover crops, erosion monitoring and alien vegetation control. These are listed requirements included within the Mine Closure/Rehabilitation Plan and it is vital that the mine right holder's liability for the site continues until such time as a Closure Certificate is issued under the Minerals and Petroleum Resources Development Act (No 28 of 2002) (MPRDA).</p> <p>The submitted EIA further confirms that the proposed mining will not significantly reduce future agricultural potential if rehabilitation is</p>

	<p>implemented according to the rehabilitation plan that form part of EMPr . As part of the rehabilitation responsibility a financial rehabilitation guarantee of R239,329 is secured in accordance with DMRE guidelines, ensuring that rehabilitation obligations are enforceable. Continuous compliance monitoring by an Environmental Control Officer is mandatory, with quarterly reporting to authorities.</p> <p>Should any contraventions exist, these fall under the jurisdiction of the DMRE and DEADP. Enviro-EAP, the ECO, confirmed that a final closure inspection was undertaken by DMRE early December 2025. To date, no adverse comments have been received from the relevant authorities in this regard.</p> <p>The proposal is further supported by the Swartland Municipal Spatial Development Framework (MSDF) 2023–2027 (2025 Amendment). Chapter 6 of the MSDF explicitly recognises the strategic role of mineral resource extraction in supporting local economic development, employment creation and the provision of construction materials required for regional infrastructure development. The proposed mining operation contributes directly to the local construction material supply chain, reducing reliance on distant sources and supporting sustainable regional growth.</p> <p>The proposed expansion occurs on land with medium potential. Appropriate mitigation measures should ensure that the agricultural potential of the farm is perhaps limited but not lost and can be recovered over time.</p> <p>The submitted EIA further supports this spatially, by confirming that Malmesbury fulfils an important urban and economic role within the region and the Western Cape. Its high development potential is attributed to its strategic location along road and rail corridors, proximity to Cape Town, and a diversified economic base encompassing agriculture, industrial and commercial activities. Ongoing development and construction activity within Malmesbury has resulted in an increased demand for building sand, clay and gravel.</p> <p>The proposed mining area is located within approximately 13 km of the primary development nodes where these materials are required, and the identified resource consists of economically viable hill wash deposits suitable for extraction. Accordingly, within the rural spatial context, both mining and agriculture are accommodated. and is consistent with the spatial planning objectives of the MSDF.</p>
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2. Gabriel Jacobus Lambrechts (Rhessau Trust & Nassau Boerdery) (Portion 8 of Farm Doornekraal No.803)	
Comments / objections	Response
<p><i>Erosie</i> <i>Huidiglik is daar reeds onwettiglik gekrap in die grondstruktuur in die gedeelte waarvoor nou aansoek gedoen word. Spoelslote het reeds ontstaan en diep dongas is alreeds gevorm. Die Departement van Landbou het in die verlede kontourwalle en vore en afleibane ontwerp saam met ingenieurs om water in die regte rigting te laat vloei en na damme te herlei. Hierdie kontourwalle in hierdie gedeelte, waarvoor aansoek gedoen word, is reeds onwettig vernietig deur Mnr. Burger, wat tans op die eiendom woonagtig is.</i></p>	<p>Noted. As mentioned previously, the submitted EIA prescribes mitigation measures :</p> <ul style="list-style-type: none"> • Visually inspect mining area boundaries, exposed surfaces, overburden and topsoil stockpiles for signs of erosion. If erosion channels are discovered the mine must determine the cause of erosion and implement erosion rectification and prevention measures to rehabilitate eroded areas and prevent future erosion. • Rehabilitate as soon as a phase is complete. • Undertake mining activities only in identified and specifically demarcated areas as proposed and in phases. Rehabilitating/filling excavations as soon as possible to prevent accumulation of stormwater. • Implement erosion and storm water runoff management measures as according to EMP requirements to prevent (or if prevention is not possible limit) any erosion from occurring on the mining activity areas and surrounds; and any storm water runoff from the mining areas and topsoil and overburden storage areas. <p>It is therefore recommended that the preparation and implementation of a formal stormwater management plan be included as a condition of approval. Such a plan should give effect on the prescribed mitigation measures and, where necessary, include additional measures to manage potential impacts on adjoining properties.</p>
<p><i>Stof kan skade veroorsaak deur vragmotors wat reg bo my wingerde en sitrus moet beweeg om vragte te laai. Foto's sal aangeheg word van die verspoelings wat reeds plaasgevind het.</i></p>	<p>The submitted EIA elaborates that the potential for dust nuisance due to vegetation clearing and mining activities such as truck movements to and from the mine is not expected to be more significant than the potential dust nuisance that is currently created during ongoing sand mining activities; and it is not anticipated that the impact will be high if mitigation measures are implemented.</p> <p>The mitigations include the following:</p> <ul style="list-style-type: none"> • Reduce drop height of material to a minimum. • Area will be mined in phases to reduce the barren areas. • Temporarily halt material handling in extreme windy conditions. • Use non-potable water to dampen bare soil areas if required to mitigate windblown dust. • A speed limit of 30km/hour will be displayed and enforced through a fining system. • All vehicle drivers entering the site will be informed of the speed limit. • The requirement of additional dust suppression measures to be implemented must be determined through a dust monitoring programme or fugitive dust control plan to limit the emission of

	<p>particulate matter.</p> <p>These controls are intended to mitigate potential dust impacts on adjacent vineyards and citrus orchards.</p>
<p><i>Op die ou mynregte wat Mnr. Burger voor hierdie aansoek gedoen het in die verlede, is daar nog nie eers rehabilitasie op die grond gedoen nie. Ongeveer 5 jaar gelede is bourommel onder die hoofpad "gedump" en net gewone grond bo-oor gestoot om dit weg te steek.</i></p>	<p>Noted. No formal evidence has been submitted to substantiate the allegation that illegal dumping has taken place on the property. Final Closure inspections were conducted in December 2025 by DMRE , as confirmed by Enviro-EAP, that past rehabilitation had occurred . The closure certification process is currently underway in accordance with DMRE requirements.</p>
<p><i>Die groot probleem is dat ons ondergrondse drinkwaterboorgate reg onder hierdie gebied sit, en kontaminasie van die water kan veroorsaak.</i></p> <p><i>So in die verlede is dinge soos huidiglik nog nooit op die regte, eerbare manier gedoen nie, en ek kan nie indink hoe dit in die toekoms sal verloop nie.</i></p> <p><i>Hierdie is baie ernstig en kan groot probleme vir drinkwater vir mense veroorsaak.</i></p>	<p>The EIA confirms that mining activity will not come into contact with any groundwater resources and therefore will have minimal impact. The application is supported by a valid Water Use License (01G10k/A/10941) issued in 2021 (Refer to Annexure A)</p> <p>Furthermore, strict environmental controls are prescribed in the EIA, including the following:</p> <ul style="list-style-type: none"> • Undertake mining activities only in identified and specifically demarcated areas as proposed. • Storm water and erosion control as per an EMP must be conducted and monitored to prevent siltation of drainage line. • No disturbance should be allowed within drainage lines or wetland areas. This includes no dumping of fill, no roads, and all forms of temporary disturbance. • No drainage line or wetland areas edges may be disturbed or impacted upon by the proposed activities. • All roads need to be maintained and monitored. Visible signs of possible erosion must be immediately rehabilitated. • All storm water falling outside the mine property must be diverted around the quarries with the use of boundary berms. This forms part of the Storm Water Management Measures and part of the EMP. • If any groundwater is reached during the proposed mining activities on site, mining of that area must immediately be ceased, the Environmental Control Officer must be informed, and the area must be rehabilitated to prevent any potential detrimental impact on the groundwater resource. • No mining activities may occur within 100m from any drainage line or wetland without determining requirement for water use authorisation from Department of Water and Sanitation. • All measures should be put in place to ensure proper post-mining rehabilitation of affected areas, to as close to the original condition as possible. • No pollution of surface water or ground water resources may occur due to activities on the property. Oil spillages from vehicles on site must be controlled to prevent pollution of water resources. <p>Further groundwater protection is ensured through strict compliance with:</p> <ul style="list-style-type: none"> • The National Water Act • Ongoing monitoring

	<ul style="list-style-type: none">• DMRE regulatory oversight and enforcement <p>These measures collectively ensure the early detection and prevention of pollution, safeguarding groundwater resources and public health.</p> <p>As noted previously , it is recommended that the preparation and implementation of a formal stormwater management plan be included as a condition of approval. Such a plan should have effect on the prescribed mitigation measures and, where necessary, include additional measures to manage potential impacts on adjoining properties.</p>
--	---

We trust you will find the above in order when considering the application.

Kind regards,



Etienne Malan

For *CK RUMBOLL & PARTNERS*

ANNEXURE A : WATER USE LICENCE



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

National Register of Water Use Registration Record 22152509

Water Use Registration Record 22152509 is issued in terms of the regulations requiring that a Water Use be registered, promulgated under Section 26(1)(c) of the National Water Act(Act 36 of 1998) to

Applicant

Applicant Type: COMPANY
Name: VERTIGO PROPERTIES 33 (PTY) LTD
Enterprise Type: PRIVATE COMPANY
Business Registration Number: 2006/007294/07
Postal Address: PRIVATE BAG X9185
CAPE TOWN
8000

VAT Registration Number:

Water Management Area

Name: BERG-OLIFANTS

Register Status

Status: ACTIVE

Water Uses

See attached Annexure(s)

Water Use No.	Water Use	Volume	Volume Start Date	Volume End Date
1	21(a)	128 335 CUBIC METRES PER YEAR	2021/10/01	



Office: Western Cape Office
Regional Office: Western Cape Region

DEPT. OF WATER AND SANITATION
INSTITUTIONAL ESTABLISHMENT
CHIEF DIRECTOR
08 JUN 2022
PRIVATE BAG X16, SANLAMHOF, 7532
5 VOORTREKKER STREET, BELLVILLE, WARMS
DEPT. OF WATER AND SANITATION

Date stamp of issuing office

DISCLAIMER :
This Registration Record:
1 is not an acknowledgement of an entitlement to the registered water use;
2 may NOT be used to create the impression that it is proof of a water use entitlement. By virtue of section 22(1) of the National Water Act, the only documents that may be used as proof of a water use entitlement, are:
2.1 a licence;
2.2 an official document stating the extent of existing lawful water use pursuant to sections 33 or 36 of the National Water Act;
2.3 a general authorisation as published in the Gazette; or
2.4 Schedule 1 of the National Water Act.
Note:
- If an entitlement for the specific water use referred to in this Registration Record has been confirmed by the Department, it may be indicated as such in this Registration Record.
- If the responsible authority has dispensed with the requirement for a licence for a specific water use, no water use entitlement is needed for that use under the National Water Act.
3 is issued without alterations or erasures and is invalid if it contains alterations not in conformity with the Department's official copy; and in substitution of any Registration Record the Department may have previously issued and the information is valid as at the date of issue.

