



Kantoor van die Munisipale Bestuurder
6 Augustus 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, 12 AUGUST 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 10 JUNIE 2026 / MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD 10 JUNE 2026** bl 1-6
- 5. SAKE VOORTSPRUITEND UIT NOTULE VAN 'N VERGADERING VAN DIE MUNISIPALE BEPLANNINGSTRIBUNAAL GEHOU OP 10 JUNIE 2026 / MATTERS ARISING FROM THE MINUTES OF A MUNICIPAL PLANNING TRIBUNAL HELD ON 10 JUNE 2026**

Geen/None
- 6. SAKE VIR OORWEGING / NUWE SAKE / MATTERS FOR CONSIDERATION / NEW MATTERS**
 - 6.1 VOORGESTELDE ONDERVERDELING EN VERGUNNINGSGEBRUIK OP ERF 106, KORINGBERG / PROPOSED SUBDIVISION AND CONSENT USE ON ERF 106, KORINGBERG (15/3/6-7; 15/3/10-7) (WYK 1)** bl 7-32
 - 6.2 VOORGESTELDE AFWYKING VAN ONTWIKKELINGSPARAMETERS OP ERF 2071, YZERFONTEIN / PROPOSED DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 2071, YZERFONTEIN (15/3/4-14) (WYK 5)** bl 33-58
 - 6.3 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 59-80
 - 6.4 VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 4822, MOORREESBURG / PROPOSED CONSENT USE ON ERF 4822, MOORREESBURG (15/3/10-9) (WYK 11)** bl 81-168
 - 6.5 VOORGESTELDE ONDERVERDELING VAN ERF 119, RIEBEEK KASTEEL / PROPOSED SUBDIVISION OF ERF 119, RIEBEEK KASTEEL (15/3/6-11) (WYK 12)**

6.6	VOORGESTELDE ONDERVERDELING VAN ERF 30, RIEBEEK KASTEEL / <i>PROPOSED SUBDIVISION OF ERF 30, RIEBEEK KASTEEL (15/3/6-11) (WYK 12)</i>	bl 203-283
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(get) J J SCHOLTZ
VOORSITTER



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 10 JUNE 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
Ms C Havenga

Other officials:

Senior Manager: Development Management, Mr A M Zaayman
Manager: Town and Regional Planning, Mr A J Burger
Senior Town and Regional Planner and GIS Administrator, Mr H Olivier
Manager: Secretariat and Record Services (secretary)

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

No apologies were received.

3. DECLARATION OF INTEREST

No declarations were made.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 6 MAY 2026

RESOLUTION

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

That the minutes of a Municipal Planning Tribunal Meeting held on 6 May 2026 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED REZONING AND SUBDIVISION OF ERF 2828, MOORREESBURG (15/3/3-9; 15/3/6-9) (WARD 1)

Mr H Olivier, as author, gave background to the application for the rezoning and subdivision of Erf 2828, Moorreesburg (±2,3793 ha in extent) from Residential Zone 1 to subdivisional area to make provision for Business Zone 2, Residential Zone 5 and Transport Zone 2.

Mr Olivier confirmed that 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.

RESOLUTION

- 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):

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

C1 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;

C2 SEWERAGE

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

C3 WATER

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

C4 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;

C5 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;
- (d) 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;
- (e) Additional to the abovementioned, the owner/developer is responsible for the payment of the electrical connections of the subdivided portions;

C6 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) The owner/developer is responsible for the development charge towards the bulk electricity. The amount payable be determined by the Municipality based on the required additional electricity capacity (kVA demand) required by the proposed development. The applicable development charge is payable prior to the approval of building plans or the installation of services connections, to the satisfaction of the Director: Electrical Engineering Services;
- (g) 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;

D. 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;

6.1/D...

- (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.

E. The application be supported for the following reasons:

- (a) 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;
- (b) 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;
- (c) 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;
- (d) Engineering services departments have confirmed no unacceptable impact on municipal engineering services and any concerns have been included as conditions of the approval;
- (e) 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;
- (f) 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;
- (g) 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.

6.2 PROPOSED CONSENT USE ON PORTION 5 OF FARM DOORNEKRAAL NO 830, DIVISION MALMESBURY (15/3/10-15)

The purpose of the application is to allow for a mine (81,13 ha in extent) for the mining of sand and clay on Portion 5 of Farm Doornekraal No 830, Division Malmesbury.

Mr A J Burger, the author, requested the item to be withdrawn as there are amendments to the report that he did not condone.

6.2/...

RESOLUTION

The chairperson made the ruling that it is the prerogative of the Senior Manager: Development Management to withdraw a report and that the intent to withdraw a report be communicated in advanced with the chairperson.

(SIGNED) J J SCHOLTZ
CHAIRPERSON

3 Augustus 2026

15/3/6-7/Erf_106
15/3/10-7/Erf_106

WYK: 1

ITEM 6.1 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 12 AUGUSTUS 2026

LAND USE PLANNING REPORT PROPOSED SUBDIVISION AND CONSENT USE ON ERF 106, KORINGBERG					
Reference number	15/3/6-7/Erf_106 15/3/10-7/Erf_106	Application submission date	20 April 2026	Date report finalised	3 August 2026

PART A: APPLICATION DESCRIPTION

The application for subdivision of Erf 106, Koringberg, in terms of section 25(2)(d) of the Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020), has been received. It is proposed that erf 106 (1388m² in extent) be subdivided into a remainder (694m² in extent) and Portion A (694m² in extent).

An application for consent use for a second dwelling on the remainder and portion A of erf 106, Koringberg, 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 applicant is Chrysalis Projects Pty Ltd and owner is the Theunissen Trust.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 106 Koringberg, in the Swartland Municipality, Division of Malmesbury, Western Cape					
Physical address	C/o Rheebok and Gamtoos Streets		Town	Koringberg		
Current zoning	Residential zone 1	Extent (m ² /ha)	1388 m ²	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)					
Current land use	Vacant		Title Deed number & date		T76147/2025	
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		

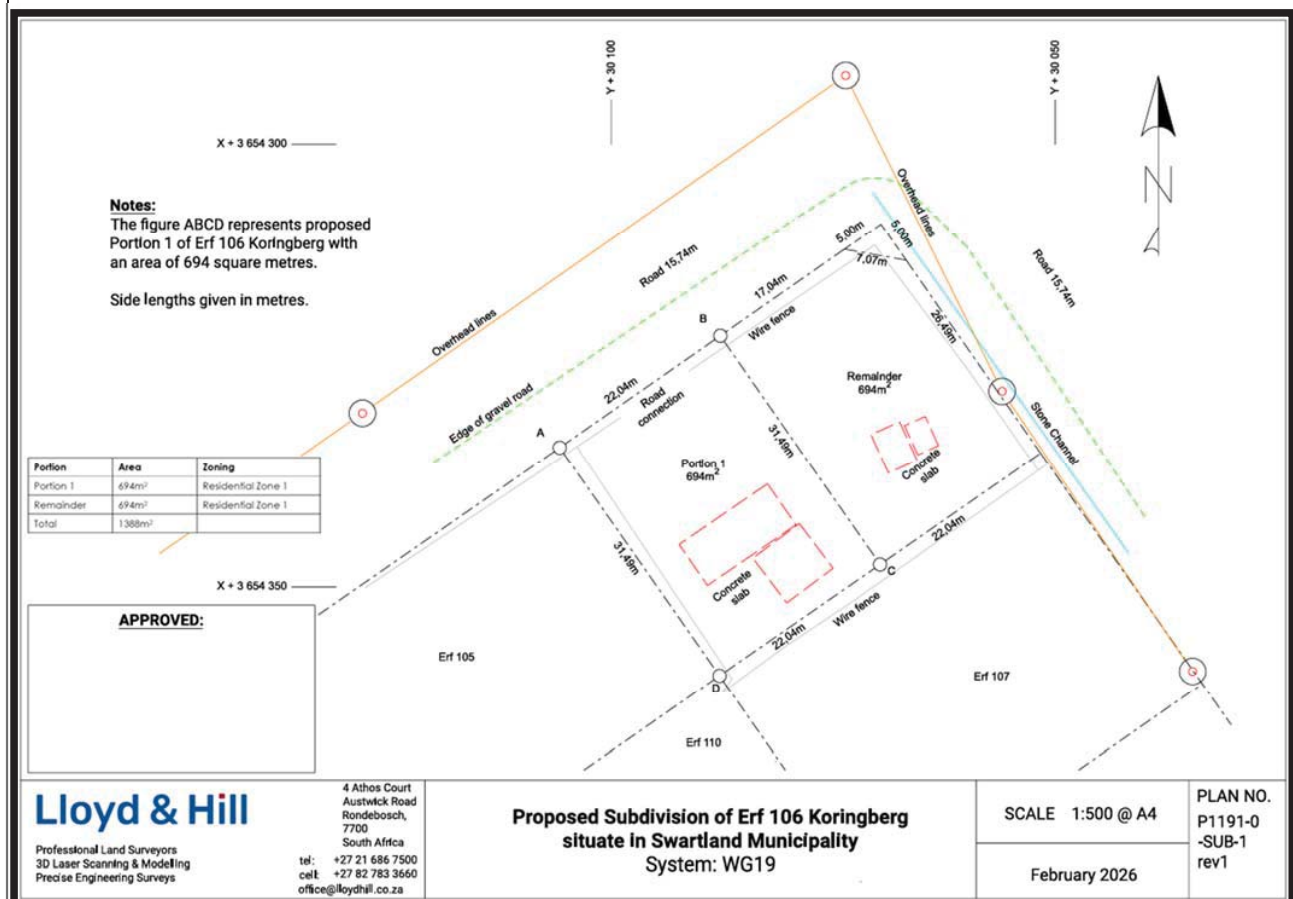
PART D: BACKGROUND

The intention of the application is to subdivide erf 106 and to develop each property with a dwelling and second dwelling. The second dwelling is larger than 60m² and requires a consent use approval.

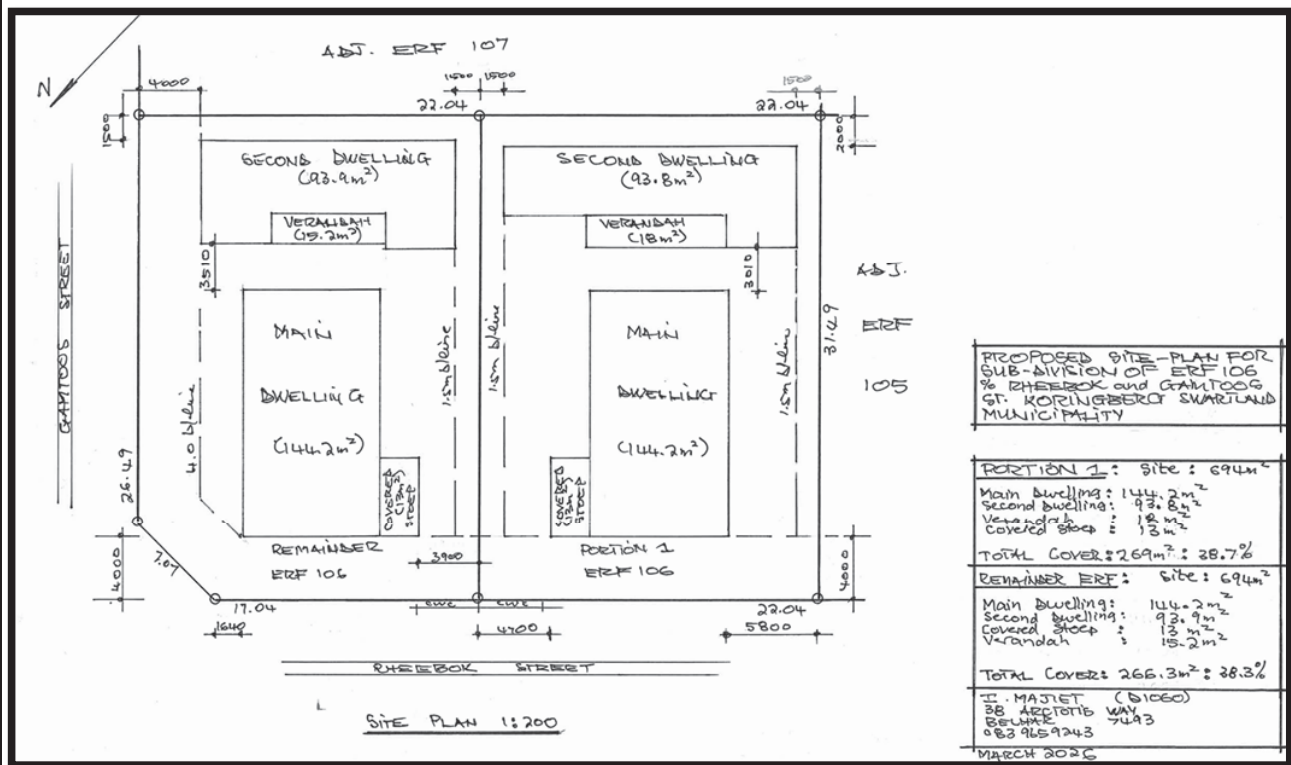
Erf 106, Koringberg is developed with 4 concrete slabs which appears to be the foundations that were build up to floor height. The positions of the concrete slabs are shown on the subdivision plan.

Please note that no site inspection was conducted by the author.

See below the proposed subdivision plan.



Please see below the site plan indicating the position of the proposed dwellings.



PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y N

PART F: SUMMARY OF APPLICANT'S MOTIVATION

The land use application can be motivated on the basis of the following:

- Comply with the development principles set out in Section 7 of SPLUMA;
- Align with the Western Cape Land Use Planning Act;
- Satisfy the decision-making criteria contained in Section 75 of the Swartland Municipal Land Use Planning By-Law, 2020;
- Advance the objectives of the Swartland Municipal Spatial Development Framework;
- Promote spatial justice, sustainability, efficiency and resilience;
- Introduce no material adverse planning impacts.
- The proposal represents lawful, policy-aligned, contextually appropriate and infrastructure-efficient infill development within an established residential area.
- It advances the public interest, supports orderly spatial development, and strengthens the sustainability of a small rural settlement without imposing additional municipal burden.
- The application is therefore respectfully submitted for approval.

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 4 notices to affected parties. All 4 of the notices were also send via email. The application was also send to Eskom for comments. No comments were received within the permitted commenting period. The public participation process started on 28 April 2026 and ended on 1 June 2026 for Eskom on 6 July 2026. One objection was received which was sent to the applicant for comments on 5 June 2026. The comments from the applicant on the objection was received on 9 June 2026. The author of the report consulted with the objector in an attempt to explain the impact of the application on erf 111, but did not have success in getting the objector to withdraw the objection.					
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	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			
1. Department Civil Engineering Services a) Sewerage Each subdivided portion be provided with a separate conservancy tank with a minimum capacity of 8000 liters which is accessible for the services truck from the municipal street. This condition is applicable at building plan stage. b) Water Each subdivided portion be provided with a separate water connection. This condition is applicable at building plan stage. c) Other comments Any existing services connecting the remainder and/or new portions, be disconnected and relocated, in order for each erf to have a separate connection and pipe work; Should it be determined necessary to expand or relocate any of the engineering services in order to provide any of the portions with separate connections, said expansion and/or relocation will be for the cost of the owner/developer; The following development charges be made: Water R 4 223,95 Bulk Water R 11 374,65 Sewer R 2 324,15 WWTW R 6 975,90 Roads R 17 120,05 2. Division Building Control a) Building plans be submitted to the Senior Manager: Development Management for consideration and approval. Eskom – letter dated 21 July 2026 – see Annexure G.			

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL COMMENTS ON THE OBJECTIONS
Cara Collougley, owner of erf 111	1. The proposed development (the subdivision of Erf 106 into two separate residential portions, with each resultant erf accommodating a second dwelling with a maximum floor area of 120m²) is consistent with the policies and the spatial strategies of the Swartland Municipal Spatial Development Framework (SDF), specifically Objective 1: Grow economic prosperity and facilitate economic sector growth and Objective 4: Protect and grow place identity and cultural integrity. The adopted SDF specifically identifies internal subdivision and intensification of uses as mechanisms through which the Municipality intends to achieve its densification objectives for Koringberg. The proposal therefore gives effect to an adopted municipal planning objective rather than representing an unanticipated form of development. The proposal does not introduce a new land use or a land use that is incompatible with the surrounding area. Residential development remains the primary use of the property and the proposed second dwellings are residential in nature. The proposal represents a modest increase in residential density within the existing urban footprint of Koringberg. The SDF identifies Koringberg as a settlement where gradual densification should be encouraged. The SDF proposes an increase in residential density from the current 4.9 dwelling units per hectare to 5.5 dwelling units per hectare by 2027. The	1. According to the SDF the minimum erf size for Koringberg is 500m². The proposed erf sizes of 694m² complies with this requirement. A second dwelling is proposed on the remainder and the newly created property. The Residential zone 1 zoning permits a second dwelling smaller than 60m² as an additional use right. The proposed second dwellings are larger than 60m² but smaller than 120m² and therefore require a consent use approval. Regardless of the required consent use approval, the proposed two dwelling units that are permitted on a Residential zone 1 zoning reflects densification which is promoted at municipal and provincial level. Densification prevents urban sprawl and leads to be optimal use of land and existing infrastructure. The proposed density of the proposed subdivision and second dwellings are in line with the spatial planning of Koringberg.

		proposal is consistent with this objective and contributes to the efficient utilisation of existing urban land within the settlement. Furthermore, the proposed subdivision would result in erven of approximately 694m² each. This exceeds the minimum erf size of 500m² identified in the SDF and demonstrates that the resultant properties remain of an appropriate size for residential development within Koringberg. The proposal promotes incremental infill development and provides additional housing opportunities within the settlement without extending development into undeveloped land. The resultant erf sizes remain appropriate for the character of Koringberg and are capable of accommodating residential development without creating overcrowding or negatively impacting the character of the area. The proposal is therefore considered compatible with the surrounding residential context, aligned with the Municipality's adopted densification objectives and does not result in an inappropriate level of density.	
	2. Concern regarding impact on privacy.	2. The proposal does not introduce bulk, coverage, or scale beyond what is ordinarily permissible under Residential Zone 1. The built form will remain detached and consistent with surrounding development patterns. Any future development on the resultant erven will be required to comply with the applicable provisions of the Swartland Development Management Scheme, including building lines, height restrictions, coverage controls and any other development parameters	2. The development proposals on the remainder and portion A complies with all applicable zoning parameters. The impact on privacy of the proposed single storey dwellings on portion A on erf 111 is deemed to be no different than that of a dwelling and second dwelling being developed on the mother erf in a similar position. Therefore the impact on erf 111 is deemed to be low and even lower for the proposed dwellings on the remainder.

		applicable to the property. These provisions are specifically intended to ensure that residential development occurs in a manner that protects the amenity of neighbouring properties. The proposal, therefore, does not create an unreasonable impact on privacy and any future development will remain subject to the applicable development controls. Additionally, the proposal does not seek any departures from the applicable development parameters, and the resultant erven will remain subject to the development controls applicable to Residential Zone 1. Future buildings will therefore be regulated through the building plan approval process to ensure compliance with the applicable development parameters and to protect the amenity of neighbouring properties.	
	3. Concern regarding impact of noise.	3. The proposed development remains entirely residential in nature and does not introduce commercial, industrial or entertainment-related activities that would typically generate elevated noise levels. Any increase in activity associated with the occupation of additional dwellings would be consistent with normal residential living and is not considered incompatible with the surrounding residential environment. The proposal does not give rise to land use impacts that would be materially different from those normally associated with residential properties. It is accordingly not anticipated that the proposal would result in unacceptable noise impacts on surrounding properties.	3. The proposed subdivision does not change the existing land use rights of erf 106. The consent use makes provision for special permission to be obtained for a second dwelling larger than 60m² but smaller than 120m², while keeping in mind that a second dwelling smaller than 60m² is already an additional use right. Erf 106 is currently vacant. This means that any development on erf 106 will create more noise than the current situation. Regardless of the number of dwelling units, the dwelling units on portion A are the closest to erf 111, is anticipated to have no other impact than that normally associated with the habitation of a residential property.

	4. A precedent may be created for future developments.	Residential occupation is anticipated within Residential Zone 1 and the level of activity associated with additional dwelling units is considered typical of a residential environment. The proposal does not introduce land uses that would generate noise beyond that ordinarily associated with residential living. 4. Each land use application submitted to the Municipality must be assessed on its own merits and in accordance with the applicable legislative and policy framework, including SPLUMA, LUPA, the Municipal Spatial Development Framework, the Municipal Planning By-law and the Development Management Scheme. Approval of the current application would not automatically confer approval on future applications elsewhere within Koringberg. Any future application would be subject to its own assessment process and would need to demonstrate compliance with the applicable planning requirements and development principles. The possibility that similar applications may be submitted in future does not constitute a planning basis for refusal of an application that is otherwise considered desirable and appropriate.	4. The comments from the applicant is supported.
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PART J: MUNICIPAL PLANNING EVALUATION

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

The application was advertised by sending 4 notices to affected parties. All 4 of the notices were also sent via email.

The application was also sent to Eskom for comments. No comments were received within the permitted commenting period.

The public participation process started on 28 April 2026 and ended on 1 June 2026 for Eskom on 6 July 2026.

One objection was received which was sent to the applicant for comments on 5 June 2026. The comments from the applicant on the objection was received on 9 June 2026.

The Division: Land Use & Town Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal 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

- a) Spatial Justice: The proposed development is seen as densification which is promoted at municipal and provincial level. Furthermore the proposed erf sizes comply with the minimum erf size for Koringberg as determined by the SDF. The application complies with the principle of spatial justice.
- b) Spatial Sustainability: The proposed development will lead to the optimal use of existing infrastructure which will create a more spatially compact, resource-efficient town. Existing bulk services are deemed sufficient to service the development. The development also promotes the protection of agricultural land as densification prevents urban sprawl. The residential opportunities that will be created makes provision for a range of income groups. The application complies with the principle of spatial sustainability.
- c) Efficiency: The proposed development contributes to achieving a desired mix of residential densities, improving the overall density target for Koringberg. The application complies with the principle of efficiency.
- d) Good Administration: The application was communicated to the affected landowners through registered mail and email. The application was also circulated to the relevant municipal departments for comment. Consideration was given to all correspondence received and the application was dealt with in a timely manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- e) Spatial Resilience: The application creates erven of 694m² in size which complies with the minimum erf size for single residential erven for Koringberg. These erven are also the first smaller erven in Koringberg other than the erven of the low cost housing area and Rautenville. Further densification by means of proposing a second dwelling on each property further contributes to the provision of a new type of provision of housing opportunity in Koringberg.

2.3 Spatial Development Framework(SDF)

The minimum erf size for single residential erven in Koringberg is 500m². The proposed subdivision complies with the minimum erf size. The proposed subdivision and the second dwelling on each erf are seen as densification which is supported at municipal and provincial level and prevents urban sprawl and leads to the optimum utilization of existing infrastructure. The application complies with the spatial planning applicable to Koringberg.

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

The development proposal on the remainder and portion A complies with all the zoning parameters.

2.5 Desirability of the proposed utilisation

Erf 106, Koringberg is developed with 4 concrete slabs which appear to be the foundations that were built up to floor height. These slabs are not deemed to be physical restrictions which can impact negatively on the application.

Surrounding erf sizes are double the size of the newly created erven but still conform with the minimum erf size applicable to Koringberg. It must be noted that the proposed erf sizes of 694m² are still considerably larger than the

minimum erf size of 500m² and is deemed not to distract from the character of the surrounding larger single residential erven.

The subdivision does not impact on the zoning of the newly created erven which can be developed with a dwelling house and second dwelling smaller than 60m², which is an additional use right. The existing land use rights permits 4 dwelling units in total on the 2 erven. The consent use which is applied for also allows for 4 dwelling units in total on the 2 erven, however the difference being that the second dwellings are larger than 60m² and smaller than 120m². The development proposals on each erf complies with all zoning parameters. It is therefore deemed that the development proposal of 4 dwelling units will have a low impact on the character of the surrounding area in relation to the existing development potential of the properties.

Access to both properties are deemed sufficient.

Sufficient services capacity exist to accommodate the proposed development.

There are not title deed restrictions which are restrictive to this application.

The density of the proposed subdivision and second dwellings are in compliance with the principles of the SDF.

The impact on privacy of the proposed single storey dwellings on portion A on erf 111 is deemed to be no different than that of a dwelling and second dwelling being developed on the mother erf in a similar position. Therefore the impact on erf 111 is deemed to be low and even lower for the proposed dwellings on the remainder.

Regardless of the number of dwelling units, of which the dwelling units on portion A are the closest to erf 111, it is anticipated to have no other impact than that normally associated with the habitation of a residential property.

Each land use application submitted to the Municipality are assessed on its own merits and in accordance with the applicable legislative and policy framework. Decisions will not be taken which may influence future decision making negatively. This application is considered without prejudice or favour.

3. Impact on municipal engineering services

Existing services are deemed sufficient to accommodate the development proposal.

4. Comments of organs of state

See part H.

5. Response by applicant

See Annexure F.

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 the subdivision of erf 106, Koringberg be approved in terms of Section 70 of the By-law, subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- a) Erf 106, Koringberg (1388m² in extent), be subdivided into Portion A (694m² in extent) and the Remainder (694m² in extent), as presented in the application on Subdivision plan no P1191-0-SUB-1rev1, dated February 2026;
- b) New property diagrams be submitted to the Surveyor General, including proof to the satisfaction of the Surveyor General of:
 - i. The municipality's decision to approve the subdivision;
 - ii. The conditions of approval imposed in terms of section 76 of the By-Law; and
 - iii. The approved subdivision plans;

2. WATER

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

3. SEWERAGE

- a) Each subdivided portion be provided with a separate conservancy tank with a minimum capacity of 8000 liters which is accessible for the services truck from the municipal street. The condition is applicable at building plan stage;

4. DEVELOPMENT CHARGES

- a) The owner/developer is responsible for a development charge of R11 374,65 towards the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA 9/249-176-9195);
- b) The owner/developer is responsible for the development charge of R10 732,95 towards bulk water reticulation, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/249-174-9195);
- c) The owner/developer is responsible for the development charge of R6 146,75 towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-184-9195);
- d) The owner/developer is responsible for the development charge of R8 265,05 towards the waste water treatment works, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-183-9195);
- e) The owner/developer is responsible for the development charge of R18 145,85 towards roads, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/247-188-9195);
- f) The owner/developer is responsible for the development charge of R3 492,25 towards electricity, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/253-164-9195);
- a) Council resolution of May 2026 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2026/2027 and may be revised thereafter.

- B.** The application for a consent use on the remainder and portion A of Erf 106, Koringberg be approved in terms of Section 70 of the By-law, as follows:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The consent use authorises a second dwelling on the remainder and portion A as presented in the application;
- b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

2. WATER

- a) A single water connection be provided and that no additional connections will be provided;

3. SEWERAGE

- a) A conservancy tank with a minimum capacity of 8000 liters which is accessible for the services truck from the municipal street be provided. The condition is applicable at building plan stage;

5. DEVELOPMENT CHARGES

- a) The owner/developer is responsible for a development charge of R12 999,60 per second dwelling 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 2026/2027 and may be revised thereafter (mSCOA 9/249-176-9195);
- b) The owner/developer is responsible for the development charge of R12 264,75 per second dwelling towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/249-174-9195);
- c) The owner/developer is responsible for the development charge of R10 216,60 per second dwelling 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: 9/240-184-9195);
- d) The owner/developer is responsible for the development charge of R13 739,05 per second dwelling towards the waste water treatment works, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-183-9195);
- e) The owner/developer is responsible for the development charge of R10 209,70 per second dwelling towards roads, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/247-188-9195);
- f) The owner/developer is responsible for the development charge of R3 492,25 per second dwelling towards electricity, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/253-164-9195);
- g) Council resolution of May 2026 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2026/2027 and may be revised thereafter.

C. GENERAL

- a) 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;
- b) Should it become necessary to upgrade or extend any services, in order to provide amenities to either of the properties, it will be for the account of the owners/developers.
- c) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with.
- d) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision on the appeal.
- e) All conditions of approval be implemented at subdivision stage, before clearance 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.
- f) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5 200,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

- 1. The property does not consist of any physical restrictions which may impact negative on the application.
- 2. The proposed erf sizes with not distract from the character of the larger surrounding erven.
- 3. The development proposal of 4 dwelling units will have a low impact on the character of the surrounding area in relation to the existing development potential of the properties.
- 4. Access and services availability is sufficient to accommodate the development proposal.
- 5. The application complies with principles of SPLUMA and LUPA.

6.	The application complies with the SDF.			
7.	The impact on privacy and noise of the proposed development on the surrounding properties is deemed to be low.			
8.				
PART N: ANNEXURES				
Annexure A	Locality Plan			
Annexure B	Subdivision plan			
Annexure C	Site development plan			
Annexure D	Plan indicating the public participation process			
Annexure E	Objection from Cara Gillougley			
Annexure F	Comment from the applicant on the objection			
Annexure G	Letter from Eskom			
PART O: APPLICANT DETAILS				
First name(s)	Chrysalis Projects Pty Ltd – Nazeema van Rooyen			
Registered owner(s)	Theunissen Trust.	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: 3 August 2026	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001		Recommended	☒	Not recommended
			Date: 5 August 2026	



Proposed subdivision and consent use

Erf 106, Koringberg

Locality plan

Scale: N/A



ANNEXURE B

P1191-0

rev1

February 2026

System: WG19

tel: +27 21 686 7500
cell: +27 82 783 3660
office@lloydhill.co.za

Professional Land Surveyors
3D Laser Scanning & Modelling
Precise Engineering Surveys
$$X + 3654300$$

The figure ABCD represents proposed Portion 1 of Erf 106 Koringberg with an area of 694 square metres.

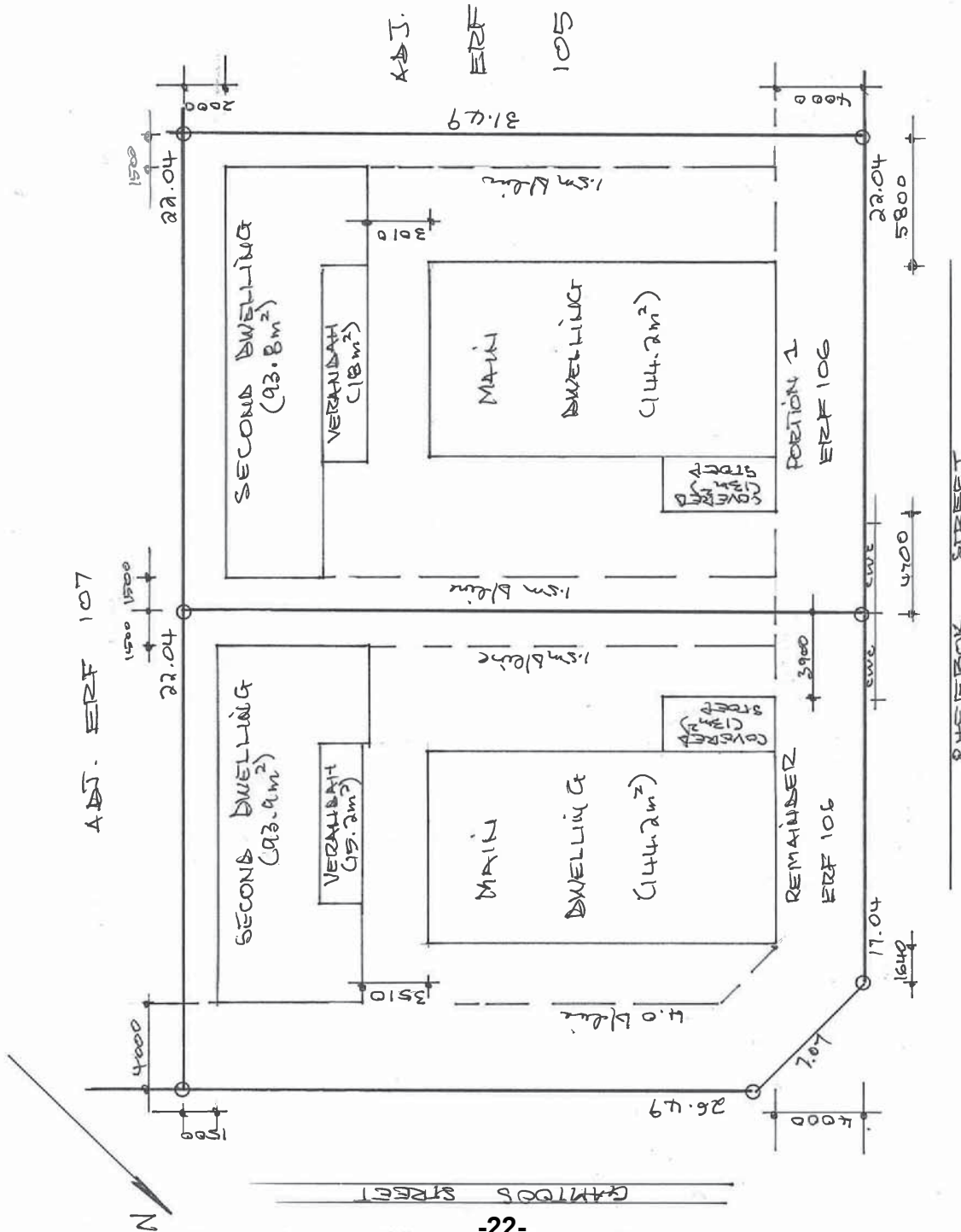
Side lengths given in metres.

Portion	Area	Zoning
Portion 1	694m ²	Residential Zone 1
Remainder	694m ²	Residential Zone 1
Total	1388m ²	

$$X + 3 \quad 654 \quad 350$$

APPROVED: _____

ANNEXURE C



SITE PLAN 1:200

RHEERBOEK STREET

PROPOSED SITE - PLAN FOR SUB-DIVISION OF ERF 106 % RHEERBOEK and GRANTOOG ST. KORINGBERG SWARTLAND MUNICIPALITY

PORTION 1: SITE: 694m ²	MAIN DWELLING: 144.2m ²	SECOND DWELLING: 93.8m ²	VERANDAH: 18m ²	TOTAL COVER: 269m ² : 38.7%
REMAINDER ERF: SITE: 694m ²	MAIN DWELLING: 144.2m ²	SECOND DWELLING: 93.8m ²	VERANDAH: 18m ²	TOTAL COVER: 269m ² : 38.7%
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J. MAJLET (DICO)
38 APTOTON WAY
BEUKELAAR
083 965 9243
MARCH 2026

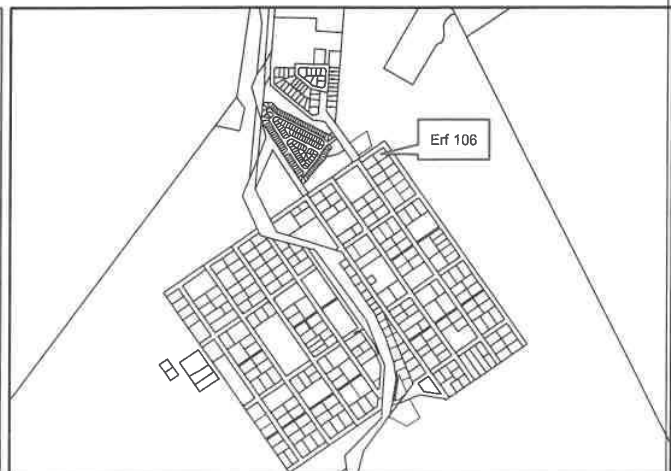


Voorgestelde onderverdeling en
vergunningsgebruik

Erf 106, Koringberg

Publieke deelname

Skaal: NVT



From: Cara Gillougley <caravalphoto@gmail.com>

Sent: Wednesday, June 03, 2026 8:57 PM

To: Lenay Abdol <PlanIntern1@swartland.org.za>

Subject: Re: Voorgestelde onderverdeling en vergunningsgebruik op erf 106, Koringberg

Hello Lenay,

I hope you are well.

I wish to lodge an objection to the proposed subdivision and development application.

My concerns relate to the increased density of the development, which would effectively result in four separate households on the site. I believe this is out of character with the low-density and spacious nature of Koringberg.

I am also concerned about the potential impact on privacy and noise levels, and the precedent this may set for similar developments in the future.

Please record this email as my formal objection to the application.

Kind Regards,
Cara Gillougley

Our Ref: 106.2026.06.09 Erf 106 Koringberg response to comments/objections

9 June 2026

**Attention: Delmary Stellenberg
Alwyn Burger**

per email: StellenbergD@swartland.org.za
alwynburger@swartland.org.za

Dear Delmary,

PROPOSED CONSENT AND SUBDIVISION ERF 106 KORINGBERG: RESPONSE TO COMMENT/OBJECTION

Erf 106 Koringberg with reference 15/3/10-7/Erf_106 and 15/3/6-7/Erf_106 together with the correspondence dated 5 June 2026 refers. In terms of Section 65(2) of the Swartland Municipality Municipal Land Use Planning By-Law 2020, herewith please find our written response to the letter of comment/objection received.

1. INTRODUCTION

It is important to note the following with respect to the letter of comment/objection received:

- The letter of objection was submitted after the comment period closing date. As per item 60(5) of the Municipal Land Use Planning By-Law, the Municipality may refuse to accept comments submitted after the closing date.
- The objector has not provided an erf number, a street address, indicated their interest in the application, nor have they indicated the reason for their comments. It is believed that the objection does not meet the requirements of item 60(3) of the planning by-law.

2. COMMENT RECEIVED FROM INTERESTED AND AFFECTED PARTY

The objector raised concerns with respect to the increased density of the development – they are of the belief that the increased density is out of character with the low density and spacious nature of Koringberg. Potential impact on privacy and noise levels and precedent was also raised.

2.1 Density

Response to objections raised

The proposed development (the subdivision of Erf 106 into two separate residential portions, with each resultant erf accommodating a second dwelling with a maximum floor area of 120m²) is consistent with the policies and the spatial strategies of the Swartland Municipal Spatial Development Framework (SDF), specifically Objective 1: Grow economic prosperity and facilitate economic sector growth and Objective 4: Protect and grow place identity and cultural integrity as follows:

Element	No	Proposal
Residential	49	Minimum erf size of 500 m².
	61	Strategically densify providing medium density housing types (group and town houses and second dwellings).
	62	Support compact form of Koringberg with medium and higher density development along higher order roads with main road as activity corridor.
	63	Integrate new residential developments and locate in close proximity to job opportunities and social infrastructure
	64	Support different types of housing subject to directives of immediate surrounding area.
	79	Increase density by 2027 from the current 4.9 units per hectare to 5.5 units per hectare in Koringberg.
	80	Increase density of 4.9 units per hectare to change to 5.5 du/ha through internal subdivision and intensification of uses.

Table 1: Extract from the Swarfland Municipal Spatial Development Framework

The adopted SDF specifically identifies internal subdivision and intensification of uses as mechanisms through which the Municipality intends to achieve its densification objectives for Koringberg. The proposal therefore gives effect to an adopted municipal planning objective rather than representing an unanticipated form of development.

The proposal does not introduce a new land use or a land use that is incompatible with the surrounding area. Residential development remains the primary use of the property and the proposed second dwellings are residential in nature. The proposal represents a modest increase in residential density within the existing urban footprint of Koringberg.

The SDF identifies Koringberg as a settlement where gradual densification should be encouraged. The SDF proposes an increase in residential density from the current 4.9 dwelling units per hectare to 5.5 dwelling units per hectare by 2027. The proposal is consistent with this objective and contributes to the efficient utilisation of existing urban land within the settlement.

Furthermore, the proposed subdivision would result in erven of approximately 694m² each. This exceeds the minimum erf size of 500m² identified in the SDF and demonstrates that the resultant properties remain of an appropriate size for residential development within Koringberg.

The proposal promotes incremental infill development and provides additional housing opportunities within the settlement without extending development into undeveloped land. The resultant erf sizes remain appropriate for the character of Koringberg and are capable of accommodating residential development without creating overcrowding or negatively impacting the character of the area.

The proposal is therefore considered compatible with the surrounding residential context, aligned with the Municipality's adopted densification objectives and does not result in an inappropriate level of density.

2.2 Privacy

Response to objections raised

The proposal does not introduce bulk, coverage, or scale beyond what is ordinarily permissible under Residential Zone 1. The built form will remain detached and consistent with surrounding development patterns.

Any future development on the resultant erven will be required to comply with the applicable provisions of the Swartland Development Management Scheme, including building lines, height restrictions, coverage controls and any other development parameters applicable to the property. These provisions are specifically intended to ensure that residential development occurs in a manner that protects the amenity of neighbouring properties. The proposal, therefore, does not create an unreasonable impact on privacy and any future development will remain subject to the applicable development controls.

Additionally, the proposal does not seek any departures from the applicable development parameters, and the resultant erven will remain subject to the development controls applicable to Residential Zone 1. Future buildings will therefore be regulated through the building plan approval process to ensure compliance with the applicable development parameters and to protect the amenity of neighbouring properties.

2.3 Noise

Response to objections raised

The proposed development remains entirely residential in nature and does not introduce commercial, industrial or entertainment-related activities that would typically generate elevated noise levels.

Any increase in activity associated with the occupation of additional dwellings would be consistent with normal residential living and is not considered incompatible with the surrounding residential environment.

The proposal does not give rise to land use impacts that would be materially different from those normally associated with residential properties. It is accordingly not anticipated that the proposal would result in unacceptable noise impacts on surrounding properties.

Residential occupation is anticipated within Residential Zone 1 and the level of activity associated with additional dwelling units is considered typical of a residential environment. The proposal does not introduce land uses that would generate noise beyond that ordinarily associated with residential living.

2.4 Precedent

Response to objections raised

Each land use application submitted to the Municipality must be assessed on its own merits and in accordance with the applicable legislative and policy framework, including SPLUMA, LUPA, the Municipal Spatial Development Framework, the Municipal Planning By-law and the Development Management Scheme.

Approval of the current application would not automatically confer approval on future applications elsewhere within Koringberg. Any future application would be subject to its own assessment process and would need to demonstrate compliance with the applicable planning requirements and development principles.

The possibility that similar applications may be submitted in future does not constitute a planning basis for refusal of an application that is otherwise considered desirable and appropriate.

3.0 PLANNING ASSESSMENT

Spatial Sustainability

The proposal promotes the efficient use of existing serviced land within the urban footprint of Koringberg and supports the optimisation of existing municipal infrastructure.

Spatial Efficiency

The proposal facilitates additional residential opportunities through internal subdivision and intensification of use within an established settlement, consistent with the densification objectives of the Swartland SDF.

Desirability

The proposal is consistent with the development objectives for Koringberg contained in the Swartland SDF and remains compatible with the surrounding residential context.

4.0 CONCLUSION

The concerns raised by the objector have been carefully considered. The proposal remains residential in nature, is compatible with the surrounding character of the area and represents a modest form of infill development within the existing urban footprint of Koringberg.

The proposal supports the efficient use of existing municipal infrastructure, promotes additional housing opportunities within the settlement and is consistent with the principles of spatial sustainability and spatial efficiency as per SPLUMA.

It is therefore submitted that the concerns raised do not warrant refusal of the application and that the proposed subdivision and consent use remain desirable from a planning perspective.

Nazeema van Rooyen (Pr. Pln)
for **Chrysalis Projects**

Chrysalis Projects (Pty) Ltd.

Date: 2026/07/21

nazeema@chrysalisprojects.co.za

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Subdivision into two portions : c.o. Rheeboek & Gamtoos Street : Koringberg

YOUR REF: 15/3/6 - 7/Erf 106

ESKOM REF: 23619-26

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for **12 months** only, after which reapplication must be made if the work has not been completed.

1. **Eskom services are affected by your proposed works and the following must be noted:.**

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom overhead and underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Piketberg

Andre Julius

022 913 6307 / 083 760 7188

JuliusAC@eskom.co.za

Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Customer Services on 08600 37566 or customerservices@eskom.co.za

- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
 - i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
 - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) Lungile Motsisi MotsisL@ntcsa.co.za, Eskom: Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 kV OVERHEAD POWERLINES. NO WORK WITHIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

4. **NOTE**

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)

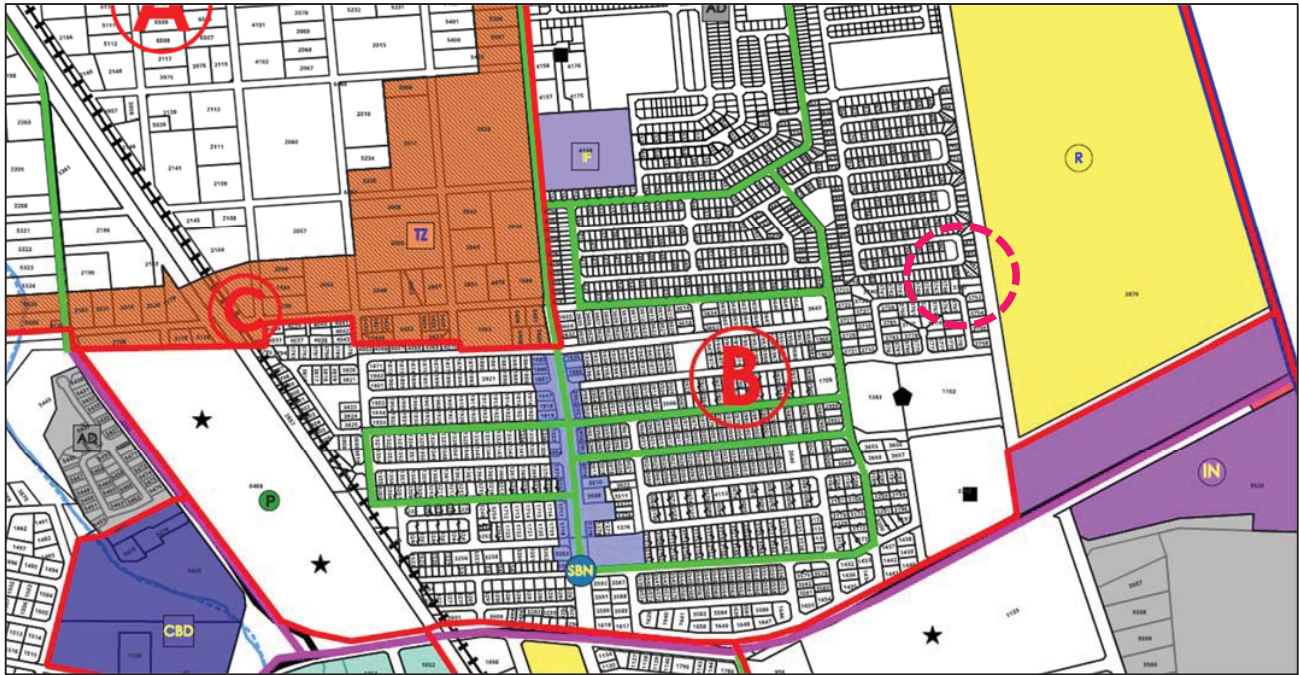
ITEM 6.2 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 12 August 2026

LAND USE PLANNING REPORT PROPOSED CONSENT USE ON ERF 4822, MOORREESBURG					
Reference number	15/3/10-1/Erf 4822	Application submission date	20 April 2026	Date report finalised	30 July 2026

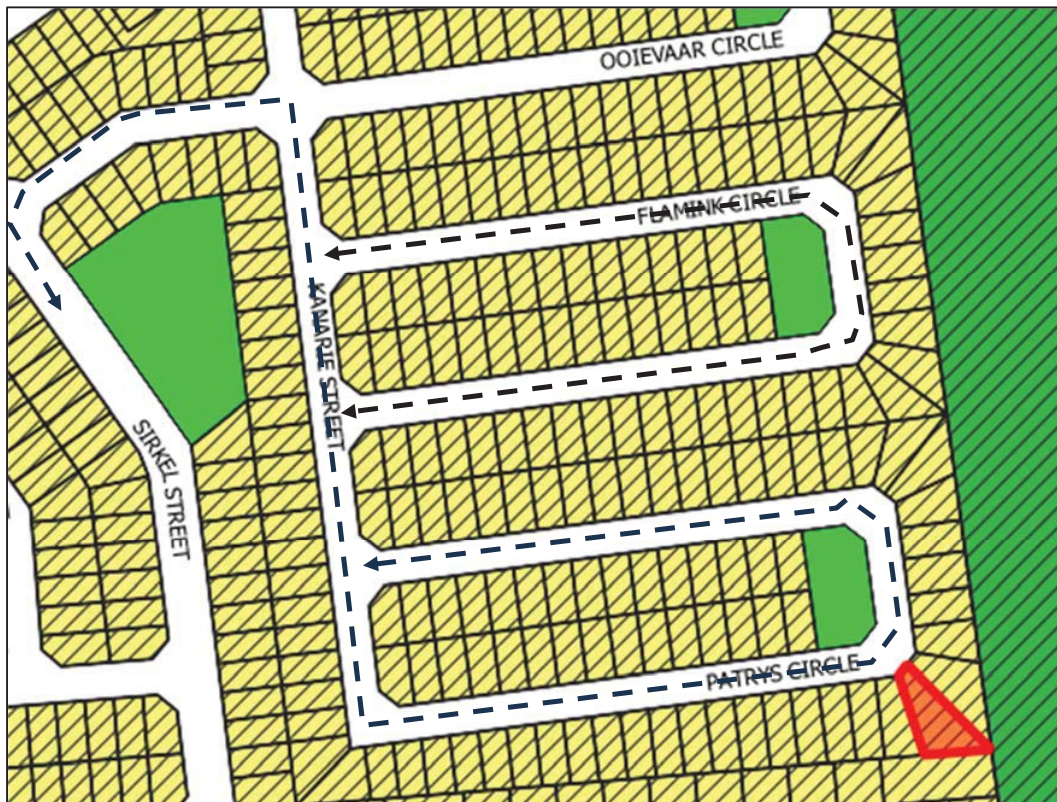
PART A: APPLICATION DESCRIPTION						
Application for consent use on Erf 4822, Moorreesburg, is made in terms of section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to operate a house shop from a portion of the dwelling structure on the property.						
The applicant is Planscape Urban Planners, the property owner is B.H Oliphant and the shop operator will be B. Hamid.						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	ERF 4822 MOORREESBURG, in die Swartland Munisipaliteit, Afdeling Malmesbury, Provinsie Wes-Kaap					
Physical address	41 Patrys Circle		Town	Moorreesburg		
Current zoning	Residential Zone 2	Extent (m ² /ha)	279m ²	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)					
Current land use	Dwelling and house shop		Title Deed number & date	T121711/2004		
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		The house shop is already in operation.	
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

PART D: BACKGROUND

Erf 4822 is a Residential Zone 2 erf of 279m² in extent, located on Patrys Circle, a residential neighbourhood on the north-eastern periphery of Moorreesburg. The character of the area (Area B), delineated by the Swartland Municipal Spatial Development Framework (2024) is a medium to high density residential area with supporting uses and infrastructure, amenities, institutions and a secondary business node.



Erf 4855 forms part of a cluster of residential blocks (± 200 erven) that connect with the nearest activity street via a single intersection, which in turn provides access to the nearest secondary business node ($\pm 1,5\text{km}$) and further on to the CBD ($\pm 3\text{km}$).



Towards the end of 2024, the president, Mr. Ramaphosa, proclaimed that all house shops in municipal areas must be registered, to ensure that house shops adhere to the minimum health and safety requirements, decreasing the risks associated with using and/or ingesting harmful products.

The aim of the application is to enable the property owner to legally utilise a portion of the dwelling on the property as a house shop.

The owner elected not to obtain written consent letters from surrounding affected property owners, but rather that the Municipality manage the process through preparing and delivering written notices on his behalf. A total of 16 notices were delivered to affected property owners, the application was circulated within the various municipal departments and notices were also forwarded to the ward councillor and the West Coast district Municipality. The objection at hand resulted from said public participation process.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y

N

If yes, provide a brief summary of the outcomes below.

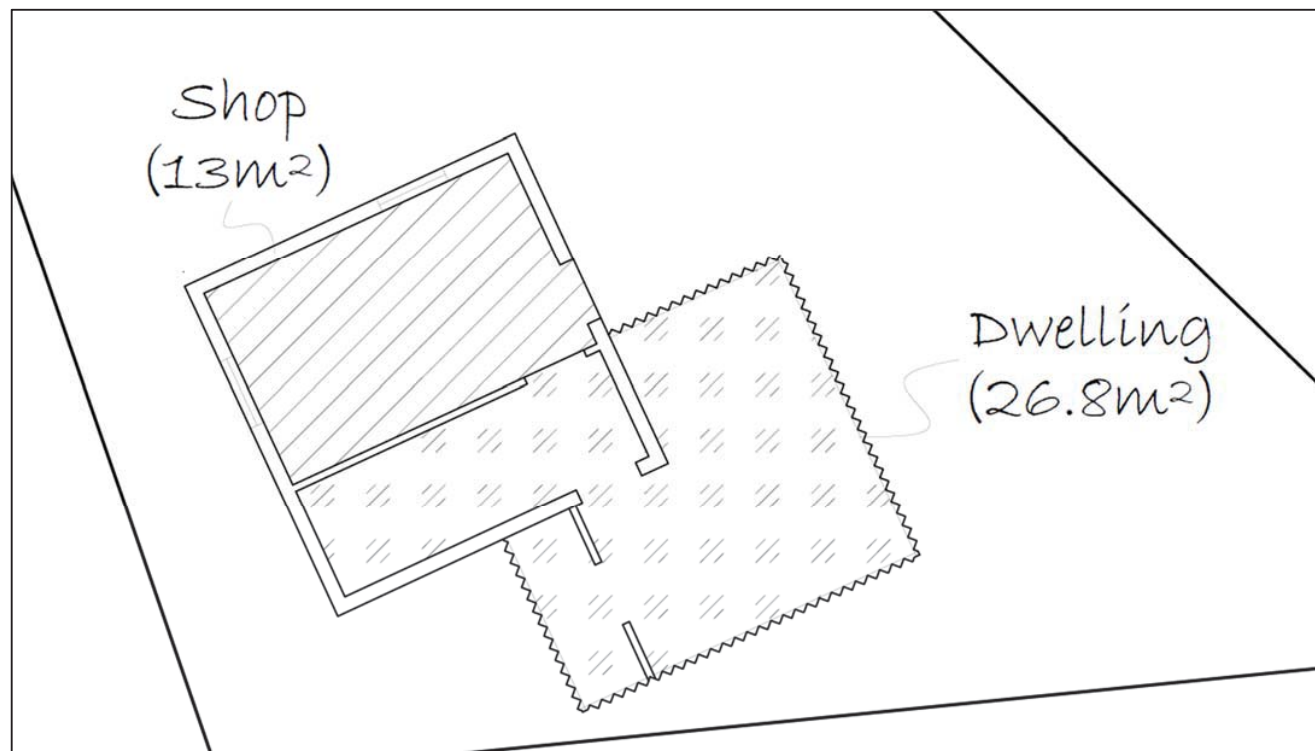
PART F: SUMMARY OF APPLICANT'S MOTIVATION

Erf 4822 is located in Area B of Moorreesburg, as identified by the Spatial Development Framework (2024). The area allows for high density residential development, social amenities and secondary/neighbourhood business development. The proposal is thus consistent with the spatial planning of Moorreesburg.

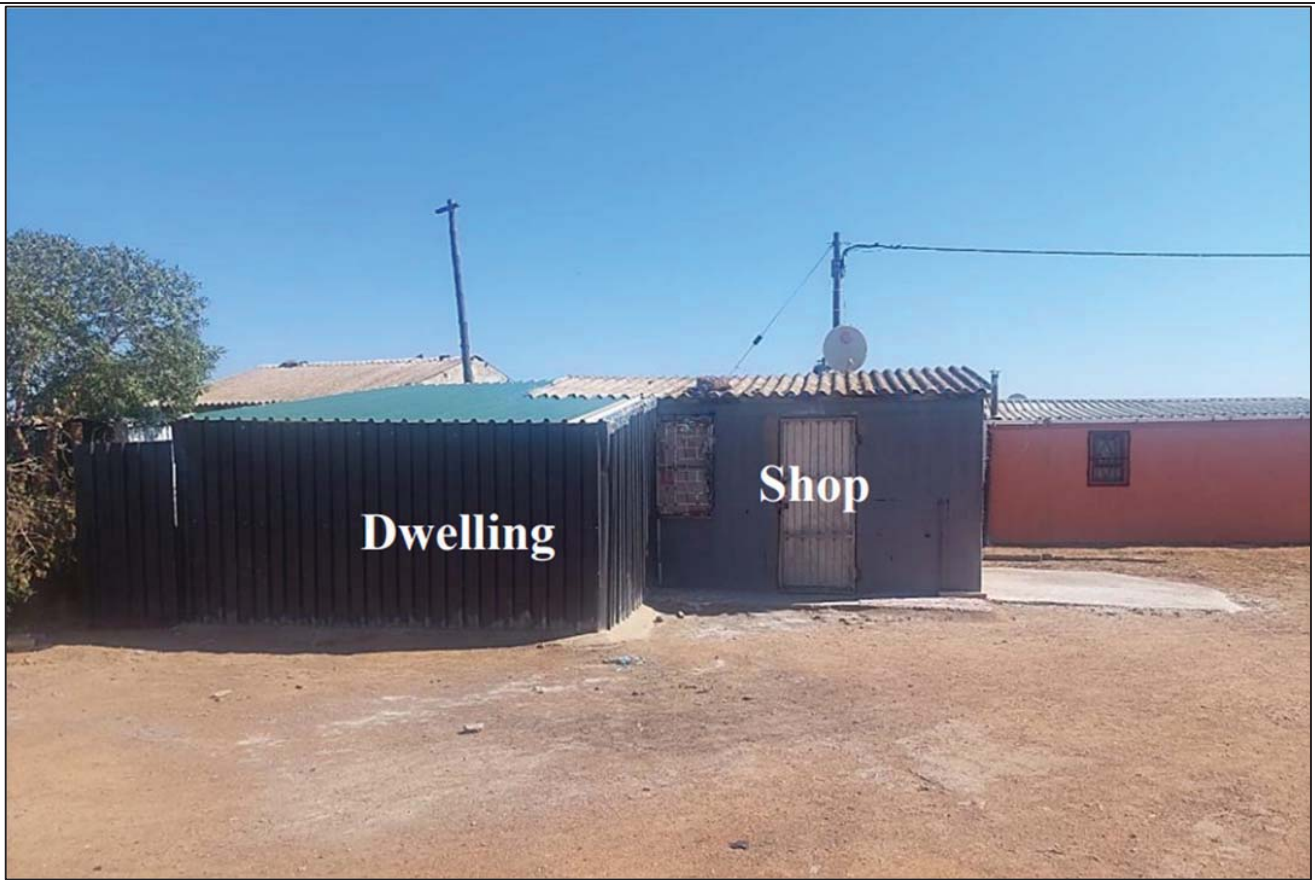
The application property is 279m² in extent and zoned Residential Zone 2. A house shop is a permissible consent use within the zoning category. Section 1.2.7.(a) of Schedule 2 of the By-Law states:

"... The extent and position of the retail component must be clearly defined on a plan, and shall not exceed 25m² or 50% of total floor space (excluding any toilet, change room and storeroom), whichever is the lesser area..."

The erf is developed with an existing dwelling. The house shop is proposed in a portion (13m² in extent) of the dwelling (26m² in extent), consistent with the parameters stipulated in the By-Law.



Site Plan



The proposed house shop will provide in the need for basic groceries, such as bread, sweets, vegetables, beverages, canned goods and miscellaneous household products in small quantities.

Area B is located several kilometres from the Moorreesburg CBD. The house shop is intended to promote convenience for the local community through shortened travel distances and eliminating the need to reach the CBD for obtaining essential goods.

The house shop is not yet operational.

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
A total of 16 affected property owners were identified by the Municipality and written notices were hand-delivered by Swartland Law Enforcement to each property. Please refer to Annexure C for the public participation map, as well as the proof of receipt, in terms of Section 56(1) & (2) of the By-Law. The commenting period for or against the application concluded on 1 June 2026 for the public and 1 July for external bodies, such as West Coast District Municipality. One objection was received against the proposal. The applicant was afforded 30 days, from 5 June 2025 to 6 July 2026 to respond to the comments and objections received. The applicant responded to the correspondence on 2 July 2026 (please refer to Annexure E for the response to comments).										
Total valid comments	1			Total comments and petitions refused			0			
Valid petition(s)	Y	N	If yes, number of signatures							
Community organisation(s) response	Y	N	Ward councillor response	Y	N	The application was circulated to the Ward Councillor, who was the only objector.				
Total letters of support	0									
PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS									Recommendation	
Name	Date received	Summary of comments						Pos	Neg	
Department: Civil Engineering Services	22 April 2026	<u>Water:</u> 1. Die bestaande wateraansluiting gebruik word en dat geen addisionele aansluitings voorsien word nie; <u>Riolering:</u> 1. Die bestaande wateraansluiting gebruik word en dat geen bykomende aansluitings voorsien word nie; <u>Strate en stormwater:</u> 1. Aflewerings beperk word tot ligte afleweringsvoertuie, wat nie 16 000kg oorskry nie;						✓		
Building	7 May 2026	Building plans to be submitted to Building Control for consideration and approval						✓		

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

SUMMARY OF OBJECTION	SUMMARY OF APPLICANT'S RESPONSE	MUNICIPAL ASSESSMENT OF COMMENTS
1. I am a direct neighbour residing next to the proposed property and I am also a serving councillor within the community. 2. The property in question is situated on a corner and directly borders a dark private open area behind the houses where there is already regular movement of unknown individuals at night. 3. The establishment of another spaza shop in this location will likely increase foot traffic, loitering, noise, and criminal activity, thereby creating an unsafe environment for neighbouring residents.	1. The directly adjacent property owners did not object to the application, namely: Erf:4823: Xiliswa Gladys Ngemntu Erf 4821: Zinakle Likwili & Victoria Qodashe Erf 3750: Niklaas Jakobus Michels & Johanna Michels 2. The property borders residential erven on all sides. Directly to the east of the property is agricultural land (erf 2876) which is used as a walkway / footpath. There is no direct access from the agricultural land to the application site, as the two properties do not share a boundary. The application site does not enable or contribute to the "regular movement of unknown individuals" in the area. The property has been fenced and access to the shop will only be from Patrys Circle via an entrance gate. 3. The establishment of the shop will indeed increase foot traffic as clients will primarily visit the shop on foot. The claim that the shop will increase loitering, noise and criminal activity, thereby creating an unsafe environment for neighbouring residents, is unsubstantiated and not supported by evidence. Clients of the house shop will primarily be residents of Patrys Circle and not "outsiders".	1. Noted. 2. The agricultural land bordering the application property is privately owned, but earmarked for similar high density residential development in future (SDF, 2024). The movement of individuals cannot be controlled by the applicant. 3. The erf owner/house shop operator may be held responsible to control the behaviour of clients on Erf 4822. In addition, the conditions of approval will stipulate that loitering will not be tolerated on the property. The condition will provide the Municipality with a legal foothold to assist with enforcement, should the condition of no loitering be contravened. However, the street and sidewalk are public spaces and any nuisances, intimidation or criminal behaviour must be reported to and managed by the SAPS.

P. Soldaka
(Annexure D)

	4. Experience in many communities across South Africa has shown that some foreign-owned spaza shops unfortunately become gathering points for gangs and suspicious activities, which places neighbouring households at risk and negatively affects the peaceful residential character of the area. 5. It is also important to place on record that Patrys Circle and the surrounding area have previously been identified by community members and law enforcement authorities as a hotspot area due to incidents involving gang-related fights, public violence, intimidation, and even killings. The establishment of another spaza shop in this particular location may unfortunately worsen the situation. Furthermore, there is already an existing local spaza shop operating approximately five houses away from the proposed property. The introduction of another shop in such close proximity, particularly one reportedly intended to be operated by foreign nationals, may severely prejudice the sustainability of the existing local business owned by a South African citizen. Government policies and economic transformation objectives continue to encourage and support the development and protection of local entrepreneurs and township economies. Allowing another foreign-operated spaza shop in the immediate vicinity may undermine these objectives and place further economic pressure on local business owners who are already struggling to survive.	4. The operator's nationality should not be a deciding factor in the land use planning decision. The decision must be based on planning merits, not personal characteristics of the applicant or operator. The view that "foreign-owned spaza shops unfortunately become gathering points for gangs and suspicious activities, which places neighbouring households at risk" is unsubstantiated and unsupported by evidence. It should therefore be treated as the objector's opinion rather than a planning consideration. 5. The claim that Patrys Circle is a designated crime hotspot lacks verifiable evidence. While isolated incidents may have occurred in the past, as happens elsewhere in Moortreesburg, this does not justify refusing a small-scale house shop. The proposal includes mitigations such as restricted business hours and on-site management, similar to the approved shop in Patrys Circle and other house shops elsewhere in Moortreesburg. It is further pointed out that Patrys Circle is, as its name suggests, a circular road with a single point of access. It is thus unlikely that persons not residing in the street (outsiders) will visit the shop, refuting the claim that "another spaza shop in this particular location may unfortunately worsen the situation by increasing gatherings, movement of unknown individuals, and opportunities for criminal elements to operate within the area."	4. The property owner is a legal South African citizen, acting within the right to apply for the consent use to operate a house shop on the erf. It is furthermore the right of the owner to rent the house shop to whoever he/she pleases, regardless of their nationality. 5. The statement that a house shop will increase crime and violence is conjecture and not supported. Prejudice against foreign nationals will not be tolerated. The South African economy operates according to the free market system. A short summary of the principles is as follows: a) Supply and Demand: Prices go up or down based on how much people want an item and how much of it is available. b) Voluntary Exchange: Buyers and sellers freely choose to make trades that benefit them both. c) Private Property: Individuals and companies own resources, land, and businesses instead of the government. d) Competition: Businesses rival each other for customers by offering better prices and higher quality.
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	6. It is also deeply concerning that the individuals intending to operate this business reportedly already own or operate another spaza shop within approximately 100 metres from this property. This raises serious questions regarding the necessity and desirability of approving yet another similar business within the same residential area, especially where the community already has access to such services.	6. The objection's concern regarding the applicant's alleged operation of another shop nearby is irrelevant to the planning assessment. Land use decisions under the Swartland By-Law are not required to consider economic competition or 'necessity' in terms of protecting existing businesses. It remains the applicant's prerogative to operate a lawful business, subject to compliance with the relevant development restrictions and applicable legislation. Several small shops can improve consumer choice and competition without causing inherent planning harm. The application should be evaluated on its site-specific merits, not on speculative market protection arguments.	6. Refer to assessment 5.
7. In addition, the intended operators and property occupants proceeded with renovations and preparations for the shop without meaningful consultation with immediate neighbours. This has already created anxiety and tension within the neighbourhood. Residents have expressed fears regarding safety, increased congestion, noise, and the possible social consequences associated with multiple competing shops operating within such a confined residential environment.	7. Public consultation, as required in terms of the Land Use Planning By-Law with regard to the proposed house shop, as administered by the municipal officials, has been completed. Only one comment, this objection, has been received. The statement that residents "expressed fears" is totally unsubstantiated and should be regarded as the personal opinion of the objector.	7. Refer to assessments 1 – 6	
8. Of further concern is the fact that another foreign national has already erected a structure behind my property in anticipation of competing with this proposed shop, allegedly due to fears of losing customers. Should this application be approved, residents in the immediate area may effectively become surrounded by multiple informal businesses operating in close proximity to family homes, creating an undesirable and potentially unsafe living environment.	8. The applicant cannot account for or comment on the alleged erection of a structure to establish a house shop, behind the objector's property. The assumption that "the immediate area may effectively become surrounded by multiple informal businesses...creating an undesirable and potentially unsafe living environment" is unfounded speculation. The establishment of house shops in the area are subject to the Land Use Planning By-Law and associated development restrictions, to be considered and approved by the municipality.	8. The viability of house shops are dictated by the economic principles of supply and demand. The number of shops in a neighbourhood is foreseen to self-regulate over time, due to said principles.	

	9. It is unfortunate that many residents within our community are not fully informed or literate regarding municipal participation processes and the lodging of formal objections. However, after engaging with several neighbouring residents, it is clear that many are unhappy about the proposed opening of another spaza shop directly next to an already existing one.	9. No evidence e.g. a petition, objection letters, minutes of meetings etc. is available that proof that the objector engaged with residents obtaining their view on the proposal. It is also pointed out that the proposed house shop is not located directly next to an existing shop, as claimed by the objector	9. Written notices were delivered by the Swartland Law Enforcement to ensure that all affected parties are informed of the proposed development. Only one objection was received, lodged by a political figure in the community. The applicant is supported.
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PART J: MUNICIPAL PLANNING EVALUATION

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

Application for a consent use on Erf 4822, Moorreesburg was submitted in terms of Section 25(2)(o) of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

A total of 16 written notices were hand-delivered by Swartland Law Enforcement to each property, in terms of Section 56(1) & (2) of the By-Law.

The commenting period for or against the application concluded on 1 June 2026 for the public and 1 July for external bodies, such as West Coast District Municipality.

One objection was received against the proposal. The applicant was afforded 30 days, from 5 June 2025 to 6 July 2026 to respond to the comments and objections received. The applicant responded to the correspondence on 2 July 2026.

The applicant is Planscape Urban Planners, the property owner is B.H Oliphant and the shop operator will be B. Hamid.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA (Act 3 of 2014)(LUPA)

- a) Spatial Justice: Granting the land use of a house shop on the property, will facilitate optimal utilisation of the erf, unlocking economic opportunities available to the owner and providing a service to a previously disadvantaged community.

All the relevant facts and considerations surrounding the application have been taken into account during the decision-making process. Therefore, the application may be deemed consistent with spatial justice.

- b) Spatial Sustainability: The proposed consent use will enable the owner to develop the property to its full potential and the spatially more compact and resource efficient utilisation of the property.

- c) Efficiency: The proposal ensures the optimisation of resources, through the practise of a wider variety of land uses on a residential property. The house shop will make retail opportunities and convenience available to the population of the area on a small scale.

The application property is of sufficient size to accommodate both the dwelling unit and the house shop, should one or both be developed to its maximum capacity. The development approach is thus seen as holistic and integrated and deemed spatially efficient.

- d) Good Administration: Written notices were hand-delivered to other affected parties. The application was also circulated to the relevant municipal departments and West Coast District Municipality for comment. Consideration was given to all correspondence received. It is therefore argued that the principles of good administration were complied with by the Municipality.

- e) Spatial Resilience: The portion of the existing dwelling to be used as the house shop will not necessitate any structural changes. The existing accesses to the property will be used. The house and property can easily be converted back into a residence and the proposal is thus considered spatially resilient.

2.2 Integrated Development Plan (IDP) and Spatial Development Framework (SDF 2023)

IDP Goal 2 for Ward 2 (Moorreesburg) is to support the local economy through certain strategies, including supporting entrepreneurship and promoting local businesses.

The proposed development will contribute to the local economy, both directly and indirectly and is thus considered consistent with the IDP.

Erf 4822 is situated in area B of Moorreesburg, as indicated by the SDF. This zone is a high density residential area with relevant supporting services and infrastructure. The expansion of business and other related mixed land uses are supported in this zone, as well as house shops as secondary business ventures.

2.3 Land Use Planning By-Law: Schedule 2

The Zoning Scheme, contained as Schedule 2 of the By-Law, makes provision for house shops as a consent use within the Residential Zone 2 zoning.

The proposed house shop will adhere to the development parameters of a Residential Zone 2 property, as well as the specific requirements for house shops, as stipulated by the scheme.

3. **Desirability of the proposed utilisation**

The house shop is not yet in operation and the application is aimed at obtaining the required land use rights to authorise the use on the property. There are no physical restrictions on the erf that will have a negative impact on this application.

The property is situated in a peripheral area, characterised by high density subsidised residential development. Pedestrian access to the secondary business node and the CBD is possible, but cumbersome, due to the clustering of a number of residential erven with only one connecting route. The application property is thus ideally located for a house shop that may provide in the need for basic groceries, eliminating the need to travel to town.

Vehicular access to the property is unobstructed and small delivery vehicles are not foreseen to cause traffic safety issues. The size of the delivery vehicles will be restricted to a mass appropriate to a residential area and the residential street capacity, through imposing conditions of approval.



The By-Law requires that the character of the area be taken into account when considering development proposals and the proposal at hand is foreseen to have a positive impact on the area, as it will provide amenities and improve access to said amenities, especially to pedestrians.

The objections received against the development were sufficiently addressed and proven to be invalid.

Any potential adverse impact of the proposed house shop will be mitigated through the imposition of conditions of approval, such as limiting the retail products sold from the house shop, as well as prescribing business hours.

Another crucial aspect of the house shop will be the inspection by the Environmental Health Offices and the issue of the required Certificate of Acceptability. Should the house shop and living quarters not comply with the relevant health standards and regulations, the business may also lawfully be closed down.

In conclusion, the alleged adverse impact of the house shop may be mitigated through the imposition of conditions of approval, such as:

- a) Limiting the retail products sold from the house shop;
- b) Prescribing business hours;
- c) Restricting the use of audio-visual appliances;
- d) Specifying the building materials/construction of the structure containing the shop;

- e) Requiring adherence to health and safety regulations;
- f) Specifying the time frame for adhering to the conditions of approval.

The property owner and house shop operator are acting within their rights when applying for the house shop. The development proposal is consistent with the land use proposals of the SDF and principles of local, Provincial and National policies. Furthermore, the proposal is consistent with the applicable development parameters for a house shop.

Erf 4822 is located within a developing residential area, within the urban edge of Moorreesburg, and the proposal will not negatively affect any environmental resources, either biophysically or culturally (heritage). The By-Law requires that the character of the area must be taken into account when considering development proposals and this proposal is not foreseen to have any detrimental impact.

Access to the site as well as on-site parking is available directly from Patrys Circle. The proposal will have no additional impact on exiting municipal services and infrastructure and all costs relating to this application are for the account of the applicant.

The development proposal is consistent with the IDP goals for economic development and upliftment and does not negatively affect the rights of the surrounding owners. The issues raised by the objector may be mitigated by imposing conditions of approval. Aspects outside of the purview of land use, may be addressed through involving the SAPS and Law Enforcement.

The house shop and living quarters on Erf 4822, Moorreesburg, may therefore be considered as desirable in the spatial context.

4. **Impact on municipal engineering services**

The existing engineering services will remain unchanged and no additional impact will be generated by the proposal.

5. **Response by applicant**

Refer to Annexure E

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

The application for a consent use on Erf 4822, Moorreesburg, is 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:

1. **TOWN PLANNING AND BUILDING CONTROL**

- a) The consent authorises a house shop restricted to a floor area of 13m² in extent, in accordance with Site Plan 420~4822~Mrb, dated 10 April 2026, presented in the application;
- b) Building plans, clearly indicating the house shop in relation to the dwelling, be submitted to the Senior Manager: Development Management, for consideration and approval;
- c) Application for an advertising sign be submitted to the Senior Manager: Development Management, for consideration and approval. Only one sign, not exceeding the land unit boundaries with any part of it, be permitted and only indicating the name of the owner, name of the business and nature of the retail trade;
- d) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- e) Application for a Certificate of Acceptability be submitted to the West Coast District Municipality for consideration and approval;
- f) The operating hours of the house shop be restricted to between 6:00 and 21:00 daily;

- g) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- h) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound may be positioned or affixed outside the house shop, including to any awning, stoep or shade structure;
- i) The operation of the house shop may not result in congestion / obstruction along Patrys Circle, therefore at least one on-site parking bay be provided in front of the house shop, for clients and deliveries;
- j) No loitering be permitted anywhere on Erf 4822, Moorreesburg whether it be inside or outside the buildings on the erf or around any entrance to the erf;
- k) The house shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;
- l) No more than three persons, including the occupant of the property, are permitted to be engaged in retail activities on the land unit;
- m) Only pre-packaged food products may be sold;
- n) No food preparation be allowed in the house shop;
- o) The following activities not be allowed for sale in the house shop:
 - i. The sale of wine and alcoholic beverages;
 - ii. Storage or sale of gas and gas containers;
 - iii. Vending machines;
 - iv. Video games; and
 - v. Snooker or pool tables;

2. WATER

- a) The existing water connection be used and that no additional connections be provided;

3. SEWERAGE

- a) The existing sewerage connection be used and that no additional connections be provided;

4. STREETS AND STORM WATER

- a) Deliveries to the property be made only by delivery vehicles not exceeding 16 000kg gross vehicle mass.

5. GENERAL

- a) The approval letter from Swartland Municipality be displayed inside the house shop;
- b) Compliance with all conditions of approval (submission of relevant applications) be undertaken within a period of 3 months from the date of the decision;
- c) Failure to comply with all conditions of approval, obtaining an occupancy certificate and concluding all other necessary processes, will result in legal action to enforce compliance;
- d) An occupancy certificate for building work completed in accordance with the approved building plan for the house shop be obtained within 6 months after the approval of the building plan;
- e) Appeals against the decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Moorreesburg, 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 that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

- 1. The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA.
- 2. The application complies with the land uses proposed for this area of Moorreesburg, as determined by the SDF.
- 3. This application supports the local economy and promotes entrepreneurship and local businesses, as a goal of the IDP.
- 4. The development parameters and requirements of the By-Law Zoning Scheme are complied with through imposing conditions of approval.
- 5. The development is envisioned to promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood.
- 6. The additional income generated by the house shop may enable the property owner to expand the dwelling unit in the future, which in turn may improve financial security.
- 7. The anticipated impact of the house shop on the surrounding community may be mitigated by specific conditions of approval;
- 8. The number of house shops in the area is limited, but nonetheless is foreseen to create healthy economic competition and over time create economically robust businesses;

9. Individuals in the community retain their right to choose which business to frequent and cannot be forced to do business with one shop or another;
10. The approval of a consent use may be revoked in future if the use does not comply with the conditions of approval or if the use impact negatively on its surroundings.

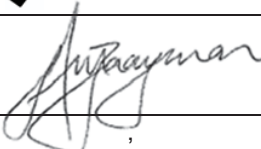
PART N: ANNEXURES

Annexure A Locality Plan
 Annexure B Site Development Plan
 Annexure C Public participation map
 Annexure D Objection by P. Soldaka
 Annexure E Response to comments

PART O: APPLICANT DETAILS

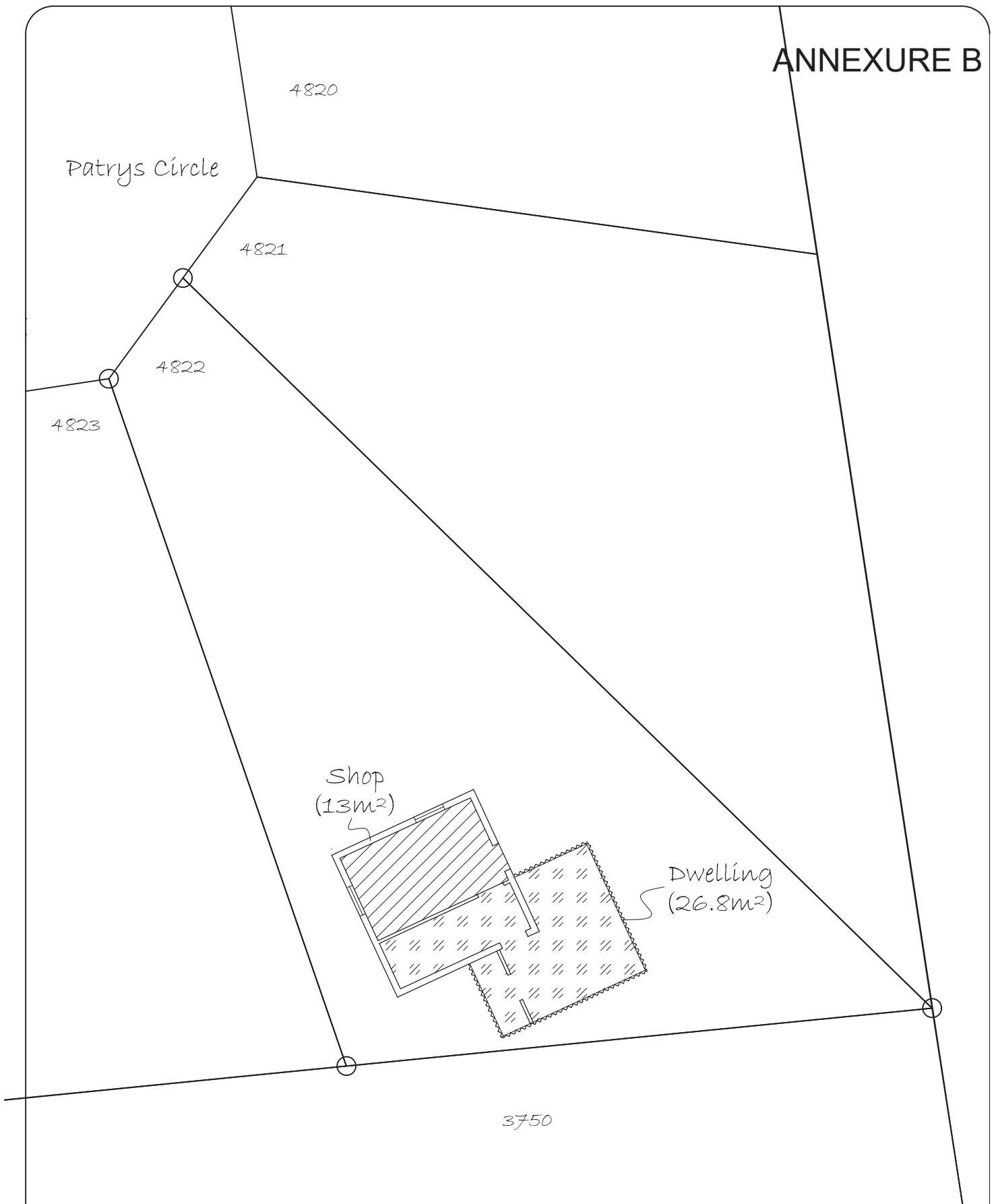
First name(s)	Planscape Urban Planners		
Registered owner(s)	B.H Oliphant	Is the applicant authorised to submit this application:	Y N

PART P: SIGNATURES

Author details: Annelie de Jager Town Planner A/2203/2015		Date: 31 July 2026
Recommendation: Alwyn Zaayman Senior Manager: Development Management B/8001/2001	Recommended 	Not recommended
		Date: 31 July 2026



ANNEXURE B



Project: Erf 4822, Moorreesburg

Title: Site Plan

Owner: B.H. Oliphant



-48-

Notes: 0 1 2 3 4
Meter

Datum: 10/04/2026

Reference: 420~4822-Mrb



PLANSCAPE

Tel: 022 4334408
planscape@telkomsa.net

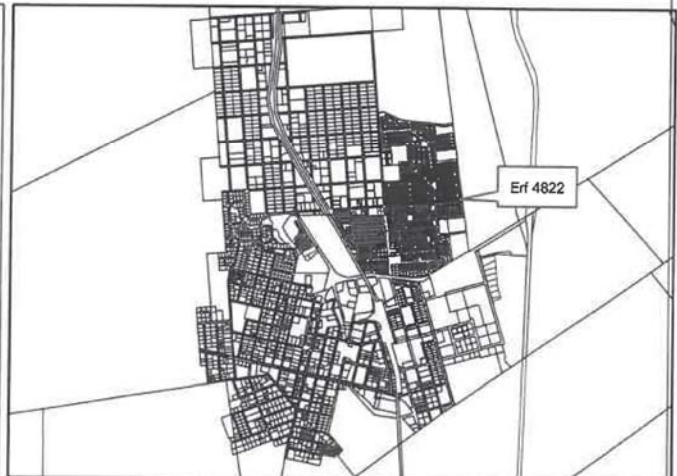


Voorgestelde vergunningsgebruik

Erf 4822, Moorreesburg

Publieke deelname

Skaal: NVT



ANNEXURE D

Cllr. Phakamani Soldaka
39 Patrys Street
Moorreesburg
7310

11 May 2026

To: The Municipal Manager
Swartland Municipality
Private Bag X52
Malmesbury
7299

Subject: Objection to Proposed Consent Use Application for House Shop on Erf 4822, Moorreesburg

Dear Sir/Madam

I hereby formally object to the proposed consent use application for a house shop/spaza shop on Erf 4822, Moorreesburg, in terms of Section 56(2) of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

I am a direct neighbour residing next to the proposed property and I am also a serving councillor within the community. My objection is based on concerns relating to public safety, community impact, socio-economic consequences, and the suitability of the proposed business within this particular residential area.

The property in question is situated on a corner and directly borders a dark private open area behind the houses where there is already regular movement of unknown individuals, particularly during evenings and at night. The establishment of another spaza shop in this location will likely increase foot traffic, loitering, noise, and criminal activity, thereby creating an unsafe environment for neighbouring residents. Experience in many communities across South Africa has shown that some foreign-owned spaza shops unfortunately become gathering points for gangs and suspicious activities, which places neighbouring households at risk and negatively affects the peaceful residential character of the area.

It is also important to place on record that Patryssirkel and the surrounding area have previously been identified by community members and law enforcement authorities as a hotspot area due to incidents involving gang-related fights, public violence, intimidation, and even killings. Residents continue to live with the fear and impact of these criminal activities within the community. The establishment of another spaza shop in this particular location may unfortunately worsen the situation by increasing gatherings, movement of unknown individuals, and opportunities for criminal elements to operate within the area.

This may further compromise the safety, peace, and wellbeing of law-abiding residents, especially children, elderly persons, and families residing nearby.

Furthermore, there is already an existing local spaza shop operating approximately five houses away from the proposed property. The introduction of another shop in such close proximity, particularly one reportedly intended to be operated by foreign nationals, may severely prejudice the sustainability of the existing local business owned by a South African citizen. Government policies and economic transformation objectives continue to encourage and support the development and protection of local entrepreneurs and township economies. Allowing another foreign-operated spaza shop in the immediate vicinity may undermine these objectives and place further economic pressure on local business owners who are already struggling to survive.

It is also deeply concerning that the individuals intending to operate this business reportedly already own or operate another spaza shop within approximately 100 metres from this property. This raises serious questions regarding the necessity and desirability of approving yet another similar business within the same residential area, especially where the community already has access to such services.

In addition, the intended operators and property occupants proceeded with renovations and preparations for the shop without meaningful consultation with immediate neighbours. This has already created anxiety and tension within the neighbourhood. Residents have expressed fears regarding safety, increased congestion, noise, and the possible social consequences associated with multiple competing shops operating within such a confined residential environment.

Of further concern is the fact that another foreign national has already erected a structure behind my property in anticipation of competing with this proposed shop, allegedly due to fears of losing customers. Should this application be approved, residents in the immediate area may effectively become surrounded by multiple informal businesses operating in close proximity to family homes, creating an undesirable and potentially unsafe living environment.

It is unfortunate that many residents within our community are not fully informed or literate regarding municipal participation processes and the lodging of formal objections. However, after engaging with several neighbouring residents, it is clear that many are unhappy about the proposed opening of another spaza shop directly next to an already existing one.

In terms of sound spatial planning principles, public interest considerations, neighbourhood compatibility, public safety concerns, and the protection of residential amenity, I respectfully submit that this application is undesirable and should not be approved.

I therefore kindly request that Swartland Municipality seriously consider the concerns raised above and refuse the proposed consent use application for Erf 4822, Moorreesburg.

Yours faithfully

Cllr. Phakamani Soldaka

ELECTRONICALLY SIGNED

Resident and Neighboring Property Owner
Moorreesburg 063 007 6088



2 July 2026

Reference:420~4822-Mrb

Swartland Municipality
Private bag X52
Malmesbury
7299

APPLICATION FOR CONSENT USE: ERF 4822, MOORREESBURG

Your letter dated 5 June 2026 (15/3/10-9/Erf_4822), refers.

Hereby to respond to the objection from Mr P Soldaka, as detailed below.

Comment	Response
I am a direct neighbour residing next to the proposed property and I am also a serving councillor within the community.	The directly adjacent property owners did not object to the application, namely: Erf:4823: Xiliswa Gladys Ngemntu Erf 4821: Zinakle Likwili & Victoria Qodashe Erf 3750: Niklaas Jakobus Michels & Johanna Michels
The property in question is situated on a corner and directly borders a dark private open area behind the houses where there is already regular movement of unknown individuals, particularly during evenings and at night.	The property borders residential erven on all sides. Directly to the east of the property is agricultural land (erf 2876) which is used as a walkway / footpath. There is no direct access from the agricultural land to the application site, as the two properties do not share a boundary. The application site does not enable or contribute to the <i>"regular movement of unknown individuals"</i> in the area. The property has been fenced and access to the shop will only be from Patrys Circle via an entrance gate
The establishment of another spaza shop in this location will likely increase foot traffic, loitering, noise, and criminal activity, thereby creating an unsafe environment for neighbouring residents.	The establishment of the shop will indeed increase foot traffic as clients will primarily visit the shop on foot. The claim that the shop will increase loitering, noise and criminal activity, thereby creating an unsafe environment for neighbouring residents, is unsubstantiated and not supported by evidence.

	Clients of the house shop will primarily be residents of Patrys Circle and not “outsiders”.
Experience in many communities across South Africa has shown that some foreign-owned spaza shops unfortunately become gathering points for gangs and suspicious activities, which places neighbouring households at risk and negatively affects the peaceful residential character of the area.	The operator’s nationality should not be a deciding factor in the land use planning decision. The decision must be based on planning merits, not personal characteristics of the applicant or operator. The view that <i>“foreign-owned spaza shops unfortunately become gathering points for gangs and suspicious activities, which places neighbouring households at risk”</i> is unsubstantiated and unsupported by evidence. It should therefore be treated as the objector’s opinion rather than a planning consideration.
It is also important to place on record that Patryssirkel and the surrounding area have previously been identified by community members and law enforcement authorities as a hotspot area due to incidents involving gang-related fights, public violence, intimidation, and even killings. Residents continue to live with the fear and impact of these criminal activities within the community. The establishment of another spaza shop in this particular location may unfortunately worsen the situation by increasing gatherings, movement of unknown individuals, and opportunities for criminal elements to operate within the area.	The claim that Patrys Circle is a designated crime hotspot lacks verifiable evidence. While isolated incidents may have occurred in the past, as happens elsewhere in Moorreesburg, this does not justify refusing a small-scale house shop. The proposal includes mitigations such as restricted business hours and on-site management, similar to the approved shop in Patrys Circle and other house shops elsewhere in Moorreesburg. It is further pointed out that Patrys Circle is, as its name suggests, a circular road with a single point of access. It is thus unlikely that persons not residing in the street (outsiders) will visit the shop, refuting the claim that <i>“another spaza shop in this particular location may unfortunately worsen the situation by increasing gatherings, movement of unknown individuals, and opportunities for criminal elements to operate within the area.”</i>

Furthermore, there is already an existing local spaza shop operating approximately five houses away from the proposed property. The introduction of another shop in such close proximity, particularly one reportedly intended to be operated by foreign nationals, may severely prejudice the sustainability of the existing local business owned by a South African citizen. Government policies and economic transformation objectives continue to encourage and support the development and protection of local entrepreneurs and township economies. Allowing another foreign-operated spaza shop in the immediate vicinity may undermine these objectives and place further economic pressure on local business owners who are already struggling to survive.	Approval has been granted during December 2015 for a house shop on erf 4815, operated by NN Madulini. Section 49 of Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) details the aspects that must be considered in considering a land use application, inter alia the desirability thereof. Desirability refers to broader public interest factors: alignment with spatial plans, sustainability, environmental / heritage impacts, infrastructure, social / economic benefits to the community, traffic, et. al. It does not extend to protecting existing businesses from new competitors. Planning law regulates land use and development impacts, not market competition or economic viability between private parties. Allowing competition-based objections would undermine free enterprise and turn the Municipal Planning Tribunal in this case, into economic regulators.
It is also deeply concerning that the individuals intending to operate this business reportedly already own or operate another spaza shop within approximately 100 metres from this property. This raises serious questions regarding the necessity and desirability of approving yet another similar business within the same residential area, especially where the community already has access to such services.	The objection's concern regarding the applicant's alleged operation of another shop nearby is irrelevant to the planning assessment. Land use decisions under the Swartland By-Law are not required to consider economic competition or 'necessity' in terms of protecting existing businesses. It remains the applicant's prerogative to operate a lawful business, subject to compliance with the relevant development restrictions and applicable legislation. Several small shops can improve consumer choice and competition without causing inherent planning harm. The application should be evaluated on its site-specific merits, not on speculative market protection arguments.

In addition, the intended operators and property occupants proceeded with renovations and preparations for the shop without meaningful consultation with immediate neighbours. This has already created anxiety and tension within the neighbourhood. Residents have expressed fears regarding safety, increased congestion, noise, and the possible social consequences associated with multiple competing shops operating within such a confined residential environment.	Public consultation, as required in terms of the Land Use Planning By-Law with regard to the proposed house shop, as administered by the municipal officials, has been completed. Only one comment, this objection, has been received. The statement that residents “expressed fears” is totally unsubstantiated and should be regarded as the personal opinion of the objector.
Of further concern is the fact that another foreign national has already erected a structure behind my property in anticipation of competing with this proposed shop, allegedly due to fears of losing customers. Should this application be approved, residents in the immediate area may effectively become surrounded by multiple informal businesses operating in close proximity to family homes, creating an undesirable and potentially unsafe living environment.	The applicant cannot account for or comment on the alleged erection of a structure to establish a house shop, behind the objector’s property. The assumption that <i>“the immediate area may effectively become surrounded by multiple informal businesses creating an undesirable and potentially unsafe living environment”</i> is unfounded speculation. The establishment of house shops in the area are subject to the Land Use Planning By-Law and associated development restrictions, to be considered and approved by the municipality.
It is unfortunate that many residents within our community are not fully informed or literate regarding municipal participation processes and the lodging of formal objections. However, after engaging with several neighbouring residents, it is clear that many are unhappy	No evidence e.g. a petition, objection letters, minutes of meetings etc. is available that proof that the objector engaged with residents obtaining their view on the proposal. It is also pointed out that the proposed house shop is not located directly next to an existing shop, as claimed by the objector.

about the proposed opening of another spaza shop directly next to an already existing one.	
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Please also see the attached response dated 8 June 2026.