National Register of Water Use Registration Record 22152509

Taking water from a water resource in terms of Section 21(a) of the National Water Act

Water Use Identification

Register Number: 22152509
Water Use Number: 1
Water Use Start Date: 2021/10/01
Water Use Status Date: 2022/05/11
Water Use Status: REGISTERED

Licence Information

NRWU Licence Number: 22152509/1
Licence Status: APPROVED
Licence Expiry Date: 2041/09/30
Review Period: 60 MONTHS

RLA Details

RLA Business Unit: BERG - OLIFANTS - BELLVILLE
RLA Reference: 01/G10K/A/10941

Lawfulness Authentication

Finding: LAWFUL
Finding Date: 2021/09/17
Finding Reason: LICENCE

Finding Confirmed: YES

Water Use Details

Water Use Sector(s)(i.e. Purpose(s) of Water Use): INDUSTRY (NON-URBAN)
Source Type: BOREHOLE
Water Resource Name: GROUNDWATER
Point of Abstraction: Latitude 33.563468° south Longitude 18.73241° east
Datum Type: WGS-84
Quaternary Drainage Region: G21D

Registered Volumes

Start Date	End Date	Registered Volume (m³)	Time Interval
2021/10/01		128335	PER YEAR

National Register of Water Use Registration Record 22152509

Taking water from a water resource in terms of Section 21(a) of the National Water Act

Water Use Identification

Register Number: 22152509
Water Use Number: 1
Water Use Start Date: 2021/10/01
Water Use Status Date: 2022/05/11
Water Use Status: REGISTERED

Property Where Water Use Occurs

Property Name: DOORNEKRAAL
Property Number: 830
Portion of Property: 5
SG Cadastral Code: C04600000000083000005
Deeds Office: CAPE TOWN
Registration Division: MALMESBURY
Registration Division Province: WESTERN CAPE
Surveyor General Office: CAPE TOWN

WUN/Property Relationship Details

Relationship Start Date	Relationship End Date
2021/10/01	

National Register of Water Use Registration Record 22152509

Taking water from a water resource in terms of Section 21(a) of the National Water Act

Water Use Identification

Register Number:	22152509
Water Use Number:	1
Water Use Start Date:	2021/10/01
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water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Private Bag X16, Sanlamhof, 7532, 52 Spectrum Building, Voortrekker Road, Bellville., Tel: 021 941 6000 Fax: 021 941 6000. www.dwa.gov.za

LICENCE IN TERMS OF CHAPTER 4 OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998) (THE ACT)

I, **Boniswa Debble Hene**, in my capacity as Acting Regional Head: Western Cape, acting under authority of the powers delegated to me by the Acting Director General of the Department of Water and Sanitation, hereby authorise the following water uses in respect of this licence.

SIGNED: 

DATE: 17/09/2021

LICENCE NO: 01/G10K/A/10941
FILE NO: 27/2/1/G1010/9/2

1. Licensee: **Vertigo Properties 33 (Pty) Ltd**
Postal Address: Private Bag X9185
Cape Town
8000

2. Water Uses

2.1 Section 21 (a) of the Act: Taking of water from a water resource, subject to the conditions set out in Appendices I and II.

3. Properties in respect of which this licence is issued

3.1. Property on which the licence is issued is shown in table 1 below.

Table 1: Property in respect of which this licence is issued

Property Name	Portion	Title Deed	SG Code
Portion 5 of farm Doomekraal 830, Malmesbury RD	5		C0460000000083000005

4. Registered owners of the Properties

4.1 Registered owner(s) of the property is shown in Table 2 below.

Table 2: Registered owner(s) of the property

Property Name	Property Owner
Portion 5 of farm Doomekraal 830, Malmesbury RD	Vertigo Properties 33 (Pty) Ltd

B10188

5. Licence and Review Period

This licence is valid for a period of twenty (20) years from the date of issuance and is subject to an initial review within two (2) years after issuance, and thereafter may be reviewed at intervals of not more than five (5) years.

6. Definitions

Any terms, words and expressions as defined in the National Water Act, 1998 (Act 36 of 1998) shall bear the same meaning when used in this licence.

"The Act" means the National Water Act, 1998 (Act 36 of 1998).

"The Regional Head" means Chief Director: Western Cape, Department of Water and Sanitation, Private Bag X16, Sanlamhof, Bellville, 7532.

"The Department" means the Department of Water and Sanitation.

"Responsible Authority" means the Department of Water and Sanitation or Catchment Management Agency.

"External auditor" means a Geohydrologist independent of the entity being audited that is suitably qualified to verify compliance with the licence conditions and provide a report on the compliance with the set conditions.

"Water Services Authority" means the Cederberg Municipality.

7. Description of activity

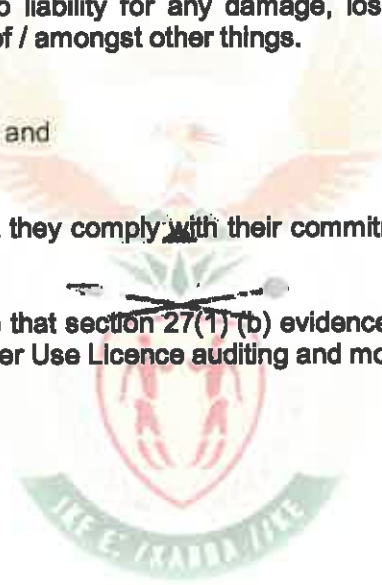
This licence authorises the ~~Vertigo Properties 33 (Pty) Ltd~~ for the water use in terms of section 21 (a) of the National Water Act, 1998 (Act 36 of 1998). The water use activities include the taking of 128 335m³/a (one hundred and twenty-eight thousand, three hundred and thirty five cubic metres per annum) groundwater for industrial use on portion 5 of farm Doornekraal 830, Malmesbury RD. The activity is located in quaternary catchment E10J which falls within Berg_Olifants Water Management Area.

APPENDIX I

General Conditions for the Licence

1. This licence is subject to all applicable provisions of the National Water Act, 1998 (Act 36 of 1998).
2. The responsibility for complying with the provisions of the licence is vested in the Licensee and not any other person or body.
3. In terms of section 148(1)(f) of the Act, any person who has timeously lodged a written objection against the application for a license may appeal to the Water Tribunal and the Tribunal may confirm, amend or withdraw the license or make any other order as it deems appropriate.
4. The Licensee must immediately inform the Regional Head of any change of name, address, premises and/or legal status.
5. If the property in respect of which this licence is issued is subdivided or consolidated, the Licensee must provide full details of all changes in respect of the properties to the Regional Head or Responsible Authority within sixty (60) days of the said change taking place.
6. If a Water User Association is established in the area to manage the resource, membership of the Licensee to the Association is compulsory. Rules, regulations and water management stipulation of such association must be adhered to.
7. When compulsory licensing is implemented for the water resource in respect of which this licence was issued, the water use authorised in this licence could be subject to appropriate reduction.
8. The Licensee shall be responsible for any water use charges and/or levies imposed by a Responsible Authority.
9. While effect must be given to the Reserve as determined in terms of the Act, where a lower confidence determination of the Reserve has been used in issuance of this licence, the licence conditions may be amended should a higher confidence reserve be conducted.
10. The licence shall not be construed as exempting the Licensee from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.
11. If the water use described in this license is not exercised within 3 years of the date of the license, the authorization will be terminated or amended. Upon commencement of the water use, the Licensee must inform the Regional Head in writing.
12. This licence does not imply any guarantee on the availability of the allocated quantity of water and the quality thereof. The right is reserved by the Responsible Authority, if a general water shortage is experienced in the area, to implement such curtailments or restrictions on the impoundment, storage, abstraction and/or supply or use of water as may be deemed necessary under the circumstances.
13. The licence and amendment of this licence are also subject to all the applicable procedural requirements and other provisions of the Act, as amended from time to time.
14. The Licensee shall conduct an annual internal audit on compliance with the conditions of this licence. A report on the audit shall be submitted to the Regional Head within one (1) month of the finalisation of the audit.

15. The Licensee shall appoint an independent external auditor to conduct an annual audit on compliance with the conditions of this licence every second year. The first audit must be conducted within eighteen (18) months of the date of issuance of this licence, and an audit report shall be submitted to the Regional Head or Responsible Authority within one (1) month of finalisation of the report.
16. Any incident that causes or may cause water pollution must be reported to the Regional Head or Responsible Authority within 24 hours.
17. The licensee must inform the Department at least 90 days before the expiry date of the licence whether the licence must be considered for another term.
18. In terms of section 124 of the Act, the Minister and any person authorised by him/her in writing may at any time enter upon the premises of the Licensee to perform the functions contemplated in sections 125(1), (2) and (3) of the Act.
19. If the water use described in this licence is not exercised within three (3) years of the date of the licence, the authorisation will be terminated or amended. Upon commencement of the water use, the Licensee must inform the Regional Head in writing.
20. The Department accepts no liability for any damage, loss or inconvenience, of whatever nature, suffered as a result of / amongst other things.
 - 20.1 Shortage of water;
 - 20.2 Inundation of flood; and
 - 20.3 Quality of water
21. Licensee must ensure that they comply with their commitments in section 27 (1) (b) of this licence.
22. The Licensee must ensure that section 27(1) (b) evidence of compliance are recorded and made available during Water Use Licence auditing and monitoring.



BNH

APPENDIX II

Section 21(a) of the Act: Taking water from a water resource

1. This licence authorises the **Vertigo Properties 33 (Pty) Ltd** for the water use in terms of section 21 (a) of the National Water Act, 1998 (Act 36 of 1998). The water use activities include the taking of 128 335m³/a (one hundred and twenty-eight thousand, three hundred and thirty-five cubic metres per annum) groundwater for industrial use on portion 5 of farm Doornekraal 830, Malmesbury RD, as detailed in Table 3.

Table 3: Water use activities

Purpose / Description	Properties	Volume (m ³ /a)	Co-ordinates
Groundwater abstraction for industrial use	portion 5 of farm Doornekraal 830, Malmesbury RD	128 335	-33.563468S 18.732410E

2. The quantity of water authorised to be taken in terms of this licence must not be exceeded without prior authorisation by the Responsible Authority.
3. Abstraction from the boreholes must exceed a maximum rate of 0.4l/s, pumped for up to 10 hours and a rest period of up to 14 hours must be adhered to. It is recommended that borehole 'DK_BH1' and 'DK_BH2' be pumped at a rate of 0.9 l/s for 16 hours per day with a maximum groundwater level of 60 and 65 mbgl (meters below ground level) respectively;
4. It is recommended that borehole 'DK_BH3' be pumped at a rate of 1.5 l/s for 16 hours per day with a maximum groundwater level of 80 mbgl (meters below ground level); and
5. It is recommended that borehole 'DK_BH4' be pumped at a rate of 2.8 l/s for 16 hours per day with a maximum groundwater level of 70 mbgl (meters below ground level).
6. The Licensee must submit to the Department a copy of their service level agreement with the municipality as soon as it has been finalised.
7. The Water Services Provider must comply with all the conditions as per the Water Services Act which bind the service authority.
8. This licence does not imply any guarantee that the said quantities and qualities of water will be available at present or at any time in the future.
9. The above mentioned volume may be reduced when the licence is reviewed.
10. No water taken may be pumped, stored, diverted, or alienated for purposes other than intended in this licence, without written approval by the Regional Head or his/her delegated nominee.
11. All water taken from the resource shall be measured as follows;
 - 10.1. The daily quantity of groundwater taken must be metered or gauged and the total recorded at the last day of each month; and
 - 10.2. Monthly groundwater levels (static/rest) from production borehole.
12. A monitoring report by a qualified Geohydrologist must be submitted to the Department on an annual basis along with the annual report and must at least contain analysis of operational and monitoring data, and operational recommendations.
13. Hard copies of field sheets and laboratory reports must be kept safe so that they can be made available to the Department or other stakeholders on request.

14. All measuring, recording and integrating devices shall be maintained in a sound state of repair and calibrated by a competent person at intervals as specified and required according to the device specifications. The calibration certificates must be available for inspection the Regional Head or Responsible Authority or his/her representative upon request. A relevant maintenance and calibration schedule must be compiled and maintained by the Licensee.
15. The Licensee shall establish and implement a continual process of raising awareness amongst itself, its workers and stakeholders with respect to Water Conservation and Water Demand Management Initiatives.
16. The Licensee shall install a sampling tap at the borehole. Water samples should be collected and submitted to an accredited laboratory for chemical analysis on a bi-annual basis. The parameters to be analysed should comply with and not be limited to table 2 below:

TABLE 2 - LIST OF GROUNDWATER QUALITY PARAMETERS TO BE MONITORED:

Parameter	Ref Max Value*	Ref Min Value*	Ref Ave Value*	Recorded Value
Alkalinity (HCO ₃);			
Ammonium (NH ₄₊);			
Bicarbonate (HCO ₃₋);			
Calcium (Ca ⁺²);			
Chloride (Cl ⁻);			
Iron (Fe);			
Magnesium (Mg);			
Nitrate (NO ₃₋);			
Potassium (K ⁺);			
Phosphate (PO ₄₃₋);			
Sodium (Na ⁺²);			
Sulphate (SO ₄₋₂);			
Total dissolved solids (TDS);			
Total coliform bacteria (TCB);			
Heterotrophic plat count (HPC)			

Reference values will consist of at least 1 hydrological year of sampling and analysis on a quarterly basis which will make up max, min and mean range of values

17. Should any of the recorded values exceed the range of max reference values; another set of sample should be sent to a different accredited laboratory for analysis within one month. Should the second set of results confirm the constituents of the first set recorded values, an appointed Hydrogeologist will need to determine the cause of the recorded concentration values which is out of range and apply a remedial action to the satisfaction of the Regional Head. Such Incidents should be reported to the Regional Head of the Department within 48 hours of the analysis results becoming available to the Licensee

END OF LICENCE





water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE REGION
PRIVATE BAG X16, SANLAMHOF, 7532

Tel.: 021 941 6237, E-mail: murovhlm@dws.gov.za

Enquiry: M. Murovhi
File number: 27/2/1/G421/501/2
WU21996

Vertigo Properties 33 (Pty) Ltd
Private Bag X9185
Cape Town
8000

Attention: Sir/Madam

APPLICATION FOR WATER USE LICENCE APPLICATION IN TERMS OF SECTION 40 AND 41 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998): TAKING OF WATER FROM A WATER RESOURCE.

Your Water Use Licence Application, dated 17 September 2021 has reference.

Attached is the authorised Water Use Licence 01/G10K/A/10941 dated 17 September 2021 and the Water Use Registration Certificate as issued with regard to the above-mentioned application.

Please ensure that all conditions within the Licence are adhered to at all times.

Water use charges or waste discharge charge charges or levies will be imposed from time to time by the responsible authority or the Department in terms of the National Water Act, 1998 (Act 36 of 1998).

Note that the existing lawful water uses on your property (ies) are still subject to validation and verification outcome.

If you need further information, you are welcome to contact this office.

Yours faithfully

REGIONAL HEAD: WESTERN CAPE

DATE: 27/6/2022

SIGNED BY: MASHUDU MUROVHI
DESIGNATION: DIRECTOR PROTO CMA



Ref: DOI/CFS/RN/LU/REZ/SUB-26/115 (Application No: 2025-11-0103)

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

Attention: Ms DN Stallenberg

Dear Madam

PORTION 5 OF FARM DOORNEKRAAL 830, MALMESBURY: PROPOSED CONSENT USE

1. Your letter to this Branch referenced 15/3/10-15/Farm_830/05 (Mine Expansion) dated 4 November 2025 refers.
2. The proposal affects Main Road 174 and Minor Road 5357 for which this Branch is the Road Authority.
3. The application is to obtain secondary rights for Consent Use in order to operate a Composting Facility.
4. This Branch offers no objection to the proposal in terms of the Land Use Planning Act 3 of 2014.

Yours Sincerely

DD FORTUIN

For **DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH**

DATE: 27 NOVEMBER 2025

ENDORSEMENTS

1. Swartland Municipality
Attention: Ms DN Stellenberg (e-mail: swartlandmun@swartland.org.za)
2. CK Rumboll & Partners
Attention: Mr E Malan (e-mail: reception@rumboll.co.za)
3. District Roads Engineer Paarl
(email: DREPaarl.Technical@westerncape.gov.za)
4. Mr D Fortuin (e-mail)

OUR REFERENCE : 20/9/2/2/5/099
YOUR REFERENCE : 15/3/10-15/Farm_830/05 (Mine Expansion)
ENQUIRIES : Cor van der Walt/Fadwa Mohammed

Swartland Municipality
Private Bag X52
MALMESBURY
7299

Att: Ms DN Stellenberg

PROPOSED CONSENT USE: DIVISION MALMESBURY
PORTION 5 OF THE FARM DOORNEKRAAL NO 830

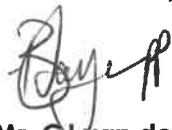
Your application of 04 November 2025 has reference.

Mining fundamentally alters the land and its potential. The Department firmly objects to the proposed mine expansion, emphasizing that it will significantly diminish agricultural resources in an area already constrained by environmental factors. The remaining land designated for agriculture is insufficient to sustain economic viability. Consequently, granting this mining right turns a viable farm into one that can no longer sustain itself.

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



Mr. CJ van der Walt

Copy:
CK Rumboll & Partners
PO Box 211
MALMESBURY
7299

LANDUSE MANAGER: LANDUSE MANAGEMENT

2026-04-22

Johann Lanz

Soil Scientist (Pr.Sci.Nat.)

Reg. no. 400268/12

Cell: 082 927 9018

e-mail: johann@johannlanz.co.za

1A Wolfe Street

Wynberg

7800

Cape Town

South Africa

**SITE SENSITIVITY VERIFICATION
AND
AGRICULTURAL AGRO-ECOSYSTEM SPECIALIST ASSESSMENT
FOR
A SAND, GRAVEL & CLAY MINING RIGHT APPLICATION
ON FARM NUMBER 5/830, DOORNEKRAAL, NEAR MALMESBURY**

**Report by
Johann Lanz**

28 February 2023

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1 INTRODUCTION

Environmental authorisation is being sought for a sand, gravel, and clay mining right on Farm number 5/830, Doornekraal near Malmesbury. The locality map is given in Figure 1. In terms of the National Environmental Management Act (Act No 107 of 1998 - NEMA), an application for environmental authorisation requires an agricultural assessment. In this case, based on the sensitivity of the site, the level of agricultural assessment required is an Agricultural Agro-Ecosystem Specialist Assessment.

Johann Lanz was appointed as an independent agricultural specialist to conduct the agricultural assessment. The objective and focus of an agricultural assessment is to assess whether or not the agricultural impact of the proposed development will be acceptable, and based on this, to make a recommendation on whether or not it should be approved.



Figure 1. Locality map of the proposed mine south of Malmesbury.

The purpose of the agricultural component in the environmental assessment process is to preserve the agricultural production potential, particularly of scarce arable land, by ensuring that development does not exclude existing or potential agricultural production from such land or impact it to the extent that its future production potential is reduced.

2 PROJECT DESCRIPTION

The project is an open cast sand, gravel, and clay mine. Topsoil will be stockpiled and then the underlying sand, gravel, and clay will be dug out by an excavator and loaded onto trucks. Topsoil will be returned to the surface on completion of mining.

3 TERMS OF REFERENCE

The terms of reference for this study is to fulfill the requirements of the *Protocol for the specialist assessment and minimum report content requirements of environmental impacts on agricultural resources*, gazetted on 20 March 2020 in GN 320 (in terms of Sections 24(5)(A) and (H) and 44 of NEMA, 1998).

The agricultural sensitivity of the site includes land that is of high or more agricultural sensitivity (see Section 7). The level of agricultural assessment required in terms of the agricultural protocol for sites verified as high or more sensitivity is an Agricultural Agro-Ecosystem Specialist Assessment.

The terms of reference for such an assessment, as stipulated in the protocol, are listed below, and the section number of this report which fulfils each stipulation is given after it in brackets.

1. The assessment must be undertaken by a soil scientist or agricultural specialist registered with the South African Council for Natural Scientific Professions (SACNASP).
2. The assessment must be undertaken on the preferred site and within the proposed development footprint.
3. The assessment must be undertaken based on a site inspection as well as an investigation of the current production figures, where the land is under cultivation or has been within the past 5 years, and must identify:
 1. the extent of the impact of the proposed development on the agricultural resources (Section 9.3);
 2. whether or not the proposed development will have an unacceptable negative impact on the agricultural production capability of the site (Section 11), and in the event where it does, whether such a negative impact is outweighed by the positive impact of the proposed development on agricultural resources.
4. The status quo of the site must be described, including the following aspects which must be considered as a minimum in the baseline description of the agro-ecosystem:
 1. The soil form/s, soil depth (effective and total soil depth), top and sub-soil clay percentage, terrain unit and slope (Sections 7);
 2. Where applicable, the vegetation composition, available water sources as well as agro-climatic information (Sections 7);

3. The current productivity of the land based on production figures for all agricultural activities undertaken on the land for the past 5 years, expressed as an annual figure and broken down into production units (Section 7);
4. The current employment figures (both permanent and casual) for the land for the past 3 years, expressed as an annual figure (Section 7);
5. Existing impacts on the site, located on a map where relevant (e.g. erosion, alien vegetation, non-agricultural infrastructure, waste, etc.)(Section 7 and Figures 3 and 4).
5. Assessment of Impacts, including the following which must be considered as a minimum in the predicted impact of the proposed development on the agro-ecosystem:
 1. Change in productivity for all agricultural activities based on the figures of the past 5 years, expressed as an annual figure and broken down into production units (Section 9.3);
 2. Change in employment figures (both permanent and casual) for the past 5 years expressed as an annual figure (Section 9.3);
 3. Any alternative development footprints within the preferred site which would be of “medium” or “low” sensitivity for agricultural resources as identified by the screening tool and verified through the site sensitivity verification (not applicable).
6. The findings of the Agricultural Agro-Ecosystem Specialist Assessment must be written up in an Agricultural Agro-Ecosystem Specialist Report.
7. This report must contain the findings of the agro-ecosystem specialist assessment and the following information as a minimum:
 1. Details and relevant experience as well as the SACNASP registration number of the soil scientist or agricultural specialist preparing the assessment including a curriculum vita (Appendix 1);
 2. A signed statement of independence by the specialist (Appendix 2);
 3. The duration, date and season of the site inspection and the relevance of the season to the outcome of the assessment (Section 4);
 4. A description of the methodology used to undertake the on-site assessment inclusive of the equipment and models used, as relevant (Section 4);
 5. A map showing the proposed development footprint (including supporting infrastructure) with a 50 m buffered development envelope, overlaid on the agricultural sensitivity map generated by the screening tool (Figure 2);
 6. An indication of the potential losses in production and employment from the change of the agricultural use of the land as a result of the proposed development (Section 9.3);
 7. an indication of possible long term benefits that will be generated by the project in comparison to the benefits of the agricultural activities on the affected land (not applicable);
 8. Additional environmental impacts expected from the proposed development based on the current status quo of the land including erosion, alien vegetation, waste, etc. (Section 9);

9. Information on the current agricultural activities being undertaken on adjacent land parcels (Section 7);
10. an identification of any areas to be avoided, including any buffers (not applicable);
11. a motivation must be provided if there were development footprints identified as per point 5.3 above that were identified as having a medium or low agricultural sensitivity and that were not considered appropriate (not applicable);
12. Confirmation from the soil scientist or agricultural specialist that all reasonable measures have been considered in the micro-siting of the proposed development to minimise fragmentation and disturbance of agricultural activities (not applicable);
13. A substantiated statement from the soil scientist or agricultural specialist with regards to agricultural resources on the acceptability or not of the proposed development and a recommendation on the approval or not of the proposed development (Section 11);
14. Any conditions to which this statement is subjected (Section 11);
15. Where identified, proposed impact management outcomes or any monitoring requirements for inclusion in the Environmental Management Programme (EMPr) (Section 10);
16. A description of the assumptions made and any uncertainties or gaps in knowledge or data (Section 5).

4 METHODOLOGY OF STUDY

The assessment was based predominantly on an investigation of soil and agricultural conditions across the site. The investigation was conducted on 2 November 2022. A total of 17 test pits were investigated. Data was also used from a previous soil investigation which was conducted on 21 October 2019 and in which a total of 39 test pits were investigated across three separate parts of the farm. Soils were classified according to the South African soil classification system (Soil Classification Working Group, 1991).