Yours faithfully



M Langenhoven

8/June 2026

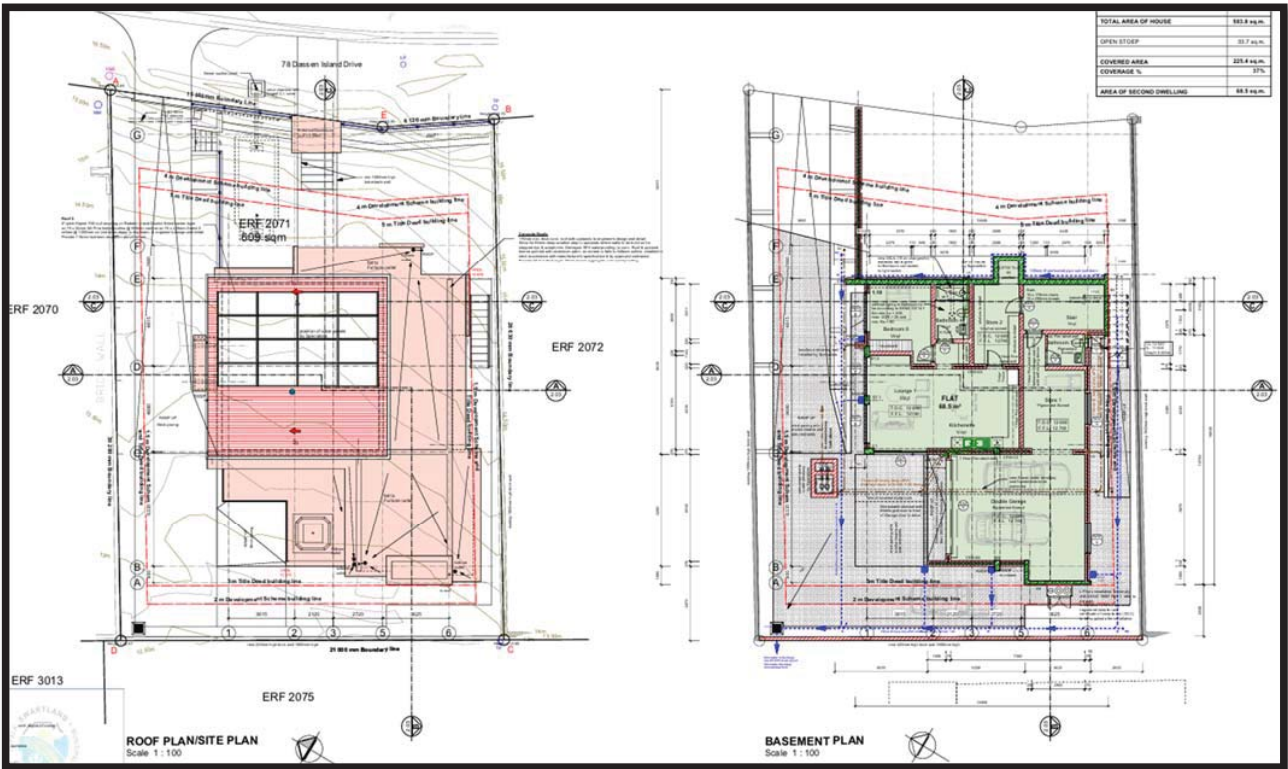
ITEM 6.3 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 12 AUGUSTUS 2026

LAND USE PLANNING REPORT PROPOSED DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 2071, YZERFONTEIN						
Reference number	15/3/4-14/Erf_2071	Application submission date	23 April 2026	Date report finalised	24 July 2026	
PART A: APPLICATION DESCRIPTION						
An application for the departure of development parameters on erf 2071, Yzerfontein in terms of section 25(2)(b) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The departure entails the departure of the following: - Departure of the 2m rear building line to 0m, and - Departure of the 1,5m side building line (southern boundary) to 0m for the erection of a garage. The applicant is Van Biljon Consulting Co. and owner is EDP Family Trust (IT4462/2004).						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	Erf 2071 Yzerfontein in the Swartland Municipality Division Malmesbury, Province of the Western Cape					
Physical address	78 Dassen Island Drive		Town	Yzerfontein		
Current zoning	Residential zone 1	Extent (m ² /ha)	609m ²	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)					
Current land use	Dwelling house currently in construction		Title Deed number & date	T56394/2023		
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		Amendment or cancellation of an approved subdivision plan		Permission in terms of a	

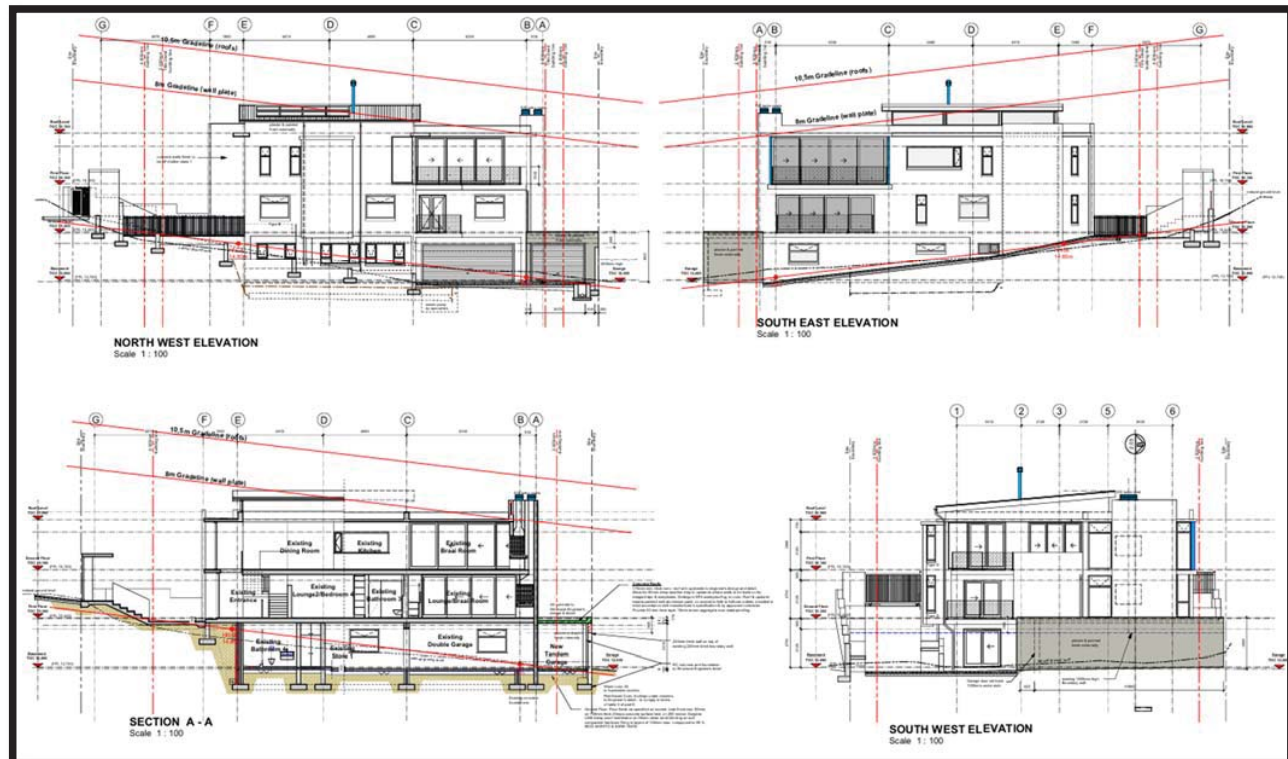
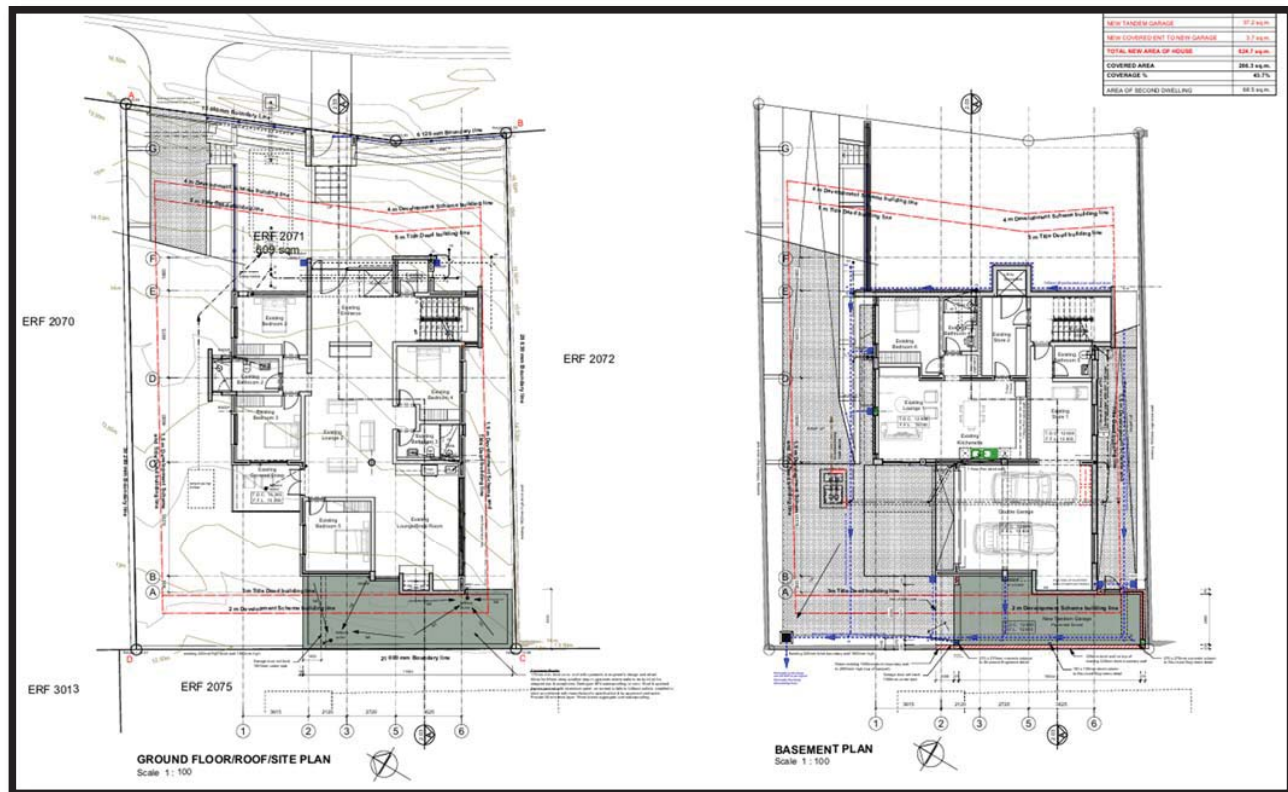
	in respect of existing approval		condition of approval	
Determination of zoning	Closure of public place	Consent use	Occasional use	
Disestablish a home owner's association	Rectify failure by home owner's association to meet its obligations	Permission for the reconstruction of an existing non-conforming use		

PART D: BACKGROUND

Erf 2071, Yzerfontein is zoned Residential zone 1. A new dwelling is being constructed on the property. The dwelling complies with all zoning parameters. See below an extract from the approved building plan indicating the position of the building work currently under construction.



See below the position of the proposed garage on the site plan, elevations and sections.



PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y

N

PART F: SUMMARY OF APPLICANT'S MOTIVATION*“...3. EIENDOMSBESKRYWING EN BESTAANDE TOESTAND*

Erf 2071 is geleë in 'n gevestigde residensiële area van Yzerfontein, gekenmerk deur enkelresidensiële ontwikkeling met 'n sterk rekreasionele komponent.

Belangrike eienskappe van die perseel sluit in:

- *'n Woonhuis tans onder konstruksie*
- *'n Variërende terreinprofiel met 'n duidelike natuurlike insinking*
- *Aangrensende residensiële eiendom aan alle kante*

4. BESKRYWING VAN DIE VOORGESTELDE ONTWIKKELING

Die voorstel behels die oprigting van 'n addisionele motorhuis vir die stoor van 'n boot en voertuig, wat direk verband hou met die residensiële en rekreasionele gebruik van die eiendom.

4.1 Boulyn-afwykings

Die volgende afwykings word versoek:

- *Verslapping van die agterboulyn vanaf 2.0 m na 0 m*
- *Verslapping van die suidelike syboulyn vanaf 1.5 m na 0 m*

4.2 Plasing en terreinreaksie

Die voorgestelde motorhuis is:

- *Geleë binne 'n natuurlike insinking op die laagste punt van die erf*
- *Visueel afgeskerm deur bestaande huis, grensmuur en terreinprofiel*
- *Geplaas om maksimum funksionaliteit te verseker met minimale ruimtelike impak*
- *Die voorstel is om die bestaande beplande grensmuur van 2m na 2,85m te lig. Hoogte is beperk tot minimum kophoogte binne motorhuis plus deur motor, beton slab en “n 170mm upstand” volgens minimum bou regulasies.*

Die ontwerp is doelbewus beplan met a beton plat dak om hoogte te beperk. Die motorhuis word weggesteek deur die huis en die grensmuur en het geen visuele impak op bure.

5.1 Behoeftes en wenslikheid

Yzerfontein funksioneer as 'n kusedorpie met 'n gevestigde boot- en rekreasiekultuur.

Die afwesigheid van formele bootstoorfasiliteite noodsaak privaat voorsiening.

Die ontwikkeling:

- *Ondersteun die beoogde gebruik van die eiendom*
- *Is funksioneel noodsaaklik vir veilige stoor van n boot*
- *Is tipies van die leefstyl en gebruikspatrone in die area*

5.2 Terreinbeperkings en ontwerpreaksie

Die voorgestelde afwykings spruit uit die terrein se topografie wat die voorgestelde ligging die mees geskikte posisie maak en die minste visuele impak het.

5.3 Minimum afwyking-beginsel

Die aansoek voldoen aan die beginsel van minimum afwyking:

- *Slegs die nodige verslapping word versoek*
- *Geen oormatige of onnodige ontwikkelingsregte word verlang nie, die ontwerp as aangepas om impak te beperk visueel (i.e plat dak)*
- *Die afwyking is direk gekoppel aan funksionele vereistes*

5.4 Ruimtelike impak en verenigbaarheid

Die ontwikkeling is ruimtelik aanvaarbaar aangesien:

- Dit ondergeskik bly aan die hoofgebruik
- Dit nie 'n verandering in grondgebruik impliseer nie
- Dit verenigbaar is met omliggende residensiële gebruike

6. IMPAKASSESSERING

6.1 Visuele impak

Die visuele impak word as laag beskou weens:

- Die ligging binne 'n natuurlike verlaging
- Beperkte hoogte en massa
- Verminderde sigbaarheid vanaf aangrensende eiendomme en weggesteek raak deur die grensmuur.

6.2 Privaatheid

Die ontwikkeling:

- Skep geen direkte oorsig na aangrensende leefareas nie. Geen vensters. Die plat dak sal nie gebruik word vir enige iets anders as om te dien as n dak nie.
- Beperk intervisibiliteit deur plasing en ontwerp

6.3 Lig en ventilasie

- Geen betekenisvolle skadu- of ventilasie-impakte word verwag nie
- Die skaal en ligging beperk enige potensiële nadelige effekte

6.4 Aangrensende eiendomme en deelname

- Eienaars van Erwe 2070 en 2072 het geen besware nie
- 'n Beswaar is ontvang vanaf Erf 2075.

Die ontwerp is n paar keer aangepas om die eienaar van erf 2057 te probeer akkommodeer. Die eienaar was bekommerd dat die plat dak vir onthaal gebruik gaan word en het n tradisionele dak versoek. Dit sal beteken dat die grensmuur met nog n meter moet lig vir brand regulasies wat nie gepas sal wees nie. Dit is aan hulle verseker dat daar geen intensie is om op die dak te onthaal nie. Die gesprekke het tot n einde gekom toe dit duidelik raak dat hulle onredelik is met hulle verwagtinge in hul laaste kommunikasie.

Alle korrespondensie met erf 2075 se eienaar in Appendix A.

Die aansoek moet derhalwe objektief beoordeel word op grond van beplanningsmeriete eerder as uitsluitlik op grond van buurtoestemming.

7. DIENSTE EN TOEGANG

- Geen addisionele las op munisipale infrastruktuur nie
- Geen verandering aan bestaande toegangspunte nie
- Interne funksionaliteit van die eiendom word verbeter

8. NORMATIEWE BEPLANNINGSBEGINSELS

Die aansoek voldoen aan gevestigde beplanningsbeginsels, insluitend:

- Doeltreffende grondgebruik
- Konteks-sensitiewe ontwerp
- Minimum negatiewe eksterne impakte
- Ondersteuning van bestaande grondgebruikregte..”

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 applicant obtained the written consent from all affected parties except that of the owner of erf 2075 which objected to the development proposal.						
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	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			
<u>Building Control</u> Building plans be submitted to the Senior Manager: Development Services for consideration and approval.			

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL COMMENTS ON THE OBJECTIONS
Liewel Trust, owner of erf 2075	Note: See "Annexure E" for the correspondence between the objector and applicant (owner of erf 2071).	Note: See "Annexure E" for the correspondence between the objector and applicant (owner of erf 2071).	Email correspondence took place between Emile du Preez (erf 2071 – EDP Family Trust) and Piet & Hannes Engelbrecht (erf 2075 -Liewel Trust). At the end of the correspondence the Liewel Trust withdrew their conditional consent and objected stating that the proposed building work needs to comply with the applicable regulations. A detailed discussion will follow under Part J, Point 2.5.

PART J: MUNICIPAL PLANNING EVALUATION

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

An application for the departure of development parameters on erf 2071, Yzerfontein in terms of section 25(2)(b) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The departure entails the departure of the following:

- Departure of the 2m rear building line to 0m, and
- Departure of the 1,5m side building line (southern boundary) to 0m for the erection of a garage.

The applicant obtained the written consent from all affected parties except that of the owner of erf 2075 which objected to the development proposal.

The objector and applicant (owner of erf 2071) corresponded with each other regarding possible mitigation to make the proposed building work less intrusive. This ended in the objector withdrawing its conditional consent.

The Division: Land Use & Town Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal 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

- a) Spatial Justice: Not considered due to the nature of the application.
- b) Spatial Sustainability: Not considered due to the nature of the application.
- c) Efficiency: Not considered due to the nature of the application.
- d) Good Administration: Processing of the applicant was within prescribed timeframes and decision making opportunities.
- a) Spatial Resilience: Not considered due to the nature of the application.

2.3 Spatial Development Framework(SDF)

Not considered due to the nature of the application.

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

The proposed garage will be used to park a boat as well as the motor vehicle of the parents of one of the trustees. The proposed garage encroaches the 1,5m side and 2m rear building lines to 0m respectively. The desirability of the departures will be argued at point 2.5.

2.5 Desirability of the proposed utilisation

A site inspection was conducted on 24 July 2026. The dwelling house on erf 2071 is currently under construction. The dwelling complies with all zoning parameters and is deemed to be in compliance with the land use rights of erf 2071. The existing dwelling is restrictive towards the placement of the proposed garage.

The scale, height and massing of the dwelling on erf 2071 visually overpowers the dwelling on erf 2075. During the site inspection it was sunrise and it was observed that the dwelling on erf 2071 casts a shadow on the dwelling on erf 2075. This will be the case during winter and to a lesser effect during summer. See the photo below.



The existing dwelling on erf 2071 has a bedroom with covered stoep (ground floor level) and a larger open stoep with a jacuzzi which can be accessed from the main bedroom, lounge and braairoom (first floor level). These areas faces onto erf 2075 and adversely impacts on the privacy of erf 2075, but complies with the land use rights of erf 2071 and is acceptable. See the photo below.



The height of the boundary wall facing erf 2075 will be 2,1m and 2,85m respectively. The total length of the wall accommodating the garage being 2,85m high, will be for a distance of 11,4m which stretches adjacent to the position of the dwelling on erf 2075. On erf 2075 there is a double storey dwelling of which the living area and kitchen, 1 bedroom, a bathroom and balcony face erf 2071. The sea view on erf 2075 is in a western direction, in the opposite direction of erf 2071. Furthermore, the proposed garage has a concreted roof which will not be used as an outside living area. The impact of the proposed garage will be no different than a boundary wall of 2,85m in height.

The Liewel Trust speculates that the proposed construction of the garage may adversely impact the value of their property given the measures that will need to be taken to ensure privacy. These measure have not been identified.

Sufficient evidence has been provided that the proposed garage poses minimum impact on erf 2075 – not negatively affecting privacy or the property value.

The title deed of erf 2071 accommodated restrictions regarding building lines. However, the proposed garage complies with the requirements of paragraph B7(b)(i) and B7(b)(ii) which states the following (see the extract from the title deed below):

- (b) No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 meters to the street line which forms a boundary of this erf, nor within 3 meters of the rear or 1.5 meters of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority: -
- (i) An outbuilding used solely for the housing of motor vehicles and not exceeding 3 meters in height, measured from the ground floor of the outbuildings to the wall-plate thereof, may be erected within such side and rear space, and any other buildings of the same height may be erected within the rear space and side space for a distance of 12 meters measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12 meters shall be measured from the point furthest from the streets abutting the erf;
- (ii) An outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribes spaces, if no windows or doors are inserted in any wall facing such boundary.

3. Impact on municipal engineering services

No impact.

4. Comments of organs of state

N/A

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 the departure of development parameters on erf 2071, Yzerfontein 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 following conditions:

1. Departure of the 2m rear building line to 0m and
2. Departure of the 1,5m side building line (southern boundary) to 0m for the erection of a garage.

B. GENERAL

- (a) 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;
- (b) 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 R5200,00 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 position of the existing dwelling is restrictive towards planning and designing the proposed garage to comply with the building lines.
2. The owner of erf 2071 has a need to provide additional garage parking space for a boat and motor vehicle.
3. The existing dwelling on erf 2071 have an adverse impact on the privacy and light exposure of erf 2075 which is within the land use rights of the property. The impact of the proposed garage is deemed to be minimal.
4. The visual impact of the proposed garage from erf 2075 will be no different than that of a boundary wall of 2,85m in height.
5. The concrete roof of the proposed garage will not be used as an outdoor living area/balcony.
6. The potential impact on the property value of erf 2075 is speculative.
7. The development proposal is in compliance with the title deed restrictions applicable to the property.

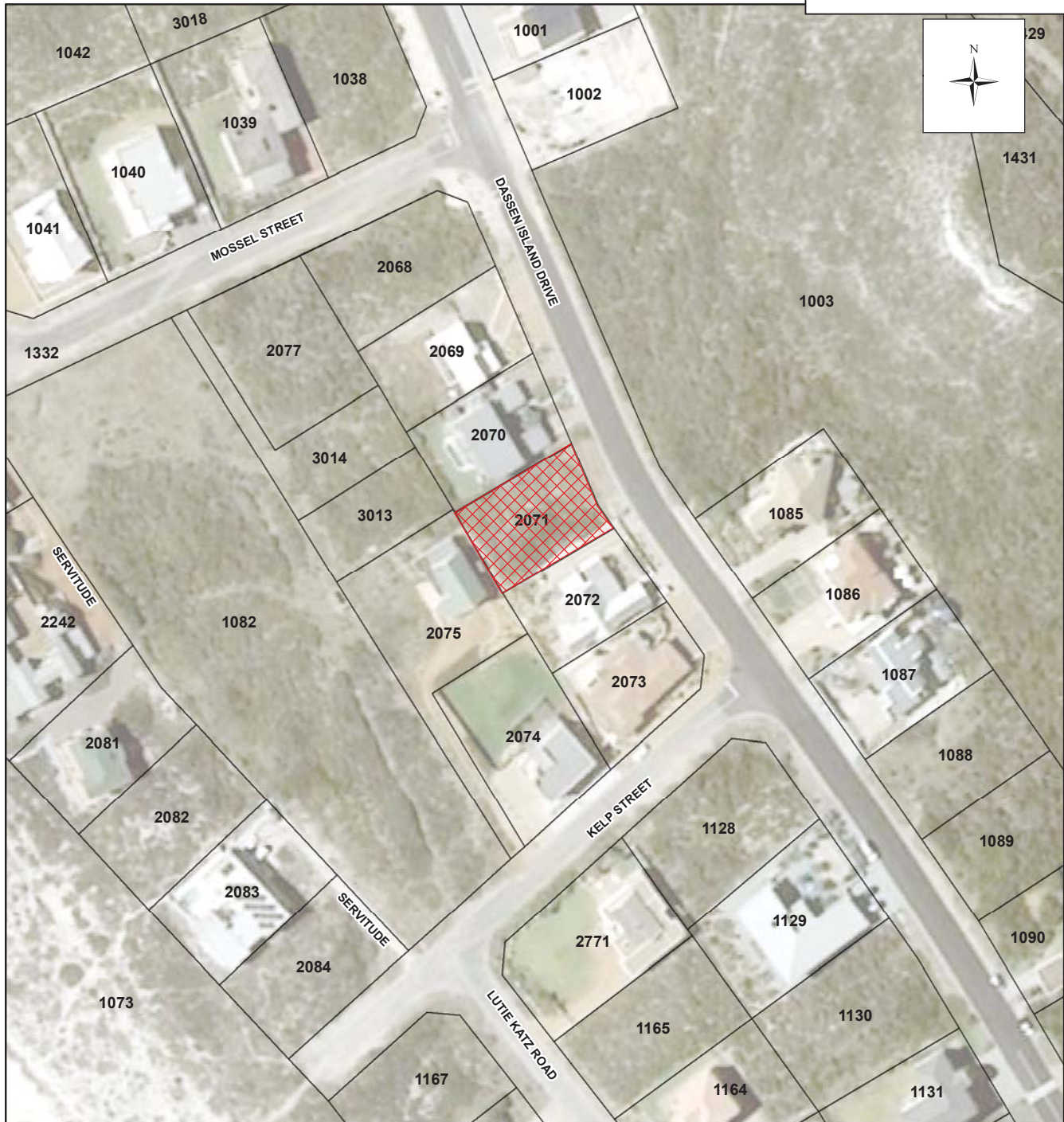
PART N: ANNEXURES

Annexure A	Locality Plan
Annexure B	Building plan
Annexure C	Consent from the owner of erf 2070 – JS & MM Raaths
Annexure D	Consent from the owner of erf 2072 – BBS Tromp
Annexure E	Correspondence between the EDP Family Trust and the Liewer Trust

PART O: APPLICANT DETAILS

First name(s)	Emile du Preez			
Registered owner(s)	EDP Family Trust (IT4462/2004).	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: 29 July 2026	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended	☒	Not recommended
		Date: 30 Julie 2026	

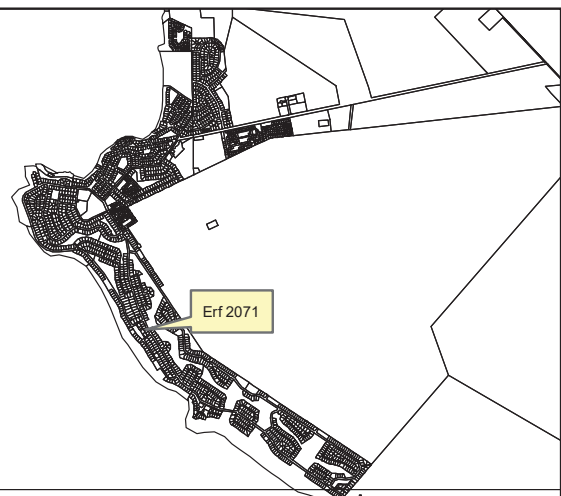


Locality plan

Erf 2071, Yzerfontein

Departure of development parameters

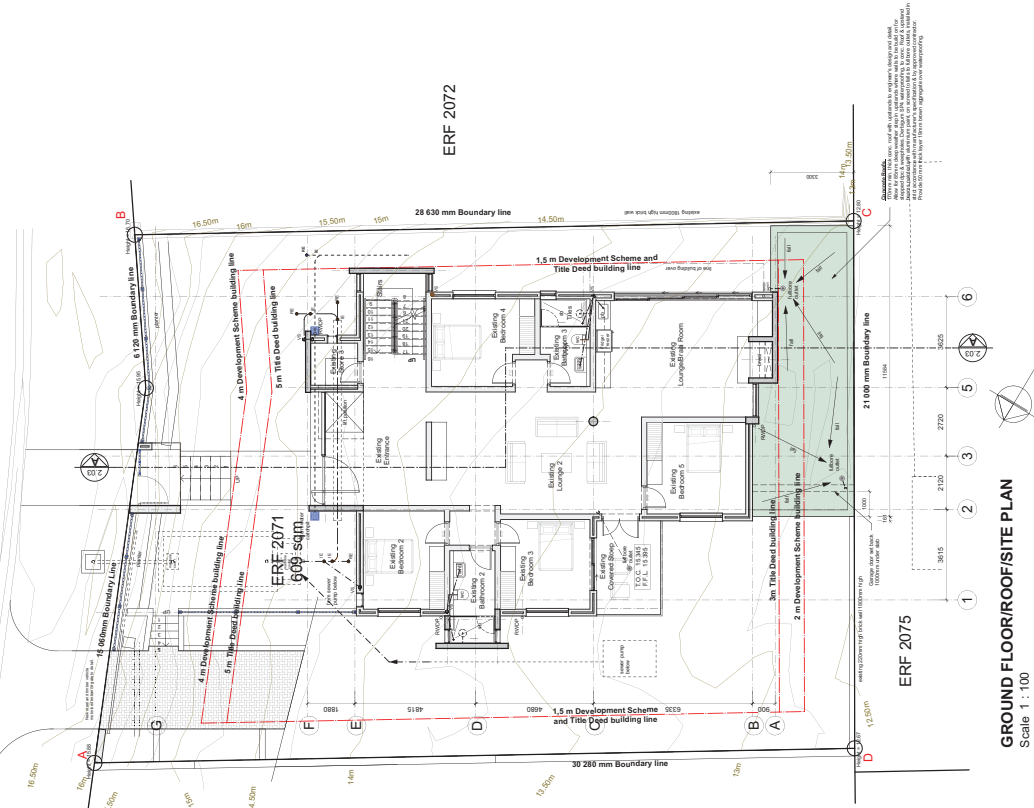
Scale: N/A



POINT	X	Y
A	78265.686	3692094.982
B	78266.230	3693013.637
C	78260.454	3693026.051
D	78261.337	3693011.073
E	78262.720	3693060.230

ERF PEG COORDS. (MOTD)

Dassen Island Drive 16,00m



GROUND FLOOR/ROOF/SITE PLAN
Scale 1 : 100

- ENDORSEMENTS:**
1. No building work may encroach any erf boundaries.
 2. Building Inspector to evaluate boundary pegs.
 3. Structural Engineers Drawings and Details to be submitted to Council before commencement of any building work.
 4. Safety glass must be required at bath enclosures immediately above and within a distance of 1800mm horizontally or vertically from a bath or shower as well as immediately adjacent to a stairway, ramp, or other access point.
 5. The weight of the solar panels must be taken into account when the competent person designs the roof.

AREAS LEGEND	
THE SITE	
ZONING (H4)	RESIDENTIAL
SITE	899 sq m.
BUILDING LINE FRONT (Street)	4.0 m
BUILDING LINE SIDE	2.0 m
BUILDING LINE BACK	2.0 m
THE HOUSE	
DESCRIPTION	TOTAL
EXISTING GROUND FLOOR	175.1 sq m.
EXISTING FIRST FLOOR	199.5 sq m.
EXISTING SECOND FLOOR	177.2 sq m.
EXISTING COVERED TERRACES	22.8 sq m.
EXISTING COVERED STOPS	9.1 sq m.
TOTAL EXISTING AREA OF HOUSE	583.9 sq m.
EXISTING OPEN STOP	33.7 sq m.
NEW TANDER GARAGE	37.2 sq m.
NEW COVERED ENT TO NEW GARAGE	37.2 sq m.
TOTAL NEW AREA OF HOUSE	624.7 sq m.
COVERED AREA	268.3 sq m.
COVERAGE %	43.7%
AREA OF SECOND DWELLING	88.5 sq m.

All plans to be read in conjunction with the Energy Efficiency in Buildings report as attached. All in accordance SANS 10400 XA & XA

REVISIONS / VYBINGES	
NO.	DESCRIPTION
1	Initial Design
2	10 February 2020

DATE: 10 February 2020

BY: [Signature]

FOR: [Signature]

CLIENT SIGNATURE: [Signature]

APPROVED SIGNATURE: [Signature]

SACAP 452

DATE: 10 FEB 2020

PROJECT: [Signature]

PROJECT: [Signature]

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MUNICIPAL

Van Biljon Consulting Co.
P.O. Box 4972
Tegonagat
7800
Tel: 027 257 7646/467
Fax: 027 257 7646/467
www.vanbiljon.co.za
info@vanbiljon.co.za

PROPOSED NEW DWELLING
HOUSE DU PREEZ
ERF 2071
78 DASSEN ISLAND DRIVE
YZERFONTEIN

ANNEXURE B
ROOF PLAN/GROUND
BASEMENT PLAN

112	2.01
1:100	16/02/2026
phip	

16 February 2026

Any material not indicated as 'water-tight' is considered to be 'water-tight' unless otherwise stated. The contractor is responsible for ensuring that all materials used are of the correct quality and quantity. The contractor is responsible for ensuring that all materials used are of the correct quality and quantity. The contractor is responsible for ensuring that all materials used are of the correct quality and quantity.

NOTES

All plans to be read in conjunction with the Energy Efficiency in Buildings report as attached. All in accordance with the Energy Efficiency in Buildings report as attached. All in accordance with the Energy Efficiency in Buildings report as attached.

REVISIONS / WISINGS
NO. DESCRIPTION DATE
1. Initial design 16 February 2020

CLIENT SIGNATURE: [Signature]
DATE: 16/02/2020

MUNICIPAL

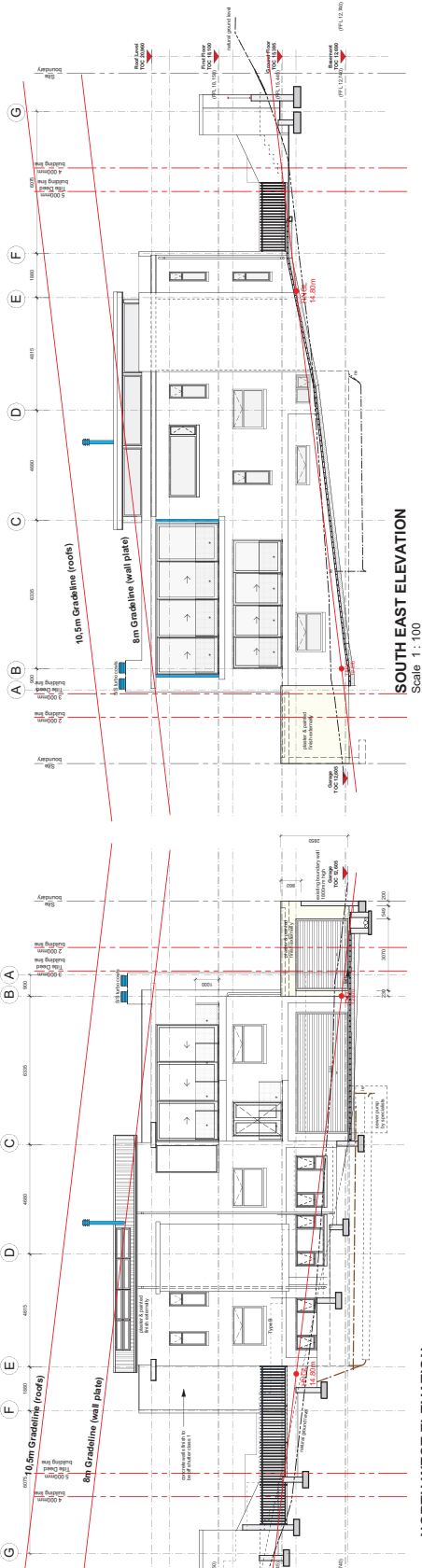
Von Biljon Consulting Co.
CONSULTING ENGINEERS
100 Bona Vista
100 Bona Vista
100 Bona Vista

PROPOSED NEW DWELLING
HOUSE DU PREEZ
78 DASSEN ISLAND DRIVE
YZERFONTEIN

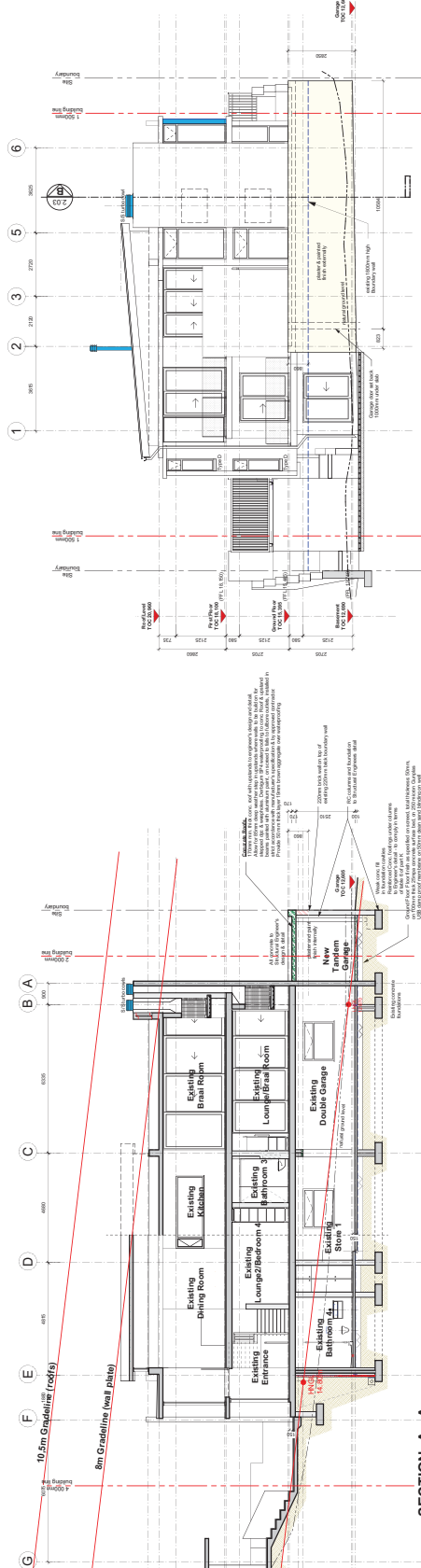
SECTION A - A
ELEVATIONS

NO.	DATE	BY	CHKD
112	2.02	0	
1:100	16/02/2020	phlp	

16 February 2020



NORTH WEST ELEVATION
Scale 1:100



SOUTH WEST ELEVATION
Scale 1:100

GENERAL NOTES

- Excavations:** All excavations shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all excavations are carried out in accordance with the relevant specifications.
- Foundation:** All foundations shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all foundations are carried out in accordance with the relevant specifications.
- Concrete:** All concrete shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all concrete is carried out in accordance with the relevant specifications.
- Roofing:** All roofing shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all roofing is carried out in accordance with the relevant specifications.
- Windows:** All windows shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all windows are carried out in accordance with the relevant specifications.
- Doors:** All doors shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all doors are carried out in accordance with the relevant specifications.
- Plumbing:** All plumbing shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all plumbing is carried out in accordance with the relevant specifications.
- Electrical:** All electrical shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all electrical is carried out in accordance with the relevant specifications.
- Painting:** All painting shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all painting is carried out in accordance with the relevant specifications.
- Landscaping:** All landscaping shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all landscaping is carried out in accordance with the relevant specifications.

CONCRETE

- Formwork:** All formwork shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all formwork is carried out in accordance with the relevant specifications.
- Reinforcement:** All reinforcement shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all reinforcement is carried out in accordance with the relevant specifications.
- Pouring:** All pouring shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all pouring is carried out in accordance with the relevant specifications.
- Curing:** All curing shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all curing is carried out in accordance with the relevant specifications.
- Finishing:** All finishing shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all finishing is carried out in accordance with the relevant specifications.

PLASTERING

- Preparation:** All preparation shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all preparation is carried out in accordance with the relevant specifications.
- Application:** All application shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all application is carried out in accordance with the relevant specifications.
- Finishing:** All finishing shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all finishing is carried out in accordance with the relevant specifications.

PAINTING

- Preparation:** All preparation shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all preparation is carried out in accordance with the relevant specifications.
- Application:** All application shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all application is carried out in accordance with the relevant specifications.
- Finishing:** All finishing shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all finishing is carried out in accordance with the relevant specifications.

LANDSCAPING

- Preparation:** All preparation shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all preparation is carried out in accordance with the relevant specifications.
- Application:** All application shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all application is carried out in accordance with the relevant specifications.
- Finishing:** All finishing shall be carried out in accordance with the relevant specifications. The contractor shall be responsible for ensuring that all finishing is carried out in accordance with the relevant specifications.

ANNEXURE C

JS & MM Raaths

Erf 2070

Date: 16 Feb 2026

The Building Control Officer/Official
Swartland Municipality
Private Bag X52
MALMESBURY
7299

Sir

DEPARTURE/RELAXATION: ERF 2071 TOWN: Yzerfontein

As registered owner of the abovementioned erf I wish to apply for the departure/relaxation of the
☒ lateral building line/s; ☐ street building lines; ☐ coverage; ☐ 2nd dwelling as indicated on
the plan. The departure/relaxation required, including the reasons for it, are:

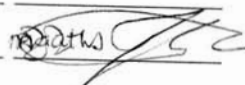
Relaxation of the building line to 0m over a portion of the Southern and Western boundary in order
to fit and additional garage for boat storage as indicated on plan.

I, the undersigned, hereby confirm that the plan indicating the departure/relaxation has been
shown and explained to the adjacent/affected owner(s). And also, the signatures reflected on the
building plans, are those of the registered owner(s) of the adjacent/affected erf/erven.

Owner of erf nr: 2071
Signature: 
Identity Number: IT 4462/2004

UNDERTAKING OF ADJACENT/AFFECTED OWNER

I hereby give approval that the abovementioned departure/relaxation on erf 2071 may be granted as
indicated on the plan. Furthermore I confirm that the plan has been shown to me and signed, and that I am
the registered owner of the adjacent/affected erf.

	<u>Initials and Surname</u>	<u>Signature</u>	<u>Date</u>
1. Erf <u>2075</u>	<u>Liewil Trust</u>		
2. Erf <u>2070</u>	<u>JS & MM Raaths</u>		<u>16/02/2026</u>
3. Erf <u>2072</u>	<u>BBS Tromp</u>		
4. Erf _____			

Afrikaans op keersy.

ANNEXURE D

B.B.S. Tromp

Erf 2072

Date: 3 March 2026

The Building Control Officer/Official
Swartland Municipality
Private Bag X52
MALMESBURY
7299

Sir

DEPARTURE/RELAXATION: ERF 2071 TOWN: Yzerfontein

As registered owner of the abovementioned erf I wish to apply for the departure/relaxation of the
☒ lateral building line/s; ☐ street building lines; ☐ coverage; ☐ 2nd dwelling as indicated on
the plan. The departure/relaxation required, including the reasons for it, are:

Relaxation of the building line to 0m over a portion of the Southern and Western boundary in order
to fit and additional garage for boat storage as indicated on plan.

I, the undersigned, hereby confirm that the plan indicating the departure/relaxation has been
shown and explained to the adjacent/affected owner(s). And also, the signatures reflected on the
building plans, are those of the registered owner(s) of the adjacent/affected erf/erven.

Owner of erf nr: 2071
Signature: 
Identity Number: IT 4462/2004

UNDERTAKING OF ADJACENT/AFFECTED OWNER

I hereby give approval that the abovementioned departure/relaxation on erf 2071 may be granted as
indicated on the plan. Furthermore I confirm that the plan has been shown to me and signed, and that I am
the registered owner of the adjacent/affected erf.

		Initials and Surname	Signature	Date
1.	Erf <u>2075</u>	Liewil Trust		
2.	Erf <u>2070</u>	JS & MM Raaths		
3.	Erf <u>2072</u>	BBS Tromp		<u>3 MARCH, 2026</u>
4.	Erf _____			

Afrikaans op keersy.

Appendix A Correspondence with owner erf 2075

From: Emile Du Preez (NCP) <DuPreezE@nra.co.za>
Sent: Monday, 16 February 2026 15:54
To: Piet Engelbrecht <Piet@ebesa.co.za>
Cc: Peet Van Biljon <peet@vbcc.co.za>; Philip Fourie <tech1@vbcc.co.za>
Subject: Voorgestelde addisionele motorhuis – bevestiging en handtekening

Middag Piet,

Ek hoop dit gaan goed.

Ek is Emile, die nuwe eienaar van die eiendom agter Liezl. Peet, my argitek, het 'n tydjie terug met jou gesels oor my voorneme om 'n addisionele motorhuis tussen my huis en die grensmuur te bou.

Peet en sy span het nou die aangehegte voorstel voorberei soos bespreek. Sal jy asseblief daarna kyk en bevestig of jy dit in dié formaat kan aanvaar? Ek sal dit ook waardeur as jy, indien jy tevrede is, die vorm in die tweede aanhangsel vir my kan teken.

Laat my gerus weet indien jy enige vrae het of verdere verduideliking benodig.

Dankie vir jou tyd en samewerking.

Vriendelike groete
Emile du Preez

Daar is 'n paar afwykings van wat my voorheen ingelig is.

1. Die Motorhuis/boothuis is nou plus 'n werkkamer/stoor wat tot erf 2072 strek.
2. Daar word 'n betonblad getoon oor die volle omvang van item 1. Dit beteken dat 3 nuwe beton kolomme moet ingesny word in die bestaande grensmuur. Dit beteken verdere betreding van erf 2075 wat voorheen tot ontevredenheid gelei het. "n Ligte dak kan voorsien word. Die kolomme (indien enige benodig) kan binne die bestaande grensmuur geplaas word.
3. Die bestaande grensmuur se verhoging is nou 1,200mm (in plaas van 600mm) en strek die volle muur soos per item 1. Dit beteken verdere betreding van erf 2075.
4. Die belangrikste is dat daar geen toegang tot hierdie dak mag wees nie, om dit as 'n balkon, planttuin of soortgelyks te gebruik nie. Ons sal aandring op 'n Titel Akte aantekening tot hierdie effek vir nou en in die toekoms.
5. Die stormwater uitgooi oor erf 2075, soos voorheen ooreengekom is nie op hierdie planne getoon nie. Dit laat onsekerheid oor die waarde van voorheen en huidige verslapping ooreenkomste.

Groete,

Piet Engelbrecht

TRUSTEE

Pr. Arch. MI.Arch. B.Arch. (UCT)

TEL: **021 914 2340**

CELL: **083 444 4773**

Beste Piet, Hiermee ons aangepaste voorstel vir die motorhuis, wat slegs bedoel is vir die stoor van 'n boot en moontlik 'n klein voertuig.

1. In die algemeen sal jy oplet dat ons die motorhuisdeur teruggesit het om aan te pas by die bestaande motorhuisdeur asook om aan die brandregulasie te voldoen.
2. Op GEEN manier sal daar enige gebruik van die beton dak gemaak word nie, aangesien daar genoeg beter onthaalruimtes in die huis gaan wees en ook omdat dit onwettig en ontoelaatbaar sal wees. Die aspek is ook reeds so deur die Stadsbeplanning aan ons oorgedra.
3. Die betonstruktuurkolomme sal binne die grens geplaas word, sonder om enigsins aan die bestaande grensmuur te wysig.
4. Die tekening was dat ons reeds die plafonhoogte op 'n minimum van 2,4m aangespas het. Tesame met die toelating vir die betonblad plus statutêre 'upstand' van 300mm is die totale verhoging van die grensmuur-gedeelte van die motorhuis 'n addisionel 1,095m
5. Die vloervlak van die voorgestelde motorhuis is dieselfde as die goedgekeurde motorhuisvlak, wat reeds op die laaagte moontlike vlak is.
6. Die stormwater se retikulasie bly soos voorheen, en sal geïmplimenteer word soos die konstruksie vorder. Die tekening dui wel die konneksieput aan vanwaar die stormwaterpyp sal vloei oor ERF 2075 soos voorheen aangedui, en wel binne die Munisipale regulasie is vir die spesifieke projek.

Ek vertrou dat die inligting genoegsaam is vir jou oorweging,
Met dank en waardering

Groete

Peet van Biljon
Pr. Architect M.Phil. CBE UCT
SACAP 4525 CIFA 5538 APHP CHP 0138

More Piet

Dankie vir die vinnige terugkom met kommentaar.

1. Die Motorhuis/boothuis is nou plus 'n werkkamer/stoor wat tot erf 2072 strek.

Die doel hiermee is om 'n boot heeltemal agter in te kan instoot, met die moontlikheid om my ouers se voertuig steeds voor die boot te parkeer. Ek het reeds met die eienaar van erf 2072 gesels, en hy het hierdie uitleg aanvaar. Indien die struktuur slegs tot op die 1,5 m-grens gebou word, sal beide die boot en voertuig nie pas nie, en sal daar 'n onfunksionele ruimte agter die motorhuis ontstaan.

2. Daar word 'n betonblad getoon oor die volle omvang van item 1.
Dit beteken dat 3 nuwe beton kolomme moet ingesny word in die bestaande grensmuur. Dit beteken verdere betreding van erf 2075 wat voorheen tot ontevredenheid gelei het. "n Ligte dak kan voorsien word.
Die kolomme (indien enige benodig) kan binne die bestaande grensmuur geplaas word.

Die ingenieur het die kolomme versoek weens die moontlikheid dat die muur te lig is om dak te ondersteun. Ek het egter versoek dat die kolomme nie enige verdere breedte van die motorhuis opneem nie, aangesien die boot andersins nie in breedte sal pas nie.

Liesl kan my direk kontak indien daar weer enige probleme met skoonmaak of toegang sou ontstaan, maar sal probleme probeer vermy.

3. Die bestaande grensmuur se verhoging is nou 1,200mm (in plaas van 600mm) en strek die volle muur soos per item 1. Dit beteken verdere betreding van erf 2075.

Hierdie verhoging is egter nodig om 'n 2,4 m plafonhoogte, asook die betonblad en upstand, te akkommodeer. Ons gaan ook die slab in die bestaande huis slab intie op die hoogte. Die Titellakte se maksimum hoogtebeperking van 3 m word steeds nagekom.

4. Die belangrikste is dat daar geen toegang tot hierdie dak mag wees nie, om dit as 'n balkon, planttuin of soortgelyks te gebruik nie. Ons sal aandring op 'n Titel Akte aantekening tot hierdie effek vir nou en in die toekoms.

Swartland se stadsbeplanner het dit ook reeds duidelik aan my gestel, en ek het geen intensie om die dak vir enige doel te gebruik nie. My bestaande Titellakte beperk hierdie area reeds tot uitsluitlik 'n motorhuis, sonder vensters, om geen nadelige invloed op die bure te hê nie. Hierdie bepaling kan dus ook so op die consent-vorm ingesluit word voor u teken.

Page 4

- (b) No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 meters to the street line which forms a boundary of this erf, nor within 3 meters of the rear or 1.5 meters of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority: -
- (i) An outbuilding used solely for the housing of motor vehicles and not exceeding 3 meters in height, measured from the ground floor of the outbuildings to the wall-plate thereof, may be erected within such side and rear space, and any other buildings of the same height may be erected within the rear space and side space for a distance of 12 meters measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12 meters shall be measured from the point furthest from the streets abutting the erf;
- (ii) An outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribes spaces, if no windows or doors are inserted in any wall facing such boundary.

N.T.

Laat my gerus weet indien enige verdere verduidelikings of aanpassings nodig is.

Vriendelike groete
Emile

Emile,

Jammer, ek gebruik nie die telefoon vir sake nie, en ek het dringende betalende sperdatums om te bereik, selfs met 'n maag aandoening.

Neem asseblief kennis dat ons jou baie graag tegemoet wil kom, maar bouregte en boulyne is daar om te verhoed dat aanliggende eienaars nie **benadeel** word nie.

Ek voel ons het nou hierdie lyn, met die nuutste voorgestelde verslappings bereik.

- Hou asseblief die verhogings van die muur by 600mm.
Die bestaande grensmuur is 2,000mm gemiddeld aan erf 2075 se kant plus 600mm is 2,600mm wat maksimaal aanvaarbaar is vir die volle 11M.
- Verlaag die nuwe motor / boothuis vloer met 300 tot 450mm.
Oorweeg 'n ligte struktuur afdak met 'n laer vloer tot dak hoogte
- Die beton kolomme wat ingesny moet word is nie aanvaarbaar nie.
Hierdie fondamente vir die kolomme sal 'n groot gat beteken en die bestaande muur moet oopgegrawe word aan erf 2075 se kant tot op fondament vlak.
- As kolomme benodig word:
Daar word 'n messelwerk "nib" getoon by die deur wat 'n beton kolom kan word.
Die suidelikke kolom kan in die laterale grensmuur teen erf 2072 ingebou word.
Die middelste kolom kan 150 x 600mm wees.
- Indien kolomme soos bo benodig word moet daar hoepels aan bestaande grensmuur vasgeskiet word en ingegiet word in kolomme.

Groete.

Piet Engelbrecht

TRUSTEE

Pr. Arch. MI.Arch. B.Arch. (UCT)

TEL: **021 914 2340**

CELL: **083 444 4773**

My vorige e-pos is duidelik:

- Hou asseblief die verhogings van die grensmuur by 600mm.
Die bestaande grensmuur is 2,000mm gemiddeld aan erf 2075 se kant plus 600mm is 2,600mm wat maksimaal aanvaarbaar is vir die volle 11M.
- Verlaag die nuwe motor / boothuis vloer.
- Oorweeg 'n ligte struktuur afdak met 'n laer vloer tot dak hoogte.
Ons is teen 'n beton dak gekant.
Ons sal aandrang op 'n titelakte aantekening as daar nou en toekomstiglik enige dak is.
- Die beton kolomme wat soos nou voorgestel is, is aanvaarbaar.
- Indien kolomme soos bo benodig word moet daar hoepels aan bestaande grensmuur vasgeskiet word en ingegiet word in kolomme.

Groete.

Piet Engelbrecht

TRUSTEE LIEWIL TRUST

Pr. Arch. MI.Arch. B.Arch. (UCT)

TEL: **021 914 2340**

CELL: **083 444 4773**

Piet, aangeheg is die nuutste snit vir jou aandag:

1. Gegewe al die bevestigde info kon ons die addisionel hoogte beperk tot 'n addisionele 750mm, ander moet ons die vloervlak verlaag met 150mm wat 'n bekommernis is vir die hoogte van die plaveiselvlak in die hoek van die erf waar die stormwater se punt deur Erf 2075.
2. Betonkolomme sal losstaande wees van die grensmuur.
3. "n plaatmetaaldak sal veroorsaak dat daar 'n brandmuur van min 1m bo die dakvlak op die grens gebou moet word om aan die brandvereistes te voldoen, wat uiteraard nie vir julle wenslik sal wees nie.
4. Al die nodige beperkings van die gebruik van die betondak (reeds in die titelakte vervat) kan ooreengekom word. Die verbod op die gebruik van die dakruimte is reeds so bevestig deur Stadsbeplanning. Die woonhuis het ook genoeg onthaalruimtes en het gladnie toegang of gebruik van die betondak nodig nie, behalwe vir normale onderhoud.
5. Julle oorweging van die 750mm bo op die grensmuur sal waardeer word.

Groete

Peet van Biljon
Pr. Architect M.Phil. CBE UCT
SACAP 4525 CIFA 5538 APHP CHP 0138

for Van Biljon Consulting Co. Reg No 2022/748634/07

More Piet

Ek vra onverskoning dat ek jou weer hiermee pla, maar ons is onder druk om hierdie proses aan die gang te kry binne my boukontrak. Die munisipale goedkeuring sal ook nog tyd neem.

Ons het nou basies al die voorwaardes nagekom soos deur jou uitgelig, met een uitsondering.

Die voorstel is dat ons die muur met **750 mm lig in plaas van 600 mm**. Dit stel ons in staat om die minimum **headroom vir 'n garage-motor** te behou, terwyl ons ook op **grondvlak kan bly vir dreinerings** en my **oprit tussen die garages gelyk kan hou**, wat baie help wanneer 'n boot in reverse ingery word.

Kan jy my asseblief laat weet of julle my hiermee tegemoet kan kom? Indien nie, sal ek ongelukkig die headroom binne die garage moet prysgee en nie 'n motor vir die deur installeer nie. Indien dit die besluit is, sê asseblief so, sodat ek ten minste vorentoe kan beweeg.

Julle kan dan ook op julle goedkeuring kondisioneel maak en stipuleer dat die dak vir niks kan gebruik word nie. Die munisipale goedkeuring en my titelakte sal dit dan dus beperk.

Hopelik is dit nou die laaste keer wat ek jou hiermee pla om die finale besluit uit te sorteer.

Jammer om n pyn te wees hiermee. Baie dankie.

Emile

Hi Emile,

Die eiendom word deur n trust besit (Liewil Trust).

Ons het n trustee vergadering vandag om die saak te bespreek en sal n finale antwoord aan jou lewer nie later as Maandag.

Groete,

Hannes Engelbrecht.

Artgun.

www.artgun.co.za

Cell: 082 556 7593

Good day Emile,

The above matter and email trail regarding proposals refer.

The trustees of Liewil Trust have met to discuss the construction proposals in respect of your Erf 2071 and the impact it may have on the abutting Erf 2075.

The proposals reflected on your plans will have a significant impact on Erf 2075. Given the fact that the property is positioned downslope of your erf, the height of the proposed structures will be perceived much higher and will certainly have an adverse impact on privacy and light exposure. The construction proposals are considered obtrusive and adversely affect our right to privacy. We anticipate that the nature of the construction proposal may adversely impact the value of our property given the measures that will need to be taken to ensure some level of privacy.

It appears the options suggested by Piet Engelbrecht (Liewil Trust trustee) have not been accepted by you and we have reached a point where no viable options are available. We suggest that design and construction proposals be reconsidered in order to comply with the regulations applicable to the residential property to protect the rights of all property owners involved.

Regards,

Hannes Engelbrecht.

Artgun.

www.artgun.co.za

Cell: 082 556 7593

ITEM 6.4 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 12 AUGUSTUS 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

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 applicant is CK Rumboll & Partners and owner Virtigo Prop 33 Pty Ltd.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Gedeelte 5 van die plaas Doornekraal nommer 830 in die Munisipaliteit Swartland, Afdeling Malmesbury, Provinsie Wes-kaap					
Physical address	±11km south of Malmesbury			Town	N/A	
Current zoning	Agricultural zone 1	Extent (m²/ha)		139,3 720ha	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland 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	

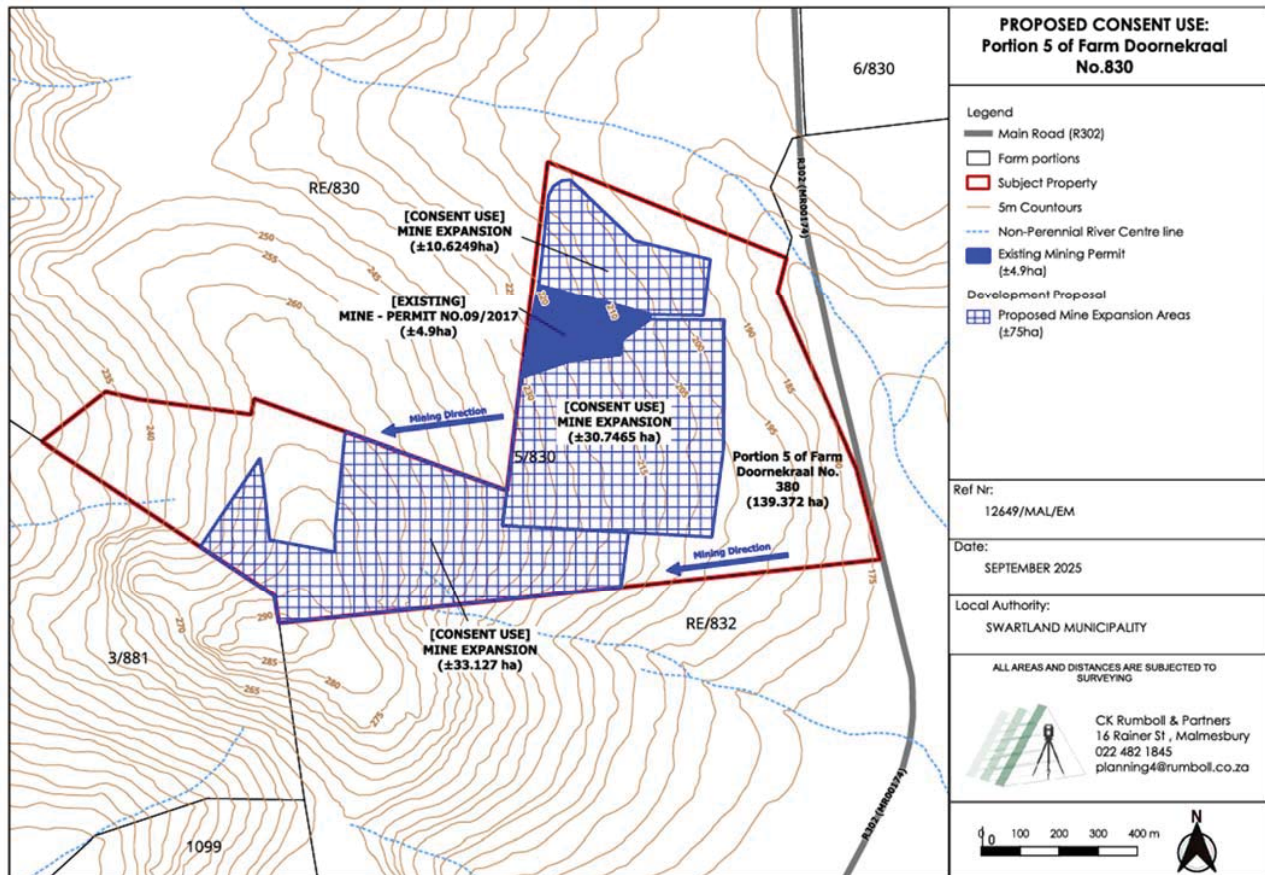
Permissions in terms of the zoning scheme	Amendment, deletion or imposition of conditions in respect of existing approval	Amendment or cancellation of an approved subdivision plan	Permission in terms of a condition of approval
Determination of zoning	Closure of public place	Consent use	✓ Occasional use
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

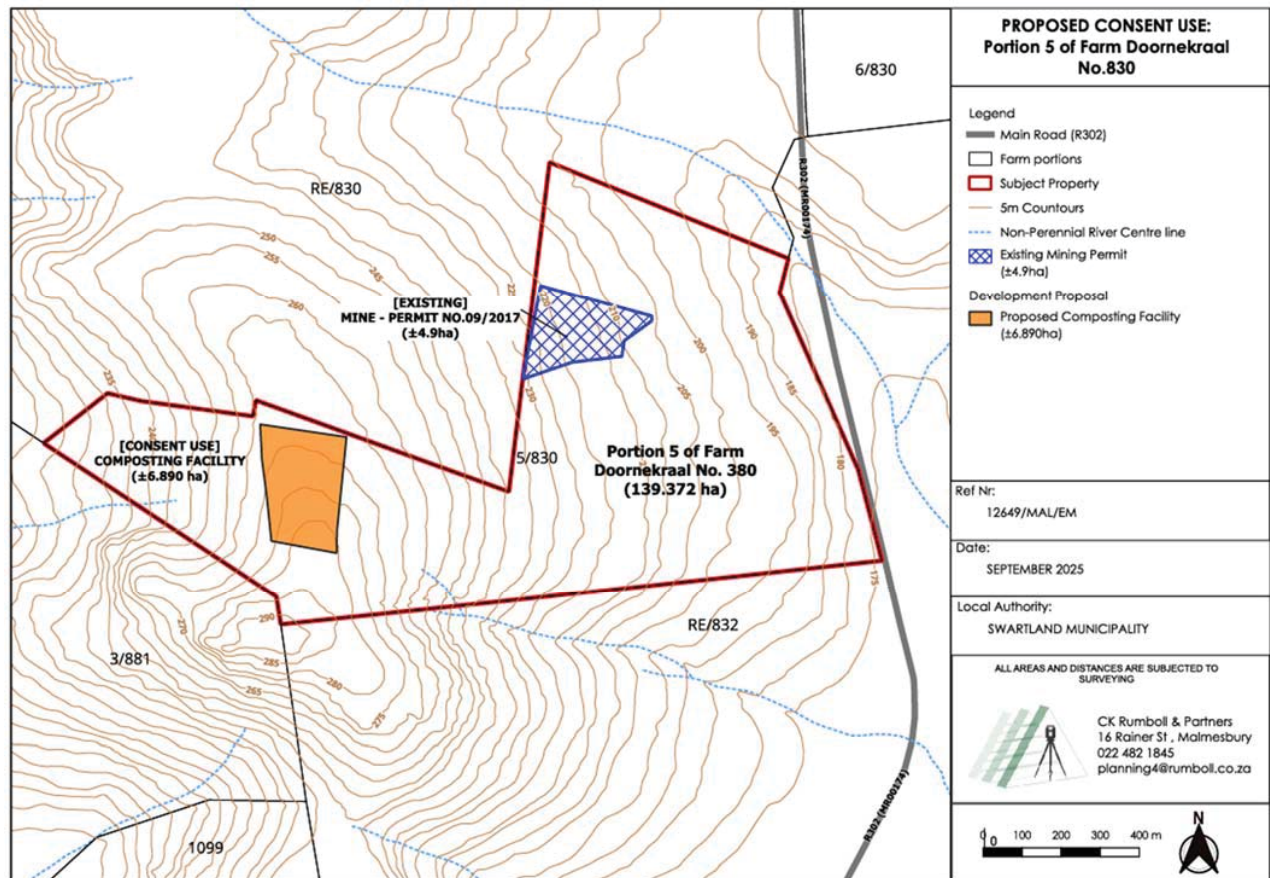
Land use rights for mining on farm Doornekraal no 830/5, Division Malmesbury was approved by the municipality in December 2017. An Environmental Authorization and Mining permit were also issued. Mining activities were authorized for sand mining and stockpiling which were restricted to an area of 4,9ha. 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 ($\pm 7,4$ ha in extent) mined than approved by the land use approval, Environmental Authorisation and Mining Permit (4,9ha approved), a second area of ± 7 ha 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

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 reduces 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
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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
Total letters of support			0		
			Comment was requested but no comment received.		

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	
<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> <i>Kom tot jul sinne. Ek weet waarvan ek praat. Hulle voel niks vir die bewaring van ons natuur nie.</i> <i>Ek maak teen sterkste beswaar.</i>	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. 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. 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).	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. 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. The applicants comments are supported regarding the provisions made for mining in the southern parts of the municipal area as defined by the MSDF. 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. The author is satisfied that the concerns of the objector has been addressed by the EA issued by the DMRE.	

	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
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	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.
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2. Gabriel Jacobus Lambrechts (Rhessau Trust & Nassau Boerdery) (Portion 8 of Farm Doornekraal No.803)		
Comments / objections	Response	Municipal Comments
<i>Erosie</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 afeibane 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.	Noted. As mentioned previously, the submitted EIA prescribes mitigation measures : • 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. 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	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.

<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>	manage potential impacts on adjoining properties. 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. The mitigations include the following: • 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. These controls are intended to mitigate potential dust impacts on adjacent vineyards and citrus orchards.	The EA site specific conditions are clear that dust suppression measures be implemented during mining activities. Sufficient mitigation is provided to address the concern.
<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>	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	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.

<i>gewone grond bo-oor gestoot om dit weg te steek.</i>	closure certification process is currently underway in accordance with DMRE requirements.	
<i>Die groot probleem is dat ons ondergrondse drinkwaterboorgate reg onder hierdie gebied sit, en kontaminasie van die water kan veroorsaak.</i> <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> <i>Hierdie is baie ernstig en kan groot probleme vir drinkwater vir mense veroorsaak.</i>	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. Furthermore, strict environmental controls are prescribed in the EIA, including the following: • 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.	The comments from the applicant is supported.

	• 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.	
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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 allying 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;

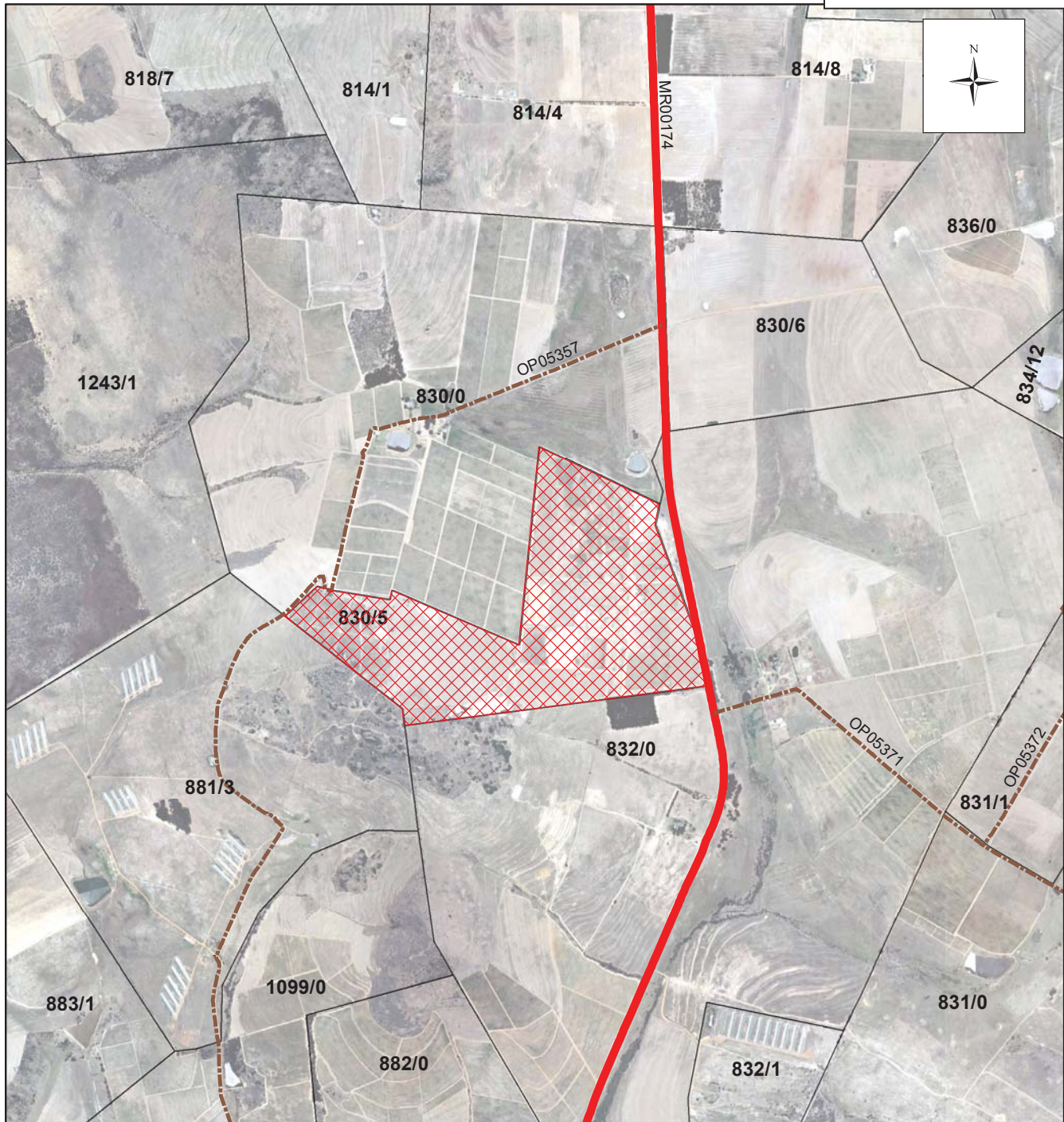
4. GENERAL

- 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: 29 July 2026	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001		Recommended	☒	Not recommended ☐
			Date: 31 July 2026	



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

Locality plan

Scale: N/A



ANNEXURE B

PROPOSED
Portion 5

No.830

Legend

-  Main Road (R302)
-  Farm portions
-  Subject Property
-  5m Countours
-  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

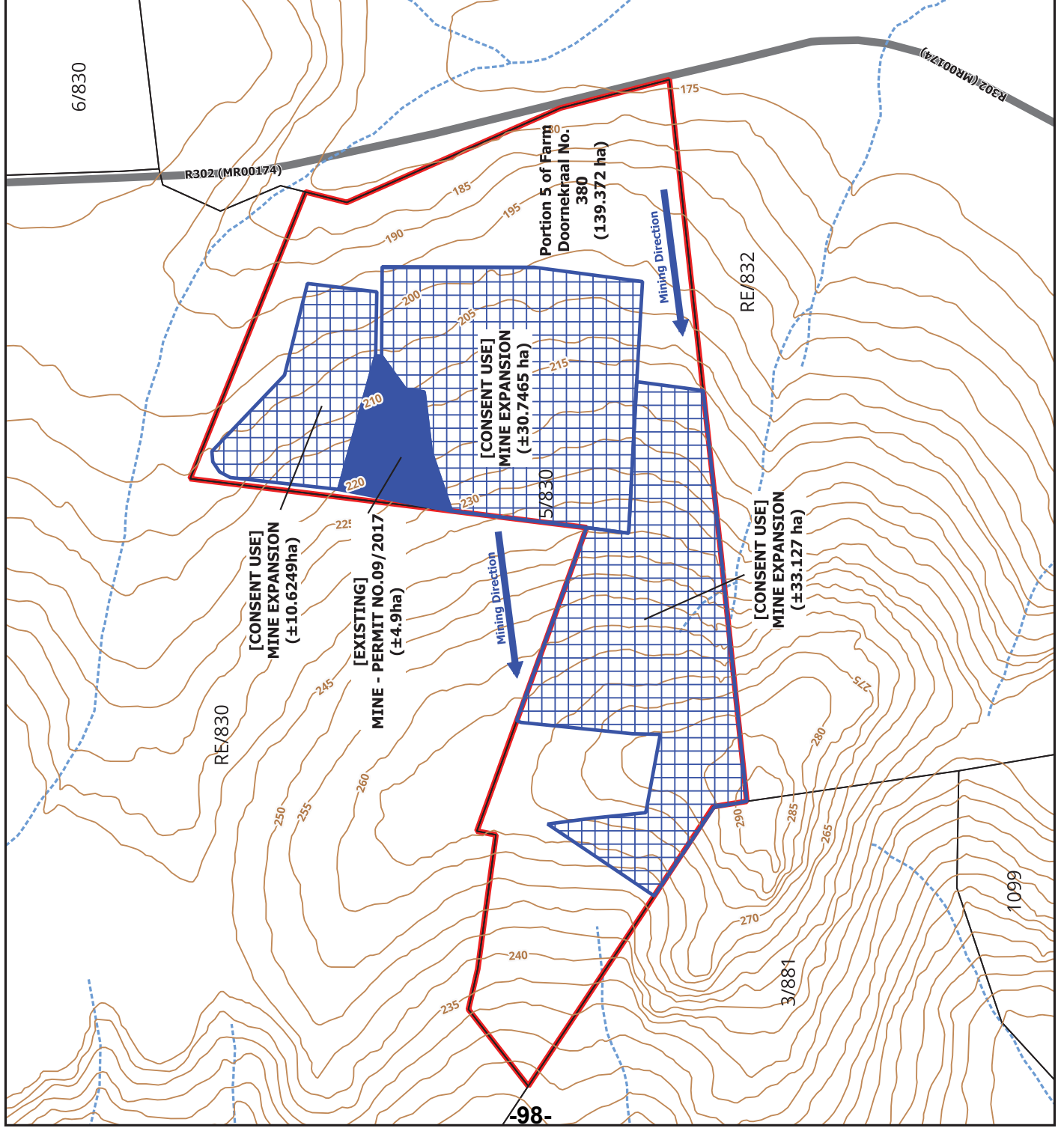
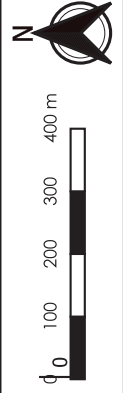
Local Authority:

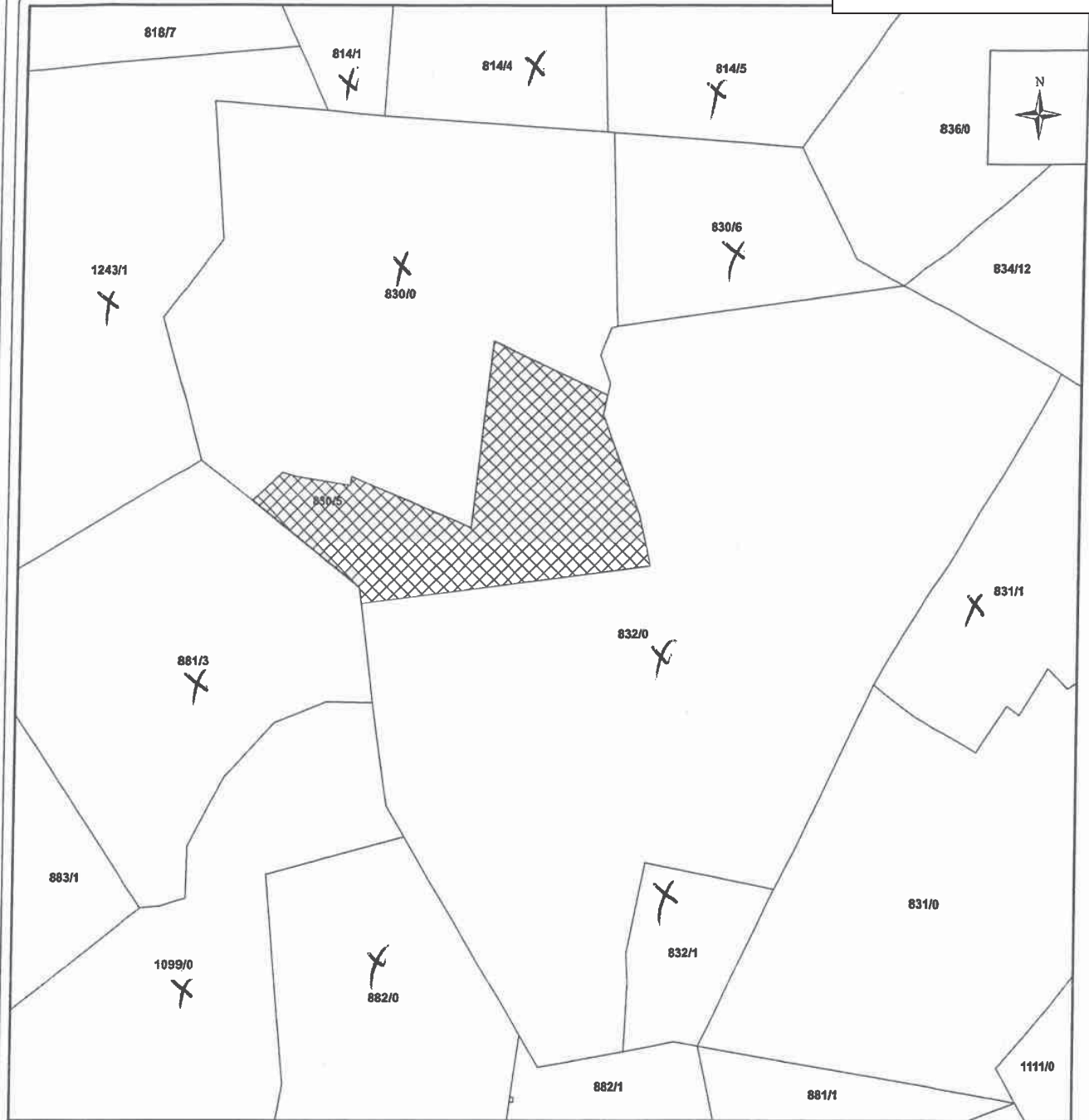
SWARTLAND MUNICIPALITY

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING



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



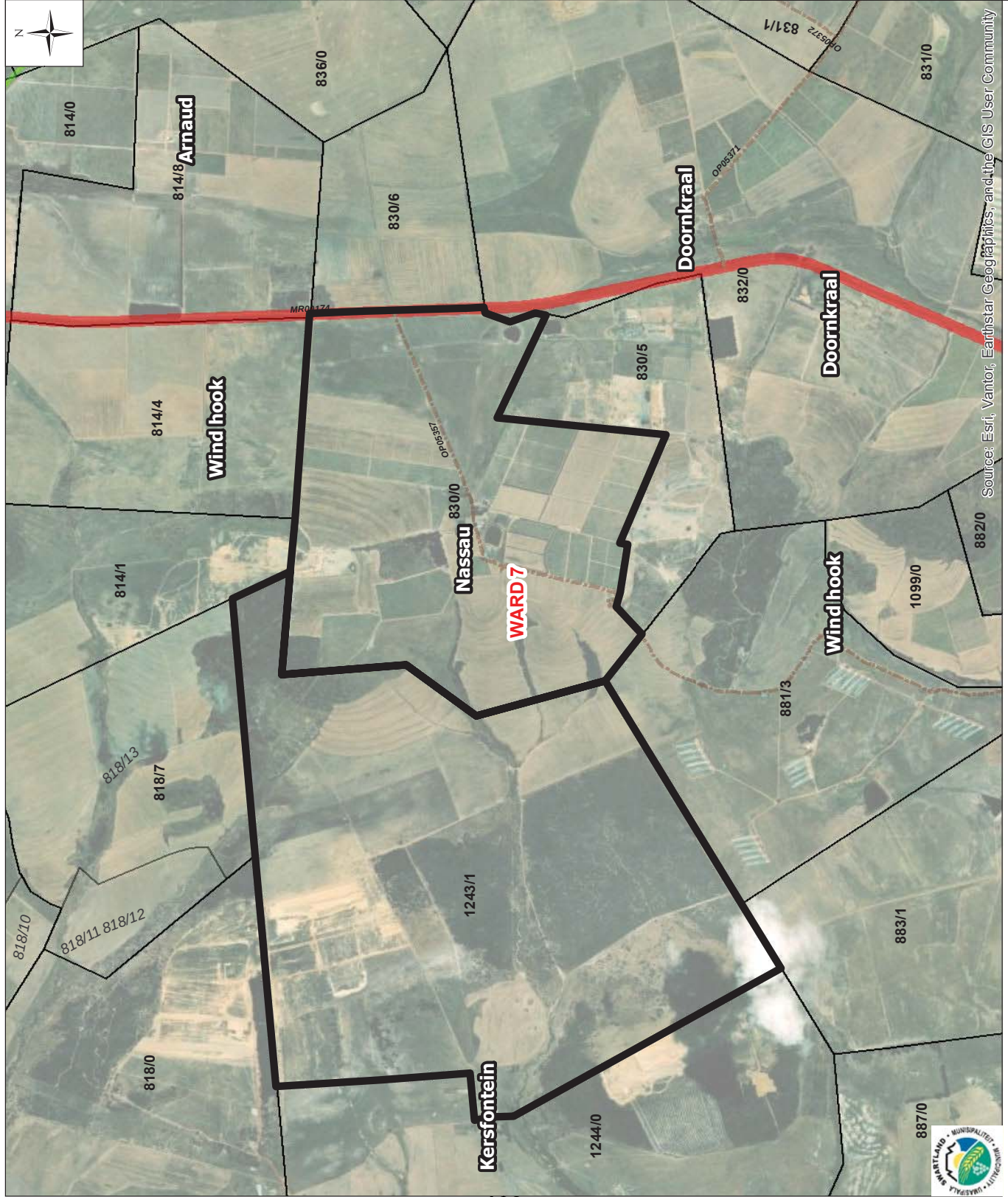


12

Chetown Dept.

ANNEXURE D

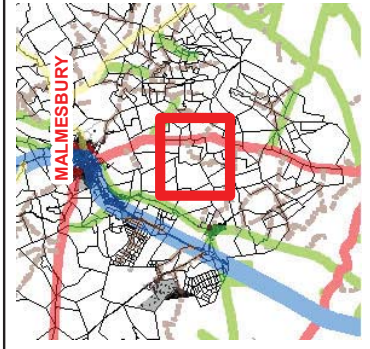
OBJECTING AGAINST
THE MINE EXPANSION



Legend



OBJECTORS PROPERTIES



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 Doornekraal 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 mynhope 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 Lêer: 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. Spoelslote 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', with a stylized flourish at the end.

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





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
<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> <i>Kom tot jul sinne. Ek weet waarvan ek praat. Hul voel niks vir die bewaring van ons natuur nie.</i> <i>Ek maak teen sterkste beswaar.</i>	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. 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. 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). 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 be 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
<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 vloeï 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>	Noted. As mentioned previously, the submitted EIA prescribes mitigation measures : • 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. 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.
<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>	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. The mitigations include the following: • 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. These controls are intended to mitigate potential dust impacts on adjacent vineyards and citrus orchards.
<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>	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.
<i>Die groot probleem is dat ons ondergrondse drinkwaterboorgate reg onder hierdie gebied sit, en kontaminasie van die water kan veroorsaak.</i> <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> <i>Hierdie is baie ernstig en kan groot probleme vir drinkwater vir mense veroorsaak.</i>	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) Furthermore, strict environmental controls are prescribed in the EIA, including the following: •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 EMPr. •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. 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.
--	---

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, WARMES
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 35 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.

Notes:

- 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
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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
Water Use Status Date:	2022/05/11
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 - 2.1 a licence;
 - 2.2 an official document stating the extent of existing lawful water use pursuant to sections 33 or 35 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.

Notes:

- 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.



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 Debbie 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		C04600000000083000005

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 Doomekraal 830, Malmesbury RD. The activity is located in quaternary catchment E10J which falls within Berg_Olifants Water Management Area.

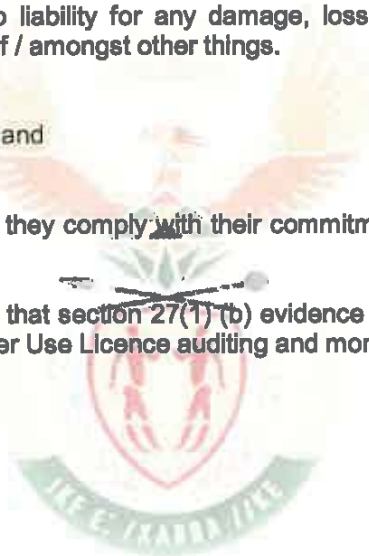
APPENDIX I

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.

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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.



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_4^{3-});				
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: murovhl@dws.gov.za

Enquiry: M. Murovhi
File number: 27/2/1/G421/501/2
WU21998

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 responsibly 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 Stallenberg

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.

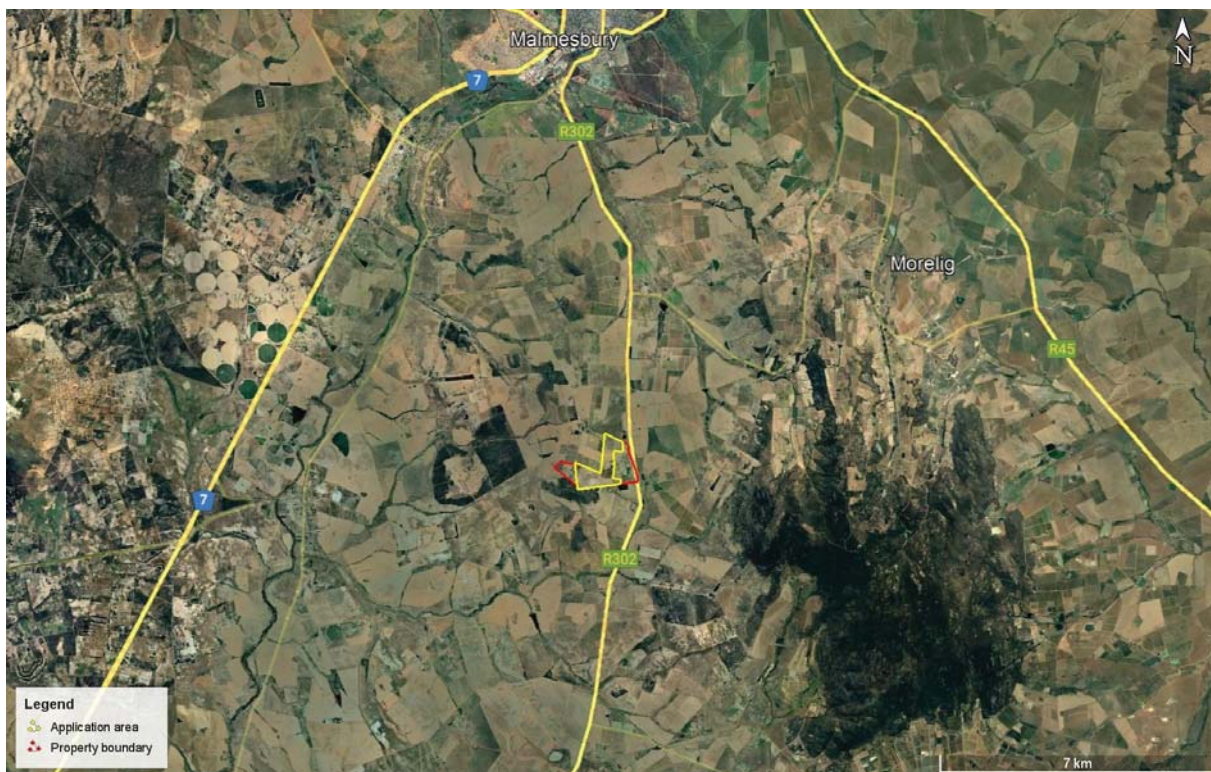


Figure 1. Locality map of the proposed mine south of Malmesbury.

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

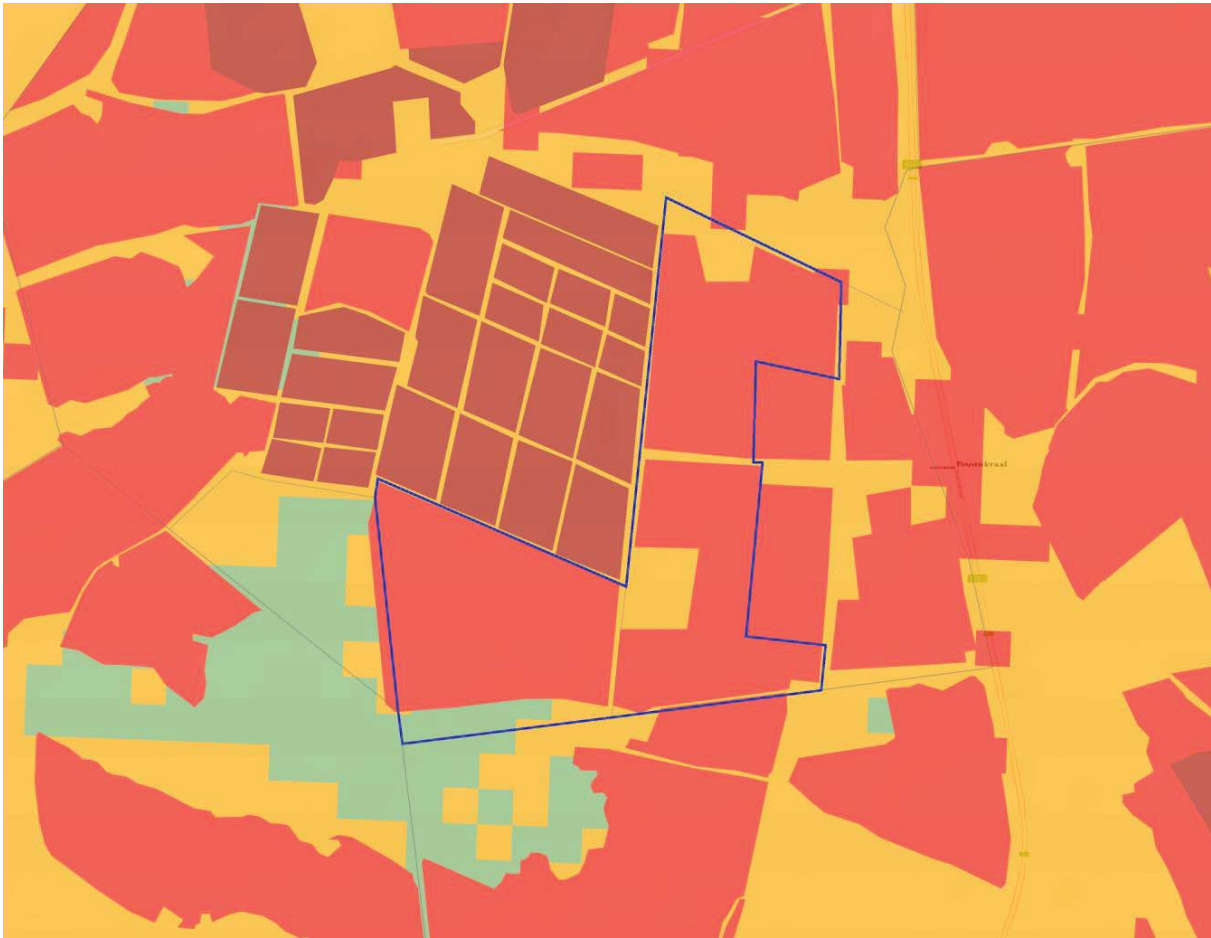


Figure 2. The proposed application area (blue outline) overlaid on agricultural sensitivity, as given by the screening tool (green = low; yellow = medium; red = high).

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.