An assessment of soils and long term agricultural potential is in no way affected by the season in which the assessment is made, and therefore the fact that the assessment was done in summer has no bearing on its results.

5 ASSUMPTIONS, UNCERTAINTIES OR GAPS IN KNOWLEDGE OR DATA

There are no assumptions, uncertainties or gaps in knowledge or data that affect the findings of this assessment.

6 SITE SENSITIVITY VERIFICATION

In terms of the gazetted agricultural protocol, a site sensitivity verification must be submitted that:

1. confirms or disputes the current use of the land and the environmental sensitivity as identified by the screening tool, such as new developments or infrastructure, the change in vegetation cover or status etc.;
2. contains a motivation and evidence (e.g. photographs) of either the verified or different use of the land and environmental sensitivity.

Agricultural sensitivity is a direct function of the capability of the land for agricultural production. All arable land that can support viable crop production, is classified as high (or very high) sensitivity. This is because there is a scarcity of arable production land in South Africa and its conservation for agricultural use is therefore a priority. Land which cannot support viable crop production is much less of a priority to conserve for agricultural use, and is rated as medium or low agricultural sensitivity.

The screening tool classifies agricultural sensitivity according to only two independent criteria – the land capability rating and whether the land is used for cropland or not. All cropland is classified as at least high sensitivity, based on the logic that if it is under crop production, it is indeed suitable for it, irrespective of its land capability rating.

The screening tool sensitivity categories in terms of land capability are based upon the Department of Agriculture's updated and refined, country-wide land capability mapping, released in 2016. The data is generated by GIS modelling. Land capability is defined as the combination of soil, climate and terrain suitability factors for supporting rain fed agricultural production. It is an indication of what level and type of agricultural production can sustainably be achieved on any land, based on its soil, climate and terrain. The higher land capability values (≥ 8 to 15) are likely to be suitable as arable land for crop production, while lower values are only likely to be suitable as non-arable grazing land.

A map of the proposed application area overlaid on the screening tool sensitivity is given in Figure 2. The land capability of the site on the screening tool is 7 to 8 which translates to a medium agricultural sensitivity. The allocation of high sensitivity to much of the site (red in Figure 2) is because the land is classified as cropland in the data set used by the screening tool.

The agricultural sensitivity, as identified by the screening tool, is confirmed by this assessment. The motivation for confirming the sensitivity is that the site has in the past been used for crop production and does have some potential for crop production, even if it is marginal. In addition, the climate, soils and terrain correspond to the existing ratings of land capability (7-8).

This site sensitivity verification verifies the proposed application area as being of high agricultural sensitivity. The required level of agricultural assessment is therefore confirmed as an Agricultural

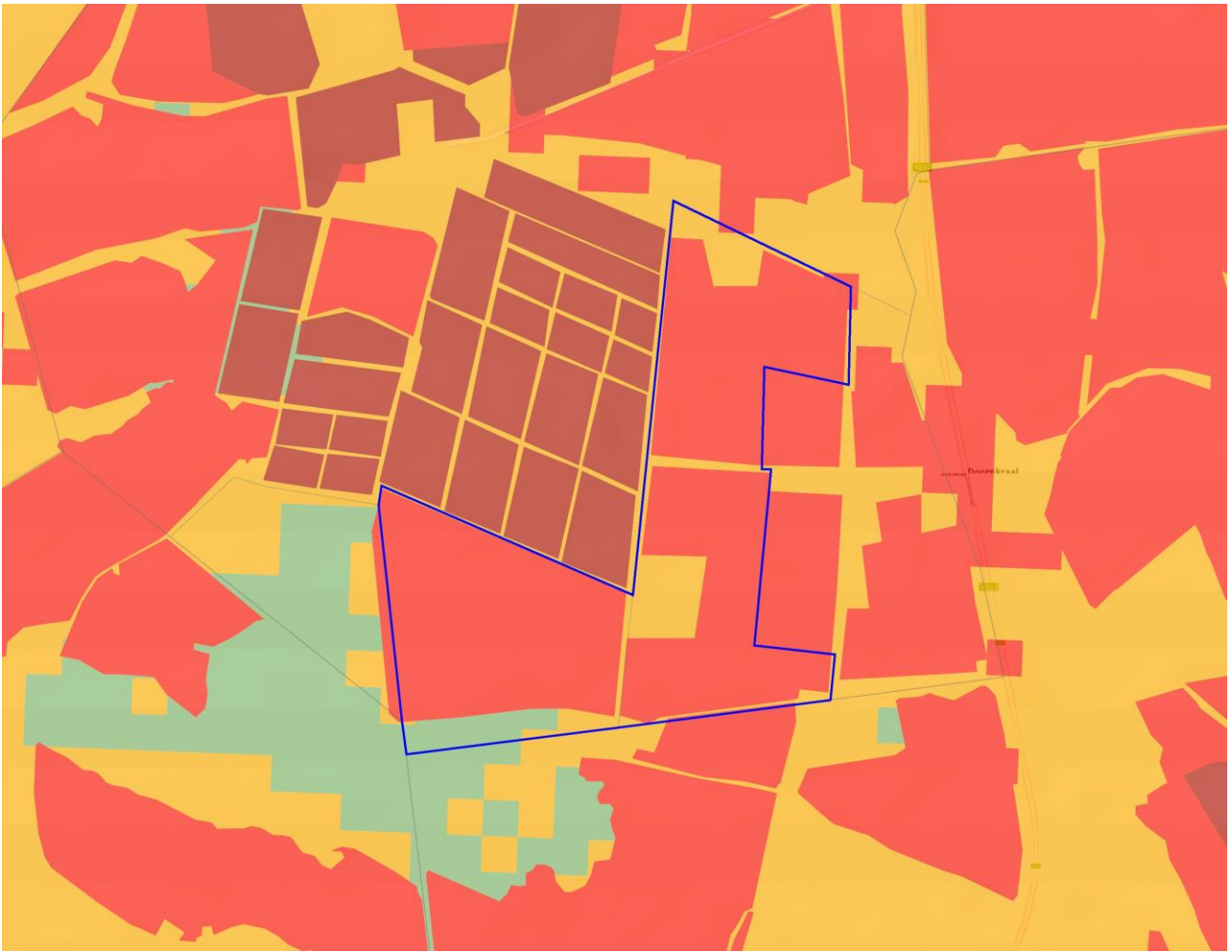


Figure 2. The proposed application area (blue outline) overlaid on agricultural sensitivity, as given by the screening tool (green = low; yellow = medium; red = high).

7 BASELINE DESCRIPTION OF THE AGRO-ECOSYSTEM

Satellite image maps of the investigated area showing the mine-able sand and gravel depths are given in Figures 3 and 4.

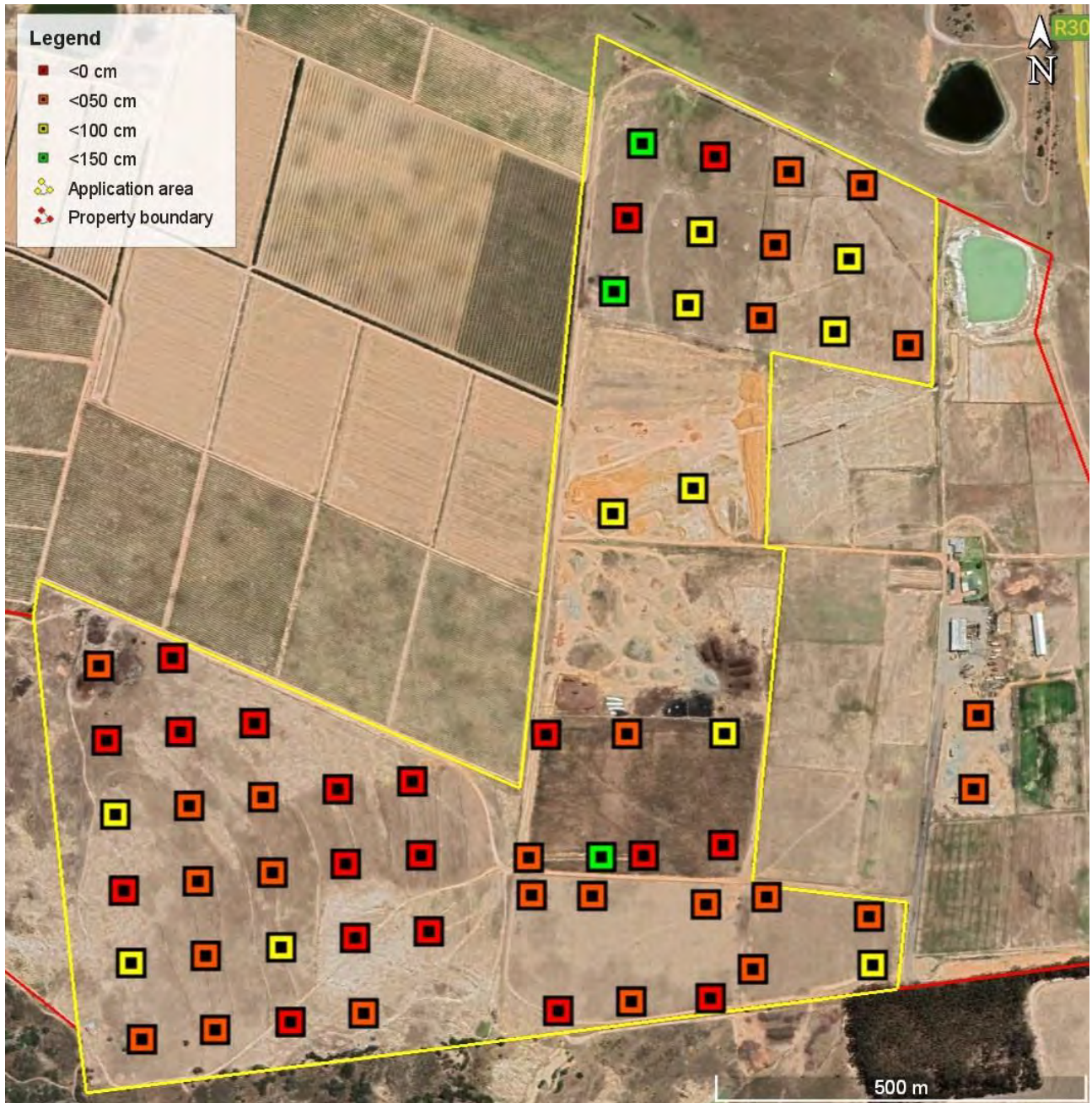


Figure 3. Satellite image map showing the mine-able sand depth in all investigated test pits.