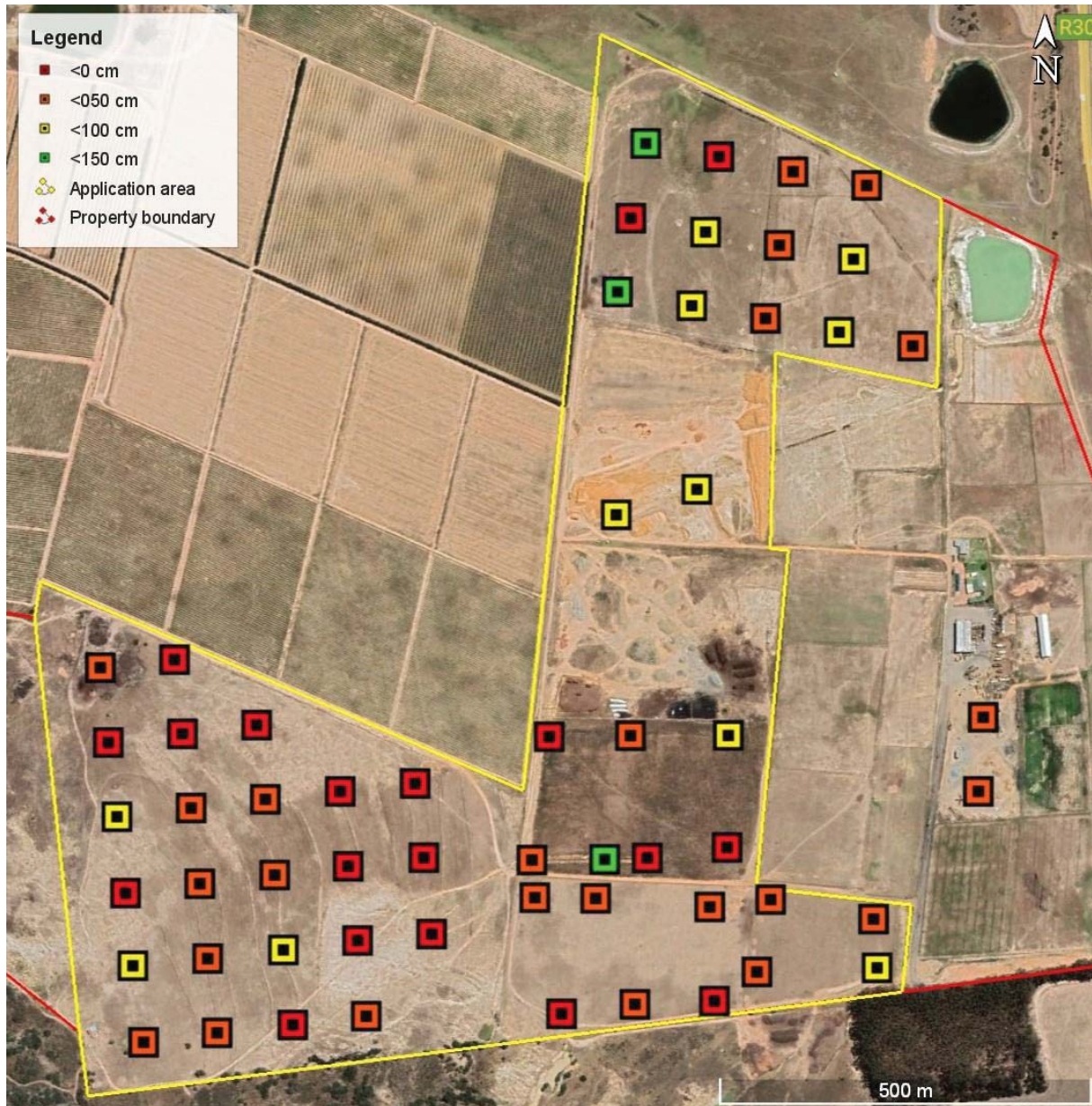


Figure 3. Satellite image map showing the mine-able sand depth in all investigated test pits.

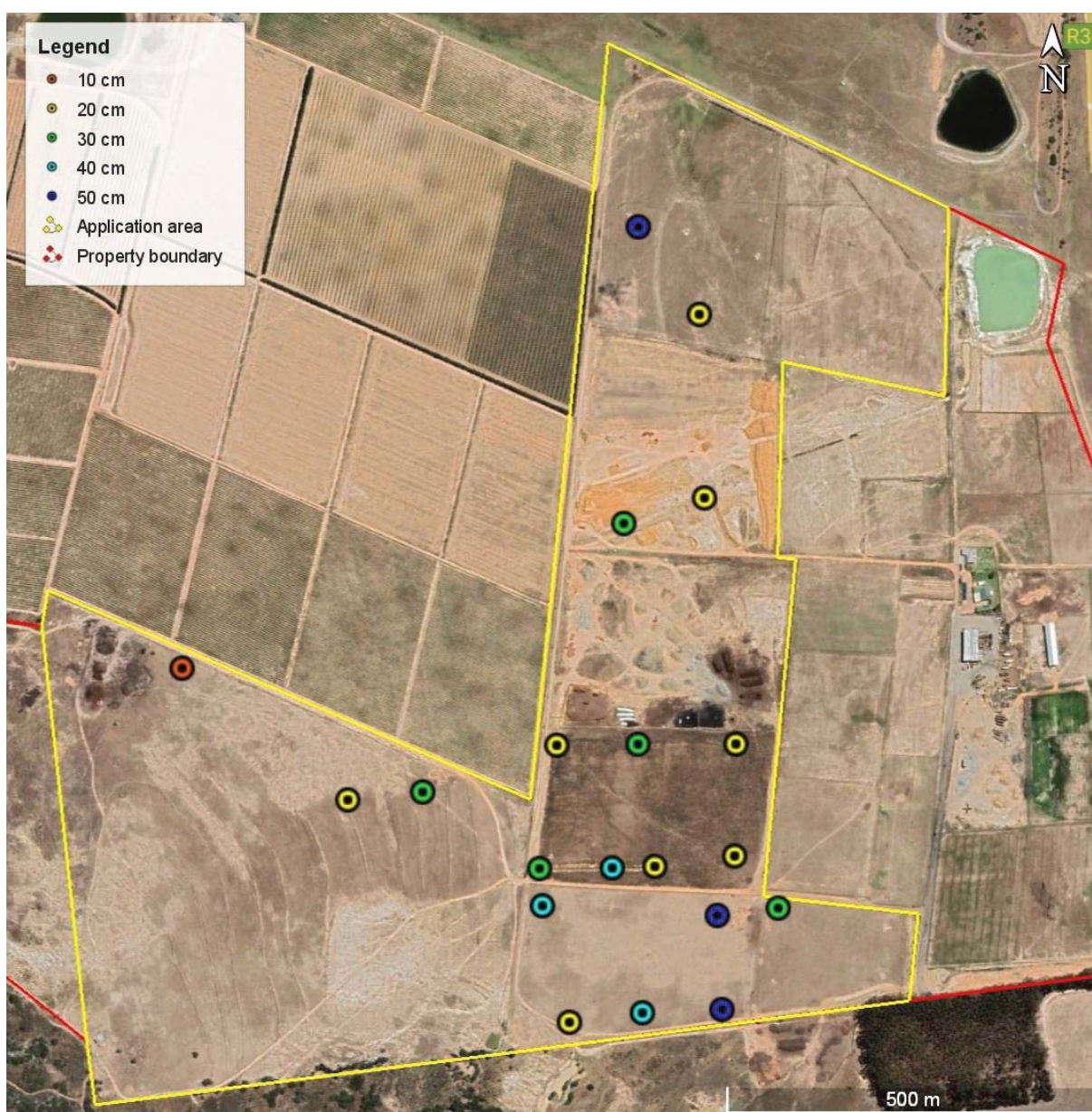


Figure 4. Satellite image map showing the mine-able gravel depth in all investigated test pits. Test pits in which there was no gravel are not shown.

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 Consultants 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: Willy van Breda **EAPASA:** Registration No. 2021/4134

Email: willy.vanbreda@dmpr.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@dfre.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@dmp.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: 27/3/2026



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
Activity 17 of Listing Notice 2 (Government notice No. R 984 as amended by GN 325 of April 2017): <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> <i>(a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or</i> <i>(b) The primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing</i> <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>	The proposed development involves an application for a mining right. Total extent of mining area will be 81.1346ha.

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 EMP/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 EMP/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 EMP;
 - 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 EMP/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: 27/3/2026



Verslag ♦ Ingxelo ♦ Report

Office of the Director: Development Services
Department: Development Management

29 July 2026

15/3/6-11/Erf_119

Ward: 12

ITEM 6.5 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 12 AUGUST 2026

LAND USE PLANNING REPORT PROPOSED SUBDIVISION OF ERF 119, RIEBEEK KASTEEL					
Reference number	15/3/6-11/Erf_119	Submission date	14 April 2026	Date finalised	30 July 2026

PART A: APPLICATION DESCRIPTION						
Application is made for subdivision of Erf 119, Riebeek Kasteel, in terms of section 25(2)(d) of the Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020). It is proposed that erf 119 (1660m² in extent) be subdivided into a remainder (±992m² in extent) and Portion A (668m²). The applicant is C K Rumboll & Partners, and the owner is Mrs SM van den Berg.						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	Erf 119, Riebeek Kasteel, situated in the Swartland Municipality; Malmesbury Division, Province Western Cape					
Physical address	9 Heuwel Street. Please refer to location plan attached as Annexure A.		Town	Riebeek Kasteel		
Current zoning	Residential Zone 1	Extent (m ² /ha)	1660m ²	Are there existing buildings on the property?	☒ Y	☐ N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)					
Current land use	Dwelling and second dwelling			Title Deed number & date	T2978/1986	
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 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	

PART D: BACKGROUND

Erf 119, Riebeek Kasteel is zoned Residential zone 1 and is currently developed with a dwelling as well as a second dwelling. As noted by the applicant in their motivation report a similar subdivision was previously approved in 2015, however the approval lapsed as the owner never registered the newly created portion. The owner now seeks approval for substantially the same subdivision proposal.

The owner therefore intends to subdivide the erf into 2 portions. Please refer to the proposed subdivision plan below.



Street view photo of the subject property:



PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)		
Has pre-application consultation been undertaken?	Y	N If yes, provide a summary of the outcomes below.
PART F: SUMMARY OF APPLICANT'S MOTIVATION		
<i>(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)</i> The applicant motivates that both portions will retain a Residential Zone 1 zoning. The property currently contains a dwelling house and a detached second dwelling, and both resultant erven will contain existing dwelling houses. As mentioned above the applicant notes that a similar subdivision was approved in 2015 but was not registered, resulting in the lapse of the approval. The motivation of the applicant is focused on the compatibility of the proposal with the surrounding built environment, the consistency with the principle of densification, the alignment of the proposal with the spatial planning policy, existing access to a municipal street, the proposal's support for the development principles contained in SPLUMA and LUPA and lastly the economic motivation as the subdivision will result in generating income for the owner when sold. In terms of land use compatibility, the applicant argues that the property is situated within an established residential area of Riebeeck Kasteel. The surrounding area consists predominantly of residential properties, with some business uses located further south. The applicant emphasises that the proposed subdivision complies with the applicable minimum erf size requirement of 500m² and is considered compatible with the existing pattern of development in the area. The applicant continues by stating that the proposal seeks to create one additional cadastral unit on existing residentially zoned land. The proposed subdivision will, in the applicant's opinion, contribute to residential densification, provide additional housing opportunities as well as promote more efficient utilisation of urban land and existing infrastructure. The applicant further argues that smaller residential properties are increasingly attractive due to lower maintenance and market demand. The site, according to the applicant falls within an area identified in the Swartland Spatial Development Framework, 2023 as suitable for mixed-density residential development and infill opportunities. The applicant contends that the proposal supports the MSDF objectives of, promoting infill development, increasing residential density within the urban edge, utilising existing municipal services and infrastructure more efficiently and lastly, it limits urban sprawl. The applicant motivates that access to both resultant erven will continue to be obtained from Heuwel Street and furthermore that municipal engineering services are available in the area, with final confirmation of capacity to be provided by the Municipality's Engineering Services Department. Parking according to the applicant will be provided in accordance with the requirements of the Swartland Municipal Land Use Planning By-Law. The applicant submits that the proposal supports residential opportunities within the existing urban area, it supports spatial sustainability through infill development and efficient land utilisation, it enhances efficiency through optimal use of exiting infrastructure, it contributes to spatial resilience by maintaining residential development options and lastly complies with the required statutory and public participation processes. With this in mind the applicant argues that the proposal supports the development principles contained in SPLUMA and LUPA. The applicant states that it is the intention of the owner to dispose of the proposed portion A as an additional income-generating opportunity. The applicant argues that subdivision will facilitate property market participation and allow more flexible ownership opportunities. The applicant concludes that the subdivision: 1. complies with the applicable minimum erf size requirements; 2. is consistent with the Swartland SDF densification and infill objectives; 3. will not alter the residential character of the area;		

4. will not adversely affect surrounding properties or the environment;
5. will utilise existing municipal services efficiently; and
6. will create one additional functional residential erf within the existing urban footprint.

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, a total of 16 notices were sent via registered post and per e-mail to the owners affected by the application.

Total valid comments	1	Total comments and petitions refused	0
Valid petition(s)	Y N	If yes, number of signatures	
Community organisation(s) response	Y N	Ward councillor response	Y N The application was forwarded to councillor DG Bess, but no comments were forthcoming.
Total letters of support	0		

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Date received	Summary of comments	Recommendation	
			Positive	Negative
Department: Civil Engineering Services	22 April 2026	1. Water (a) Each subdivided portion be provided with a separate water connection at subdivision stage; 2. Sewerage (a) Each subdivided portion be provided with a separate sewer connection at subdivision stage; 3. General 1. 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; 2. 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; 4. Development charges (a) Fixed cost development charges be made as follows: (i). Water R 4 556,05 (ii). Bulk water R 4 828,81 (iii). Sewer R 2 609,18 (iv). WWTW R 3 508,63 (v). Roads R 7 975,08	X	
		No comment	X	
		No comment	X	
		No comment	X	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS (Please see Annexure F)	MUNICIPAL ASSESSMENT OF COMMENTS
Mr. and Mrs. Benjamin and Catharina Kellerman as owners of neighbouring affected property, Erf 1029, Riebeek Kasteel.	Mr. and Mrs. Benjamin and Catharina Kellerman, owners of the adjoining property at 21 Piet Retief Street, object to the proposed subdivision of Erf 119, Riebeek-Kasteel. 1. Concern regarding narrow street frontage Their primary concern is that the proposed frontage width of the newly created portion is too narrow and would in their opinion, detract from the established character, streetscape and visual appearance of the street as well as the town.	The applicant's town planner, CK Rumboll & Partners, responded to the objection lodged by Mr and Mrs Benjamin Kellerman and submitted that the concerns raised do not warrant refusal of the subdivision application. 1. Concern regarding narrow street frontage The applicant states that the proposed Portion A will have a street frontage of approximately 12 metres, which is considered sufficient to accommodate the existing dwelling and the proposed subdivision. It is argued that the frontage is consistent with the established development pattern in the surrounding area, including properties with panhandle access arrangements. The applicant further submits that the proposal complies with the minimum erf size requirements applicable to the area and with the provisions of the Spatial Development Framework.	1. Concern regarding narrow street frontage The concern regarding the width of the proposed frontage has been considered. The proposed subdivision results in erven measuring approximately 668m ² and 992m ² respectively, both of which exceed the minimum erf size of 500m ² prescribed in the Municipal Spatial Development Framework. The surrounding area contains a variety of erf sizes and development patterns and the proposed subdivision remains compatible with the established residential character of the area. The applicable planning framework does not prescribe frontage width as a determinant for subdivision approval, provided the resultant erven are practical and therefore capable of accommodating the permitted land use and comply with applicable planning requirements. The objectors also did not provide any evidence demonstrating that the proposed frontage would materially detract from the streetscape or character of Riebeek Kasteel. The objection is therefore not considered sufficient grounds for refusal.
	2. Request for a 3 meter building line	2. Request for a 3 meter building line	2. Request for a 3 meter building line

	The objectors request that, should the subdivision be approved, a minimum 3 m side building line be maintained along the boundary shared with their property to protect privacy and residential amenity. 3. Concern regarding future development and further subdivision In addition, the objectors request that no further subdivision, second dwellings, cottages or other additional detached structures be permitted on the proposed erven in future, although extensions to the existing dwelling would be acceptable provided that the 3 m building line is respected.	The applicant acknowledges the request that a 3 metre building line be imposed along the boundary shared with Erf 1029. However, it is submitted that the proposed subdivision complies with applicable planning requirements and will not negatively affect the amenity of the adjoining property. The applicant therefore contends that there is no technical planning justification for imposing additional restrictions on the development rights of the subject property. 3. Concern regarding future development and further subdivision In response to the request that no additional cottages, structures or future subdivisions be permitted, the applicant notes that any future development proposal on either resultant erf would remain subject to the applicable provisions of the Swartland Municipal Land Use Planning By-law, the Spatial Development Framework and any other relevant statutory requirements. The applicant submits that these regulatory mechanisms are sufficient to manage future development appropriately and that any future applications would be assessed on their own merits. The applicant concludes that the objections do not identify planning grounds that would justify refusal of the application and maintains that the proposed subdivision is compliant with the applicable planning framework, will not adversely affect neighbouring properties, and should therefore be supported.	The application before the Tribunal is solely for subdivision and does not seek approval of new building work or departures from applicable development parameters. Building lines and development controls are regulated by the Swartland Municipal Land Use Planning By-law and any future building plans will be assessed against the applicable zoning requirements. No planning evidence has been submitted demonstrating that a more restrictive building line is required to mitigate an identified land use impact. The requested condition is therefore not considered necessary or directly related to the subdivision application. 3. Concern regarding future development and further subdivision The Tribunal is required to assess the application before it, namely the subdivision of Erf 119. Approval of the subdivision does not automatically authorise additional dwellings, cottages, departures or further subdivision. Any future land use applications would be subject to the provisions of the Municipal Land Use Planning By-law, the applicable zoning provisions, policy considerations, departmental review and, where applicable, public participation. Such future applications would need to be considered on their own merits. The requested prohibition on future applications is therefore not regarded as reasonable or necessary in the circumstances.
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PART J: MUNICIPAL PLANNING EVALUATION

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

The application was submitted in terms of the By-Law on 14th of April 2026. The public participation process commenced on 23rd of April 2026 and ended on 1st of June 2026 (affected parties and internal departments). The objections were received and referred to the applicant for comments on 5th of June 2026. The municipality received the comments on the objections on the 22nd of June 2026. Please refer to the comments attached as Annexure F.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal 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

- a) Spatial Justice: The proposed subdivision supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society;
- b) Spatial Sustainability: The proposed development promotes the intensive utilisation of engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification;
- c) Efficiency: The development proposal promotes the optimal utilisation of services on the property and enhance the tax base of the Municipality;
- d) Good Administration: The application and public participation were administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The proposal contributes to a broader range of residential property sizes within the existing urban area while retaining the established residential function of the neighbourhood.

It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned legislative measures.

2.2 Provincial Spatial Development Framework (PSDF, 2014)

The PSDF promotes a more compact and efficient urban form through infill development, appropriate densification and the optimal utilisation of existing infrastructure within established urban areas. The framework recognises that low-density development patterns and urban sprawl place increasing pressure on municipal resources and infrastructure investment, whilst compact settlements improve long-term sustainability and service delivery efficiency.

The subject property is located within the existing urban footprint of Riebeek Kasteel and is already provided with municipal engineering services. The proposal does not involve the expansion of the urban edge, the conversion of agricultural land, or the introduction of an incompatible land use. Instead, it facilitates the more efficient utilisation of a large underutilised residential property through the creation of additional residential opportunities within an established neighbourhood.

The PSDF further emphasises the importance of protecting the sense of place and character of settlements while promoting appropriate density. In this regard, the proposed subdivision complies with the minimum erf size of 500m² applicable to the area and remains consistent with the Residential Zone 1 zoning of the property. The surrounding area already contains a variety of residential erf sizes and the proposal will therefore not introduce an inconsistent cadastral pattern or land use that is out of character with the broader neighbourhood.

The proposal promotes a compact settlement form, makes efficient use of existing infrastructure, supports incremental residential development within the urban area and remains compatible with the character and function of the surrounding residential environment. The application is therefore considered consistent with the relevant spatial planning objectives of the Provincial Spatial Development Framework, 2014.

2.3 West Coast District SDF (WCDSDF, 2020)

In the WCDSDF, 2020 it is stated that the functional classification for Riebeek Kasteel is Residential / Tourism and according to the growth potential study Riebeek Kasteel is a small town service town 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.

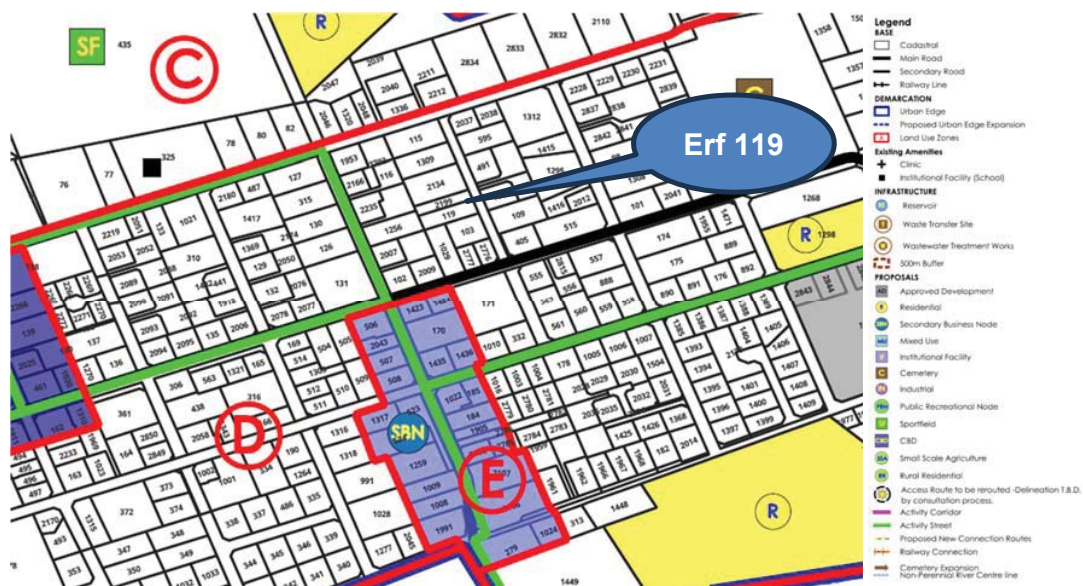
The proposal is deemed consistent with the WCDSDF, 2020.

2.4 Municipal Spatial Development Framework (MSDF, 2025)

The subject property is situated in an area demarcated as Land use Proposal Zone D, as per the spatial proposals for Riebeek Kasteel contained in the MSDF, 2025. Zone D is defined as an area with a residential as well as institutional character with government functions (cemetery). There are mixed density residential uses with opportunities for infill development.

Furthermore, the proposed erf sizes comply with the minimum erf size of 500m² as prescribed by the MSDF. The proposed subdivision is seen as densification and the optimal use of land and infrastructure.

The proposal is therefore deemed consistent with the land use proposals of the MSDF, 2025.



It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned policy and legislative measures.

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

Erf 119, Riebeek Wes is zoned Residential Zone 1. The proposed subdivision will not affect the zoning of the property.

The applicable development management scheme does not prescribe frontage width as a determinant for subdivision approval in this instance, provided the resultant erven are capable of accommodating the permitted land use and comply with applicable planning requirements.

3. Desirability of the proposed utilisation

Erf 119, Riebeek Kasteel is zoned Residential zone 1 and is currently developed with a dwelling as well as a second dwelling. Erf 119 does not have any physical restrictions which may negatively affect the application.

The character of the surrounding area includes single residential properties, most of which have already been developed. The proposed erf sizes of >650m² are in keeping with the erf sizes of the surrounding properties and will not adversely affect the character of the area.

The proposed subdivision promotes densification and the optimal use of land and infrastructure, making it in compliance with provincial and municipal planning policy.

Sufficient services capacity exists to provide the newly created erf with services.

There are no restrictions in the title deed of erf 119 which prohibits this application.

Given the retention of Residential Zone 1 zoning, compliance with 500m² minimum erf size and building plan controls, the subdivision is not anticipated to result in an intensity or built form inconsistent with the surrounding residential character.

The concerns raised by the objectors have been carefully considered against the applicable provisions of SPLUMA, LUPA, the Swartland Municipal Land Use Planning By-Law and the Municipal Spatial Development Framework. While the objection expresses concern regarding the frontage width of the proposed erven, the proposal complies with the applicable minimum erf size requirements and remains compatible with the established residential character of the area. No substantive planning evidence was submitted to demonstrate that the proposal would result in an unacceptable impact on the streetscape or the amenity of neighbouring properties.

4. Impact on municipal engineering services

Sufficient services capacity exists to provide the newly created erf with services.

The addition of one additional single dwelling will result in acceptable additional trips and will therefore have an insignificant impact on traffic as well the level of service of the affected road.

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

The application for the subdivision of Erf 119, Riebeek Kasteel 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:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 119, Riebeek Kasteel (1660m² in extent) be subdivided into portion A (668m² in extent) and Remainder (992m² in extent) as presented in the application;
- (b) Building plans, for any existing buildings on the property without building plan approval, be submitted to the Senior Manager Development Management for consideration and approval;

2. WATER

- (a) Each subdivided portion be provided with a separate water connection and meter at clearance stage;

3. SEWERAGE

- (a) Each subdivided portion be provided with a separate sewer connection at clearance stage;

4. DEVELOPMENT CHARGES

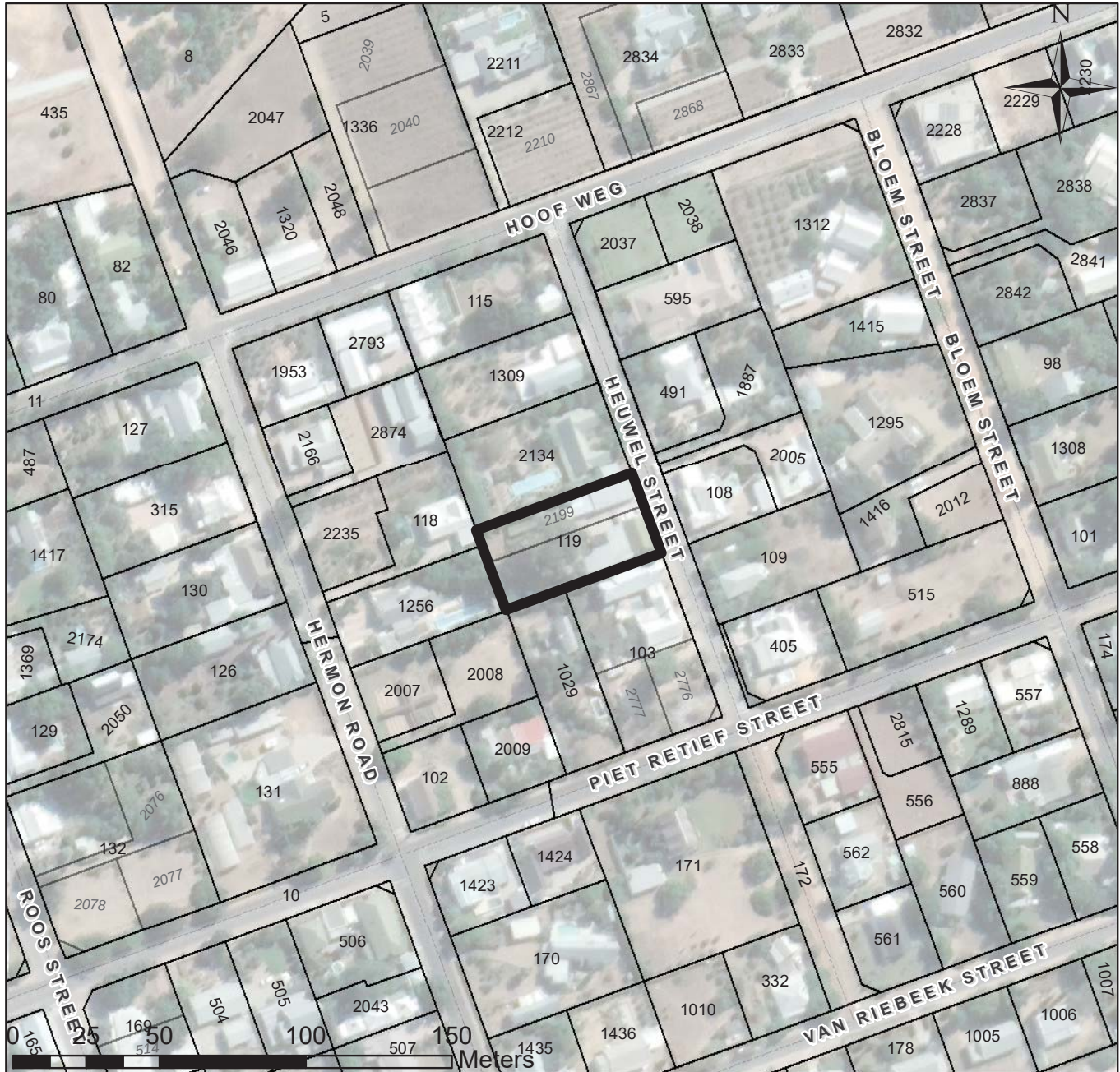
- (a) The owner/developer be responsible for a development charge of R5 687, 33 toward the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer be responsible for the development charge of R5 366, 48 towards bulk water reticulation, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer be responsible for the development charge of R3 073,38 towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R4 132,53 towards the wastewater treatment works at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R9 392,63 towards roads, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (f) The Council resolution of May 2026 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2026/2027 and can be revised thereafter;

5. 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 200, 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.

PART M: REASONS FOR RECOMMENDATION				
1. Due administrative process has been followed and the application is properly presented before the Swartland Municipal Planning Tribunal for decision-making. 2. 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. 3. The proposal is consistent with the spatial proposals of the Municipal SDF, 2025. 4. The proposal is consistent with the minimum erf size determined by the SDF, namely 500m ² . 5. The development promotes densification in an urban area, consistent with national, provincial, and local legislation and policy. 6. The subdivision promotes efficient utilisation of serviced urban land and supports incremental residential opportunities consistent with the adopted MSDF objectives. 7. The subdivision complies with adopted minimum erf sizes and MSDF guidelines and does not grant or imply future rights for additional dwellings or higher-density forms of development. Approval of the subdivision only creates two cadastral units and does not grant any additional land use rights beyond those already provided for in terms of Residential Zone 1 zoning. 8. Approval of this subdivision does not set a precedent for undesired densification in the area. Each land use application is assessed on its own merits in terms of zoning, infrastructure capacity, environmental constraints, and conformity with adopted spatial policy. 9. The subdivision introduces only one additional dwelling opportunity, resulting in a modest and acceptable increase in local traffic volumes consistent with a low-order residential street. 10. On-site parking requirements remain enforceable through the development management scheme at building plan stage. 11. Development charges for sewer, wastewater treatment works and roads have been levied, ensuring that the development contributes proportionately to infrastructure provision and long-term service sustainability. 12. The concerns raised have been considered but do not constitute sufficient planning grounds to outweigh the desirability of the proposal, its consistency with the MSDF, compliance with zoning controls, availability of engineering services and the efficient utilisation of serviced urban land.				
PART N: ANNEXURES				
Annexure A: Copy of applicant's motivation report Annexure B: Locality plan Annexure C: Subdivision plan Annexure D: Public participation plan Annexure E: Objection from B & C Kellerman Annexure F: Comments from the applicant on the objections				
PART O: APPLICANT DETAILS				
First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Susanna Magdalena van den Berg	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: 30 July 2026
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: B/8001/2001		Recommended	☒	Not recommended
				Date: 31 July 2026

LOCATION PLAN PROPOSED SUBDIVISION OF ERF 119, RIEBEEK KASTEEL



PLAN OF SUBDIVISION: ERF 119, RIEBEEK KASTEEL



NOTES:

Figure A B C D represents Erf 119 Riebeeck Kasteel which measures ±1660m². Erf 119 is to be subdivided into:

- Portion A (±668m²)
- Remainder (±992m²)

Subdivision Line

Erf boundary

Drawing by:

NJ de Kock

ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING



C.K. RUMBOLL & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS
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DATE:

January 2026

AUTHORITY:

SWARTLAND MUNICIPALITY

REF:

RK15006/NdK

SCALE: NTS

CK RUMBOLL & VENNOTE / PARTNERS



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

DATE: 26 January 2026

OUR REF: MRK/15006/NJdK

BY HAND

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

PROPOSED SUBDIVISION OF ERF 119, RIEBEEK KASTEEL

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

- A: Power of Attorney
- B: Application Form
- C: Title deed and diagram
- D: Locality Map
- E: Subdivision Plan
- F: Zoning Map

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.

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MOTIVATIONAL REPORT

Proposed Subdivision of Erf 119, Riebeek Kasteel

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

Authority:
Swartland Municipality

Date:
January 2026

Our Reference:
RK/15006/NJdK

Compiled By:
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CK Rumboll & Partners
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Annexures

- A: Power of Attorney
- B: Application Form
- C: Title Deed and Diagram
- D: Locality Map
- E: Subdivision Plan
- F: Zoning Map

1. SECTION 1 INTRODUCTION

CK Rumboll and Partners have been appointed by Susanna Magdalena van den Berg, the owner of Erf 119, Riebeek Kasteel to attend to all town planning actions regarding the subdivision of Erf 119, Riebeek Kasteel. The application is made to subdivide the property into one portion and a remainder. Copy of the Power of Attorney is attached as **Annexure A**.

Background:

An application to subdivide Erf 119 into one portion and a remainder was approved on 19 February 2015. However, the owner did not register the new portion, resulting in the lapse of the approval. The owner now seeks to subdivide the property again in a similar manner.

1.1 Purpose

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 (PG 8226 of 25 March 2020)*, for the **Subdivision** of Erf 119, Riebeek Kasteel (1660m²) into a Portion A (±668m²) and Remainder (±992m²).

The completed Application Form is attached as **Annexure B**.

1.2 Property Description

Table 1: Property details

	Erf 119, Riebeek Kasteel
Extent	1660m ²
Registered Owner	Susanna Magdalena van den Berg
Servitudes	None
Current Zoning	Residential Zone 1
Current Land Use	Dwelling house and second dwelling house
Coordinates	33.382658°S 18.902083°E
Title Deed	T2978/1986
Title Deed Restrictions	None

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

1.3 Legal Restrictions

The Title Deed of Erf 119 in Riebeek Kasteel, T2978/1986, clearly indicates the absence of any conditions that could impact the proposed subdivision. Copies of the Title Deed and Diagram are attached as **Annexure C**.

2. SECTION 2 CONTEXTUAL ANALYSIS

2.1 Locality

Riebeek Kasteel is situated approximately 20 kilometres northeast of Malmesbury and has access via the Paarl Road (Divisional Road 24/1) to the R45 that connects Malmesbury with Hermon. The R45 is connected to the N7 via the R311 (main route in the Riebeek Valley). The town is located along the slopes of Kasteelberg and is surrounded by some of the oldest vineyards in South Africa. Erf 119 is located in the north-eastern part of Riebeek Kasteel and gains access from Heuwel Street on its eastern boundary. The Locality Map is attached as **Annexure D**.

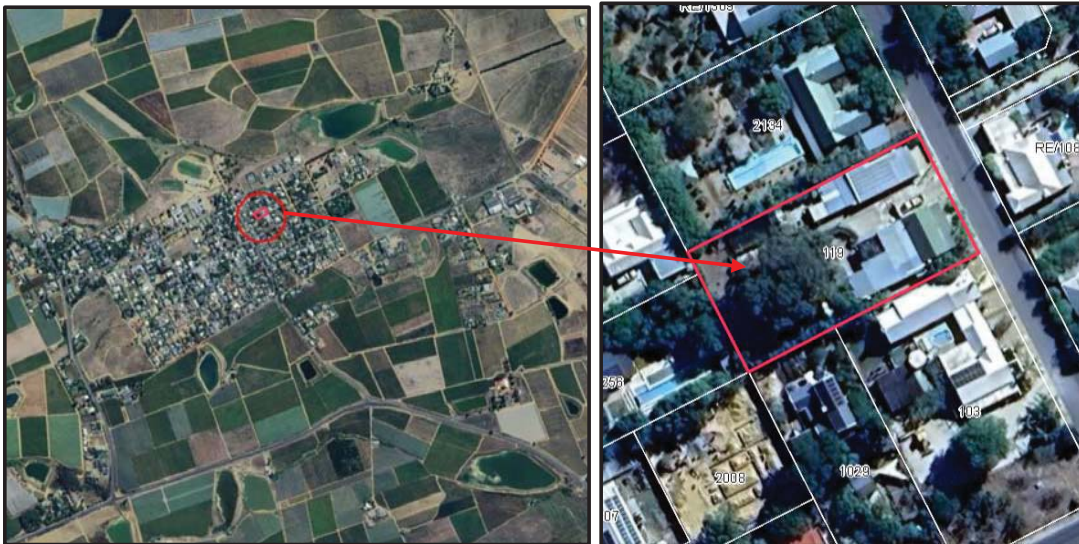


Figure 1: Locality of Erf 119, Riebeek Kasteel

2.2 Existing Zoning and Surrounding Uses

In terms of the *Swartland Municipal Land Use Planning By-law (PG 8226)*, Erf 119, Riebeek Kasteel, is zoned Residential Zone 1. Erf 119 consists of a dwelling house and a detached second dwelling house. The surrounding area includes mostly residential properties with some business uses to the south. The newly proposed property will not negatively impact the character of the area, as it adheres to the minimum erf size requirement of 500m², and the area consists of several properties that are similar in extent.

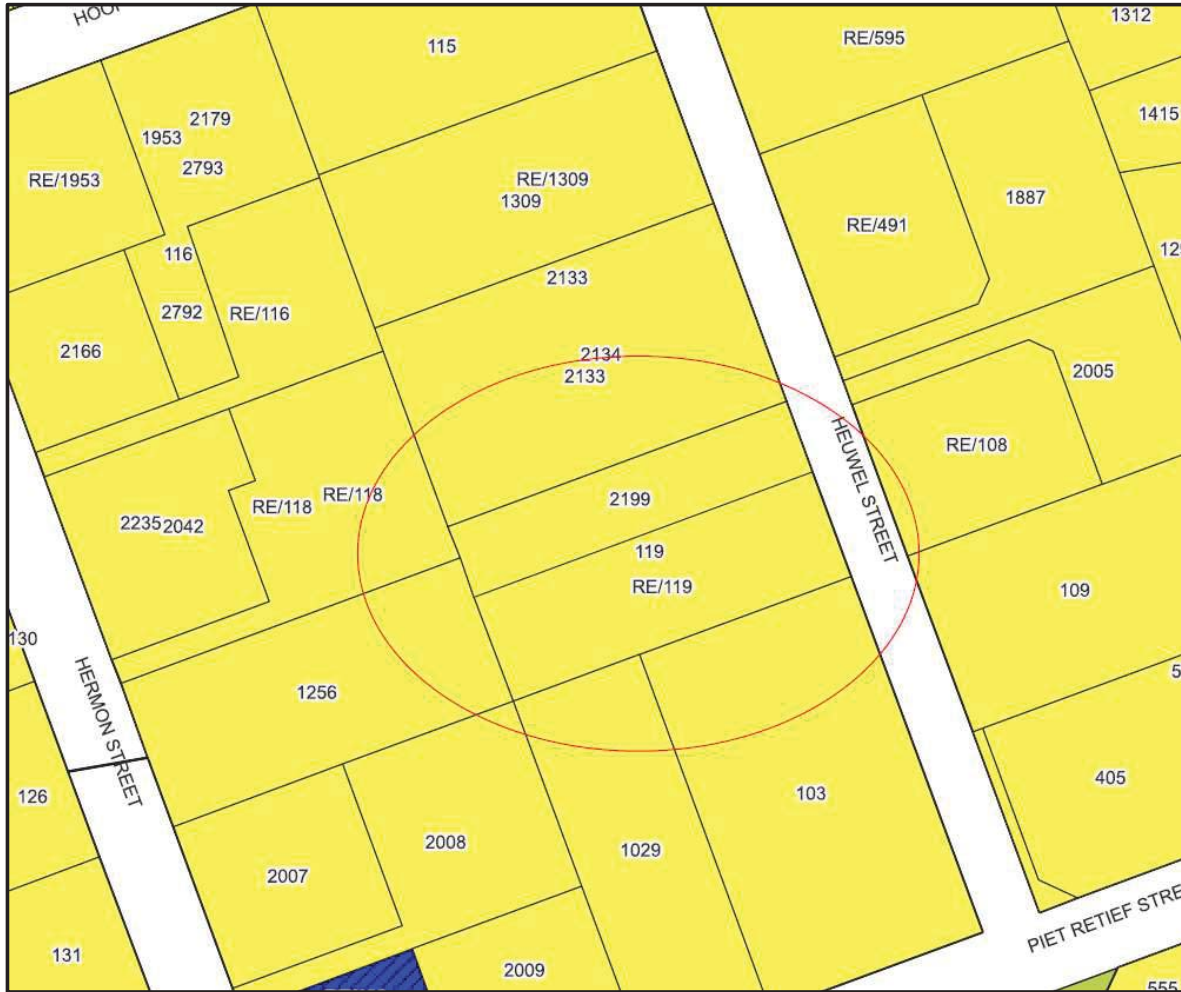


Figure 2: Erf 119 and surrounding zoning

2.3 Services

The newly proposed erf will be connected to the existing service network. The Swartland Engineering department will have to confirm if sufficient service capacity is available.

3. SECTION 3 DEVELOPMENT PROPOSAL

3.1 Proposed Subdivision

In order to obtain the necessary land use rights, application is made in terms of:

- Section 25(2)(d) of the *Swartland Municipal By-law on Municipal Land Use Planning (PG 8226 of 25 March 2020)*, for the **Subdivision** of Erf 119, Riebeek Kasteel (1660m²) into a Portion A (±668m²) and Remainder (±992m²).

The owners wish to sell the proposed portion to provide them with an additional income opportunity. The table 2 and figure 3 below represent the proposed changes to the land. The Subdivision Plan is attached as **Annexure E**.

Furthermore, there is a tendency for owners to invest in smaller properties. Smaller erven are easier to maintain and creates new housing opportunities. The proposed subdivision aims at dividing the property into one portion and a remainder. Ownership of land is one of the economic pillars of the South African economy. In most cases the possession of land represents the largest portion of an individual's estate. The free trading of parcels of land is an acknowledged form of accumulation of wealth. The South African landscape offers investors the opportunity to subdivide and consolidate as the market dictates. Developers look at the marketability of the size of plots they create, and this is dictated by the demands of the market at the time. Individual needs for larger or smaller plots are a normal tendency amongst investors further down the line. The freedom to consolidate or subdivide properties gives access to new entrance into the property market. The proposed development aims to fulfil the need for smaller residential properties on existing residential zoned land. The application for subdivision is also a market driven decision and should be encouraged.

The proposed subdivision is considered as favourably on the basis of:

- Densification is supported due to the existing large plots of the area. Therefore, the existing land will be utilised more efficiently in accordance with the zoning applicable.
- Minimum erf sizes of 500m² are maintained.
- The existing character of the area will not adversely be affected.
- After the proposed subdivision, each property will have an existing dwelling house.
- Additional residential opportunities will be made available on existing residential zoned land.

Table 2: Proposed subdivision

Property	Size	Zoning
Portion A	±668m ²	Residential Zone 1
Remainder	±992m ²	Residential Zone 1
Erf 119	1660m²	Residential Zone 1

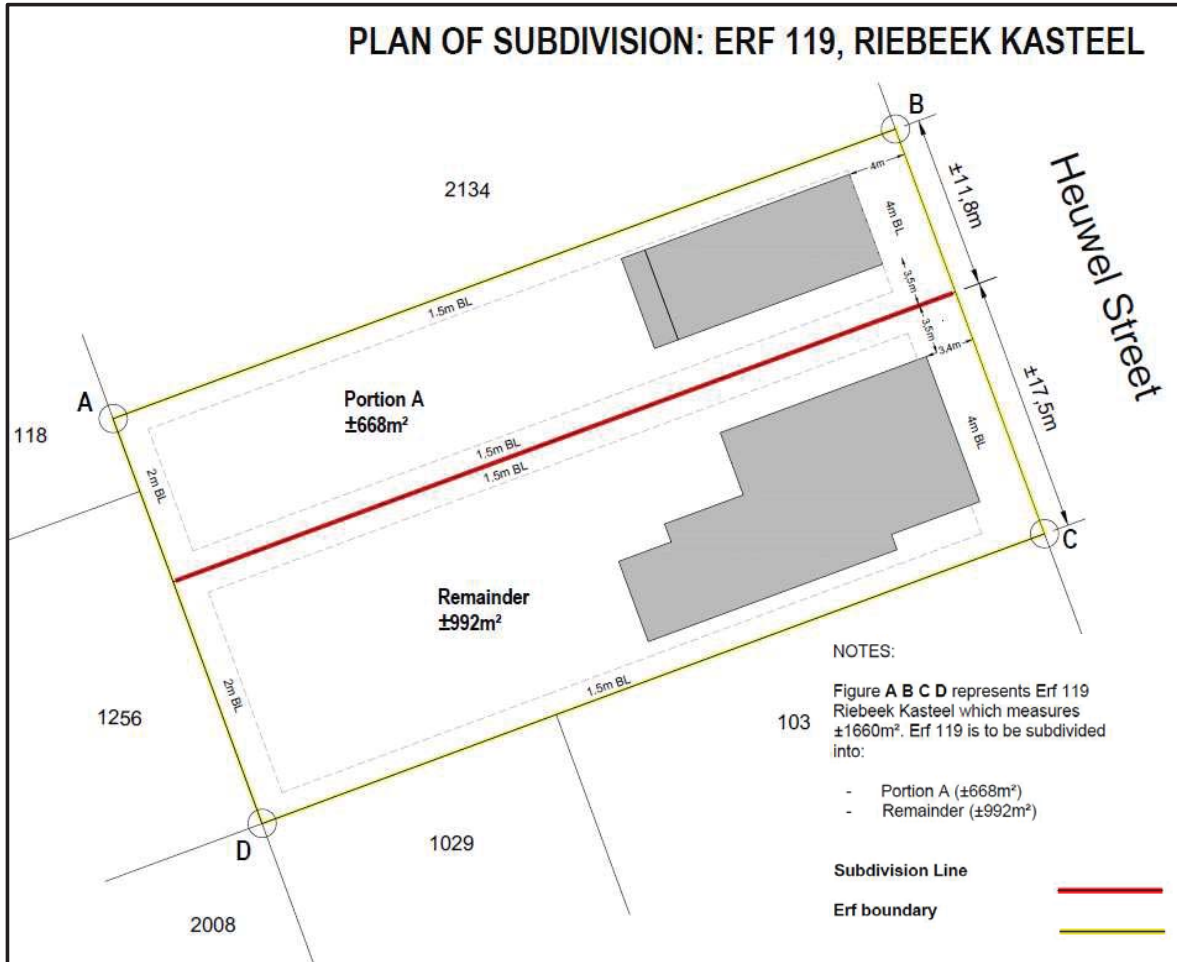


Figure 3: Proposed subdivision of Erf 119, Riebeek Kasteel

The proposed subdivision of Erf 119 will maintain the minimum erf size of 500m². With a substantial size of 1660m², the erf presents an ideal opportunity for subdivision, promoting a higher residential density in Riebeek Kasteel, as supported by the Swartland SDF (2023)

3.2 Access and Parking

Erf 119, Riebeek Kasteel currently enjoys access from Heuwel Street on its eastern side. After the proposed subdivision, access to both the proposed Portion A and Remainder will remain from Heuwel Street.