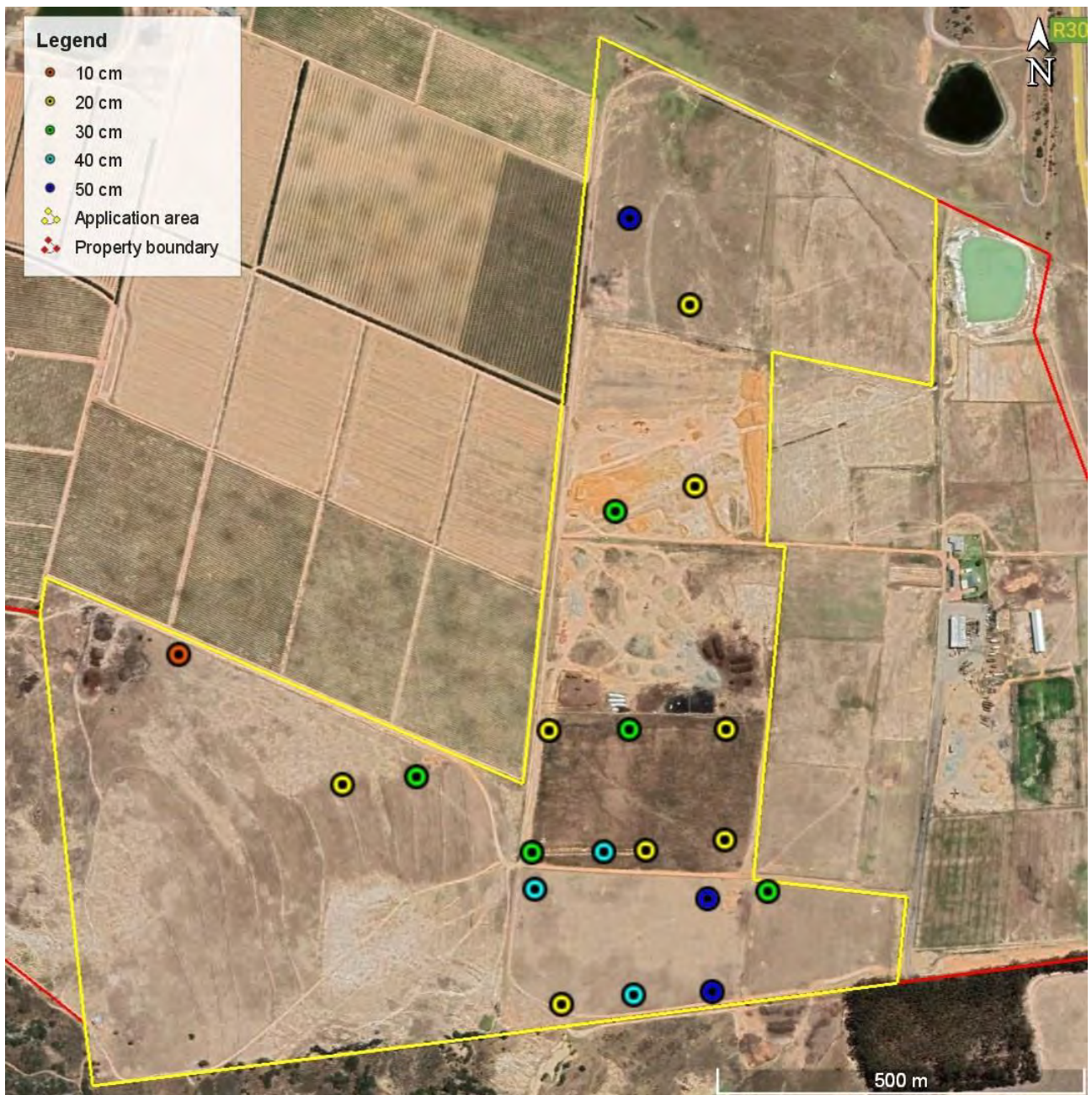


Figure 4. Satellite image map showing the mine-able gravel depth in all investigated test pits. Test pits in which there was no gravel are not shown.

The underlying geology of the area is Quaternary quartz sand of the Springfontein Formation, covering greywacke and phyllite of the Moorreesburg Formation, Malmesbury Group. The soils within the recommended application area are generally moderately deep sands overlying clay, with a gravel horizon between the sand and the clay. The soils are of the Kroonstad, Longlands, Vilafontes and Pinedene soil forms, as classified by the South African soil classification system. The depth below surface to the clay, across the mine-able areas, varies from 60 cm to 190 cm.

The soils are limited by the low clay content and leaching of the upper soil horizons and therefore have a low water and nutrient holding capacity. As a result they have a low to medium agricultural

potential, and are rated between 4 and 5 out of 10 according to the system used by Western Cape soil scientists. The site is suitable for cultivation with irrigation but is limited by the low water holding capacity of the sandy soil so is marginal without irrigation. Although wine grapes are cultivated in the area, the particular soils of the application area are not considered to have sufficient potential for quality wine production. They are too leached and sandy, and therefore do not have sufficient buffer capacity and water holding capacity for quality wine production.

Climate is suitable for a range of agricultural crops, but the low water holding capacity soils require irrigation. The farm has no irrigation.

The investigated area is currently not used for any crop production and so there are no production records. Parts of the farm are currently under sand and gravel mining. There are no other, existing impacts on the site that are relevant to agriculture. Surrounding land use includes both vineyards and grazing land.

The agricultural protocol requires agricultural employment figures (both permanent and casual) for the land. However, all employment on the farm is related to the mining and there are therefore no expected losses in employment as a result of the mining.

8 ESTIMATED SAND AND GRAVEL RESERVES

An estimate of the volumes of available sand and gravel within the sand and gravel resource areas, as shown by depth in Figures 3 and 4, is given in Table 2. Note that this is an estimate only, based on the measured test pits, and does not include any bulking factor.

Table 2. An estimate of the volumes of available sand and gravel within the application area.

Average mineable depth sand (cm)	Average mineable depth gravel (cm)	Area size (ha)	Mineable sand volume (m ³)	Mineable gravel volume (m ³)
42	21	24	100,800	50,400

No estimate has been made of the size of the available clay resource.

It should be noted that although adequate reserves of sand and gravel do not occur everywhere across the application area, the entire area is included because additional parts will be used for stockpiling and for clay mining.

9 THE IMPACTS OF MINING ON AGRICULTURAL RESOURCES AND PRODUCTION

Mining can have both direct and indirect impacts on agricultural potential. Direct impacts are those that change the soil potential on site in terms of growing agricultural crops or natural vegetation. Indirect impacts are those that do not directly affect plant growth, but that might impact the ability of farmers in the area to successfully run their agricultural enterprises.

9.1 Indirect impacts

The following potential indirect impacts are identified

9.1.1 Alteration of the agricultural sense of place

Mining is an intrusive activity of an industrial nature that, during its operational phase, can alter the agricultural sense of place in a farming area. This is only relevant to an agricultural assessment if it affects surrounding agricultural revenue generation. If it does not, it is a social issue that is beyond the relevance and scope of an agricultural impact assessment.

In this case, the alteration of agricultural sense of place is not considered likely to affect surrounding agricultural revenue generation. Sand mining already exists in the area.

9.1.2 Dust deposition on surrounding crops

Mining can result in dust on surrounding crops. There are dust sensitive agricultural crops, including vineyards and orchards adjacent to the application area. Dust will therefore need to be mitigated by means of damping down surfaces when required. The significance of this impact with mitigation is not high.

9.2 Direct impacts

Mining will change the existing soil profile through the removal of all sand and gravel below the upper 50 cm. The removal of clay is not from the root zone, but will lower the land surface. The impact of mining occurs by way of eight different identified mechanisms, listed below. All these mechanisms impact on the soil's production potential. For the purposes of this report, the overall impact, on reduction of the soil's production potential, as a result of the interaction of these different mechanisms, is assessed. Each mechanism is discussed below. Details of mitigation measures are provided in the following section.

The following direct impacts are identified.

9.2.1 Loss of agricultural land for duration of mining

The mining areas will be lost to agricultural production for the duration of mining activity on them,

but because this is for a limited duration, and there is no current agricultural production, the significance of this impact is low.

9.2.2 Reduction in soil depth

Removal of sand and gravel from the soil profile will decrease the depth of suitable rooting material and the total soil moisture reservoir. The retention of at least 50cm depth of topsoil and sandy rooting material (as recommended under mitigation) will be necessary to ensure that sufficient rooting depth and moisture reservoir is retained. This will be sufficient to retain the production potential of the soil.

9.2.3 Impaired soil drainage resulting in water logging in potential root zone

In these soils, a temporary water table above the clay layer occurs periodically during rainy times. Reduction in the soil depth above the clay layer will mean that the temporary water table will occur closer to the soil surface and therefore impact more on the root zone.

Furthermore, the creation of surface and/or subsurface depressions that are not free draining, has the potential to also cause water logging in the potential root zone. The slope across the application area are sufficient to ensure drainage. The retention of at least 50cm depth of sandy rooting material above the clay and ensuring that depressions are free-draining (all recommended under mitigation) will keep this impact of low significance.

9.2.4 Loss of topsoil and of topsoil fertility during mining and stockpiling

Poor topsoil management during mining may result in the loss of topsoil for rehabilitation through burial or erosion from stockpiles. Also, disturbance and dilution of topsoil can cause loss of fertility as a result of reduced organic carbon and biological activity. The significance of this impact is highly dependent on the effectiveness of topsoil management during mining and during the rehabilitation phase.

9.2.5 Erosion

When topsoil is re-spread, on completion of mining, the newly rehabilitated land will be prone to erosion. Mitigation of significant impact is highly dependent on effective erosion management during mining and during the rehabilitation phase.

9.2.6 The creation of uneven surfaces or steep slopes

Mining excavations can create an uneven surface or steep slopes (usually on the edge of the mining excavation) that would prevent or hinder future agricultural land use. This can be completely mitigated by effective levelling during rehabilitation.

9.2.7 Alien vegetation encroachment

Soil disturbance is likely to result in alien vegetation encroachment after rehabilitation. This can be

controlled with effective environmental management of alien removal.

9.2.8 Soil contamination due to fuel spills

The presence of heavy machinery in the application area may result in contamination from fuel spills. This can be prevented or ameliorated with effective environmental spill management.

9.3 Assessment of the overall agricultural impact

With well managed and effectively implemented rehabilitation, there is not likely to be any reduction in long term soil and production potential as a result of mining. Mining with rehabilitation will therefore have an impact of low significance on agricultural resources. However, without effective mitigation, there is highly likely to be long term reduction in soil and production potential and the impact on agricultural resources will therefore be higher.

There is no anticipated change to current agricultural production or employment as a result of the proposed mining.

10 RECOMMENDED MITIGATION AND REHABILITATION PLAN

A very important factor affecting the success of rehabilitation, and consequently the significance of all direct impacts, is the level of care that is taken to rehabilitate effectively. This is dependent on the level of environmental management of all mining activities that can impact on rehabilitation, both during the mining process and during the rehabilitation phase.

The following is the sequence of recommended rehabilitation steps:

1. The upper 50 cm of the soil across the entire mining area must be stripped and stockpiled before mining.
2. Topsoil is a valuable and essential resource for rehabilitation and it should therefore be managed carefully to conserve and maintain it throughout the stockpiling and rehabilitation processes.
3. Topsoil stockpiles should be protected against losses by water and wind erosion. Stockpiles should be positioned so as not to be vulnerable to erosion by wind and water. The establishment of plants on the stockpiles will help to prevent erosion. Stockpiles should be no more than 2 metres high.
4. During mining, the outflow of run-off water from the mining excavation must be controlled to prevent any down-slope erosion. This must be done by way of the construction of temporary banks and ditches that will direct run-off water. These should be in place at any points where overflow out of the excavation might occur.
5. To ensure minimum impact on drainage, it is essential that no depressions are left in the

mining floor. A surface slope (even if minimal) must be maintained across the mining floor in the drainage direction, so that all excavations are free draining. This means that mining depths will need to be controlled on the down-slope side of the mine, so that the mining floor remains free-draining and above the low point for drainage out of the mining area.

6. After mining, any steep slopes at the edges of excavations, must be reduced to a minimum and profiled to blend with the surrounding topography.
7. The stockpiled topsoil must then be evenly spread over the entire mining area, so that there is a minimum depth of 50cm of sandy topsoil above any depth limiting layer in the subsoil. The depth should be monitored during spreading to ensure that coverage is adequate and even.
8. A cover crop must be planted and established immediately after spreading of topsoil, to stabilise the soil and protect it from erosion. The cover crop should be fertilized for optimum biomass production, and any soil chemical deficiencies must be corrected, based on a chemical analysis of the re-spread soil. A chemical analysis from an agricultural laboratory will include a recommendation of the appropriate quantities of chemical ameliorants (for example lime, phosphate etc) that should be applied to optimize the soil chemistry for the relevant crop. It is important that rehabilitation is taken up to the point of cover crop stabilisation. Rehabilitation cannot be considered to be complete until the first cover crop is well established.
9. The rehabilitated area must be monitored for erosion, and appropriately stabilised if any erosion occurs.
10. On-going alien vegetation control must keep the area free of alien vegetation after mining.

11 CONCLUSIONS

The conclusion of this assessment is that there are adequate reserves of sand and gravel within the recommended application area for mining and rehabilitation. The proposed mining will not significantly reduce the future agricultural production potential of the site, if effective rehabilitation is implemented. It will have no impact on agricultural employment. The proposed mine is therefore acceptable and, from an agricultural impact point of view, it is recommended that it be approved.

The conclusion of this assessment on the acceptability of the proposed development and the recommendation for its approval is subject to the following conditions:

Mine management must be held accountable for well managed and effective implementation of all of the recommended rehabilitation steps above. The specific, measurable rehabilitation outcomes against which the effectiveness of completed rehabilitation must be measured are:

1. that the topography and surface has been smoothed without steep excavation edges to

- allow cultivation;
2. that topsoil has been spread on the surface;
 3. that there is a potential rooting depth of at least 50 cm of non-compacted soil material above the clay, which is suitable for root growth, across the entire mining area;
 4. that there are no non free-draining depressions across the surface and that the depth of mining has not created an effective sub-surface dam, that is lower than the low point for drainage out of the mining area;
 5. that there is no visible erosion across the area and that no part of the area has been left unacceptably vulnerable to erosion;
 6. that a successful cover crop has been established across the entire area.

12 REFERENCES

Department of Agriculture, Forestry and Fisheries, 2017. National land capability evaluation raster data layer, 2017. Pretoria.

Soil Classification Working Group. 1991. Soil classification: a taxonomic system for South Africa. Soil and Irrigation Research Institute, Department of Agricultural Development, Pretoria.

APPENDIX 1: SPECIALIST CURRICULUM VITAE

Johann Lanz Curriculum Vitae

Education

M.Sc. (Environmental Geochemistry)	University of Cape Town	1996 - 1997
B.Sc. Agriculture (Soil Science, Chemistry)	University of Stellenbosch	1992 - 1995
BA (English, Environmental & Geographical Science)	University of Cape Town	1989 - 1991
Matric Exemption	Wynberg Boy's High School	1983

Professional work experience

I have been registered as a Professional Natural Scientist (Pri.Sci.Nat.) in the field of soil science since 2012 (registration number 400268/12) and am a member of the Soil Science Society of South Africa.

Soil & Agricultural Consulting Self employed 2002 - present

Within the past 5 years of running my soil and agricultural consulting business, I have completed more than 170 agricultural assessments (EIAs, SEAs, EMPRs) in all 9 provinces for renewable energy, mining, electrical grid infrastructure, urban, and agricultural developments. I was the appointed agricultural specialist for the nation-wide SEAs for wind and solar PV developments, electrical grid infrastructure, and gas pipelines. My regular clients include: Zutari; CSIR; SiVEST; SLR; WSP; Arcus; SRK; Environamics; Royal Haskoning DHV; ABO; Enertrag; WKN-Windcurrent; JG Afrika; Mainstream; Redcap; G7; Mulilo; and Tiptrans. Recent agricultural clients for soil resource evaluations and mapping include Cederberg Wines; Western Cape Department of Agriculture; Vogelfontein Citrus; De Grendel Estate; Zewenwacht Wine Estate; and Goedgedacht Olives.

In 2018 I completed a ground-breaking case study that measured the agricultural impact of existing wind farms in the Eastern Cape.

Soil Science Consultant Agricultural Consultors International (Tinie du Preez) 1998 - 2001

Responsible for providing all aspects of a soil science technical consulting service directly to clients in the wine, fruit and environmental industries all over South Africa, and in Chile, South America.

Contracting Soil Scientist De Beers Namaqualand Mines July 1997 - Jan 1998

Completed a contract to advise soil rehabilitation and re-vegetation of mined areas.

Publications

- Lanz, J. 2012. Soil health: sustaining Stellenbosch's roots. In: M Swilling, B Sebitosi & R Loots (eds). *Sustainable Stellenbosch: opening dialogues*. Stellenbosch: SunMedia.
- Lanz, J. 2010. Soil health indicators: physical and chemical. *South African Fruit Journal*, April / May 2010 issue.
- Lanz, J. 2009. Soil health constraints. *South African Fruit Journal*, August / September 2009 issue.
- Lanz, J. 2009. Soil carbon research. *AgriProbe*, Department of Agriculture.
- Lanz, J. 2005. Special Report: Soils and wine quality. *Wineland Magazine*.

I am a reviewing scientist for the *South African Journal of Plant and Soil*.

APPENDIX 2: DECLARATION OF THE SPECIALIST

Note: Duplicate this section where there is more than one specialist.

I, **Johann Lanz**, as the appointed Specialist hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- in terms of the general requirement to be independent:
 - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
 - ~~am not independent, but another specialist that meets the general requirements set out in Regulation 13 have been appointed to review my work (Note: a declaration by the review specialist must be submitted);~~
- in terms of the remainder of the general requirements for a specialist, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- have disclosed/will disclose, to the applicant, the Department and interested and affected parties, all material information that have or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application; and
- am aware that a false declaration is an offence in terms of regulation 48 of the 2014 NEMA EIA Regulations.

Signature of the specialist:



Date: **28 February 2023**

Name of company: **Johann Lanz – soil scientist (sole proprietor)**

**mineral &
petroleum resources**

Department:
Mineral and Petroleum Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X9, Rogge Bay, 8012, Tel: (021) 427 1000, Fax: (021) 427 1046
44 Strand Street, MAP House, 7th Floor, Cape Town, 8001

Enquiries: Willry van Breda **EAPASA:** Registration No. 2021/4134

Email: willry.vanbreda@dmpmr.gov.za **Ref:** (WC) 30/5/1/2/3/2/1/ 10190 MR

Sub-Directorate: Mine Environmental Management

Purple Rain Properties No. 411 (Pty) Ltd
PO Box 536
Wellington
7654

Attention: Lejandi Burger
E-mail: lejandi@virtigo.co.za
Cc e-mail: nicolaas@enviro-eap.co.za

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998, (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED FOR A MINING RIGHT FOR BUILDING SAND (SILICA), CLAY (GENERAL) AND FILLING SAND (SILICA) ON PORTION 5 OF FARM DOORNEKRAAL 830 IN THE MAGISTERIAL DISTRICT OF MALMESBURY: WESTERN CAPE REGION

With reference to the above-mentioned application, please be advised that the department has decided to **grant** environmental authorisation in terms of the National Environmental Management Act (Act 107 of 1998). The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (Fourteen) calendar days, from the date of the department's decision in respect of your application and the relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations 2025.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Forestry, Fisheries and the Environment and a copy of such appeal to the Department of Mineral & Petroleum Resources (Western Cape Regional Office):

(a) within 20 calendar days from the date that the decision is sent by the decision-maker, or, where applicable, by the applicant to registered interested and affected parties; or

(b) within 30 calendar days from the date that the decision is received, where the appeal is submitted in terms of section 43(8) of the Act.

The appeal must be lodged as prescribed in **the National Appeal Regulations 2025**, by means of the methods as prescribed below:

Appeal to the Department of Forestry, Fisheries and Environment

Attention : Directorate Appeals and Legal Review
Email : appeals@dffe.gov.za
By post : Private Bag X 447, Pretoria, 0001
By hand : Environmental House, Corner Steve Biko and
Soutpansberg Street, Arcadia, Pretoria, 0083

Please provide a copy of the lodged appeal to the Department of Mineral & Petroleum Resources

Attention : Regional Manager: Western Cape Region
E-mail : pieter.swart@dmpmr.gov.za
By post : Private Bag X09, Roggebaai, 8012
By hand : 7th Floor, MAP House, 44 Strand Street, Cape Town, 8012

Should you decide to appeal, you must comply with the National Appeal Regulations 2025 in relation to notification of all registered interested and affected, and a copy of the official appeal form can be obtained from the Department of Forestry, Fisheries and Environment.

Kind Regards


.....
REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE
DATE: 



**mineral &
petroleum resources**

Department:
Mineral and Petroleum Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X9, Rogge Bay, 8012, Tel: (021) 427 1000, Fax: (021) 427 1046
44 Strand Street, MAP House, 7th Floor, Cape Town, 8001

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998, (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED FOR A MINING RIGHT APPLICATION IN RESPECT BUILDING SAND (SILICA), CLAY (GENERAL) AND FILLING SAND (SILICA) MINING ACTIVITIES

Reference number:	WC 30/5/1/2/2/10190 MR
Last amended:	First issue
Holder of authorisation:	Purple Rain Properties No. 411 (Pty) Ltd
Location of activities:	Portion 5 of farm Doornekraal in the Magisterial District of Malmesbury: Western Cape region

DECISION

ACRONYMS

BAR:	Basic Assessment Report
DEPARTMENT:	Department of Mineral & Petroleum Resources
ECO:	Environmental Control Officer
EA:	Environmental Authorisation
EIA:	Environmental Impact Assessment
EIA REGULATIONS:	EIA Regulations, 2014
EMPr:	Environmental Management Programme
HWC:	Heritage Western Cape
I&AP:	Interested and Affected Parties
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
NEMA:	National Environmental Management Act, 1998 (Act 107 of 1998), as amended
NEMWA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended
SAHRA:	South African Heritage Resources Agency

The Department is satisfied, based on information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA EIA** listed activities specified below. Details regarding the basis on which the department reached this granting decision are set out in **Annexure "1"** and **"2"** of this environmental authorisation.

ACTIVITIES APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department of Mineral & Petroleum Resources hereby **Grants** an Environmental Authorisation (EA) to **Purple Rain Properties No. 441 (Pty) Ltd** with the following contact details –

Purple Rain Properties No. 411 (Pty) Ltd
PO Box 536
Wellington
7654

Attention: Lejandi Burger
E-mail: lejandi@virtigo.co.za
Cc e-mail: nicolaas@enviro-eap.co.za

to undertake the following activities listed in the NEMA EIA Regulations:

Listed Activities applied for in the NEMA EIA Regulations:	Activity and/or project description
<p>Activity 17 of Listing Notice 2 (Government notice No. R 984 as amended by GN 325 of April 2017):</p> <p><i>Any activity including the operation of that activity which requires a mining right as contemplated in section 22 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including—</i></p> <p><i>(a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or</i></p> <p><i>(b) The primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing</i></p> <p><i>but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in this Notice applies.</i></p>	<p>The proposed development involves an application for a mining right. Total extent of mining area will be 81.1346ha.</p>

Detailed description of the activity are as follows:

The holder is hereby authorised to undertake mining activities as follows:

- The proposed mining area will be 81.1346ha in extent.
- The mining right area will be divided into three mining areas. Depending on the resource need, different areas may be mined simultaneously.
- Each mining right area will be divided into mining blocks.
- Each mining block will be up to 1ha in size.
- Only one block will be mined at a time.
- Mining will be done from east to west.
- Concurrent mining and rehabilitation will be done. As soon as mining is completed in one block then it will be rehabilitated as mining progresses to the next block.
- Topsoil up to 500mm in depth will be cleared and stockpiled before a mining block is mined.
- Sand and clay will be loaded directly from the mining area into the trucks.

- There will be no site buildings located at the mine site. Site infrastructure would be restricted to a chemical toilet and waste bin
- Entry to the site will be via existing access roads. No new access roads will be constructed.
- The estimated depth of mining will 1.5m – 2m for sand and 1m for clay.
- Final rehabilitation of slopes will not be steeper than 1:3.
- Rehabilitation will entail levelling the floor, replacing topsoil, stabilizing the soil surface and rehabilitating the mining area so that it can be used for agricultural purposes.