Parking bays on the newly proposed properties will be provided in accordance with the parking provision requirements set out in Section 13 of the *Swartland Municipal Land Use Planning By-law (PG 8226)*, which is two parking bays per dwelling unit. The Subdivision Plan is attached as **Annexure E**.

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 Riebeek Kasteel. With regard to land use proposals applicable to Riebeek Kasteel, the *SDF* identifies the area in which Erf 119 is located as Zone D, which represents a “residential as well as institutional character with government functions (cemetery). There are mixed density residential uses with opportunities for infill development.”

The table below indicates the alignment of the proposed development with the *Swartland SDF (2023)*.

Change	Comply with SDF:
Increase density by 2027 from the current 8.2 units per hectare to 8.5 units per hectare in Riebeek Kasteel.	<i>The proposed development supports the notion of infill development through subdivision and by adding a residential opportunity to the area.</i> <i>Infill development which results in efficient use of land and services.</i>
Develop areas in accordance with availability and capacity of infrastructure and services.	<i>This approach to densification eliminates the need for developing natural areas in order to achieve higher densities.</i>
Support densification through Subdivision, Infill development and Renewal and restructuring.	<i>The proposal also complies with the minimum subdivision size of the area.</i> <i>The proposal will utilise the existing infrastructure and services to its full potential.</i>

The *Swartland SDF* supports the *Western Cape Spatial Development Framework's* principle of densification within existing urban areas. Subdividing underutilised land throughout the built area of the town is one of the suggested ways in which densification in urban areas can occur. Figure 4 below is an extract from the *Swartland SDF*.

RIEBEEK KASTEEL 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	Place of Worship	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
D	Zone D consists of a residential as well as institutional character with government functions (cemetery). There are mixed density residential uses with opportunities for infill development.	X	X	X 1,9	X	X	X	X 1,9	X 1,9	X	X	X	X	X	

Figure 4: Extract from the Swartland SDF

From the above it is clear that the proposed development is in line with the spatial proposals set out for Riebeek Kasteel. With the proposed development, the creation of a spatially efficient and compact urban form is promoted by applying sustainable infill development in an area consisting over potential for higher density residential development. The proposed subdivision complies with the minimum subdivision sizes.

4.2 Principles of Land Use Planning

The proposed development supports the principles of *Chapter VI (Article 119) 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;

- **Spatial justice:** the application supports spatial compactness, sustainable use of resources and falls within an administrative area earmarked for residential use. The zoning of the property will not change; the owner's right to develop the land for residential purposes is in accordance with the current use right of the property. The proposed development does not support further segregation within the community and access for all to residential opportunities are promoted. Facilities and services are considered in the proposed development as there are sufficient services available to provide connections to the newly proposed property. 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.
- **Spatial sustainability:** the development of this property is in line with the densification proposal suggested within urban boundaries of all towns in the Western Cape. Population growth is an ongoing global issue and with that comes the need for more housing. The proposed development will be sustainable by making optimal use of existing residential land to provide housing opportunities. The proposed subdivision further limits urban sprawl through the optimal utilisation of existing land within the relevant residential environment and encourages spatial development that includes long-term social benefits for the Riebeek Kasteel community.

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 influenced by the development. Furthermore it will not affect any endangered vegetation or conservation areas.

- **Efficiency:** creating smaller erven promotes a combination of residential densities within the existing residential area. The proposed development promotes the quality and functionality of the property through the optimal use of existing services and infrastructure. It further strengthens the efficiency of the property by creating new housing opportunities. The proposed development will promote the short, medium and long term financial sustainability of the property, seeing as optimal use of existing services and infrastructure is made and will contribute to achieving the desired densification strategy as set out within the *Swartland SDF*. Infill development is an effective spatial planning tool that promotes sustainable development by making optimal use of available opportunities. The proposal will also ensure an overall a more compact town.
- **Spatial resilience:** the development will be resilient in terms of the variety of uses under the Residential zoning that may be allowed on the properties if the necessary land use rights are obtained. The proposed development does not limit any future benefits of the property or surrounding area.
- **Administration:** the proposed application will be taken through the public process by the Swartland Municipality and all relevant departments will be approached.

From the above, it can be concluded that the proposed development complies with the overall guidelines and proposals for future development in Riebeek Kasteel 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, whilst supporting densification within the urban edge of Riebeek Kasteel. 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 subdivision is considered desirable on the basis of the following;

- The proposed subdivision supports LUPA and SPLUMA;
- The proposed development effectively caters for future residential needs in Riebeek Kasteel by creating new housing opportunities;
- The optimal use of services leads to cheaper infrastructure provision;
- The proposed subdivision will limit urban sprawl within the Riebeek Kasteel area;
- The development also supports the SDF by promoting densification within the existing urban areas;

- The current zoning of the property will remain unchanged;
- Creation of smaller erven is easier to maintain.
- Complies with the minimum erf size of 500m².
- The development proposal will complement the character of the area and not adversely affect any natural conservation areas or surrounding agricultural practises.
- With the proposed subdivision, the owner of Erf 119, Riebeek Kasteel, is granted an income opportunity.
- One additional functional erf will be created.

This office is of the opinion that the application for subdivision of Erf 119, Riebeek Kasteel will not have a negative impact on the surrounding properties and built environment. It would rather make a positive contribution to residential development in Riebeek Kasteel due to the optimal use of existing land for housing purposes.



NJ de Kock

For CK RUMBOLL AND PARTNERS

A20

15/3/6-11/Erf_119

From: Benjamin Kellerman <beminkellerman@gmail.com>
Sent: Monday, 01 June 2026 13:32
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Fwd: Voorgestelde onderverdeling op erf 119, Riebeek Kasteel

Goeie dag

Epos hieronder en aangehegde brief ivm die onderverdeling van erf 119 Riebeek Kasteel verwys.

Ons (BPJ Kellerman en C Kellerman, 21 Piet Retief Straat, Riebeek-Kasteel, Kontaknommer 082 4113982) se kommentaar is as volg:

1. Ons is gekant teen die onderverdeling, omdat die front voor te klein is van die voorgestelde erwe, en sal afbreek maak aan die straat en dorp.
2. Ons versoek ook dat die boulyn (aangrensend aan ons erf) moet minstens 3m wees.
3. Indien dit voortgaan, mag daar nie kothuise of nog onderverdelings plaasvind nie, m.a.w. geen addisionele strukture moet gebou word nie. Aanbouings aan bestaande woonhuis sal in orde wees slegs as die 3m boulyn gerespekteer word.

Groete

Benjamin & Catharina Kellerman

CK RUMBOLL & VENNOTE / PARTNERS



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

DATE: 18 June 2026

OUR REF: MRK/15006/NJdK

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

MUNISIPALITEIT SWARTLAND				REG	
LEER No:		ERF No:			
Vervys Na	Inligting	Verslag	Afhandel	Kom/Taar	
SSSB					
oe					
Ander Opdrag:					
SPERDATUM:					(get)BK

Sir

COMMENTS ON OBJECTIONS

PROPOSED SUBDIVISION OF ERF 119, RIEBEEK KASTEEL

Your letter dated 5 June 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:

- Benjamin & Catharina Kellerman (Erf 1029)



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: Erven 119 and 1029, Malmesbury

Objector	Objection	Comment from CK Rumboll & Partners
Benjamin & Catharina Kellerman	We are opposed to the subdivision, because the frontage of the proposed erven (plots) is too small, and will detract from the street and town.	1.The subject property features a street frontage of approximately 12m. This width is consistent with the established character of the surrounding area (when considering all the panhandles) and is more than sufficient to accommodate the existing dwelling and the proposed subdivision. Furthermore, the proposal fully complies with the minimum erf size requirements as stipulated in the Spatial Development Framework (SDF).
	We also request that the building line (adjacent to our erf) must be at least 3m.	2. The request for a 3m building line is noted. The proposed subdivision is designed in accordance with relevant planning standards and will not negatively impact the amenity of Erf 1029. Therefore, there is no technical justification to impose additional restrictions on the development rights of Erf 119.

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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MALMESBURY (T) 022 482 1845

	If this proceeds, there may be no cottages or further subdivisions, i.e., no additional structures may be built. Extensions to the existing house will only be in order if the 3m building line is respected.	3.The concerns regarding future development are noted. Any future development on the property, whether through additional structures or further subdivision, must adhere to the prevailing SDF and the Swartland Municipal Land Use Planning By-Law. These regulatory frameworks are designed to manage development in the area appropriately, and the owners remain committed to complying with all applicable legal requirements.
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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



Lêerverw: 15/3/6-11/Erf_119

Navrae:
Me D N Stallenberg

5 June 2026

C K Rumboll & Vennote
P O Box 211
MALMESBURY
7299

Email: planning9@rumboll.co.za

Dear Sir

OBJECTIONS: PROPOSED SUBDIVISION OF ERF 119, RIEBEEK KASTEEL

Your application with reference MRK/15006/NJdK dated 26 January 2026 refers.

Kindly find attached the objection received by Benjamin & Catharina Kellerman during the commenting period.

Your comment on the objections is requested by 6 July 2026 in order for Swartland Municipality to make a decision.

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services

/ds

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- ISwartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

A20

15/3/6-11/Erf_119

From: Benjamin Kellerman <beminkellerman@gmail.com>
Sent: Monday, 01 June 2026 13:32
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Fwd: Voorgestelde onderverdeling op erf 119, Riebeek Kasteel

Goeie dag

Epos hieronder en aangehegde brief ivm die onderverdeling van erf 119 Riebeek Kasteel verwys.

Ons (BPJ Kellerman en C Kellerman, 21 Piet Retief Straat, Riebeek-Kasteel, Kontaknommer 082 4113982) se kommentaar is as volg:

1. Ons is gekant teen die onderverdeling, omdat die front voor te klein is van die voorgestelde erwe, en sal afbreek maak aan die straat en dorp.
2. Ons versoek ook dat die boulyn (aangrensend aan ons erf) moet minstens 3m wees.
3. Indien dit voortgaan, mag daar nie kothuise of nog onderverdelings plaasvind nie, m.a.w. geen addisionele strukture moet gebou word nie. Aanbouings aan bestaande woonhuis sal in orde wees slegs as die 3m boulyn gerespekteer word.

Groete

Benjamin & Catharina Kellerman



Verslag ♦ Ingxelo ♦ Report

Office of the Director: Development Services
Department: Development Management

31 July 2026

15/3/6-11/Erf_30

Ward: 12

ITEM 6.6 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 12 AUGUST 2026

LAND USE PLANNING REPORT PROPOSED SUBDIVISION OF ERF 30, RIEBEEK KASTEEL

Reference number	15/3/6-11/Erf_30	Submission date	26 March 2026	Date finalised	31 July 2026
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PART A: APPLICATION DESCRIPTION

Application is made for subdivision of Erf 30, Riebeek Kasteel, in terms of section 25(2)(d) of the Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020). It is proposed that erf 30 (3212m² in extent) be subdivided into a remainder (±1004m² in extent), Portion A (500m²), Portion B (519m²), Portion C (501m²), Portion D (662m²), Portion E (13m²) as well as Portion F (13m²).

The applicant is C K Rumboll & Partners, and the owner is, Mr. PA Mathee in his capacity as Executor in the estate of the late Christopher Denys Wright.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 30, Riebeek Kasteel, situated in the Swartland Municipality; Malmesbury Division, Province Western Cape				
Physical address	3 Booysen Street. Please refer to location plan attached as Annexure A.		Town	Riebeek Kasteel	
Current zoning	Residential Zone 1	Extent (m ² /ha)	3212m ²	Are there existing buildings on the property?	☒ Y ☐ N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	Dwelling		Title Deed number & date	T54597/2015	
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)

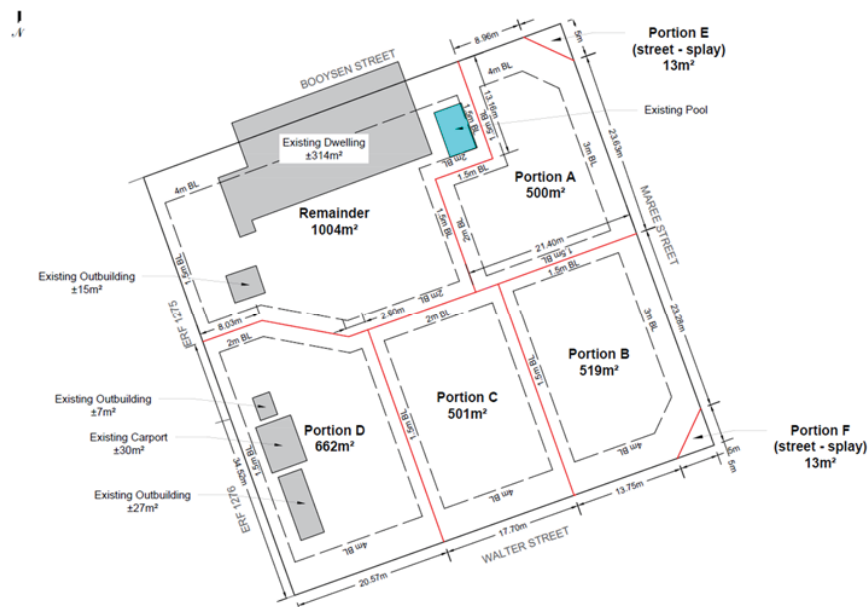
Rezoning	☐	Permanent departure	☐	Temporary departure	☐	Subdivision	☒
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Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension, or amendment of restrictive conditions	
Permissions in terms of the 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			

PART D: BACKGROUND

Erf 30, Riebeek Kasteel is zoned Residential zone 1 and is currently developed with a dwelling as well as related outbuildings. As noted by the applicant in their motivation report a similar subdivision was previously approved in 2018, however the approval lapsed as the owner never acted on the subdivision approval within the validity period. The owner now seeks approval for substantially the same subdivision proposal.

The owner therefore intends to subdivide the erf into 5 residential portions as well as 2 splays. Please refer to the proposed subdivision plan below.



Street View photos of the subject property taken on the corner of Maree and Booyesen Street.



Images indicating the streetscape of Maree Street



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 APPLICANT'S 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 seeks approval for the subdivision of Erf 30, Riebeeck-Kasteel (3 212m²), into four additional Residential Zone 1 erven, a residential remainder, and two small transport zone splays. The application effectively replicates a subdivision that was previously approved by the Tribunal on 28 November 2018, but which lapsed due to non-compliance with conditions within the validity period.

The motivation is based on the following key considerations:

- The property is a large Residential Zone 1 erf situated within the established urban area of Riebeeck-Kasteel and is considered suitable for subdivision due to its size and the location of the existing dwelling.
- The proposed subdivision complies with the minimum erf size requirements applicable to the area, with all proposed residential erven exceeding 500m².
- No rezoning is required, as the existing Residential Zone 1 zoning will be retained and the proposed land uses remain consistent with the current zoning and surrounding residential character.
- The proposal will create additional residential development opportunities and contribute to housing supply within the existing urban footprint without adversely affecting neighbouring properties.
- Adequate municipal engineering services, including water, sewerage, stormwater, electricity and refuse removal, are available to accommodate the proposed subdivision.
- The application is aligned with the Swartland Municipal Spatial Development Framework (2023-2027, 2025 Amendment), which supports infill development, densification through subdivision, efficient utilisation of serviced land, and minimum residential erf sizes of 500m² in identified areas.
- The proposal is motivated as being consistent with the planning principles contained in SPLUMA and LUPA, particularly spatial justice, spatial sustainability, efficiency, spatial resilience and good administration. The applicant argues that the development promotes efficient land use, limits urban sprawl, utilises existing infrastructure, and supports orderly urban growth within a serviced area.
- No restrictive title deed conditions, servitudes or bonds exist that would prevent the subdivision.
- The applicant further submits that the subdivision will optimise the use of existing municipal infrastructure, maintain the area's residential character, have no detrimental impact on environmental or heritage resources, and provide the estate with an income-generating opportunity through the creation of additional saleable residential erven.

Conclusion

The applicant contends that the proposed subdivision represents an appropriate infill development within a serviced urban area, is consistent with municipal policy and statutory planning principles, complies with applicable zoning provisions, and will facilitate additional residential opportunities without creating undesirable planning impacts. The application is therefore motivated as being desirable and suitable for approval.

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, a total of 13 notices were sent via registered post and per e-mail to the owners affected by the application.								
Total valid comments		8		Total comments and petitions refused			0	
Valid petition(s)		Y	N	If yes, number of signatures				
Community organisation(s) response		Y	N	Ward councillor response		Y	N	The application was forwarded to councillor DG Bess, but no comments were forthcoming.
Total letters of support		0						

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Date received	Summary of comments	Recommendation	
			Positive	Negative
Department: Civil Engineering Services	23 April 2026	1. Water (a) Each subdivided portion be provided with a separate water connection. This condition is applicable at clearance stage for the remainder and Portion D as well as on building plan stage in terms of Portions A, B and C; 2. Sewerage (a) Each subdivided portion be provided with a separate sewer connection at subdivision stage; (b) The sewer network be extended in order to provide each subdivided portion with a separate connection. For this purpose, the developer appoint an engineer appropriately registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000) to design the extension. The design be submitted to the Director: Civil Engineering Services for approval, after which the construction work be carried out under the supervision of the appointed engineer. (c) The sewer pipeline to be installed be protected by means of a 2 metre wide servitude. 3. General 1. 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; 2. 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; 4. Development charges (a) Fixed cost development charges be made as follows: (i). Water R 33 844, 91 (ii). Bulk water R 35 871, 17 (iii). Sewer R 23 042, 07 (iv). WWTW R 30 985, 28 (v). Roads R 31 391, 44	X	
Building control	13 April 2026	No comment	X	
Protection services	13 April 2026	No comment	X	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS (Please see Annexure F)	MUNICIPAL ASSESSMENT OF COMMENTS
Mr Lourens Rabé (Owner of 12 Walter Street)	Mr Rabé objects to the proposed subdivision, stating that: - The creation of five smaller erven would constitute overdevelopment and would negatively impact the established spatial character of the neighbourhood. - The proposal could create an undesirable precedent for future subdivisions in the area and may negatively affect the amenity, aesthetics and property values of surrounding properties. - The capacity of existing municipal infrastructure, including roads, stormwater, water and sanitation services, to accommodate the proposed densification, is questioned. - While objecting to the proposed five-erven subdivision, the objector indicates support for a more limited subdivision of the property into a maximum of two portions.	The applicant, through CK Rumboll & Partners, submitted that the objections largely raise common concerns relating to the potential impact of the application on the neighbourhood character, density, traffic, infrastructure capacity, parking, property values, heritage impacts and precedent. In order to avoid duplication in the report, the applicant's response can be summarised as follows, specifically based on the themes highlighted from the concerns raised by the objectors: Previous Municipal Approval The applicant emphasises that the current proposal is not a new development concept, but substantially the same subdivision that was approved by the Municipal Planning Tribunal in November 2018. The previous approval lapsed solely because the conditions of approval were not fulfilled within the prescribed period and not because of any planning shortcomings associated with the proposal. Consistency with Planning Policy The applicant argues that the proposed subdivision is fully consistent with the Swartland Municipal Spatial Development Framework (MSDF), which promotes residential infill development, incremental densification within existing urban areas, efficient utilisation of serviced land, optimisation of municipal	As highlighted by the applicant the objections largely raise common concerns and to avoid duplication in the response, the municipal assessment of the objections will be dealt with based on the following themes including; compatibility with the existing character of the area and concerns regarding over-densification, potential precedent for future subdivisions, traffic, parking and road safety impacts, capacity of municipal engineering services, privacy, amenity and property values. heritage, tourism and aesthetic considerations and lastly potential environmental and wildlife impacts. Character of the Area and Density It is acknowledged that the immediate area is characterised by predominantly larger residential erven and a low-density residential character. However, the subject property is situated within the urban edge of Riebeeck-Kasteel and is zoned Residential Zone 1. The proposed subdivision complies with the minimum erf size of 500m² prescribed by the Municipal Spatial Development Framework (MSDF) for this area and remains consistent with the applicable zoning provisions. The proposal does not introduce a new land use but merely creates additional Residential Zone 1 erven. The Tribunal previously approved substantially the same subdivision proposal in 2018 after considering similar objections relating to neighbourhood character and density. The approval lapsed solely as a result of the owner not acting on the approval and ensuring compliance with the conditions as well as the registration of the subdivided portions and not because the subdivision was found to be undesirable.
Mr Sandor Kocsis (Owner of Erf 1234)	Mr Kocsis objects to the proposed subdivision on the grounds that; - The creation of multiple residential erven of approximately 500m² is inconsistent with the existing character of the neighbourhood. - that the area is characterised by larger residential properties which		

	contribute to privacy, visual appeal and property values. 7. The objector is of the opinion that larger erf sizes should be maintained to preserve the established character and atmosphere of the area.	infrastructure and the prevention of urban sprawl. The proposal is therefore regarded as implementing the Municipality's long-term spatial planning vision for Riebeeck-Kasteel.	The previous approval is a relevant planning consideration, but the current application has been independently assessed against the prevailing legislative and policy framework.
Mrs J. Hattingh (Resident of 10 Maree Street)	Mrs Hattingh objects to the proposed subdivision due to concerns relating to; 8. increased traffic and parking demand within Maree Street and Walter Street. 9. these streets are narrow and are already experiencing increased traffic associated with ongoing building activity in the area. 10. the development of four or five additional dwellings will exacerbate traffic and parking pressures. 11. In addition, the objector raises concerns that further residential development may negatively affect local environmental qualities, including habitat and conditions that support birds, reptiles and other wildlife in the area.	3. Character of the Area and Densification In response to concerns that the subdivision would alter the character of the area, the applicant contends that neighbourhood character is not static and naturally evolves over time in response to planning policies, infrastructure availability and housing demand. The applicant submits that the proposal remains residential in nature, complies with the minimum erf size requirements of approximately 500 m², and constitutes a moderate form of urban infill rather than inappropriate over-development. 4. Precedent Concerns Regarding concerns that approval may create a precedent for further subdivisions, the applicant submits that each land use application must be assessed independently on its own merits, taking into account the applicable policy framework, site characteristics and infrastructure capacity. Approval of the current application would therefore not automatically justify similar applications elsewhere. 5. Infrastructure and Service Capacity The applicant notes that the subdivision was previously assessed and approved by the Municipality, including consideration of	2. Precedent The concern relating to precedent is acknowledged. However, it is a well-established planning principle that every application must be considered on its own merits against the applicable legislative framework, planning policy, zoning provisions, service capacity and site-specific circumstances. Approval of the current application would not create an automatic right for similar subdivisions elsewhere and would not bind future decision-makers where circumstances differ. Accordingly, precedent in itself does not constitute sufficient planning grounds for refusal. 3. Municipal Engineering Services Objections concerning the adequacy of water, sewerage, stormwater and road infrastructure have been considered. The application was circulated to Civil Engineering Services who confirmed that the proposed subdivision can be accommodated subject to standard engineering conditions, service connections, sewer network upgrades and the payment of applicable development charges. No technical objections were received from the Municipality's engineering departments. In terms of planning law, technical matters relating to service capacity are most appropriately assessed by the responsible engineering department. The evidence before the Tribunal indicates that adequate engineering solutions are available to accommodate the development.
Mr Sonny Vriendt (Owner of Erf 1235)	Mr Vriendt objects to the proposed subdivision on several planning-related grounds. 12. The objector submits that the proposal is inconsistent with the established low-density character of the neighbourhood and constitutes over-densification. 13. The objector expresses concern that approval could establish a precedent for similar subdivisions.		

	resulting in the gradual erosion of the area's character. 14. Further concerns relate to potential impacts on privacy and residential amenity due to increased dwelling density, increased traffic volumes and parking demand, and possible pressure on existing municipal infrastructure, including water, sewerage, stormwater and electricity services. 15. Mr Vriends also argues that the proposal does not adequately reflect principles of context-sensitive and sustainable development and requests that the application be refused or amended to provide fewer and larger erven.	engineering services. It is further submitted that the current application has again been circulated to the relevant municipal departments for technical comment. The applicant states that no technical evidence has been presented indicating that existing roads, water, sewerage, stormwater or electricity infrastructure are incapable of accommodating the proposed subdivision. Any engineering requirements can be addressed through conditions of approval. 6. Traffic and Parking The applicant acknowledges concerns regarding traffic and parking but submits that the increase in traffic generated by four additional residential erven will be limited. Access will be distributed between Booysen Street, Walter Street and Maree Street, thereby reducing concentration of traffic movements. The applicant further notes that future development on the newly created erven will be subject to compliance with the municipal parking requirements at building plan stage, ensuring adequate on-site parking provision. 7. Privacy, Amenity and Future Development The applicant submits that subdivision approval does not automatically authorise building development. Any future dwellings will require building plan approval and will need to comply with applicable development parameters, including building lines, height restrictions, coverage limits and other controls intended to	4. Traffic, Parking and Road Safety Several objectors raised concerns regarding increased traffic volumes, parking demand and road safety. The proposal creates four additional residential opportunities within an established residential area. Such development is not expected to generate traffic volumes that would exceed the functional capacity of the surrounding local road network. Furthermore, access is distributed between Booysen Street, Walter Street and Maree Street, thereby limiting traffic concentration on any single street. Parking requirements are regulated through the Swartland Development Management Scheme and will be assessed at building plan stage. Any future dwelling will be required to provide the prescribed on-site parking. The concerns relating to traffic and parking are therefore not considered sufficient to justify refusal of the application. 5. Privacy and amenity The concerns relating to privacy, overlooking and residential amenity are noted. However, subdivision approval does not in itself authorise future building works. Any future development on the newly created erven will remain subject to building plan approval and compliance with zoning requirements relating to building lines, height, coverage and other development controls. 6. Property Values With regard to property values, no objective evidence or specialist valuation information has been submitted demonstrating that the proposed subdivision will result in a measurable decline in surrounding property values. Property
Mr Leopold van Tuyll (Owner of Erven 1411 and 2771)	Mr van Tuyll objects to the proposed subdivision on the basis that: 16. The number and size of the proposed erven are not compatible with the existing character of the neighbourhood. 17. He submits that the area is characterised by larger residential erven which contribute to the spacious, family-orientated nature of the neighbourhood. 18. The objector contends that the proposal is primarily motivated by profit maximisation and that the creation of four additional residential opportunities would be out of scale with surrounding development.		

	19. He further raises concerns regarding increased traffic volumes in Maree Street, potential impacts on road safety, particularly for children in the area, and the ability of existing infrastructure to accommodate the proposed density.	protect neighbouring properties. The applicant therefore argues that concerns relating to overlooking, privacy and residential amenity can be appropriately managed through the existing regulatory framework.	values are generally not regarded as a decisive planning consideration unless supported by substantive evidence. Similar conclusions were reached by the Tribunal during its previous consideration of the application.
Mr Maarten Venter	Mr Venter objects to the subdivision on the grounds that: 20. It represents inappropriate densification within an area that he describes as having significant aesthetic and heritage value. 21. He submits that the existing pattern of larger erven contributes to the rural village character of Riebeeek-Kasteel and that the proposed five residential erven would alter the established streetscape. 22. The objector raises concerns that additional residential units would increase traffic, noise and parking demand on Booyesen, Walter and Main Streets, potentially affecting pedestrian safety and the area's rural character. 23. The objector further contends that the proposal could negatively affect the heritage context, cultural landscape and property values of adjoining properties. 24. Additional concerns include alleged inconsistency with the Riebeeek Valley Residents Association Development Guidelines, possible pressure on infrastructure services,	8. Property Values In response to concerns regarding property values, the applicant submits that no objective or professionally verified evidence has been provided demonstrating that the proposal would negatively affect neighbouring property values. The applicant argues that property values are influenced by a range of economic and market factors and are generally not considered decisive planning considerations without supporting expert evidence. 9. Heritage, Character and Tourism Value The applicant acknowledges concerns regarding the heritage and aesthetic qualities of the area but submits that the proposed subdivision remains compatible with the Residential Zone 1 zoning and the existing residential use of the property. The applicant argues that the proposal does not introduce an incompatible land use and that any future development will remain subject to municipal development controls through the building plan approval process.	The concerns regarding heritage character, streetscape quality and the tourism appeal of Riebeeek-Kasteel are acknowledged. However, the application is for subdivision only and does not include approval of specific building designs. The existing Residential Zone 1 zoning remains unchanged and any future buildings will remain subject to municipal development controls and building plan approval processes. Below is an extract of the town plan for Riebeeek Kasteel indicating the difference in property extent for Residential Zone 1 properties only.  An analysis of Residential Zone 1 erf sizes in the surrounding neighbourhood indicates that erven ranging between 500m² and 1000m² already occur extensively within this part of Riebeeek Kasteel and therefore the proposed subdivision does not introduce an inconsistent ownership or cadastral pattern.

	and the precedent that approval may create for future subdivisions. 25. The objector indicates support only for a substantially reduced density development.	10. Wildlife and Environmental Concerns With regard to concerns about wildlife and the natural environment, the applicant submits that the proposal constitutes a modest residential infill development within an existing urban area and does not involve the introduction of any incompatible land use. The applicant therefore considers the impact on the broader environment to be limited. 11. Applicant's Conclusion The applicant concludes that the proposed subdivision is consistent with the applicable planning policy framework, complies with the minimum erf size requirements and Residential Zone 1 development provisions, supports the principles contained in SPLUMA and LUPA, constitutes appropriate urban infill development within the existing urban footprint, and can therefore be favourably considered for approval.	Furthermore, no evidence has been provided indicating that the proposed cadastral subdivision would result in unacceptable heritage impacts. The proposal is therefore not considered inconsistent with the broader heritage character of the area. 8. Environmental and Wildlife Concerns Concerns regarding potential impacts on birds, reptiles and local wildlife are noted. The property is situated within an established urban area and the proposal does not involve the rezoning of environmentally sensitive land or the introduction of non-residential land uses. No environmental authority comments or specialist reports have identified environmental constraints that would prevent subdivision of the property. 9. Conclusion on Objections While the objections reflect genuine concerns of neighbouring property owners, the majority relate to perceived future impacts rather than demonstrable planning harm. The proposal complies with the minimum erf size requirements of the MSDF, retains the Residential Zone 1 zoning, aligns with the densification and infill objectives of the MSDF, PSDF and SPLUMA principles and can be adequately serviced subject to the recommended engineering conditions. The objections do not reveal new planning considerations that materially distinguish the current application from the substantially similar subdivision approved by the Municipal Planning Tribunal in 2018. Accordingly, the objections are not considered sufficient to outweigh the desirability and policy support for the proposed subdivision.
Mr Herman Jonker (Owner of 13 Maree Street and Trustee of	Mr Jonker objects to the proposed subdivision of Erf 30 into five residential portions, arguing that: 26. The proposed density is inconsistent with the historic rural character of the immediate area.		

Adamastor Trust)	27. He submits that the development would create parking and space constraints in the adjacent narrow streets and could have a negative effect on surrounding property values. 28. The objector further contends that the proposal may adversely affect the character, heritage significance and tourism appeal of Riebeek-Kasteel.		
Ms Margaretha Kramer (Owner of Erf 52)	Ms Kramer objects to the proposed subdivision on the basis that: 29. It would alter the spacious and open character of the neighbourhood, which she regards as a defining feature of the area. 30. She submits that the proposed 500m² erven would introduce a level of residential density that is not in keeping with the surrounding development pattern. 31. Concerns are also raised regarding increased traffic volumes and the potential impact on road safety. 32. Furthermore, the objector believes that the development could detract from the setting and character of the existing heritage dwelling situated on the property and negatively affect the aesthetic quality of the neighbourhood. 33. She requests that the number and size of the proposed erven be reconsidered to better preserve the character and liveability of the area.		

PART J: MUNICIPAL PLANNING EVALUATION

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

The application was submitted in terms of the By-Law on 26th of March 2026. The public participation process commenced on 9th of April 2026 and ended on 13th of May 2026 (affected parties and internal departments). The objections were received and referred to the applicant for comments on 15th of May 2026. The municipality received the comments on the objections on the 4th of June 2026. Please refer to the comments attached as Annexure M.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal 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

a) Spatial Justice:

The proposed subdivision promotes more equitable access to residential land within the existing urban area of Riebeek Kasteel by creating four additional residential opportunities on a large, underutilised residential property. The property is situated within a serviced and accessible area of the town and the subdivision will enable a wider range of property ownership opportunities than currently exists on the parent erf. The proposal does not limit access to municipal services or opportunities and does not negatively impact the rights of neighbouring property owners beyond what is ordinarily associated with residential development within an urban area. The application can therefore be regarded as consistent with the principle of Spatial Justice.

b) Spatial Sustainability:

The subdivision represents an infill development proposal within the existing urban edge of Riebeek-Kasteel and makes use of existing municipal infrastructure and services. The proposal supports a more compact urban form by accommodating additional residential opportunities within the existing settlement rather than promoting outward urban expansion. The proposed erven comply with the minimum erf size requirements applicable to the area and maintain the residential character of the locality. The efficient utilisation of existing urban land and infrastructure supports the long-term environmental, social and economic sustainability objectives contained in SPLUMA, LUPA and the Swartland MSDF.

c) Efficiency:

The proposal facilitates the optimal use of an existing Residential Zone 1 property and available municipal infrastructure, including water, sewerage, stormwater, roads and electricity. The subject property is located within a fully serviced urban area where engineering services are already available. The subdivision will allow for more efficient utilisation of land without requiring the establishment of new bulk infrastructure outside the urban area. The proposal further supports the municipal objective of densification within appropriate areas and contributes towards a more efficient settlement pattern. The application is therefore considered consistent with the principle of Efficiency.

d) Good Administration:

The application has been processed in accordance with the requirements of the Swartland Municipality: Municipal Land Use Planning By-Law. Public participation was undertaken, objections were received and referred to the applicant for comment, and the proposal was circulated to the relevant municipal departments for technical input. All submissions received have been considered as part of the decision-making process. The application is therefore consistent with the principle of Good Administration.

e) Spatial Resilience:

The proposed subdivision contributes to spatial resilience by increasing residential opportunities and allowing for greater flexibility in land ownership and future residential development within the existing urban area. The proposal does not sterilise future development opportunities and retains the Residential Zone 1 zoning applicable to the property. By creating additional residential erven within an established settlement, the proposal supports the adaptability and long-term sustainability of the urban environment while remaining compatible with the Municipality's spatial planning objectives.

Having regard to the relevant development principles contained in Section 42 of SPLUMA and Chapter VI of LUPA, the proposed subdivision is considered to promote spatial justice, spatial sustainability, efficiency, spatial resilience and good administration. The proposal represents appropriate residential infill development within a serviced urban area, is aligned with the Swartland Municipal Spatial Development Framework, makes efficient use of existing infrastructure, and does not introduce land uses that are incompatible with the surrounding area. Accordingly, the application is considered desirable from a spatial planning perspective.

2.2 Provincial Spatial Development Framework (PSDF, 2014)

The PSDF promotes a more compact and efficient urban form through infill development, appropriate densification and the optimal utilisation of existing infrastructure within established urban areas. The framework recognises that low-density development patterns and urban sprawl place increasing pressure on municipal resources and infrastructure investment, whilst compact settlements improve long-term sustainability and service delivery efficiency.

The subject property is located within the existing urban footprint of Riebeek Kasteel and is already provided with municipal engineering services. The proposal does not involve the expansion of the urban edge, the conversion of agricultural land, or the introduction of an incompatible land use. Instead, it facilitates the more efficient utilisation of a large underutilised residential property through the creation of additional residential opportunities within an established neighbourhood.

The PSDF further emphasises the importance of protecting the sense of place and character of settlements while promoting appropriate density. In this regard, the proposed subdivision complies with the minimum erf size of 500m² applicable to the area and remains consistent with the Residential Zone 1 zoning of the property. The surrounding area already contains a variety of residential erf sizes and the proposal will therefore not introduce an inconsistent cadastral pattern or land use that is out of character with the broader neighbourhood.

The proposal promotes a compact settlement form, makes efficient use of existing infrastructure, supports incremental residential development within the urban area and remains compatible with the character and function of the surrounding residential environment. The application is therefore considered consistent with the relevant spatial planning objectives of the Provincial Spatial Development Framework, 2014.

2.3 West Coast District SDF (WCDSDF, 2020)

In the WCDSDF, 2020 it is stated that the functional classification for Riebeek Kasteel is Residential / Tourism and according to the growth potential study Riebeek Kasteel is a small town service town 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.

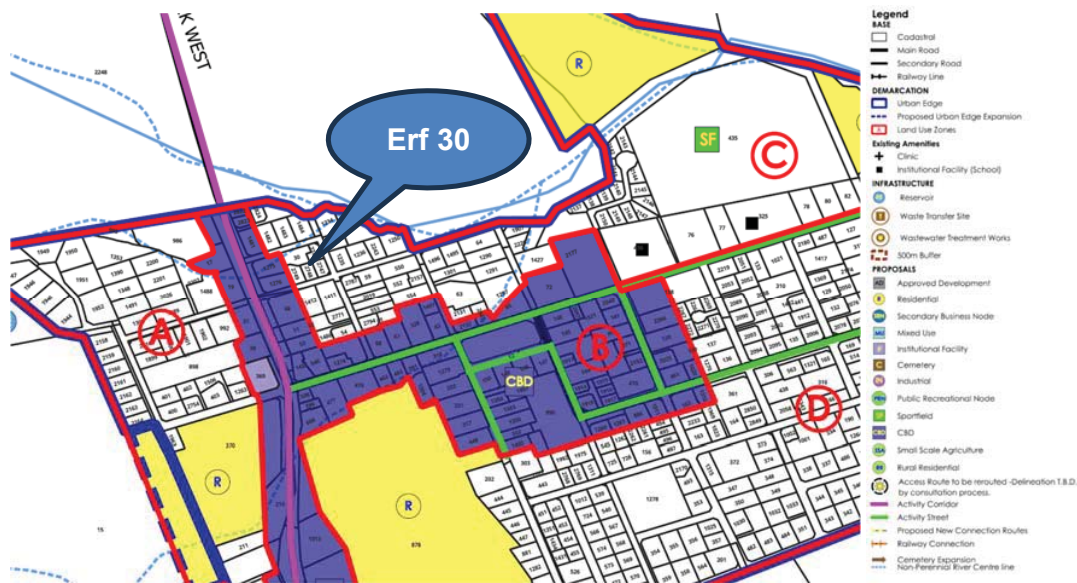
The proposal is deemed consistent with the WCDSDF, 2020.

2.4 Municipal Spatial Development Framework (MSDF, 2025)

The subject property is situated in an area demarcated as Land use Proposal Zone C, as per the spatial proposals for Riebeeek Kasteel contained in the MSDF, 2025. Zone C is defined as an area representing sports functions and educational uses with potential for infill residential development.

Furthermore, the proposed erf sizes comply with the minimum erf size of 500m² as prescribed by the MSDF. The proposed subdivision is seen as densification and the optimal use of land and infrastructure.

The proposal is therefore deemed consistent with the land use proposals of the MSDF, 2025.



It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned policy and legislative measures.

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

Erf 30, Riebeeek Kasteel is zoned Residential Zone 1. The proposed subdivision will not affect the zoning of the property.

3. Desirability of the proposed application

Erf 30, Riebeeek Kasteel is zoned Residential zone 1 and is currently developed with a dwelling and related outbuildings. Erf 30 does not have any physical restrictions which may negatively affect the application.

The character of the surrounding area includes single residential properties, most of which have already been developed. The proposed erf sizes being between 500m² and the remainder of 1000m² are in keeping with the erf sizes of the surrounding properties and will not adversely affect the character of the area.

The proposed subdivision promotes densification and the optimal use of land and infrastructure, making it in compliance with provincial and municipal planning policy.

Sufficient services capacity exists to provide the newly created erf with services and where necessary the developer needs to extend to the existing network in order to accommodate services connections to the subdivided portion, such extension will be done at the owner / developer's expense.

There are no restrictions in the title deed of erf 30 which prohibits this application.

Given the retention of Residential Zone 1 zoning, compliance with 500m² minimum erf size and building plan controls, the subdivision is not anticipated to result in an intensity or built form inconsistent with the surrounding residential character.

4. Public interest

The public interest considerations have been assessed through the public participation process, departmental consultation and evaluation of applicable planning policy. While objections were received from neighbouring property owners, no technical evidence was submitted demonstrating unacceptable planning impacts. The proposal promotes efficient utilisation of serviced urban land, supports municipal densification objectives and can be accommodated by existing engineering services subject to conditions of approval. The application is therefore considered to be in the broader public interest.

5. Impact on municipal engineering services

Sufficient services capacity exists to provide the newly created erf with services.

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

The application for the subdivision of Erf 30, Riebeek Kasteel 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:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 30, Riebeek Kasteel (3212m² in extent) be subdivided into a remainder (±1004m² in extent), Portion A (500m²), Portion B (519m²), Portion C (501m²), Portion D (662m²), Portion E (13m²) as well as Portion F (13m²) as indicated on the approved subdivision plan dated March 2026 with reference no. RK/15116/MV.;
- (b) Building plans, for the conversion of the outbuilding/s on proposed portion D into a dwelling, before transfer of the said portion, be submitted to the Senior Manager Development Management for consideration and approval;

2. WATER

- (a) Each subdivided portion be provided with a separate water connection. This condition is applicable at clearance stage for the remainder and Portion D as well as on building plan stage in terms of Portions A, B and C;

3. SEWERAGE

- (a) Each subdivided portion be provided with a separate sewer connection at subdivision stage;

- (b) The sewer network be extended in order to provide each subdivided portion with a separate connection. For this purpose, the developer appoint an engineer appropriately registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000) to design the extension. The design be submitted to the Director: Civil Engineering Services for approval, after which the construction work be carried out under the supervision of the appointed engineer.
- (c) The sewer pipeline to be installed be protected by means of a 2 metre wide servitude.