Site description and location:

The mining activities will be conducted Portion 5 of farm Doornekraal in the Magisterial District of Malmesbury, Western Cape region at the following co-ordinates defining the nett mining area:

Mining right area represented by points A – 1C	Latitude	Longitude
Mining Area 1		
A	33° 33' 44.45159"	18° 43' 21.90545"
B	33° 33' 51.98890"	18° 43' 42.76743"
C	33° 33' 55.47021"	18° 43' 42.30493"
D	33° 33' 56.13302"	18° 43' 54.83331"
E	33° 34' 01.62955"	18° 43' 54.10640"
F	33° 34' 03.02590"	18° 43' 41.22839"
G	33° 34' 05.23966"	18° 43' 20.12722"
H	33° 34' 02.52182"	18° 43' 19.63075"
J	33° 33' 57.57871"	18° 43' 12.30392"
Mining Area 2		
K	33° 33' 35.04135"	18° 43' 56.95017"
L	33° 33' 35.09058"	18° 44' 04.34071"
M	33° 33' 47.65328"	18° 44' 04.29764"
N	33° 33' 56.61301"	18° 44' 03.11614"
D	33° 33' 56.13302"	18° 43' 54.83331"
C	33° 33' 55.47021"	18° 43' 42.30493"
B	33° 33' 51.98890"	18° 43' 42.76743"
P	33° 33' 48.79531"	18° 43' 43.16149"
Q	33° 33' 40.88478"	18° 43' 44.00122"
R	33° 33' 39.14274"	18° 43' 49.05222"
S	33° 33' 38.55974"	18° 43' 53.99169"
T	33° 33' 37.01770"	18° 43' 54.20978"
Mining Area 3		
U	33° 33' 21.01101"	18° 43' 49.07349"
V	33° 33' 27.01698"	18° 43' 55.37483"
W	33° 33' 28.91231"	18° 44' 02.95614"
X	33° 33' 34.64752"	18° 44' 02.26693"
Y	33° 33' 34.54906"	18° 43' 56.97478"
Z	33° 33' 31.49685"	18° 43' 45.92281"
1A	33° 33' 22.53712"	18° 43' 46.90740"
1B	33° 33' 21.65099"	18° 43' 47.37508"
1C	33° 33' 21.08486"	18° 43' 48.21197"



The Surveyor General Code for Portion 5 of farm Doornekraal is: C0460000000083000005.

The granting of this EA is subject to the conditions set out below (site specific) and in **Annexure 2** (departmental standard conditions). The Environmental Management Programme (EMPr) attached as part of the reports for the above development submitted as part of the application for an EA complies with section 24N of NEMA, Appendix 4 of the EIA Regulations, 2014 as amended and is hereby approved and must be adhered to throughout the life cycle of the operation.

ENVIRONMENTAL AUTHORISATION SITE SPECIFIC CONDITIONS

1. Mining activities must be conducted in accordance with the approved Environmental Management Programme and the approved layout plan.
2. Visible semi-permanent markers must be placed on the mining boundary before mining activities commences and must be kept for the duration of mining. Mining activities must strictly be conducted within the demarcated area.
3. Topsoil to a depth of 500mm must be removed and must be stored within the approved mining area. Topsoil must be protected from and/ or against losses by water and wind erosion. The management of topsoil must be done as per the approved EMPr and this EA.
4. The stockpiled topsoil must be protected from and/ or against losses by water and wind erosion. Driving over topsoil stockpile is prohibited.
5. Mining activities must be conducted concurrent with rehabilitation and measures such as mulching and/or immediate cover with vegetation must be taken to make sure that the rehabilitated surface is protected from forces of erosion.
6. After rehabilitation the soil depth must at least be 50cm on top of the under lying clay/gravel layer
7. Access to the site must be through an existing access road and the construction of new access roads are prohibited.
8. Alien vegetation must be cleared on an ongoing basis during mining activities and after rehabilitation of each block.
9. A surface slope must be maintained across the mining area in the drainage direction, so that excavation is freely drained.
10. Product material leaving the site must be covered with tarpaulin cloth during transportation to prevent blowing away by wind and causing pollution nuisance to other road users and the general public.
11. Dust suppression measures must be implemented during mining activities and this may include spraying the mining area and access road with water and/or an environmentally friendly dust-allaying agent.
12. All recommendations made by the specialist reports must be adhered to.



ANNEXURE 1: REASONS FOR THE DECISION

1. Key factors considered in making the decision

All the information presented to the Department was considered during the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- a) The information contained in the application form received by the department on 14 November 2024 and acknowledged by this Department on 21 November 2024.
- b) The Scoping Report (SR) and Plan of Study for Environmental Impact Assessment was received by the Department on 12 February 2025 and accepted on 27 March 2025.
- c) The information contained in the EIA and EMPR received by this department on 15 July 2025 and acknowledged by this Department on 1 August 2025.
- d) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the NEMA EIA Regulations.
- e) The environmental impacts associated with the proposed activities outlined in the EIA and EMPR will be addressed through the implementation of the proposed mitigation measures outlined in the EMPR compiled by Nicolaas Hanekom of Enviro-EAP (Pty) Ltd.
- f) Public Participation Process Report (PPP) as enclosed within the EIA & EMPR. The Public Participation Process (PPP) that was undertaken by the applicant has satisfied the minimum requirements prescribed in the EIA Regulations R982 of 2014 as amended by (GN 326) for public involvement and the PPP results shows that the concerns raised by the I&APs and the Authorities were addressed by the Applicant in the EIA and EMPR.
- g) Comments received from State Departments and Commenting Authorities on the Scoping Report and EIA/EMPr from the Swartland Municipality, CapeNature, Department of Environmental Affairs and Development Planning.
- h) Comments received from interested and affected parties including the landowner of property of the proposed development.
- i) Agricultural Agro-ecosystem Specialist Assessment attached to the EIA/EMPR.
- j) Plant Species Compliance Statement attached to the EIA/EMPR.
- k) Animal Species Impact Assessment attached to the EIA/EMPR.
- l) Aquatic Biodiversity Impact Assessment attached to the EIA/EMPR.
- m) Terrestrial Biodiversity Impact Assessment attached to the EIA/EMPR.
- n) The Comments from Mine Health and Safety were in support of the proposed project.
- o) The Applicant has complied with Section 24P of the National Environmental Management Act, 1998 (Act 107 of 1998) and provided R536 500.00 as the financial provision for the management of environmental impacts.



3. Findings

After consideration of the information and factors listed above, the department made the following findings –

- a) The potential impacts on the proposed mining were clearly investigated and mitigation measures were outlined.
- b) The need and desirability of the project was assessed. The proposed mining venture will supply demand sand and clay in and around the Wellington, Paarl, Malmesbury and the Cape Town Metropolitan area. Development and construction activities are increasing in Malmesbury. As a result an increase in the need for building sand and clay is required. The proposed mining area is situated less than 13km from the building centres where the resources are needed. The proposed mining area consists of good quality hill wash deposits and are economically viable to mine.
- c) The proposed mining area is located in historical transformed farm land.
- d) A total of 17 test pits were investigated. Data was also used from a previous soil investigation which was conducted on 21 October 2019 and in which a total of 39 test pits were investigated across three separate parts of the farm.
- e) The Public Participation Process complied with Chapter 6 of the 2014 EIA Regulations R.982 as amended by (GN 326). The PPP included, *inter-alia*, the following:
 - Site notice was placed on the property entrance on 21 February 2024 for the duration of the consultation process;
 - Newspaper advertisements was published in English in the Swartland Gazette of 5 March 2024;
 - Notices and Background Information Documents were e-mailed on 24 February 2024 to authorities, the landowner and Interested and Affected Parties (I&APs).
 - Authorities and I&APs were notified via e-mail about to the availability of the draft Scoping Report on 6 January 2025 and were requested to provide comments on the draft Scoping Report by 5 February 2025.
 - Authorities and I&APs were notified via e-mail about to the availability of the draft EIA Report & EMPR on 9 June 2025 and were requested to provide comments on it by 9 July 2025.
 - The applicant is also the landowner and had no comments or objections regarding the application for a mining right on their property.
 - Proof of consultation and comments received from the Interested and Affected Parties are included in the EIA/EMPR;
 - Comments and issues raised by all authorities and interested & affected parties were taken into consideration and adequately addressed in the final EIA/EMPR and conditions of approval for this Environmental Authorisation.
- f) Agricultural Agro-ecosystem Specialist Assessment concluded that there are adequate reserves of sand and gravel within the proposed area for mining and rehabilitation. The proposed mining will not significantly reduce future agricultural production potential of the site if effective rehabilitation is implemented. It will have no impact on agricultural employment.



- g) The Plant Species Compliance Statement confirmed that the historical terrestrial vegetation was mapped as Swartland Shale Renosterveld and Swartland Granite Renosterveld. No indigenous vegetation was however observed or recorded on the mine right application area due to agricultural activities. The terrestrial CBA was incorrectly mapped. The mapped CBA areas have been ploughed for the last 10 years.
- h) The Animal Species Impact Assessment concluded that during the site visit, different biodiversity features, habitats, vegetation and landscape units were identified and recorded in the field. Walk-through surveys were conducted and areas of interest and species observed were recorded. Searches for listed species of conservation concern at the site were conducted but none were observed. Very low ecological important areas were identified on site. The impact on animal species is low. No additional surveys or assessments are recommended.
- i) Aquatic Biodiversity Impact statement concluded that no freshwater ecological features were mapped on the proposed mining area or within the National Water Act Regulated Zone. The mining will have a low impact and the low sensitivity assessed in the screening tool report is correct.
- j) The Terrestrial Biodiversity compliance statement concluded that the search for listed species of conservation concern at the site were conducted but none were observed. The terrestrial CBA was incorrectly mapped. The mapped CBA areas have been ploughed for the last 10 years. The proposed mine will have no terrestrial biodiversity and ecological impact on the surrounding terrestrial biodiversity features provided that the mining area is demarcated and mining operations are inside the proposed mining area. No additional surveys or assessments are recommended.
- k) The findings of all the specialist studies have informed the compilation of the EIR/EMPR and their recommendations have been included as mitigation measures in the EMPR and conditions of approval for the Environmental Authorisation.

ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS

1 SCOPE OF AUTHORISATION

- 1.1 The holder of the EA must be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the holder of EA.
- 1.2 Any changes to, or deviation from the project description set out in this EA must be approved in writing by this department before such changes or deviation may be affected. In assessing whether to grant such approval or not, the department may request such information as is deemed necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations as amended.
- 1.3 The activities, which are authorised, must only be carried out at the property indicated in the EA and the approved EMPr.



- 1.4 When any of the holders of the EA contact details change including name of the responsible person, physical or postal address or telephonic details, the holder of the EA must notify the department as soon as the new details become known to the holder of the EA.
- 1.5 The EA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activities.
- 1.6 The holder of EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.

2 APPEAL OF AUTHORISATION

- 2.1 The holder of the EA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with EIA Regulation 4(2) do the following:
 - 2.2 Notify all registered I&APs of –
 - 2.2.1 The outcome of the application;
 - 2.2.2 The date of the decision;
 - 2.2.3 The date of issue of the decision and;
 - 2.2.4 The reasons for the decision as included in Annexure 1 and departmental standard conditions in Annexure 2.
 - 2.3 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations.
 - 2.4 Draw the attention of all registered I&APs to the manner in which they may access the decision.
 - 2.5 Provide the registered I&APs with:
 - 2.5.1 Name of the holder (entity) of this EA;
 - 2.5.2 Name of the responsible person for this EA;
 - 2.5.3 Postal address of the holder;
 - 2.5.4 Telephonic and fax details of the holder and
 - 2.5.5 E-mail address of the holder if any.

3 COMMENCEMENT OF THE ACTIVITIES

- 3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE) and any employee without PPE must not be allowed on site.
- 3.2 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 3.3 Hauling routes for mining vehicles and machinery must be clearly marked and appropriate signaling must be posted to that effect. Furthermore, movement of vehicles and machinery must be restricted to the approved mining area.