4. DEVELOPMENT CHARGES

- (a) **In respect of Portion A, B and C** (>350m² in extent) as indicated on the approved subdivision plan dated March 2026 with reference no. RK/15116/MV.
- (b) The owner/developer be responsible for a development charge of R 12 999,60 per newly created portion toward the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA 9/249-176-9210);
- (c) The owner/developer be responsible for the development charge of R12 264,75 per newly created portion towards bulk water reticulation, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (d) The owner/developer be responsible for the development charge of R8 940, 10 per newly created portion towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (e) The owner/developer is responsible for the development charge of R12 020, 95 per newly created portion towards the wastewater treatment works at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (f) The owner/developer is responsible for the development charge of R17 986, 00 per newly created portion towards roads, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (g) **In respect of proposed portion D** (>650m² in extent) as indicated on the approved subdivision plan dated March 2026 with Reference no. RK/15116/MV.
- (h) The owner/developer be responsible for a development charge of R 25 999, 20 toward the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA 9/249-176-9210);
- (i) The owner/developer be responsible for the development charge of R24 530, 65 towards bulk water reticulation, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (j) The owner/developer be responsible for the development charge of R14 048, 40 towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (k) The owner/developer is responsible for the development charge of R18 891, 05 towards the wastewater treatment works at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (l) The owner/developer is responsible for the development charge of R19 984, 70 towards roads, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (m) The Council resolution of May 2026 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2026/2027 and can be revised thereafter;

5. GENERAL

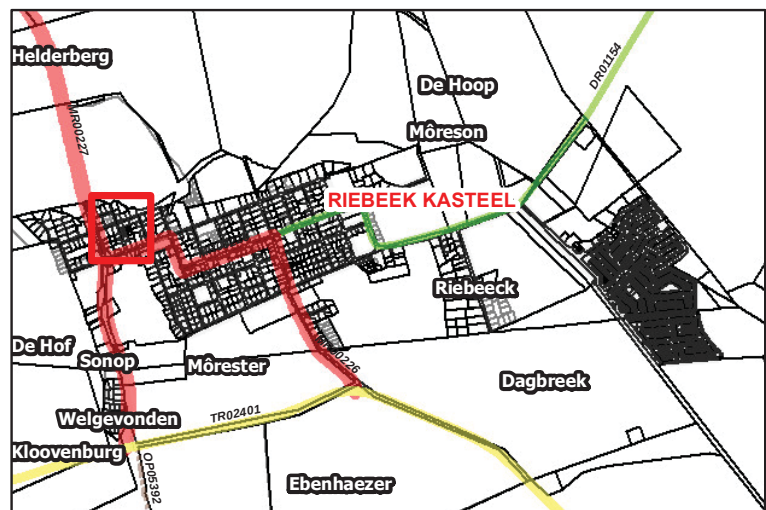
- (a) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law not be issued unless all the relevant conditions have been complied with;
- (b) Any existing services connecting the remainder and/or new portions be disconnected, and relocated, for 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 200, 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.				
PART M: REASONS FOR RECOMMENDATION				
1. Due administrative process has been followed and the application is properly presented before the Swartland Municipal Planning Tribunal for decision-making. 2. 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. 3. The proposal is consistent with the spatial proposals of the Municipal SDF, 2025. 4. The proposal is consistent with the minimum erf size determined by the SDF, namely 500m². 5. The development promotes densification in an urban area, consistent with national, provincial, and local legislation and policy. 6. The subdivision promotes efficient utilisation of serviced urban land and supports incremental residential opportunities consistent with the adopted MSDF objectives. 7. The subdivision complies with adopted minimum erf sizes and MSDF guidelines and does not grant or imply future rights for additional dwellings or higher-density forms of development. Approval of the subdivision creates five Residential Zone 1 cadastral units and two transport zone splays and does not grant any additional land use rights beyond those already provided for in terms of Residential Zone 1 zoning. 8. Approval of this subdivision does not set a precedent for undesired densification in the area. Each land use application is assessed on its own merits in terms of zoning, infrastructure capacity, environmental constraints, and conformity with adopted spatial policy. 9. The subdivision introduces only 4 additional dwelling opportunities, resulting in a modest and acceptable increase in local traffic volumes consistent with a low-order residential street. 10. On-site parking requirements remain enforceable through the development management scheme at building plan stage. 11. Development charges for sewer, wastewater treatment works and roads have been levied, ensuring that the development contributes proportionately to infrastructure provision and long-term service sustainability. 12. The concerns raised have been considered but do not constitute sufficient planning grounds to outweigh the desirability of the proposal, its consistency with the MSDF, compliance with zoning controls, availability of engineering services and the efficient utilisation of serviced urban land.				
PART N: ANNEXURES				
Annexure A: Copy of applicant's motivation report Annexure B: Locality plan Annexure C: Subdivision plan Annexure D: Public participation plan Annexure E: Objection from Mr Lourens Rabé Annexure F: Objection from Mr Sandor Kocsis Annexure G: Objection from Mrs J. Hattingh Annexure H: Objection from Mr Leopold van Tuyll Annexure I: Objection from Mr Sonny Vriends Annexure J: Objection from Mr Maarten Venter Annexure K: Objection from Mr Herman Jonker on behalf of the Adamastor Trust Annexure L: Objection from Ms Margaretha Kramer Annexure M: Comments from the applicant on the objections				
PART O: APPLICANT DETAILS				
First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Mr. PA Mathee in his capacity as Executor in the estate of the late Christopher Denys Wright.	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: 31 July 2026
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: B/8001/2001	Recommended	☒	Not recommended
			Date: 3 August 2026

LOCATION PLAN

PROPOSED SUBDIVISION OF ERF 30, RIEBEEK KASTEEL

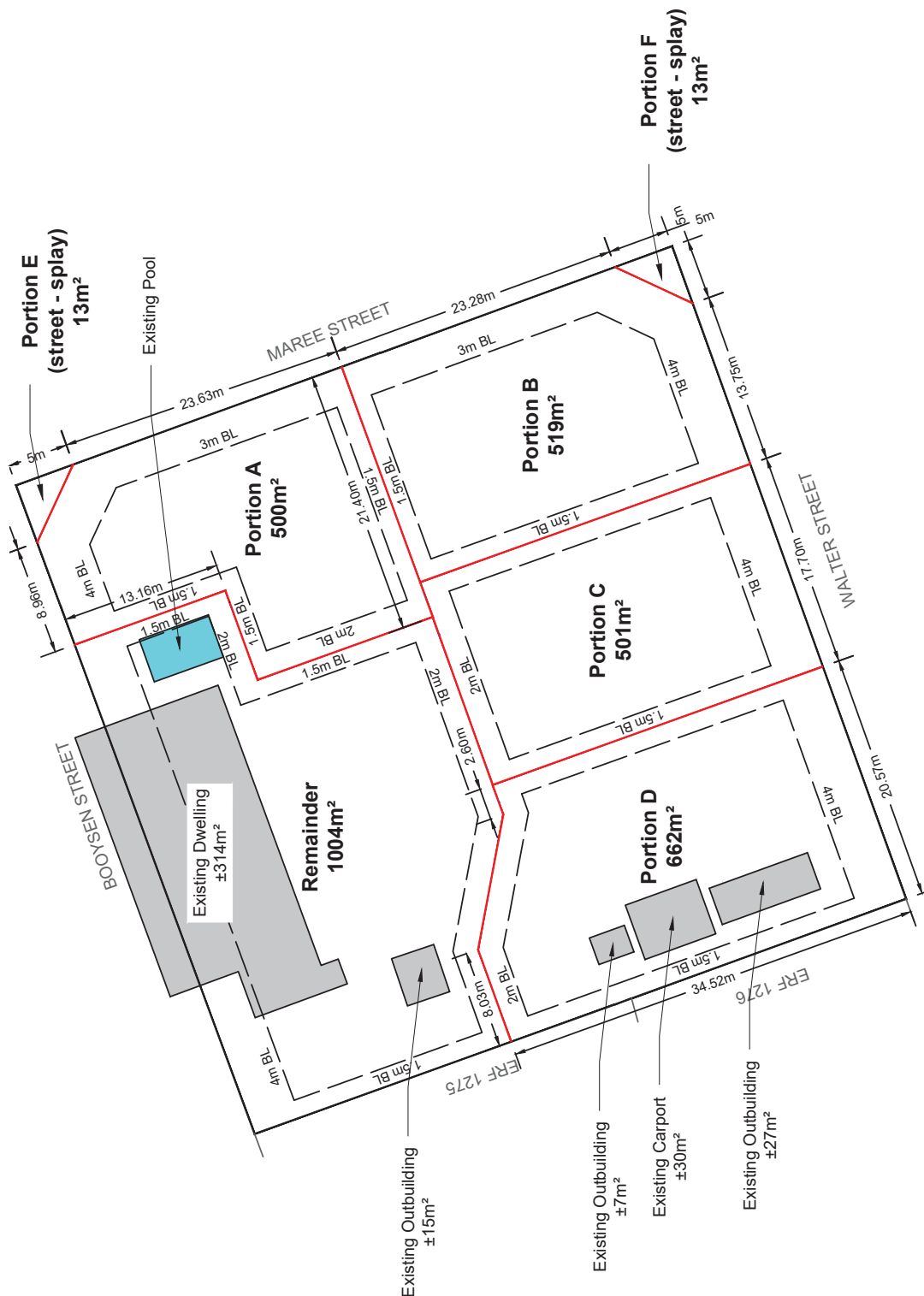


ANNEXURE B

SUBDIVISION PLAN: ERF 30, RIEBEEK-KASTEEL

LEGEND:

-  Subject property
-  Existing cadastral boundaries
-  Proposed subdivision lines



DRAWING:

SUBDIVISION PLAN

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

C.K. RUMBOLD & VENNOTE

TOWN PLANNERS

PROFESSIONAL SURVEYORS

Tel: 022 - 4821845

Fax: 022 - 4871861

Email: reception@rumbold.co.za

DATE: MARCH 2026

AUTHORITY: SMARTLAND MUNICIPALITY

REF: RK/15116/MV

CK RUMBOLL & PARTNERS INC.



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

12/03/2026

REF: RK/15116/MV

ATTENTION: Mr. A. Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Mr,

SUBDIVISION OF ERF 30, RIEBEEK-KASTEEL

Please find attached:

1. The Motivational Report with the following supportive documents:
 - ❖ Annexure A: Power of Attorney, Death Certificate, and Letter of Executorship
 - ❖ Annexure B: Previous Land Use Decision Letter
 - ❖ Annexure C: Application Form
 - ❖ Annexure D: Title Deed and SG Diagrams
 - ❖ Annexure E: Locality Map
 - ❖ Annexure F: Zoning and Land Use Map
 - ❖ Annexure G: Subdivision Plan

Friendly greeting,

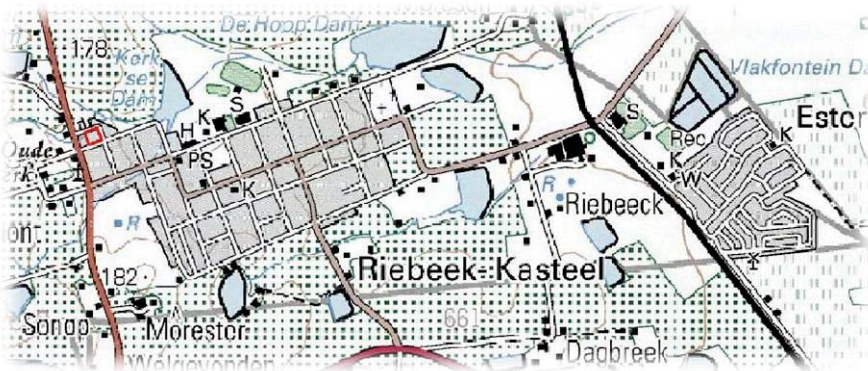
Mandri Viljoen

For CK RUMBOLL AND PARTNERS

Motivational Report

SUBDIVISION OF ERF 30, RIEBEEK KASTEEL

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



Authority:
Swartland Municipality

Date:
March 2026

Our Reference:
RK/15116/MV

Compiled By:
CK Rumboll & Partners
Town Planners
Professional Surveyors
16 Rainier Street, Malmesbury
Tel: 022-4821845
Email: planning1@rumboll.co.za



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1. SECTION 1 INTRODUCTION

CK Rumboll and Partners have been appointed by Mr. Petrus Arnoldus Matthee¹, the authorised executor of the estate of late CD Wright, former owner of Erf 30, Riebeek Kasteel, to attend to all town planning and land surveying actions regarding the property's intended subdivision.

1.1 Background

On 28 November 2018, Swartland Municipality approved² the subdivision of Erf 30, Riebeek Kasteel, into four (4) portions and a remainder for residential purposes, together with two (2) splays.

The conditions of approval were not complied with within the prescribed validity period, resulting in the approval lapsing. This report motivates the subdivision of Erf 30 in the same manner as previously applied for and approved.

SG Diagrams 2284-2289³, approved on 7 November 2019, will be re-endorsed in accordance with the approval to be issued for this application.

1.2 Purpose

It is the purpose of this report to motivate the application in terms of⁴:

- Section 25 (2) (d) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) for the **Subdivision** of Erf 30 (3212m²), Riebeek-Kasteel, into a Portion A (500m²), Portion B (519m²), Portion C (501m²), Portion D (662m²), Portion E (13m²), Portion F (13m²), and a Remainder (1004m²).

¹ Power of Attorney, Death Certificate, and Letter of Executorship – **Annexure A**.

² Previous Land Use Decision Letter – **Annexure B**.

³ Title Deed and SG Diagrams – **Annexure D**.

⁴ Application Form – **Annexure C**.

1.3 Property Description⁵

1.3.1 Summary of Property Particulars

Table 1: Summary of Property Particulars

Description	:	Erf 30, Riebeek Kasteel
Extent	:	3212m ²
Registered Owner	:	Estate of late CD Wright
Title Deed	:	T54597/2015
Zoning	:	Residential Zone 1
Land Use	:	Dwelling
Borders – North	:	Booyesen Street
East		Maree Street
South		Walter Street
West		Erven 1275 and 1276

1.3.2 Restrictive Title Deed Conditions

The title deed of the application property contains no conditions prohibiting the subdivision of the property. Furthermore, no servitudes or bonds are registered against the title deed.

2. SECTION 2

CONTEXTUAL ANALYSIS

2.1 Locality

Erf 30 is situated in the northwestern part of Riebeek-Kasteel, east of the R311 traversing the town. The property is situated on the corner of Booyesen, Maree, and Walter Streets (refer to Figure 1)⁶.

⁵ Title Deed and SG Diagrams – **Annexure D**.

⁶ Locality Map – **Annexure E**.



Figure 1: Locality Map

2.2 Existing Zoning and Surrounding Uses

Erf 30 is zoned as Residential Zone 1⁷ and is utilised accordingly, containing a dwelling and associated outbuildings. This application does not propose rezoning but rather seeks to create four additional residential opportunities, consistent with the existing zoning classification.

The surrounding character of Erf 30 is predominantly low-density residential in nature, with dwellings bordering the property towards its western boundary. The proposed subdivision will reinforce and complement the established low-density residential character of the surrounding area.

2.3 Services

Erf 30 is located in an established urban area with existing services. Sufficient capacities of services, such as

⁷ Zoning and Land Use Map – Annexure F.

water, stormwater, sewage, electricity, and refuse removal, are readily available to accommodate the proposed subdivision of Erf 30. Each erf will be provided with its own connections to the service network.

2.4 Access

Erf 30 is bounded by Booyesen Street, Maree Street, and Walter Street along its northern, eastern, and southern boundaries, respectively. The proposed Remainder will continue to utilise its existing access from Booyesen Street. Portions C and D will gain access from Walter Street, while Portions A and B have frontage along two streets each. The exact locations of their access points will be determined at the building plan stage.

3. SECTION 3 DEVELOPMENT PROPOSAL

3.1 Subdivision

Due to Erf 30's large extent, being 3212m² in size, and the locality of the existing building on the property in its northwestern corner, it offers a great opportunity for subdivision. Application is made for the subdivision of this property into seven sections: Portions A-F and a Remainder⁸. The proposed subdivision of Erf 30 is depicted in the following table and figure.

Table 2: Proposed Subdivision

Property	Extent	Zoning
Portion A	500m ²	Residential Zone 1
Portion B	519m ²	Residential Zone 1
Portion C	501m ²	Residential Zone 1
Portion D	662m ²	Residential Zone 1
Portion E	13m ²	Transport Zone 2
Portion F	13m ²	Transport Zone 2
Remainder	1004m ²	Residential Zone 1
Erf 30	3212m²	Residential Zone 1

⁸ Subdivision Plan – **Annexure G**.

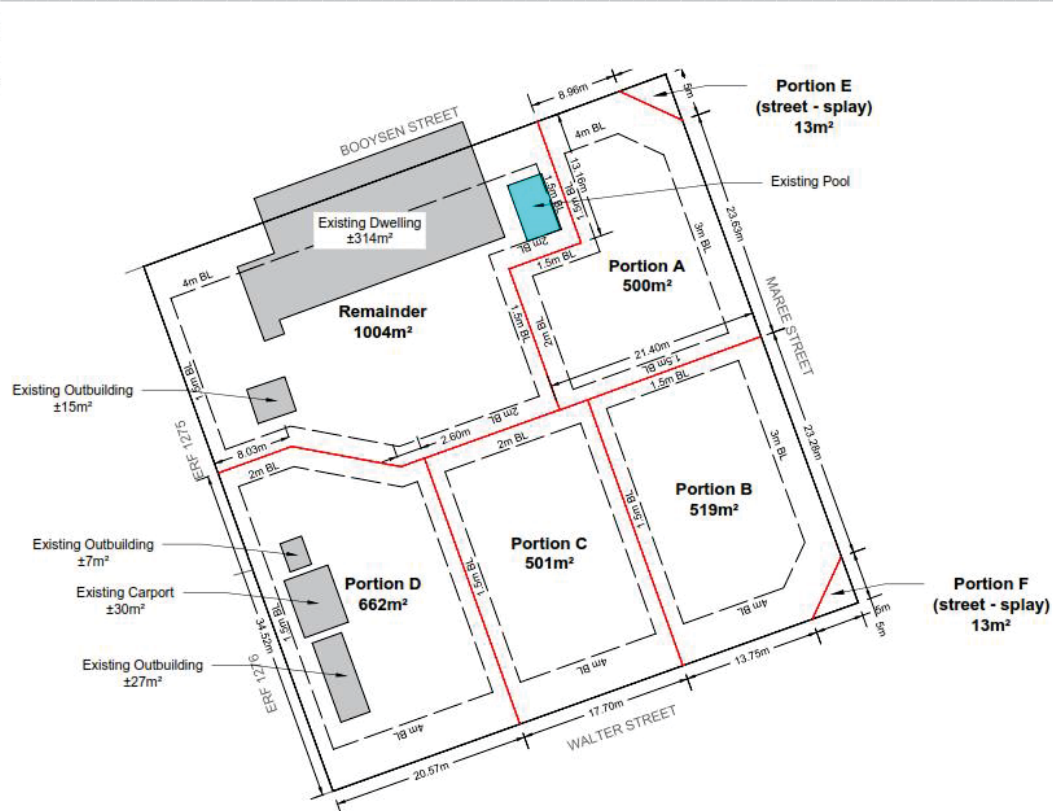


Figure 2: Subdivision Plan

The proposed subdivision is consistent with the minimum erf size requirement of 500m² for this area of Riebeek-Kasteel. It promotes responsible densification within the urban edge while offering the landowner an opportunity to sell the four additional residential erven as separate titles, potentially generating income.

The proposal aligns with the established residential character of the area, maintains the zoning and land use rights of the parent property, and introduces additional housing opportunities without adverse impacts on neighbouring properties. The subdivision will contribute positively to the housing market of Riebeek-Kasteel and support sustainable urban development.

3.2 Zoning Scheme Development Parameters

The Swartland Municipal Land Use Planning By-law (PG 8226) sets out the permissible land uses and development parameters applicable to properties zoned Residential Zone 1.

This application proposes the subdivision of a Residential Zone 1 property to create four additional low-density residential erven. The existing dwelling and outbuilding on the Remainder will be retained. Portion D contains two outbuildings and a carport; these structures will either be demolished prior to transfer or building plans for a new dwelling will be submitted before the transfer of Portion D. All other portions are currently vacant. Future

development on each property will require the submission of building plans to the Municipal Building Control Office for review and approval.

The table below illustrates how the existing buildings on the proposed Remainder, as reflected on the Subdivision Plan⁹, comply with the relevant Residential Zone 1 development parameters.

Table 3: Compliance of Existing Buildings on the Proposed Remainder with Residential Zone 1 Parameters

Residential Zone 1		
Development Parameters	Development proposal	Compliance
<u>Coverage:</u> 500m ² for erven larger than 1000m ²	±329m ²	Complies
<u>Height:</u> 8m (grade line to the wall plate); 10.5m (grade line to the top of the roof in the case of pitched roofs).	One storey < than 10.5m	Complies
<u>Building Lines:</u> 4m; Side: 1.5m; Rear: 2m for all buildings and structures, and 1m from any boundary for swimming pools	The existing dwelling encroaches the northern street building line and erf boundary. The encroachment is historic; no departure application is required. The outbuilding and swimming pool are within building line restrictions.	Complies
<u>Parking:</u> 2 bays per dwelling	An existing single garage provides 1 parking bay; an additional bay is available in front of the garage.	Complies

As shown above, the proposed subdivision does not require any departure applications from development parameters as set out in the Swartland Municipal Land Use Planning By-law (PG 8226).

4. SECTION 4 PLANNING POLICY AND LEGISLATIVE CONTEXT

4.1 Municipal Spatial Development Framework (“MSDF”)

The 2025 amendment of the Swartland MSDF (2023-2027) outlines strategic policy directives for spatial planning and land use management within the Swartland region, including Riebeek-Kasteel.

⁹ Subdivision Plan – Annexure G.

Erf 30 falls within Zone C, which represents a sports function and educational uses with the potential for infill residential development. The property directly abuts the Central Business District (“CBD”) on its western boundary.

Relevant MSDF proposals for Riebeek-Kasteel include the following:

- *“Develop areas in accordance with availability and capacity of infrastructure and services;”*
- *“Support densification through subdivision, infill development, and renewal and restructuring;”*
- *“Allow for minimum subdivision size of single residential erven of 500m² and rural living erven in identified zones of 1000m² and 2000m² respectively.”*

The proposed subdivision aligns directly with these policy guidelines. It supports the densification objective through the subdivision of a large erf into five functional residential erven, all of which comply with the minimum erf size requirement of 500m². The subdivision will not negatively impact surrounding properties and is consistent with the desired spatial character of the area and does not place an undue burden on municipal infrastructure.

In conclusion, the proposal is fully aligned with the spatial objectives and land use directives of the Swartland MSDF (2023-2027, 2025 amendment).

4.2 Principles of Land Use Planning

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

4.2.1 Spatial Justice

The proposed subdivision aligns with the spatial planning principle of spatial justice by enabling more equitable access to well-located land within the established urban area of Riebeek-Kasteel. By subdividing an underutilised residential property to create five compliant residential erven, the proposal promotes more efficient land use and creates an opportunity for an additional household to reside within walking distance of existing social and municipal infrastructure. This contributes to redressing historical spatial inequalities by facilitating inclusive urban development, supporting access to land and housing in a manner that is economically viable and spatially integrated within the town’s urban fabric.

4.2.2 Spatial Sustainability

The proposed subdivision supports the principle of spatial sustainability by promoting the efficient use of existing urban land and infrastructure within the urban edge of Riebeek-Kasteel. Instead of expanding into

undeveloped or environmentally sensitive areas, the proposal focuses on infill development that makes optimal use of land in a serviced area. This approach limits urban sprawl, reduces pressure on natural resources, and supports a more compact settlement pattern, thereby ensuring long-term environmental, economic, and infrastructural sustainability in line with the goals of sustainable urban development.

4.2.3 Efficiency

The proposal limits urban sprawl by optimising the utilisation of existing land within the urban periphery and forms part of the existing densification environment. The property can be developed to its full potential in accordance with the Swartland MSDF (2023-2027, 2025 amendment) and zoning scheme regulations set out in Schedule 2 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226). The zoning scheme regulations can be considered sufficient in regulating future development. The proposed development uses the optimal efficiency of the land and existing services.

4.2.4 Spatial Resilience

The principle of spatial resilience allows more flexibility in spatial plans, policies, and systems. More flexible development opportunities promote sustainable livelihoods. The proposed development will still be resilient in terms of the multiple uses that are allowed if the correct land use rights are obtained. The proposed development does not limit any future benefits of the properties or the surrounding area and has no negative impact on disadvantaged communities.

4.2.5 Good Administration

The 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.

5. SECTION 5

SUMMARY

The application is considered desirable for approval based on the following considerations:

- The proposal is consistent with the **2025 Amendment of the Swartland Spatial Development Framework (2023-2027)**, the primary forward planning document for Malmesbury and the broader Swartland Municipal Area, by supporting residential integration and encouraging densification within the existing urban footprint;
- No departure applications from the development parameters of the **Swartland Municipality By-Law on Municipal Land Use Planning (PG 8226)** are required;
- The proposed development upholds and promotes the principles of **LUPA** and **SPLUMA**;

- It contributes towards **meeting future residential needs** by creating **new housing opportunities**;
- The **optimal utilisation of existing municipal services** results in more **cost-effective infrastructure provision**;
- The subdivision supports **compact urban form** and limits urban sprawl;
- The **current zoning** of the property will **be retained**;
- The development will **complement the existing residential character** of the area and will **not adversely affect natural conservation areas or surrounding agricultural activities**;
- There are **no restrictive title conditions** or servitudes that would hinder the proposed development;
- The subdivision provides the property owner with an **additional income-generating opportunity**;
- The proposed development will make **efficient use of existing infrastructure and services**, without placing undue pressure on external engineering services, and will **not negatively impact environmental or heritage resources**.

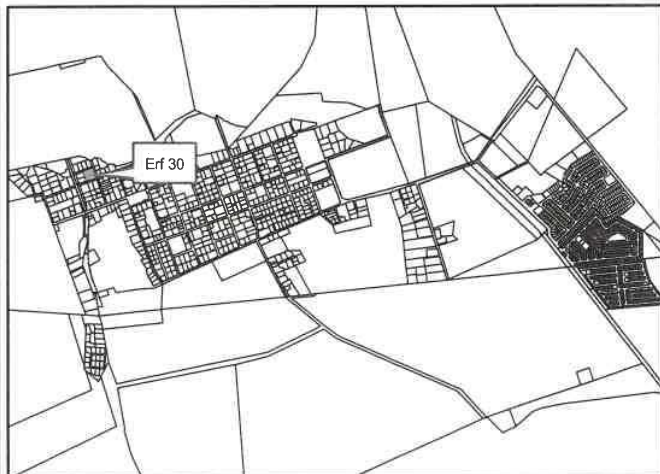
With the availability of alternative documents with sufficient guidelines, directives, and provisions for land use development, the proposed subdivision could be considered favourably. It is clear that in terms of the above, the application for the subdivision of Erf 30, Riebeek Kasteel, can be adequately supported.



Mandri Viljoen

For CK RUMBOLL AND PARTNERS

Skaal: NVT



From: Lourens Rabé <lourensrabe@gmail.com>
Sent: Monday, May 04, 2026 1:10 PM
To: Lenay Abdol <PlanIntern1@swartland.org.za>
Subject: Re: Voorgestelde onderverdeling van erf 30, Riebeek Kasteel

Hi Lenay

Dankie vir die epos;

We are the owners of 12 Walter Street. We would like to object to the proposed subdivision of erf 30, Riebeek Kasteel.

I have consulted with most of the other property owners surrounding the erf 30, and all agree that the subdivision of 5 plots is simply opportunistic and would completely break the established character and spatial layout of the neighborhood; and would set an undesirable precedent for future development.

The creation of five smaller plots would likely result in higher-density development that is out of keeping with the existing residential environment, negatively affecting the amenity, aesthetics, and property values of surrounding properties.

I am are concerned that the municipal infrastructure servicing this area — including roads, stormwater, water, and sanitation — may not have been designed to accommodate the level of densification that five separate erven would generate.

While we object to a subdivision into five plots, we are not opposed to reasonable development of Erf 30. We would support a subdivision into a maximum of two (2) plots, which would be more in keeping with the scale and character of the neighbourhood, while still allowing the property owner to develop the land.

All the very best!

From: Sandor Kocsis <sandorkocsis300@gmail.com>
Sent: Tuesday, 21 April 2026 14:29
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject:

Dear Sir/Madam,

I hereby wish to formally object to the proposed subdivision of Erf 30 in Riebeek Kasteel.

My property, Erf 1234, is located directly across the street from Erf 30. I am concerned that the creation of multiple smaller plots of approximately 500m² is not in keeping with the character of our neighbourhood. The area is defined by more spacious properties, which contribute to its appeal, privacy, and overall value.

I would be more supportive of a development that maintains larger erf sizes, in line with the existing structure and atmosphere of the area.

Please take my objection into consideration. I prefer to be contacted via email for any further correspondence.

Kind regards,
Sandor Kocsis
Owner of Erf 1234
Riebeek Kasteel
+27 82 515 7103

From: The Hattinghs <leemond@mweb.co.za>
Sent: Tuesday, 21 April 2026 10:42
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Cc: Iwantuyll@hotmail.com
Subject: FW: Objection to proposed subdivision - Erf 30, Riebeek Kasteel

Good day

I refer to your letter (attached) which was sent to Mr Van Tuijl at number 11 Maree street, regarding the subdivision of property owed

By the late CD Wright.

I live at number 10 Maree Street, and wonder why I never received a copy of this proposed subdivision???? Such building activities affect all of the residents in this area.

I wish to place on record that I strongly object to the subdivision of the said property.

Maree Street is a short narrow street, which is already experiencing heavier than usual traffic patterns, due to the extended building

Operations in and around the area. This includes Walter Street.

The width of the streets does not allow for increased traffic, and 4 or 5 extra dwellings on the Corner of Maree and Walter would

Just add to the complications related to parking and traffic.

Moreover Maree Street and surrounds is one of the few areas that has maintained the ethos and caring for wildlife including birds, reptiles and the like.

Extensive housing will simply add to the ever-increasing dessimation of all these factors.

Please note my objection – as a resident of 10 Maree Street for the past 16 years, I think I speak with knowledge of this particular section of our town.

Regards

J. Hattingh (Mrs)

From: Sonny Vriends <sonnyvriends@gmail.com>
Sent: Monday, 20 April 2026 20:34
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Objection to Proposed Subdivision – Erf 30, Riebeek Kasteel

Dear Sir/Madam,

I hereby formally submit my objection to the proposed subdivision of Erf 30, Riebeek Kasteel.

I am the owner and resident of Erf 1235, Riebeek Kasteel (2 Maree Street), in extent 908 square meters, located directly opposite the proposed development. I therefore have a direct and substantial interest in this application.

My objection is based on the following planning and land-use considerations:

1. Incompatibility with the existing neighbourhood character

The surrounding area is characterised by significantly larger erven, contributing to an open, low-density, and family-oriented environment. The proposed subdivision into multiple smaller plots of approximately 500m² represents a clear departure from the established spatial character and pattern of development. This constitutes over-densification and is not in keeping with the existing urban fabric.

2. Over-densification and cumulative impact

The proposed increase in the number of residential units on a single erf will materially intensify land use in a manner that is inconsistent with the surrounding properties. Approval of this application may set an undesirable precedent for similar subdivisions, leading to a cumulative erosion of the character and spatial quality of the neighbourhood.

3. Impact on privacy and residential amenity

As a directly affected neighbouring property, the increased density and proximity of additional dwellings will result in a loss of privacy, increased overlooking, and a reduction in the quiet enjoyment of my property.

4. Traffic generation and road safety concerns

Maree Street already experiences regular traffic flow. The addition of multiple new residential units will inevitably increase vehicle movements, leading to higher traffic volumes, parking pressure, and safety risks, particularly given the presence of families and children in the area.

5. Strain on existing infrastructure and services

The increased density raises concerns regarding the capacity of existing municipal infrastructure, including water, sewage, stormwater, and electricity systems. It is not evident that the current infrastructure can adequately support the proposed intensification.

6. Failure to align with principles of appropriate and sustainable development

Sound spatial planning requires that development be appropriate to its context, respect existing patterns, and contribute positively to the surrounding environment. This proposal appears to prioritise subdivision yield over contextual sensitivity and long-term sustainability.

In light of the above, I respectfully request that the application be refused, alternatively that the number and size of the proposed subdivided portions be reconsidered to better align with the established character and infrastructure capacity of the area.

I request to be kept informed of all further proceedings relating to this application.

Yours faithfully,
Sonny Vriends

Erf 1235, 2 Maree Street
Riebeek Kasteel
0769126794

From: leopold van tuyll <lvantuyll@hotmail.com>
Sent: Monday, 20 April 2026 20:04
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Objection to proposed subdivision - Erf 30, Riebeek Kasteel

Dear Sir/Madam,

I am writing to formally lodge an objection to the proposed subdivision of Erf 30, Riebeek Kasteel, currently owned by the heirs of the late Mr. Chris Wright.

My name is Leopold van Tuyll, and I am the owner and resident of 11 Maree Street, Riebeek Kasteel (Erf 1411), as well as the adjacent Erf 2771.

My primary concern relates to the proposed size and number of the subdivided plots. The intention to create multiple plots of approximately 500 square meters appears to be driven by profit maximisation rather than consideration for the existing character and livability of the neighbourhood.

This part of Riebeek Kasteel is characterised by significantly larger erven, contributing to a sense of space, safety, and a family-friendly environment. The introduction of four additional residential units on relatively small plots would be out of scale with the surrounding properties and would negatively impact the character of the area.

In addition, Maree Street already experiences a considerable amount of traffic, and many families in the neighbourhood, including ourselves, have young children. The increase in density and the potential addition of multiple new households would inevitably lead to increased traffic, raising concerns around safety and overall quality of life.

It is also my understanding that several neighbouring property owners share similar concerns regarding this development.

In light of the above, I respectfully request that the proposed subdivision be reconsidered, specifically with regard to the number and size of the plots, in order to better align with the existing character and infrastructure capacity of the area.

Please note that I would prefer all further correspondence regarding this matter to be conducted via email.

Thank you for your consideration.

Kind regards,
Leopold van Tuyll
11 Maree Street
Riebeek Kasteel
Erf 1411 & Erf 2771

From: Maarten Venter <maartenvntr@gmail.com>
Sent: Monday, 20 April 2026 19:10
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: OBJECTION — Subdivision Erf 30 Cnr, Booysen, Main & Walter St, Riebeek Kasteel — Ref 15/3/6-11/ERF 30

I hereby lodge my formal objection to the above-mentioned application in terms of Section 45 of the Swartland Municipality Land Use Planning By-Law, 2015.

My objection is based on the following grounds:

1. Inappropriate densification inconsistent with the area character

The subject property is located on the corner of Main and Walter Street, an area recognised for its high aesthetic value, heritage character, and established property values. The prevailing erf pattern consists of larger urban erven that define the spacious, low-density 'village' character of Riebeek Kasteel. Subdividing one erf into 5 residential properties introduces a density and typology that is alien to this specific precinct and will irrevocably alter the established streetscape.

2. Negative impact on traffic and pedestrian environment

Booyesen, Main Street, and Walter Street are not high-capacity routes and form part of the historic core used by residents and tourists on foot. Increasing the development yield from 1 to 5 units will result in a substantial increase in vehicle movements at this prominent corner. This will compromise pedestrian safety, increase noise, and detract from the quiet, rural atmosphere that underpins property values in this high-aesthetic zone.

3. Visitor parking

Visitor parking is already an issue on these narrow streets with limited verges. 5 Units on one corner will cause a 5x increase in vehicles, worsen on-street parking congestion, and compromise pedestrian and vehicle safety

4. Detrimental impact on heritage context and property values

This urban block consists of older homes and heritage-worthy structures on large erven. The generous setbacks, mature gardens, and low site coverage are integral to the cultural landscape and to the higher property values achieved in this area. Five smaller developments will be out of scale, visually intrusive, and will diminish the heritage setting and economic value of adjacent properties.

5. Non-compliance with proposed RVRA Development Guidelines

The Riebeek Valley Residents Association (RVRA) Development Guidelines explicitly promote development that respects existing scale, grain, and character. The proposed subdivision fails this test. Approval would undermine the guidelines and set a precedent for incremental densification in the town's most sensitive heritage area, resulting in cumulative loss of character.

6. Infrastructure and precedent

The cumulative impact of such densification on constrained bulk services and daily water pressure fluctuation in the historic core has not been adequately considered. Approving this subdivision will make it difficult to refuse similar future applications, leading to unplanned, ad-hoc densification.

Conclusion

I am not opposed to development per se, but it must be contextually appropriate. The current proposal constitutes over-development of a key site in Riebeek Kasteel's high aesthetic zone. I request that the application be refused, or that the density be reduced to a maximum of 2 units with erf sizes and site coverage that reflect the prevailing pattern on Booysen, Main, and Walter Street. I wish to exercise my right to be heard at the Municipal Planning Tribunal hearing should this matter proceed.

Please confirm receipt of this objection and keep me informed of all further steps.

Yours faithfully,

Maarten Venter

066 340 1754 | maartenvntr@gmail.com

CC: Riebeek Valley Residents Association – info@rvra.co.za

From: Margaretha kramer

Sent: Wednesday, 22 April 2026 07:21

To: Registrasie

Email Subject: Object proposed subdivision Erf 30 Riebeek Kasteel > > ?

Dear Sir/Madam, > >

I am writing to formally object to the proposed subdivision of Erf 30, Riebeek Kasteel, currently owned by the heirs of the late Mr. Chris Wright.

My name is Margaretha Kramer, and I am the owner of Erf 52 in Riebeek Kasteel. Although my property is not directly adjacent to Erf 30, I feel strongly affected by the proposed development and the impact it may have on the broader character of our neighbourhood.

One of the main reasons I chose to live in this area is the spacious nature of the properties, with generous gardens and a sense of openness between homes.

The proposed subdivision into multiple small plots of approximately 500 square meters would significantly alter this character and introduce a level of density that is not in keeping with the surrounding area. > > In addition, traffic in the street has already increased considerably over time.

As a grandmother, I am particularly concerned about the safety and well-being of my grandchildren when they visit. The addition of four new homes on such a limited surface area will inevitably lead to further congestion, making the environment less safe and less pleasant.

It would also be a great pity to see such a beautiful heritage home surrounded by much smaller, densely positioned houses, which would detract from both its character and the overall aesthetic of the neighbourhood.

For these reasons, I respectfully request that the proposed subdivision be reconsidered, particularly with regard to the number and size of the plots, in order to preserve the unique character and livability of this part of Riebeek Kasteel.

Please note that I would prefer all further correspondence to be conducted via email.

Thank you for your consideration.

Kind regards,

Margaretha Kramer

Erf 52

Riebeek Kasteel

From: online362102@telkomsa.net <online362102@telkomsa.net>

Sent: Wednesday, 22 April 2026 09:43

To: 'swartlandmun@swartland.org.za' <swartlandmun@swartland.org.za>

Cc: 'info@rvra.co.za' <info@rvra.co.za>

Subject: BESWAAR — Onderverdeling Erf 30, h/v Booyen, Maree & Walter Str, Riebeek Kasteel

Ek, Herman Jonker, in my kapasiteit as

1. eienaar en bewoner van Mareestr 13 Riebeek Kasteel asook
2. trustee van Adamastor Trust, eienaar van Mareestr 15 Riebeek Kasteel

maak hiermee formeel beswaar teen die voorgestelde onderverdeling van Erf 30 in 5 dele, in terme van afd 45 van die Swartland Munisipaliteit grondgebruik beplanning by-wet 2015.

Sò 'n hoë digtheid ontwikkeling sal

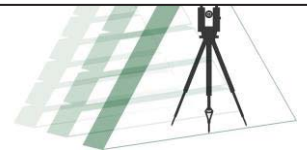
1. teenstrydig met die histories landelike aard van die onmiddellike omgewing wees
2. **ernstige** parkeer- en ruimteprobleme meebring in die smal aangrensende strate
3. eiendomswaardes in die onmiddellike omgewing benadeel
4. nadelig inwerk op die karakter, erfenis en toerismewaarde van Riebeek Kasteel.

Hierdie is Riebeek Kasteel, nie Kaapstad middestad nie – geen hoëdigtheid onderverdelings nie asb!

H. Jonker

CK RUMBOLL & PARTNERS INC.

ANNEXURE M



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

DATE: 04 June 2026

ONS VERW / OUR REF: RK/15116/MV

PER E-MAIL

ATTENTION: Mr. A. Zaayman
The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir,

PROPOSED SUBDIVISION: ERF 30, RIEBEEK KASTEEL

With reference to the comments/objections received during the public participation period in your Email dated 15 May 2026:

The following table sets out the comments & objections that were received from the parties below along with the response from CK Rumboll and Partners on behalf of our clients, registered owner of Erf 30, Riebeek Kasteel¹.

Comments were received from the following party:

- **Lourens Rabè;**
- **Sandor Kocsis;**
- **J Hattingh;**
- **Sonny Vriends;**
- **Leopold van Tuyll;**
- **Maarten Venter;**
- **Margaretha Kramer; &**
- **H Jonker**

¹ Hereinafter referred to as The Property.

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

Objector	Objection/Comments	Response on comments & objections
1. Lourens Rabè;	The following comment was received from Lourens Rabè, attached hereto as Annexure A. 1. We would like to object to the proposed subdivision of Erf 30, Riebeek Kasteel. 2. I have consulted with most of the other property owners surrounding the erf 30, and all agree that the subdivision of 5 plots is simply opportunistic and would completely break the established character and spatial layout of the neighborhood; and would set an undesirable precedent for future development.	The following is the response on the comments as received from Lourens Rabè. 1) Noted. The concerns raised by the objector have been carefully considered and are addressed individually below. The Applicant respectfully submits that the proposed subdivision constitutes appropriate and desirable development within the existing urban area of Riebeek Kasteel and is consistent with the applicable spatial planning policies, previous municipal decisions, and the broader principles of sustainable land use planning. 2) The Applicant respectfully disagrees with this assertion. It is important to note the following: a) Previous Municipal Approval²: The proposed subdivision is not a new planning concept introduced for the first time through the current application. Swartland Municipality previously approved the subdivision of Erf 30 into four portions and a remainder, together with two road splays. The approval subsequently lapsed solely because the conditions of approval were not fulfilled within the prescribed validity period. The current application therefore seeks approval for substantially the same subdivision layout that was previously considered acceptable and desirable by the Municipality after a comprehensive assessment of the planning merits of the proposal. b) Consistency with the Municipal Spatial Development Framework³: The proposal is fully aligned with the 2025 Amendment of the Swartland Municipal Spatial Development Framework (MSDF), which serves as the Municipality's primary forward-planning policy document. The MSDF specifically promotes:

² Previous Land Use Approval – Annexure B

³ Riebeek Kasteel Spatial Proposals – Annexure C

	• Residential infill development; • Increased residential densities within existing urban areas; • More efficient utilisation of land within the urban edge; • The optimisation of existing engineering infrastructure and municipal services; and • The prevention of unnecessary urban sprawl. Importantly, the proposed subdivision corresponds directly with the spatial development proposals identified for Riebeeck Kasteel in the MSDF. The proposal therefore gives effect to the Municipality's own long-term vision for the future growth and development of the town. c) Character of the Area: While the objector refers to the existing character of the neighbourhood, it must be recognised that neighbourhood character is not a static concept. Urban settlements evolve over time in accordance with municipal planning policies, demographic trends, market demands, and infrastructure availability. The proposed subdivision does not introduce a new land use into the area. The resultant erven will remain residential in nature and will continue to accommodate residential development consistent with the surrounding neighbourhood. Furthermore, the proposed erven sizes remain substantial and are comparable with numerous residential properties found within Riebeeck Kasteel. The proposal therefore represents a logical and moderate form of urban infill development rather than an inappropriate intensification of land use. d) Precedent The concern regarding precedent is acknowledged. However, it is important to note that every land use application must be assessed on its own merits and against the applicable policy framework, zoning provisions, site characteristics, and service capacity. Approval of the current application would therefore not create an automatic right for future subdivisions elsewhere. Any future application would remain subject to independent assessment and approval processes.
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	3. The creation of five smaller plots would likely result in higher-density development that is out of keeping with the existing residential environment, negatively affecting the amenity, aesthetics, and property values of surrounding properties.	Accordingly, the concern regarding precedent does not constitute sufficient planning grounds for refusal. 3) The Applicant respectfully submits that the proposed subdivision will not result in an unacceptable increase in density or negatively impact the surrounding residential environment. The proposed subdivision complies with the applicable zoning provisions and results in erf sizes that remain consistent with the minimum erf size requirements applicable to this area. The resultant density is furthermore supported by the MSDF, which explicitly encourages densification within established urban areas where infrastructure and services are already available. From a planning perspective, densification within existing urban areas is widely recognised as a positive planning outcome because it: • Promotes efficient land utilisation; • Supports the viability of municipal services and infrastructure; • Reduces pressure for outward urban expansion; • Encourages more sustainable settlement patterns; and • Supports housing choice and affordability. The objector has furthermore not provided any objective evidence demonstrating that the proposal would negatively affect neighbouring property values. It is well established in planning and legal practice that perceived impacts on property values, unless supported by credible expert evidence, cannot be regarded as a decisive planning consideration. Market values are influenced by a wide range of economic and social factors and are generally not determinative in assessing the planning merits of a
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	4. I am are concerned that the municipal infrastructure servicing this area - including roads, stormwater, water, and sanitation - may not have been designed to accommodate the level of densification that five separate erven would generate. 5. While we object to a subdivision into five plots, we are not opposed to reasonable development of Erf 30. We would support a subdivision into a maximum of two (2) plots, which would be more in keeping with the scale and character of the neighbourhood, while still allowing the property owner to develop the land.	subdivision application. As the proposed development remains residential in nature and is consistent with municipal policy, there is no planning basis to conclude that it would adversely affect the amenity or value of surrounding properties. 4) The concern is noted. However, it is important to recognise that the exact subdivision proposal was previously approved by Swartland Municipality. As part of the previous approval process, the relevant municipal engineering departments assessed the proposal and considered the availability and adequacy of municipal services required to accommodate the development. The Municipality was satisfied at the time that sufficient infrastructure capacity existed to support the proposed subdivision. Furthermore, the current application has once again been circulated to the relevant municipal departments for technical comment and assessment. Any concerns regarding infrastructure capacity fall within the jurisdiction of the Municipality's engineering officials, who are best placed to evaluate the capacity of roads, stormwater systems, water supply networks, and sanitation infrastructure. Should any upgrades or engineering requirements be identified, these can be addressed through conditions of approval. Accordingly, there is no technical evidence before the Municipality indicating that the existing infrastructure is incapable of accommodating the proposed subdivision. 5) The Applicant appreciates the objector's acknowledgement that some form of subdivision may be appropriate on the property. However, there is no planning, policy, engineering, or legal basis
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2. Sandor Kocsis		presented to justify restricting the subdivision to only two portions. The proposed subdivision has been designed in accordance with: • The applicable zoning provisions; • The minimum erf size requirements; • The spatial proposals contained within the MSDF; • Sound planning principles relating to urban infill and densification; and • The previous approval granted by Swartland Municipality. Ownership of land remains one of the fundamental components of economic participation and investment within South Africa. Property owners are generally entitled to utilise and develop their land in a manner that complies with applicable planning legislation and municipal policy. The proposed subdivision responds to contemporary market demand for smaller residential properties and opportunities for home ownership within established neighbourhoods. Such development contributes positively towards housing choice, residential diversification, and the efficient use of urban land. Restricting the property owner to a lesser subdivision pattern without any demonstrable planning justification would effectively impose an arbitrary limitation on the reasonable use and development potential of The Property. The proposed subdivision therefore represents an appropriate balance between the rights of the landowner and the strategic planning objectives of the Municipality
	The following comment was received from Sandor Kocsis, attached hereto as Annexure A. 6. I hereby wish to formally object to the proposed subdivision of Erf 30 in Riebeek Kasteel. 7. My property, Erf 1234, is located directly across the street from Erf 30. I am concerned that the creation of multiple smaller plots of approximately 500m2 is not in keeping with the character of our	The following is the response on the comments as received from Sandor Kocsis. 6) Noted. The concerns raised are addressed below. 7) The Applicant respectfully notes the concern regarding neighbourhood character. However, as detailed extensively in the preceding responses, the proposed subdivision is fully

	neighbourhood. The area is defined by more spacious properties, which contribute to its appeal, privacy, and overall value.	aligned with the spatial planning vision of Swartland Municipality and specifically with the spatial proposals for Riebeek Kasteel contained in the 2025 Swartland Municipal Spatial Development Framework (MSDF). Importantly, the proposed subdivision is not a departure from the Municipality's intended future development pattern for the area. On the contrary, the subdivision layout corresponds directly with the spatial planning proposals identified for this portion of Riebeek Kasteel and represents the implementation of the Municipality's long-term planning objectives. Furthermore, the proposal involves the subdivision of a single large property into residential erven that remain suitable for conventional residential development. The proposal does not introduce any incompatible land use and is therefore not expected to detract from the residential character of the surrounding neighbourhood. For the reasons outlined in the preceding responses, it is submitted that the proposed subdivision represents appropriate and orderly urban infill development within the existing urban footprint.
	8. I would be more supportive of a development that maintains larger erf sizes, in line with the existing structure and atmosphere of the area.	8) As previously motivated, the proposed subdivision complies with the applicable minimum erf size requirements for the area and supports the densification and infill objectives contained in the MSDF. The resultant erven remain of a size that is suitable for residential development and are consistent with contemporary market demand for a range of residential property options within established urban areas.
	9. Please take my objection into consideration.	9) All objections are taken into consideration and addressed accordingly.
3. J Hattingh	The following comment was received from J Hattingh, attached hereto as Annexure A. 10. I refer to your letter (attached) which was sent to Mr Van Tuyl at number 11 Maree street, regarding the subdivision of property owned by the late CD Wright.	The following is the response on the comments as received from J Hattingh. 10) Noted.

	11. I live at number 10 Maree Street, and wonder why I never received a copy of this proposed subdivision??? Such building activities affect all of the residents in this area. 12. I wish to place on record that I strongly object to the subdivision of the said property. 13. Maree Street is a short narrow street, which is already experiencing heavier than usual traffic patterns, due to the extended building Operations in and around the area. This includes Walter Street. 14. The width of the streets does not allow for increased traffic, and 4 or 5 extra dwellings on the Corner of Maree and Walter would just add to the complications related to parking and traffic. 15. Moreover Maree Street and surrounds is one of the few areas that has maintained the ethos and caring for wildlife including birds, reptiles and the like. 16. Extensive housing will simply add to the ever-increasing dissimulation of all these factors. 17. Please note my objection - as a resident of 10 Maree Street for the past 16 years, I think I speak with knowledge of this particular section of our town.	11) The concern is noted. It should be recognised that the public participation process is undertaken in accordance with the applicable legislative requirements, and the determination of affected property owners to be notified forms part of the Municipality's administrative processes. 12) The objection is noted and has been duly considered. The planning merits of the application have been comprehensively motivated elsewhere in this report. 13) The concern is noted. However, the proposed subdivision has been designed so that only one of the resultant erven will obtain access from Maree Street, with the remaining erven obtaining access from Walter Street and Boysen Street. As such, the impact on traffic volumes in Maree Street is expected to be limited. 14) The road reserve of Maree Street is considered adequate to accommodate the modest increase in traffic associated with four additional residential properties. Furthermore, any future development will be required to comply with the parking requirements of the Swartland Development Management Scheme, ensuring that sufficient on-site parking is provided. 15) The concern is acknowledged. However, the proposed subdivision does not involve the introduction of an incompatible land use and remains residential in nature, consistent with the existing character of the surrounding area. 16) The proposed development does not constitute extensive housing development, but rather the creation of four additional residential erven within the existing urban area. The proposal represents a modest infill development aligned with the Municipality's spatial planning objectives. 17) The objection is acknowledged and has been carefully considered. As previously motivated, the proposal is consistent with the Swartland Municipal Spatial Development Framework, complies with the applicable development
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4. Sonny Vriends	The following comment was received from Sonny Vriends, attached hereto as Annexure A 18. I hereby formally submit my objection to the proposed subdivision of Erf 30, Riebeek Kasteel. 19. I am the owner and resident of Erf 1235, Riebeek Kasteel (2 Maree Street), in extent 908 square meters, located directly opposite the proposed development. I therefore have a direct and substantial interest in this application. 20. My objection is based on the following planning and land-use considerations: a. Incompatibility with the existing neighbourhood character: The surrounding area is characterised, by significantly larger erven, contributing to an open, low-density, and family-oriented environment. The proposed subdivision into multiple smaller plots of approximately 500m² represents a clear departure from the established spatial character and pattern of development. This constitutes over-densification and is not in keeping with the existing urban fabric. b. Over-densification and cumulative impact: The proposed increase in the number of residential units on a single erf	parameters, and represents appropriate infill development within the existing urban footprint of Riebeek Kasteel.
The following comment was received from Sonny Vriends, attached hereto as Annexure A 18. I hereby formally submit my objection to the proposed subdivision of Erf 30, Riebeek Kasteel. 19. I am the owner and resident of Erf 1235, Riebeek Kasteel (2 Maree Street), in extent 908 square meters, located directly opposite the proposed development. I therefore have a direct and substantial interest in this application. 20. My objection is based on the following planning and land-use considerations: a. Incompatibility with the existing neighbourhood character: The surrounding area is characterised, by significantly larger erven, contributing to an open, low-density, and family-oriented environment. The proposed subdivision into multiple smaller plots of approximately 500m² represents a clear departure from the established spatial character and pattern of development. This constitutes over-densification and is not in keeping with the existing urban fabric. b. Over-densification and cumulative impact: The proposed increase in the number of residential units on a single erf	The following is the response on the comments as received from Sonny Vriends. 18) Noted. 19) Noted. 20) The concerns raised are acknowledged. The Applicant's response to each matter is set out below. a) The Applicant respectfully disagrees with this assertion. As previously motivated, the proposed subdivision constitutes a re-application of a subdivision that was previously approved by Swartland Municipality. The proposal is furthermore directly aligned with the spatial proposals and densification objectives contained in the Swartland Municipal Spatial Development Framework (MSDF). The MSDF specifically encourages infill development and the more efficient utilisation of larger residential properties within the existing urban footprint. The proposed subdivision therefore represents the implementation of the Municipality's long-term planning vision rather than deviating from it. While the resultant erven will be smaller than some surrounding properties, they remain compliant with the applicable development parameters and minimum erf size requirements applicable to the area. b) The concern regarding over-densification is noted. However, the proposed density is consistent with the density envisaged by the MSDF for this area and cannot	parameters, and represents appropriate infill development within the existing urban footprint of Riebeek Kasteel.

	will materially intensify land use in a manner that is inconsistent with the surrounding properties. Approval of this application may set an undesirable precedent for similar subdivisions, leading to a cumulative erosion of the character and spatial quality of the neighbourhood. c. Impact on privacy and residential amenity: As a directly affected neighbouring property, the increased density and proximity of additional dwellings will result in a loss of privacy, increased overlooking, and a reduction in the quiet enjoyment of my property. d. Traffic generation and road safety concerns: Maree Street already experiences regular traffic flow. The addition of multiple new residential units will inevitably increase vehicle movements, leading to higher traffic volumes, parking pressure, and safety risks, particularly given the presence of families and children in the area.	reasonably be regarded as excessive. The proposal involves the subdivision of a single large residential property into four additional residential erven within an established urban area already served by municipal infrastructure. This represents a modest form of residential infill development and is consistent with contemporary planning principles that seek to accommodate growth within existing settlements rather than through outward urban expansion. Furthermore, any future subdivision applications within the area would remain subject to their own independent assessment and approval processes. Approval of the current application would therefore not create an automatic right for similar developments elsewhere. c) The concern is acknowledged. However, subdivision approval does not automatically grant the right to construct buildings without further municipal oversight. Four of the proposed erven are currently vacant and any future dwellings will be subject to separate building plan approval processes. Such plans will be required to comply with the applicable zoning provisions, building lines, height restrictions and other development controls aimed at protecting the amenity of adjoining properties. The existing regulatory framework therefore provides adequate mechanisms to address issues such as overlooking, privacy and building placement at the building plan stage. d) As The Applicant acknowledges the concern regarding traffic. However, as previously noted, only one of the proposed erven will obtain access from Maree Street. The remaining erven will obtain access from Walter Street and Boysen Street, thereby distributing traffic movements across the surrounding road network. In addition, all future residential development will be required to
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	e. Strain on existing infrastructure and services: The increased density raises concerns regarding the capacity of existing municipal infrastructure, including water, sewage, stormwater, and electricity systems. It is not evident that the current infrastructure can adequately support the proposed intensification. f. Failure to align with principles of appropriate and sustainable development: Sound spatial planning requires that development be appropriate to its context, respect existing patterns, and contribute positively to the surrounding environment. This proposal appears to prioritise subdivision yield over contextual sensitivity and .long-term sustainability.	provide the prescribed on-site parking in accordance with the Swartland Development Management Scheme. The proposal is therefore not expected to create significant parking or traffic-related impacts that would warrant refusal of the application. e) The concern is noted. As previously motivated, the exact subdivision proposal was previously approved by the Municipality, indicating that the availability and capacity of municipal services had already been considered by the relevant engineering departments. Furthermore, the current application has once again been circulated to the relevant municipal departments for comment. The assessment of engineering capacity falls within the expertise of the Municipality's technical officials, who are responsible for determining whether sufficient water, sewer, stormwater and electrical services are available to accommodate the proposed development. To date, no evidence has been presented indicating that the existing infrastructure is incapable of supporting the proposed subdivision. f) The Applicant respectfully submits that the proposal is fully aligned with the principles of appropriate and sustainable development. As detailed in the Planning Motivation Report, the application supports the principles contained in Chapter VI (Section 59) of the Land Use Planning Act, Act 3 of 2014, and Chapter 2 (Section 7) of the Spatial Planning and Land Use Management Act, Act 16 of 2013. The proposal promotes efficient use of land, supports urban infill development, makes use of existing municipal infrastructure, limits pressure for urban sprawl, and is consistent with the Municipality's adopted spatial planning policies. These are all recognised indicators of sustainable and responsible land use planning.
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5. Leopold van Tuyl	21. In light of the above, I respectfully request that the application be refused, alternatively that the number and size of the proposed subdivided portions be reconsidered to better align with the established character and infrastructure capacity of the area. 22. I request to be kept informed of all further proceedings relating to this application.	21) The request is noted. However, for the reasons outlined above and throughout this report, the Applicant submits that the proposed subdivision is consistent with the applicable planning framework, municipal policy, and sound planning principles. No substantive planning grounds have been identified that would justify refusal of the application or a reduction in the number of proposed erven. The application should therefore be favourably considered. 22) Noted.
5. Leopold van Tuyl	The following comment was received from Leopold van Tuyl, attached hereto as Annexure A 23. I am writing to formally lodge an objection to the proposed subdivision of Erf 30, Riebeek Kasteel, currently owned by the heirs of the late Mr. Chris Wright. 24. My name is Leopold van Tuyl, and I am the owner and resident of 11 Maree Street, Riebeek Kasteel (Erf 1411), as well as the adjacent Erf 2771. 25. My primary concern relates to the proposed size and number of the subdivided plots. The intention to create multiple plots of approximately 500 square meters appears to be driven by profit maximisation rather than consideration for the existing character and livability of the neighbourhood.	The following is the response on the comments as received from Leopold van Tuyl. 23) Noted. 24) Noted. 25) As previously presented ownership of land is a key economic pillar in South Africa, often representing the largest portion of an individual's estate. The ability to freely trade, subdivide, or consolidate land is a fundamental mechanism that drives economic activity and wealth accumulation. Investors and developers often respond to market demands, creating properties of varying sizes based on current marketability and individual preferences. The proposed subdivision of The Property is consistent with these market-driven dynamics, where some individuals seek smaller parcels of land for investment and personal use. Preventing the proposed subdivision of The Property into four portions and a Remainder would impose an overlay prescriptive control on land ownership, contradicting the principles of free market where

	property owners should have freedom to adapt their holdings to meet both personal and market needs. This intervention by the residents in Riebeek Kasteel could create an artificial constraint that diverges from the typical flow of property investment and development. The concerns raised are noted. However, it is important to reiterate that the proposed subdivision is consistent with both applicable planning policy and established land use rights. The subdivision complies with the minimum erf size requirements of approximately ±500m² for the area and is consistent with the spatial development intentions of the Swartland Municipal Spatial Development Framework (MSDF), which supports appropriate residential infill and incremental densification within existing urban areas. From a planning perspective, land use applications are assessed in terms of policy alignment, spatial efficiency, infrastructure capacity, and orderly urban development, rather than perceived development intent. In this regard, the proposal is considered appropriate and aligned with the Municipality's long-term spatial planning objectives. 26) As previously indicated, the proposed subdivision constitutes a re-application of a subdivision previously approved by the Municipality and is consistent with the spatial structure and development direction envisaged in the MSDF for Riebeek Kasteel. While the surrounding area may contain larger erven, gradual variation in erf sizes within established settlements is a recognised and acceptable form of urban consolidation and does not, in itself, render a proposal undesirable from a planning perspective. 27) The concern regarding traffic is noted. However, the proposal results in a limited increase of four additional residential erven, with access distributed across surrounding streets. The adjoining road network has already been established and is capable of accommodating typical residential traffic	
	26. This part of Riebeek Kasteel is characterised by significantly larger erven, contributing to a sense of space, safety, and a family-friendly environment. The introduction of four additional residential units on relatively small plots would be out of scale with the surrounding properties and would negatively impact the character of the area. 27. In addition, Maree Street already experiences a considerable amount of traffic, and many families in the neighbourhood, including ourselves, have young children. The increase in density and the potential addition of multiple new households would inevitably lead to increased traffic, raising concerns around safety and overall	

	quality of life.	volumes associated with such development. Furthermore, future development on the erven will be subject to standard municipal requirements, including on-site parking provisions in terms of the applicable Development Management Scheme, thereby limiting potential impacts on surrounding streets. 28) Noted. 29) The request is noted. However, based on the planning considerations outlined above and in previous responses, the proposed subdivision is considered appropriate in terms of applicable policy, spatial planning objectives, and engineering considerations. The application is therefore recommended for favourable consideration. 30) Noted.
6. Maarten Venter	The following comment was received from Maarten Venter, attached hereto as Annexure A 31. I hereby lodge my formal objection to the above-mentioned application in terms of Section 45 of the Swartland Municipality Land Use Planning By-Law, 2015. 32. My objection is based on the following grounds: a. Inappropriate densification inconsistent with the area character The subject property is located on the corner of Main and Walter Street, an area recognised for its high aesthetic value, heritage character, and established property values. The prevailing erf pattern consists of larger urban erven that define the spacious, low-density 'village' character of Riebeek Kasteel. Subdividing one erf into 5 residential properties introduces a density and typology that is alien to this specific precinct and will irrevocably alter the established streetscape. b. Negative impact on traffic and pedestrian environment	The following is the response on the comments as received from Maarten Venter. 31) Noted. 32) Refer to our response below: a) The concern is noted. However, as previously motivated, the proposed subdivision is consistent with the Swartland Municipal Spatial Development Framework (MSDF), which promotes appropriate residential infill and incremental densification within existing urban areas. While the area may exhibit a prevailing lower-density character, planning policy does not require static preservation of existing erf patterns where policy explicitly supports managed infill development within established urban settlements. b) The concern is noted. The proposed subdivision will

	Booyesen, Main Street, and Walter Street are not high-capacity routes and form part of the historic core used by residents and tourists on foot. Increasing the development yield from 1 to 5 units will result in a substantial increase in vehicle movements at this prominent corner. This will compromise pedestrian safety, increase noise, and detract from the quiet, rural atmosphere that underpins property values in this high-aesthetic zone. c. Visitor parking Visitor parking is already an issue on these narrow streets with limited verges. 5 Units on one corner will cause a Six increase in vehicles, worsen on-street parking congestion, and compromise pedestrian and vehicle safety d. Detrimental impact on heritage context and property values This urban block consists of older homes and heritage-worthy structures on large erven. The generous setbacks, mature gardens, and low site coverage are integral to the cultural landscape and to the higher property values achieved in this area. Five smaller developments will be out of scale, visually intrusive, and will diminish the heritage setting and economic value of adjacent properties. e. Non-compliance with proposed RVRA Development Guidelines The Riebeek Valley Residents Association (RVRA) Development	generate a limited number of additional residential erven, with access appropriately distributed across the surrounding street networks. As previously indicated, future development will be subject to building plan approval, during which compliance with parking requirements in terms of the Swartland Development Management Scheme will be enforced. This ensures that adequate on-site parking is provided and that negative impacts on surrounding streets are mitigated. c) The concern is noted. However, parking provision is regulated at building plan stage in terms of the applicable Development Management Scheme. Each future dwelling will be required to provide sufficient on-site parking, thereby reducing reliance on on-street parking within the surrounding road network as historically relied on. d) The concern is noted. It is important to note that the proposed subdivision is consistent with a previously approved subdivision on the same property, confirming that the principle of subdivision has already been considered acceptable in planning terms. With regard to property values, no empirical or professionally verified evidence has been submitted demonstrating a direct adverse impact. In terms of the Spatial Planning and Land Use Management Act (SPLUMA), land use decisions must be based on planning principles and policy considerations, and not on unsubstantiated assumptions regarding market value. Accordingly, while noted, this concern does not constitute sufficient planning grounds for refusal. e) The concern is noted. However, the proposed development is aligned with the MSDP and applicable zoning framework for Residential Zone 1 erven.
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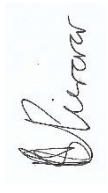
7. Margaretha Kramer	Guidelines explicitly promote development that respects existing scale, grain, and character. The proposed subdivision fails this test. Approval would undermine the guidelines and set a precedent for incremental densification in the town's most sensitive heritage area, resulting in cumulative loss of character. f. Infrastructure and precedent The cumulative impact of such densification on constrained bulk services and daily water pressure fluctuation in the historic core has not been adequately considered. Approving this subdivision will make it difficult to refuse similar future applications, leading to unplanned, ad-hoc densification. 33. Conclusion I am not opposed to development per se, but it must be contextually appropriate. The current proposal constitutes over-development of a key site in Riebeek Kasteel's high aesthetic zone. I request that the application be refused, or that the density be reduced to a maximum of 2 units with erf sizes and site coverage that reflect the prevailing pattern on Booyesen, Main, and Walter Street. I wish to exercise my right to be heard at the Municipal Planning Tribunal hearing should this matter proceed. The following comment was received from Margaretha Kramer, attached hereto as Annexure A 34. I am writing to formally object to the proposed subdivision of Erf 30, Riebeek Kasteel, currently owned by the heirs of the late Mr. Chris Wright. 35. My name is Margaretha Kramer, and I am the owner of Erf 52 in Riebeek Kasteel. Although my property is not directly adjacent to Erf 30, I feel strongly affected by the proposed development and the impact it may have on the broader character of our neighbourhood.	While third-party guidelines may inform contextual considerations, municipal planning decisions are primarily guided by statutory policy instruments, including SPLUMA and the MSDF. f) The concern is noted. As previously stated, the subdivision was previously approved by the Municipality, indicating that engineering services capacity had already been assessed and found to be sufficient to accommodate the development. Any future development will be subject to standard municipal engineering requirements and conditions of approval where necessary. 33) The request is noted. However, based on the responses above and previous motivations, the proposed subdivision is considered consistent with applicable planning policy, zoning provisions, and established municipal decision-making frameworks. The application is therefore recommended for favourable consideration. The following is the response on the comments as received from Margaretha Kramer. 34) Noted. 35) The Applicant acknowledges the objector's interest in the broader area. Kindly refer to the responses provided above, which set out in detail the proposal's alignment with the Swartland Municipal Spatial Development Framework (MSDF), applicable zoning provisions, and relevant planning legislation and principles.
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8. Herman Jonker	36. One of the main reasons I chose to live in this area is the spacious nature of the properties, with generous gardens and a sense of openness between homes. 37. The proposed subdivision into multiple small plots of approximately 500 square meters would significantly alter this character and introduce a level of density that is not in keeping with the surrounding area. > > In addition, traffic in the street has already increased considerably over time. 38. As a grandmother, I am particularly concerned about the safety and well-being of my grandchildren when they visit. The addition of four new homes on such a limited surface area will inevitably lead to further congestion, making the environment less safe and less pleasant. 39. It would also be a great pity to see such a beautiful heritage home surrounded by much smaller, densely positioned houses, which would detract from both its character and the overall aesthetic of the neighbourhood. 40. For these reasons, I respectfully request that the proposed subdivision be reconsidered, particularly with regard to the number and size of the plots, in order to preserve the unique character and livability of this part of Riebeek Kasteel. 41. Please note that I would prefer all further correspondence to be conducted via email. The following comment was received from Herman Jonker, attached hereto as Annexure A 42. Ek, Herman Jonker, in my kapasiteit as eienaar en bewoner van Mareestr 13 Riebeek Kasteel asook trustee van Adamastor Trust,	36) Noted. It is further highlighted that the proposed subdivision will have limited visual impact on Erf 52 due to its spatial separation and lack of direct visual interface with the subject property. 37) Noted. The proposed subdivision is consistent with the MSDF, applicable planning principles, and the minimum erf size requirements for the area. It is also noted that a previous approval for the same subdivision existed, indicating that the principle of subdivision and its associated impacts have previously been assessed and deemed acceptable by the Municipality. 38) Noted. Future development will be subject to building plan approval processes, during which compliance with parking, access, and safety requirements in terms of the Development Management Scheme will be enforced. 39) The concern is noted. The proposed erven remain consistent with low-density residential development as defined by the applicable zoning framework. Any future dwelling construction will be regulated through building plan approval to ensure compliance with all applicable development parameters, including height, coverage, and setbacks. 40) Noted. As previously motivated, the proposal is consistent with applicable legislation, planning policy, and the MSDF, and is therefore considered appropriate for approval within the context of orderly urban development. 41) Noted. The following is the response on the comments as received from Margaretha Kramer. 42) Noted.
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	eenaar van Marestr 15 Riebeek Kasteel maak hiermee formeel beswaar teen die voorgestelde onderverdeling van Erf 30 in 5 dele, in terme van afd 45 van die Swartland Munisipaliteit grondgebruik beplanning by-wet 2015. 43. So 'n hoe digtheid ontwikkeling sal: - teenstrydig met die histories landelike aard van die onmiddellike omgewing wees ernstige parkeer- en ruimteprobleme meebring in die smal aangrensende strate - eiendomswaardes in die onmiddellike omgewing benadeel - nadelig inwerk op die karakter, erfenis en toerismewaarde van Riebeek Kasteel. 44. Hierdie is Riebeek Kasteel, nie Kaapstad middestad nie - geen hoediqtheld onderverdelings nie asb	43) Kindly refer to our responses below: - It is reiterated that the proposed subdivision constitutes the same subdivision previously approved by the Municipality. The principle of subdivision has therefore already been assessed and deemed acceptable in terms of applicable planning considerations. - The concern is noted. Sufficient on-site parking will be required to be provided for each future residential unit in accordance with the Swartland Development Management Scheme. Furthermore, as the majority of the resultant erven are currently undeveloped, parking provision will be addressed comprehensively at building plan approval stage. - Kindly refer to the response provided under paragraph 32(d) above. In summary, no objective or substantiated evidence has been submitted demonstrating a measurable impact on property values, and such considerations do not, in themselves, constitute sufficient planning grounds for refusal in terms of applicable planning legislation. - The concern is noted. However, as previously motivated, the proposed subdivision is consistent with the Swartland Municipal Spatial Development Framework (MSDF), applicable zoning provisions, and established planning principles relating to orderly infill development within existing urban area - It is reiterated that the proposed subdivision is consistent with the MSDF and complies with the minimum erf size requirements applicable to the area. The proposal therefore represents appropriate and orderly urban development within the existing urban footprint of Riebeek Kasteel.
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We trust you will take the above into account when considering the application.



Roeben Pienaar

On behalf of CK Rumboll and Partners

ANNEXURE A – OBJECTIONS RECEIVED



Lêerverw: 15/3/6-11/Erf_30

Navrae:
Me D N Stellenberg

15 May 2026

C K Rumboll & Vennote
P O Box 211
MALMESBURY
7299

Email:planning1@rumboll.co.za

Dear Sir

OBJECTIONS: PROPOSED SUBDIVISION OF ERF 30, RIEBEEK KASTEEL

Your application with reference RK/15116/MV dated 12 March 2026 refers.

Kindly find attached the objectionS received by Lourens Rabé, Sandor Kocsis, mrs J Hatting, Sonny Vriends, Leopold van Tuyl, Maarten Venter, Margaretha Kramer and H Jonker during the commenting period.

Your comment on the objections is requested by 15 June 2026 in order for Swartland Municipality to make a decision.

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services

/ds

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- ISwartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

From: Lourens Rabé <lourensrabe@gmail.com>
Sent: Monday, May 04, 2026 1:10 PM
To: Lenay Abdol <PlanIntern1@swartland.org.za>
Subject: Re: Voorgestelde onderverdeling van erf 30, Riebeek Kasteel

Hi Lenay

Dankie vir die epos;

We are the owners of 12 Walter Street. We would like to object to the proposed subdivision of erf 30, Riebeek Kasteel.

I have consulted with most of the other property owners surrounding the erf 30, and all agree that the subdivision of 5 plots is simply opportunistic and would completely break the established character and spatial layout of the neighborhood; and would set an undesirable precedent for future development.

The creation of five smaller plots would likely result in higher-density development that is out of keeping with the existing residential environment, negatively affecting the amenity, aesthetics, and property values of surrounding properties.

I am are concerned that the municipal infrastructure servicing this area — including roads, stormwater, water, and sanitation — may not have been designed to accommodate the level of densification that five separate erven would generate.

While we object to a subdivision into five plots, we are not opposed to reasonable development of Erf 30. We would support a subdivision into a maximum of two (2) plots, which would be more in keeping with the scale and character of the neighbourhood, while still allowing the property owner to develop the land.

All the very best!

From: Sandor Kocsis <sandorkocsis300@gmail.com>
Sent: Tuesday, 21 April 2026 14:29
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject:

Dear Sir/Madam,

I hereby wish to formally object to the proposed subdivision of Erf 30 in Riebeek Kasteel.

My property, Erf 1234, is located directly across the street from Erf 30. I am concerned that the creation of multiple smaller plots of approximately 500m² is not in keeping with the character of our neighbourhood. The area is defined by more spacious properties, which contribute to its appeal, privacy, and overall value.

I would be more supportive of a development that maintains larger erf sizes, in line with the existing structure and atmosphere of the area.

Please take my objection into consideration. I prefer to be contacted via email for any further correspondence.

Kind regards,
Sandor Kocsis
Owner of Erf 1234
Riebeek Kasteel
+27 82 515 7103

From: The Hattinghs <leemond@mweb.co.za>
Sent: Tuesday, 21 April 2026 10:42
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Cc: lvantuyll@hotmail.com
Subject: FW: Objection to proposed subdivision - Erf 30, Riebeek Kasteel

Good day

I refer to your letter (attached) which was sent to Mr Van Tuijl at number 11 Maree street, regarding the subdivision of property owed

By the late CD Wright.

I live at number 10 Maree Street, and wonder why I never received a copy of this proposed subdivision???? Such building activities affect all of the residents in this area.

I wish to place on record that I strongly object to the subdivision of the said property.

Maree Street is a short narrow street, which is already experiencing heavier than usual traffic patterns, due to the extended building

Operations in and around the area. This includes Walter Street.

The width of the streets does not allow for increased traffic, and 4 or 5 extra dwellings on the Corner of Maree and Walter would

Just add to the complications related to parking and traffic.

Moreover Maree Street and surrounds is one of the few areas that has maintained the ethos and caring for wildlife including birds, reptiles and the like.

Extensive housing will simply add to the ever-increasing dessimation of all these factors.

Please note my objection – as a resident of 10 Maree Street for the past 16 years, I think I speak with knowledge of this particular section of our town.

Regards

J. Hattingh (Mrs)

From: Sonny Vriends <sonnyvriends@gmail.com>
Sent: Monday, 20 April 2026 20:34
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Objection to Proposed Subdivision – Erf 30, Riebeek Kasteel

Dear Sir/Madam,

I hereby formally submit my objection to the proposed subdivision of Erf 30, Riebeek Kasteel.

I am the owner and resident of Erf 1235, Riebeek Kasteel (2 Maree Street), in extent 908 square meters, located directly opposite the proposed development. I therefore have a direct and substantial interest in this application.

My objection is based on the following planning and land-use considerations:

1. Incompatibility with the existing neighbourhood character

The surrounding area is characterised by significantly larger erven, contributing to an open, low-density, and family-oriented environment. The proposed subdivision into multiple smaller plots of approximately 500m² represents a clear departure from the established spatial character and pattern of development. This constitutes over-densification and is not in keeping with the existing urban fabric.

2. Over-densification and cumulative impact

The proposed increase in the number of residential units on a single erf will materially intensify land use in a manner that is inconsistent with the surrounding properties. Approval of this application may set an undesirable precedent for similar subdivisions, leading to a cumulative erosion of the character and spatial quality of the neighbourhood.

3. Impact on privacy and residential amenity

As a directly affected neighbouring property, the increased density and proximity of additional dwellings will result in a loss of privacy, increased overlooking, and a reduction in the quiet enjoyment of my property.

4. Traffic generation and road safety concerns

Maree Street already experiences regular traffic flow. The addition of multiple new residential units will inevitably increase vehicle movements, leading to higher traffic volumes, parking pressure, and safety risks, particularly given the presence of families and children in the area.

5. Strain on existing infrastructure and services

The increased density raises concerns regarding the capacity of existing municipal infrastructure, including water, sewage, stormwater, and electricity systems. It is not evident that the current infrastructure can adequately support the proposed intensification.

6. Failure to align with principles of appropriate and sustainable development

Sound spatial planning requires that development be appropriate to its context, respect existing patterns, and contribute positively to the surrounding environment. This proposal appears to prioritise subdivision yield over contextual sensitivity and long-term sustainability.

In light of the above, I respectfully request that the application be refused, alternatively that the number and size of the proposed subdivided portions be reconsidered to better align with the established character and infrastructure capacity of the area.

I request to be kept informed of all further proceedings relating to this application.

Yours faithfully,
Sonny Vriends

Erf 1235, 2 Maree Street
Riebeek Kasteel
0769126794

From: leopold van tuyll <lvantuyll@hotmail.com>
Sent: Monday, 20 April 2026 20:04
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Objection to proposed subdivision - Erf 30, Riebeek Kasteel

Dear Sir/Madam,

I am writing to formally lodge an objection to the proposed subdivision of Erf 30, Riebeek Kasteel, currently owned by the heirs of the late Mr. Chris Wright.

My name is Leopold van Tuyll, and I am the owner and resident of 11 Maree Street, Riebeek Kasteel (Erf 1411), as well as the adjacent Erf 2771.

My primary concern relates to the proposed size and number of the subdivided plots. The intention to create multiple plots of approximately 500 square meters appears to be driven by profit maximisation rather than consideration for the existing character and livability of the neighbourhood.

This part of Riebeek Kasteel is characterised by significantly larger erven, contributing to a sense of space, safety, and a family-friendly environment. The introduction of four additional residential units on relatively small plots would be out of scale with the surrounding properties and would negatively impact the character of the area.

In addition, Maree Street already experiences a considerable amount of traffic, and many families in the neighbourhood, including ourselves, have young children. The increase in density and the potential addition of multiple new households would inevitably lead to increased traffic, raising concerns around safety and overall quality of life.

It is also my understanding that several neighbouring property owners share similar concerns regarding this development.

In light of the above, I respectfully request that the proposed subdivision be reconsidered, specifically with regard to the number and size of the plots, in order to better align with the existing character and infrastructure capacity of the area.

Please note that I would prefer all further correspondence regarding this matter to be conducted via email.

Thank you for your consideration.

Kind regards,
Leopold van Tuyll
11 Maree Street
Riebeek Kasteel
Erf 1411 & Erf 2771

From: Maarten Venter <maartenvntr@gmail.com>
Sent: Monday, 20 April 2026 19:10
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: OBJECTION — Subdivision Erf 30 Cnr, Booysen, Main & Walter St, Riebeek Kasteel — Ref 15/3/6-11/ERF 30

I hereby lodge my formal objection to the above-mentioned application in terms of Section 45 of the Swartland Municipality Land Use Planning By-Law, 2015.

My objection is based on the following grounds:

1. Inappropriate densification inconsistent with the area character

The subject property is located on the corner of Main and Walter Street, an area recognised for its high aesthetic value, heritage character, and established property values. The prevailing erf pattern consists of larger urban erven that define the spacious, low-density 'village' character of Riebeek Kasteel. Subdividing one erf into 5 residential properties introduces a density and typology that is alien to this specific precinct and will irrevocably alter the established streetscape.

2. Negative impact on traffic and pedestrian environment

Booyesen, Main Street, and Walter Street are not high-capacity routes and form part of the historic core used by residents and tourists on foot. Increasing the development yield from 1 to 5 units will result in a substantial increase in vehicle movements at this prominent corner. This will compromise pedestrian safety, increase noise, and detract from the quiet, rural atmosphere that underpins property values in this high-aesthetic zone.

3. Visitor parking

Visitor parking is already an issue on these narrow streets with limited verges. 5 Units on one corner will cause a 5x increase in vehicles, worsen on-street parking congestion, and compromise pedestrian and vehicle safety.

4. Detrimental impact on heritage context and property values

This urban block consists of older homes and heritage-worthy structures on large erven. The generous setbacks, mature gardens, and low site coverage are integral to the cultural landscape and to the higher property values achieved in this area. Five smaller developments will be out of scale, visually intrusive, and will diminish the heritage setting and economic value of adjacent properties.

5. Non-compliance with proposed RVRA Development Guidelines

The Riebeek Valley Residents Association (RVRA) Development Guidelines explicitly promote development that respects existing scale, grain, and character. The proposed subdivision fails this test. Approval would undermine the guidelines and set a precedent for incremental densification in the town's most sensitive heritage area, resulting in cumulative loss of character.

6. Infrastructure and precedent

The cumulative impact of such densification on constrained bulk services and daily water pressure fluctuation in the historic core has not been adequately considered. Approving this subdivision will make it difficult to refuse similar future applications, leading to unplanned, ad-hoc densification.

Conclusion

I am not opposed to development per se, but it must be contextually appropriate. The current proposal constitutes over-development of a key site in Riebeek Kasteel's high aesthetic zone. I request that the application be refused, or that the density be reduced to a maximum of 2 units with erf sizes and site coverage that reflect the prevailing pattern on Booysen, Main, and Walter Street. I wish to exercise my right to be heard at the Municipal Planning Tribunal hearing should this matter proceed.

Please confirm receipt of this objection and keep me informed of all further steps.

Yours faithfully,

Maarten Venter

066 340 1754 | maartenvntr@gmail.com

CC: Riebeek Valley Residents Association – info@rvra.co.za

From: Margaretha kramer

Sent: Wednesday, 22 April 2026 07:21

To: Registrasie

Email Subject: Object proposed subdivision Erf 30 Riebeek Kasteel > > ?

Dear Sir/Madam, > >

I am writing to formally object to the proposed subdivision of Erf 30, Riebeek Kasteel, currently owned by the heirs of the late Mr. Chris Wright.

My name is Margaretha Kramer, and I am the owner of Erf 52 in Riebeek Kasteel. Although my property is not directly adjacent to Erf 30, I feel strongly affected by the proposed development and the impact it may have on the broader character of our neighbourhood.

One of the main reasons I chose to live in this area is the spacious nature of the properties, with generous gardens and a sense of openness between homes.

The proposed subdivision into multiple small plots of approximately 500 square meters would significantly alter this character and introduce a level of density that is not in keeping with the surrounding area. > > In addition, traffic in the street has already increased considerably over time.

As a grandmother, I am particularly concerned about the safety and well-being of my grandchildren when they visit. The addition of four new homes on such a limited surface area will inevitably lead to further congestion, making the environment less safe and less pleasant.

It would also be a great pity to see such a beautiful heritage home surrounded by much smaller, densely positioned houses, which would detract from both its character and the overall aesthetic of the neighbourhood.

For these reasons, I respectfully request that the proposed subdivision be reconsidered, particularly with regard to the number and size of the plots, in order to preserve the unique character and livability of this part of Riebeek Kasteel.

Please note that I would prefer all further correspondence to be conducted via email.

Thank you for your consideration.

Kind regards,

Margaretha Kramer

Erf 52

Riebeek Kasteel

From: online362102@telkomsa.net <online362102@telkomsa.net>

Sent: Wednesday, 22 April 2026 09:43

To: 'swartlandmun@swartland.org.za' <swartlandmun@swartland.org.za>

Cc: 'info@rvra.co.za' <info@rvra.co.za>

Subject: BESWAAR — Onderverdeling Erf 30, h/v Booysen, Maree & Walter Str, Riebeek Kasteel

Ek, Herman Jonker, in my kapasiteit as

1. eienaar en bewoner van Mareestr 13 Riebeek Kasteel asook
2. trustee van Adamastor Trust, eienaar van Mareestr 15 Riebeek Kasteel

maak hiermee formeel beswaar teen die voorgestelde onderverdeling van Erf 30 in 5 dele, in terme van afd 45 van die Swartland Munisipaliteit grondgebruik beplanning by-wet 2015.

Sò 'n hoë digtheid ontwikkeling sal

1. teenstrydig met die histories landelike aard van die onmiddellike omgewing wees
2. **ernstige** parkeer- en ruimteprobleme meebring in die smal aangrensende strate
3. eiendomswaardes in die onmiddellike omgewing benadeel
4. nadelig inwerk op die karakter, erfenis en toerismewaarde van Riebeek Kasteel.

Hierdie is Riebeek Kasteel, nie Kaapstad middestad nie... geen hoëdigtheid onderverdelings nie asb!

H. Jonker

ANNEXURE B – PREVIOUS APPROVAL

Lêer verw/
File ref: 15/3/6-11/Erf_30

Navrae/Enquiries:
Ms D N Stallenberg

28 November 2018

Friedlaender, Burger Volkmann
P O Box 203
RIEBEEK KASTEEL
7307

By Registered Mail

Sir/Madam

PROPOSED SUBDIVISION ON ERF 30, RIEBEEK KASTEEL

Your application with reference RK30 dated 13 August 2018 refers.

- A.** The Municipal Planning Tribunal has resolved at a meeting held on 14 November 2018 to approve the subdivision of Erf 30, Riebeek Kasteel, in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 7741 of 3 March 2017), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 30 be subdivided into a remainder ($\pm 1049 \text{ m}^2$ in extent), portion A ($\pm 502 \text{ m}^2$ in extent), portion B ($\pm 518 \text{ m}^2$ in extent), portion C ($\geq 500 \text{ m}^2$ in extent) as well as portion D ($\pm 661 \text{ m}^2$ in extent), as presented in the application;
- (b) Provision is made for 5 m x 5 m splays at the corners of Booyesen and Maree Street as well as the corner of Walter and Maree Street as proposed in the application;
- (c) The splays be transferred into the name of the Municipality with the registration of the first newly created portion and that the splay area be cleaned from any vegetation, wires, fences, etc before transfer is given. All costs will be for the developer/owner's account;
- (d) Building plans be submitted for the conversion of the existing outbuilding into a dwelling house before the transfer of proposed portion D;
- (e) Dwellings that are to be built must architecturally be in keeping with the character of the surrounding area to the satisfaction of the Director: Development Services;

A2 WATER

- (a) Each subdivided portion be provided with a separate water connection. This condition is applicable on subdivision stage with regards to the remainder as well as portion D and at building plan stage with regards to portions A, B and C;

A3 SEWERAGE

- (a) Each subdivided portion be provided with a separate sewer connection. This condition is applicable on subdivision stage with regard to the remainder as well as portions A and D and at building plan stage with regard to portions B and C;

A4 REFUSE REMOVAL

- (a) The basic refuse removal tariff will be levied for every built as well as vacant property;

A5 CAPITAL CONTRIBUTIONS

- (a) The capital contribution be made for the regional bulk supply of water at R7 623.35 (R10 890.50 x 0.7 Residential Zone 1 medium density) per newly created property. This capital contribution is payable to the Municipality at clearance stage. This amount is payable to vote number 9/249-176-9210 and is valid for the financial year of 2018/2019 and may be revised thereafter;
- (b) The fixed capital contribution towards roads be made to the Municipality to the amount of R8 212.15 per newly created property, at clearance stage. This amount is payable to vote number 9/247-144-9210 and is valid for the financial year of 2018/2019 and may be revised thereafter; The fixed capital contribution towards stormwater be made to the Municipality to the amount of R 4 192.90 per newly created property, at clearance stage. This amount is payable to vote number 9/248-144-9210 and is valid for the financial year of 2018/2019 and may be revised thereafter;
- (c) The fixed capital contribution towards water be made to the Municipality to the amount of R 11 404.55 per newly created property, at clearance stage. This amount is payable to vote number 9/249-174-9210 and is valid for the financial year of 2018/2019 and may be revised thereafter;
- (d) The fixed capital contribution towards sewerage be made to the Municipality to the amount of R 6 834.45 per newly created property, at clearance stage. This amount is payable to vote number 9/240-184-9210 and is valid for the financial year of 2018/2019 and may be revised thereafter;
- (e) The fixed capital contribution towards wastewater treatment be made to the Municipality to the amount of R7 245.00 per newly created property, at clearance stage. This amount is payable to vote number 9/240-183-9210 and is valid for the financial year of 2018/2019 and may be revised thereafter;
- (f) Council's resolution dated May 2018 makes provision for a 40% rebate applicable on the capital contributions. This rebate not applicable to condition A5(a) and is only valid for the 2018/2019 financial year and may be revised thereafter.

A6 ESKOM

- (a) The owner/developer takes note of the comments in the letter from ESKOM dated 14 September 2018;

B. GENERAL

- (a) Any existing services which connect the remainder and subdivided portion be moved or disconnected to ensure that each erf's pipework is situated on the separate erven;
- (b) Should the extension of any existing services be deemed necessary to provide the subdivided portion with services connections, it will be for the cost of the owner/developer;
- (c) The applicant and objectors are informed of the right to appeal against this decision of the Municipal Planning Tribunal, in terms of section 89(2) of the By-Law;
- (d) The legal certificate which authorises the transfer of the subdivided portion in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with;
- (e) This approval is in terms of section 76(2)(w) of the By-Law valid for a period of 5 years until 14 November 2023. All conditions of approval must be complied with within the 5 year period and that failing to do so will result in this approval expiring;

C. PRESENTATION BY MR B VAN KAMPEN

Cognisance be taken of the attached presentation by Mr B van Kampen and response thereto on relevant paragraphs:

- (a) With reference to paragraph 2: The assumption that the owners of all affected properties in the Walter and Mare Street vicinity are against the application can not be accepted as Mr van Kampen has no power of attorney to act on behalf of the owners. Furthermore, there was the opportunity during the public participation process to submit objections to the proposed subdivision;
- (b) With reference to paragraph 3: The requirements of the zoning scheme must be adhered to w.r.t. building lines, in this case 4 m from erf boundary. If the owner/developer wishes to deviate from the prescribed building lines with the submission of building plans, the affected properties will once again have the opportunity to object/comment on the deviation.
- (c) With reference to paragraph 4: The application is not for a group housing scheme, but for single dwellings, and the normal conditions w.r.t. to cover, building lines, etc. applies and will be considered at building plan stage;
- (d) With reference to paragraph 5: The proposal is made that this type of development should be accommodated elsewhere in Riebeeck Kasteel. The Municipal Planning Tribunal must consider the application on the table and is guided by proposals in the SDF. Erf 30 is accommodated in zone D2 in the SDF which has a low to medium density residential character and is supported by the development of low and medium density opportunities in the relevant zone;
- (e) With reference to paragraph 6: Confirmation is given that all legal requirements i.t.o. the Municipal Land Use Planning By-law regarding the advertisement of the application has been complied with. It is further confirmed that no erven of less than 500 m² shall be approved, and the resolution has been adjusted accordingly.

D. The application is supported for the following reasons:

- (a) The application is in compliance with the minimum erf size as determined by the SDF;
- (b) This application is seen as densification which is supported by the MSDF and PSDF;
- (c) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (d) The proposed subdivision will not negatively affect the character of the neighbourhood;
- (e) Surrounding properties consist of similar development potential as Erf 30;
- (f) There is sufficient services capacity to accommodate the newly created erven;
- (g) All development parameters of the By-Law will be adhered to;
- (h) The proposed subdivision will constitute the effective utilization of land and existing infrastructure.

In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 7741 of 3 March 2017), you as well as the objectors have a right to appeal within 21 days of date of registration of this letter to the appeal authority of the Swartland Municipality against Council's decision.

Should you decide to appeal, you can write to the following address:

The Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299

Please note that if the applicant/objector does appeal, an appeal fee of R2000-00 is payable. The appeal must be accompanied by the proof of payment and only then will the appeal be regarded as valid.

Yours faithfully

MUNICIPAL MANAGER
via Department Development Services

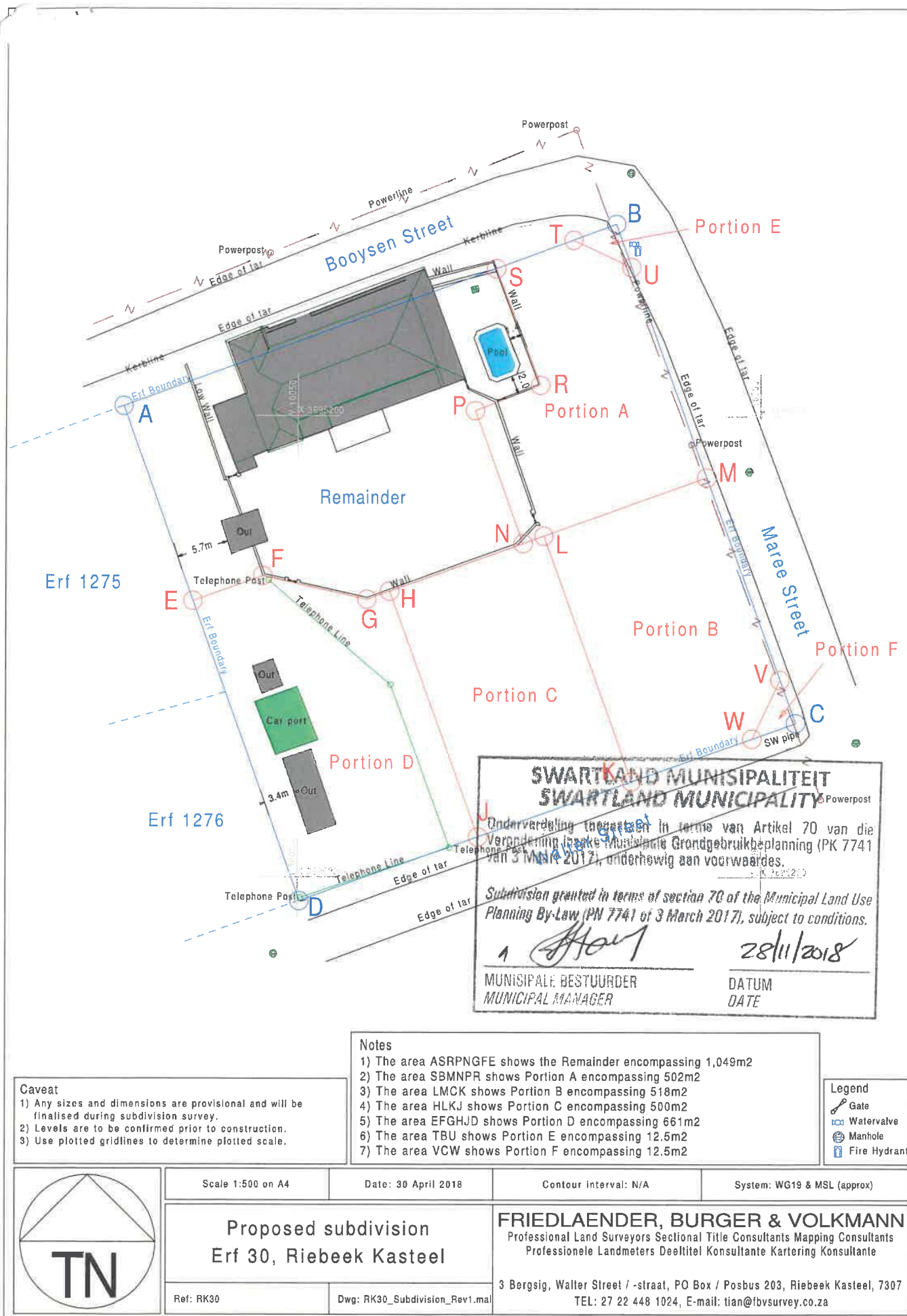
/ds

Copies : Director : Development Services (Building Control Officer)

Director : Civil Engineering Services

Director : Financial Service

C D Wright, P O Box 60, Riebeek Kasteel, 7307



ANNEXURE C – RIEBEEK KASTEEL SPATIAL PROPOSALS

- Legend**
- BASE**
- Cadastral
 - Main Road
 - Secondary Road
 - Railway Line
- DEMARICATION**
- Urban Edge
 - Proposed Urban Edge Expansion
 - Land Use Zones
- Existing Amenities**
- Clinic
 - Institutional Facility (School)
- INFRASTRUCTURE**
- Reservoir
 - Waste Transfer Site
 - Wastewater Treatment Works
 - 500m Buffer
- PROPOSALS**
- Approved Development
 - Residential
 - Secondary Business Node
 - Mixed Use
 - Institutional Facility
 - Cemetery
 - Industrial
 - Public Recreational Node
 - Sportfield
 - CBD
 - Small Scale Agriculture
 - Rural Residential
 - Access Route to be rerouted / Delineation T.D. by consultation process.
 - Activity Corridor
 - Activity Street
 - Proposed New Connection Routes
 - Railway Connection
 - Cemetery Expansion
 - Non-Perennial River Centre line

SPATIAL DEVELOPMENT FRAMEWORK
RIEBEEK KASTEEL
SPATIAL PROPOSALS

MAP 1 OF 1

PREPARED BY:

C.K. RUMBOLL & PARTNERS
 TOWN & REGIONAL PLANNERS
 16 RAINIER STREET / MALMESBURY

AREA:

SWARTLAND MUNICIPALITY

DATE:

MAY 2025