- 3.4 Appropriate notification sign must be erected at the mining site, warning the public (residents, visitors etc.) about the hazard around the mining area and presence of mining vehicles and machinery.
- 3.5 Vegetation clearance must be limited to the actual mining footprint in accordance to the approved layout plan, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.6 Topsoil stripped before mining must be protected from erosion, contamination and/or pollution and stockpiling of topsoil must not take place in the drainage lines or areas where it will impede water runoff.
- 3.7 If any soil contamination is noted at any phase of the proposed activities, the contaminated soil must be removed to a licensed waste disposal facility designed for such waste and the site must be rehabilitated to the satisfaction of the department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this department must be informed in this regard.
- 3.8 An integrated waste management approach that is based on waste minimization (waste management hierarchy) must be implemented and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Ensure that no refuse generated in the mining area is placed, buried, dumped or deposited on the adjacent properties or public places and open space.
- 3.9 Uncontaminated storm water must be prevented from coming into contact with the waste and must be diverted away from the storage site and mining area.
- 3.10 The waste generated during mining activities must be stored in animal proof containers, and must be removed from site and disposed of at a registered disposal facility. Proof of disposal at a registered disposal facility must be kept and produced to any official of this department on request.
- 3.11 In terms of sections 28 and 30 of NEMA, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the EA reads through and understand the legislative requirements pertaining to the project. It is the holder of EA responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 3.12 Vehicles and machineries must be serviced and maintained in the manner whereby excessive smokes and noise production is reduced to acceptable levels, and to prevent oil leaks. Servicing of machinery and vehicles must not take place on site.
- 3.13 Residents (if any) on the property and surrounding areas must be informed of any unusual noise activities in the mining area.
- 3.14 Dust suppression measures must be implemented on all exposed surface and access road to minimize and control airborne dust.
- 3.15 The protection of all historical and pre-historical cultural resources must remain on site and no mining activities are allowed within 100 diameters from those resources. Should any heritage remains be exposed during operation or any actions on the site, the following shall be applied:



- (i) All work at the affected area must cease.
- (ii) These must immediately be reported to the South African Heritage Resource Agency (SAHRA) and or Western Cape Heritage Resource Agency (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from the South SAHRA and or Western Cape Heritage Resource Agency.
- (iii) The area should be demarcated in order to prevent any further work there until an investigation has been completed.
- (iv) An archaeologist should be contacted immediately to provide advice on the matter.
- (v) Should it be a minor issue, the archaeologist will decide on future action. Depending on the nature of the find, it may include a site visit.
- (vi) If needed the necessary permit will be applied for with SAHRA. This will be done in conjunction with the appointed archaeologist.
- (vii) The removal of such archaeological material will be done by the archaeologist in lieu of the approval given by SAHRA, including any conditions stipulated by the latter.
- (viii) Work on site will only continue after the archaeologist/ SAHRA has agreed to such a matter.

Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; maddens, indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority

- 3.16 Care must be taken to ensure that material and topsoil required for rehabilitation is free of contamination from hydrocarbons.
- 3.17 Refueling of machinery and construction vehicles must be done through a mobile bowser. Should any spills occur it must be cleaned immediately by removing spillage together with the polluted soil and dispose it at authorised disposal site permitted for the disposal of such waste. The regional office of the Department of Water and Sanitation must be notified within 24 hours of an incident that may pollute surface and ground water resources.
- 3.18 Chemical sanitation facilities or system such as toilets that do not rely on the seepage of liquids must be provided with a ratio of 1 for every 15 workers. These must be placed such that they prevent spills or leaks to the environment and must be maintained according to the operating instructions and the content thereof must be disposed of at an authorised waste water treatment works. Proof of disposal must be kept on site and be produced upon request.
- 3.19 The holder of EA must ensure that any water uses listed in terms of Section 21 of National Water Act must get authorization from Department of Water and Sanitation prior to the commencement of such activities.
- 3.20 This EA does not purport to absolve the holder of EA from its common law obligations towards the owner of the surface of land affected.
- 3.21 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.

- 3.22 This EA may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations.
- 3.23 The holder of EA must note that in terms of Section 20 of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), no person may commence, undertake or conduct a waste management activity, except in accordance, with the requirements of norms and standards determined in terms of Section 19 (3) for that activity or a waste management license is issued in respect of that activity if license is required.
- 3.24 An appeal under Section 43 (7) of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended) suspend an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.
- 3.25 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence with the activities until such time that the Minister allows you to commence with such activities in writing.
- 3.26 The department reserves the right to audit and/or inspect the activities without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager.
- 3.27 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed mining activities, the EA is valid for the period for which the aforesaid Mining Right is granted provided that this activity commences within 5 years. If the commencement of the proposed activities does not occur within the specified period, the EA lapses and a new application for EA in terms of the NEMA and the EIA Regulations must be made for the activity to be undertaken.
- 3.28 This EA will only be effective on the event that a corresponding mining permit is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without a mining permit.
- 3.29 The listed activities, including site preparation, must not commence within 20 (twenty) calendar days of the date of the notification of the decision being sent to the registered I&APs. In the event that an appeal is lodged with the appeal administrator, the effect of this environmental authorization is suspended until such time as the appeal is decided.
- 3.30 Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is upon the holder of EA to bring it to the attention of the department for resolution.

4 MANAGEMENT OF ACTIVITIES

- 4.1 A copy of the EA and EMPr must be kept at the property or on site office where the activities will be undertaken. The EA and EMPr must be produced to any authorised officials of the department who request to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property.
- 4.2 The contents of the EMPr and its objectives must be made known to all contractors, subcontractors, agent and any other people working on the site, and any updates or amendments to the EMPr must be submitted to the department for approval.



- 4.3 Any complaint received from the I&AP during all phases of the operation must be recorded in a complaint register and attended to within 7 working days to the satisfaction of all concerned interested and affected parties.
- 4.4 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.5 The holder of the EA must ensure that all non-recyclable waste are disposed of at a waste management facilities licensed to handle such wastes and all recyclable waste are collected by licensed waste management facilities for recycling, reuse or treatment.
- 4.6 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled. The holder of the EA must also make sure that littering of waste within the mining area is prohibited.
- 4.7 Non-compliance with any condition of this EA and the approved EMPr is an offence in terms of section 49A(1)(c) of NEMA and may result in criminal proceedings and issuing of a directive in terms of Section 28 and or a compliance notice in terms of section 31L of NEMA.
- 4.8 Only listed activities that are expressly specified in the EA must be undertaken, any additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EA.
- 4.9 Rehabilitation of the disturbed surface caused by operation must comply with the approved EMPr.
- 4.10 The Holder of EA must appoint the ECO before commencement of mining activities and ensure that the name and contact details of the ECO is made available to the Regional Manager within 30 days of commencement.

The holder of EA must also ensure that an ECO is readily available to ensure that activities at all times comply with the issued EA and approved EMPr.

- 4.11 The ECO must:
 - 4.11.1 Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material).
 - 4.11.2 Keep a complaint register on site indicating the complaint and how the issues were addressed, what measures were taken and what the preventative measures were implemented to avoid re-occurrence of complaints.
 - 4.11.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 4.11.4 Keep copies of all environmental reports submitted to the department.
 - 4.11.5 Keep the records of all permits, licences and authorisations required by the operation.
 - 4.11.6 Compile a monthly monitoring report and make it available to the department if requested.

- 4.11.7 The duties and responsibility of the ECO must not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA.
- 4.12 The footprint of the activities must be limited on the areas authorised for the actual mining works and operational activities and all areas outside of the footprint must be regarded as a "no go" areas.

5 REPORTING TO THE DEPARTMENT

- 5.1 The holder of EA must:
 - 5.1.1 Submit an Environmental Audit Report to this Department biennially and such report must be done by qualified Environmental Assessment Practitioner and the audit report must specify whether conditions of this environmental authorisation and EMPr/closure plan are adhered to;
 - 5.1.2 The audit report must be in accordance to appendix 7 of the 2014 EIA regulations;
 - 5.1.3 Identify and assess any new impacts and risks as a result of undertaking the activities, if applicable;
 - 5.1.4 Identify shortcomings in the EMPr/closure plan, if applicable;
 - 5.1.5 Identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr;
 - 5.1.6 If applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate and must;
 - 5.1.7 Be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised the audit.
- 5.2 Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMPr/closure plan in order to rectify any shortcomings identified with the aforementioned audit report.
- 5.3 The holder of the EA must annually assess the environmental liabilities of the operation by using the master rates in line with the applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.
- 5.4 The holder of the EA must, within 24 hours of any incidents occurring, notify the Competent Authority of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- 5.5 The holder of the EA must, within 14 days, or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.4, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –
 - 5.5.1 Correct the impact resulting from the incident;
 - 5.5.2 Prevent the incident from causing any further impact; and
 - 5.5.3 Prevent a recurrence of a similar incident.



- 5.5.4 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.4, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the EA.

6 SITE SECURITY AND ACCESS CONTROL

- 6.1 The holder of the EA must ensure effective access control to the site to reasonably prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at the entrance.
- 6.2 The mining area must be fenced off and lockable gates must be installed to restrict unauthorised access to the site.
- 6.3 Weather proof, durable and legible notices in at least three official languages applicable in the area must be displayed at the entrance to the Site. These notices must prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the holder of the EA and the person responsible for the operation of the site.

7 EMERGENCY PREPAREDNESS PLAN

- 7.1 The holder of the EA must draft, maintain and implement an emergency preparedness plan and review it annually when conducting audit and after each emergency and or major accident. The plan must, amongst others, include:
- 7.1.1 Site Fire
 - 7.1.2 Spillage
 - 7.1.3 Natural disasters such as floods
 - 7.1.4 Industrial action
 - 7.1.5 Contact details of police, ambulances and any emergency center closer to the site.
- 7.2 The holder of EA must ensure that an up to date emergency register is kept during all phases of the operation. This register must be made available upon request by the department.

8 INVESTIGATIONS

- 8.1 If, in the opinion of the Competent Authority, nuisances or health risks may be or is occurring on the site, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem.
- 8.2 If, in the opinion of the Competent Authority, pollution may be or is occurring, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem. Such investigation must include the monitoring of the water quality variables and air quality, at those monitoring points and such frequency as may be specified by the Competent Authority.
- 8.3 Investigations carried out in terms of conditions 8.1 and 8.2 above must include the monitoring of the relevant environmental pollution and/or degradation, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.

- 8.4 Should the investigation carried out as per conditions 8.1 and 8.2 above reveal any unacceptable levels of pollution, the holder of the EA must submit mitigation measures to the satisfaction of the Competent Authority.
- 8.5 The holder of the EA must comply with Section 28 of the NEMA and conduct mining activities in an environmentally friendly manner.

9 COMMISSIONING AND DECOMMISSIONING

- 9.1 The commissioning and decommissioning of individual activity within the overall listed mining activities must take place within the phases and timeframes as set out in EMPr.

10 SITE CLOSURE

- 10.1 The holder of EA must apply for a closure certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.
- 10.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended.
- 10.3 No exotic but, only indigenous plants must be utilized for rehabilitation purposes.
- 10.4 The holder of EA remains responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water, compliance with the conditions of EA and the management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002). Where necessary the Minister may retain certain portion of financial provision for residual, health or environmental impacts that might be known in future.

11 NEMA PRINCIPLES

The NEMA Principles (set out in Section 2 of NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and



- the selection of the best practicable environmental option.

12 DISCLAIMER

The Department of Mineral Resources in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

13 RECOMMENDATIONS

In view of the above, the NEMA principles, compliance with the conditions stipulated in this EA, and compliance with the EMPR/closure plan, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA, and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels. **The Environmental Authorisation is accordingly granted.**

Your interest in the future of our environment is appreciated.

Kind Regards

.....
REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE
DATE: