



Kantoor van die Munisipale Bestuurder
8 April 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 **DONDERDAG, 16 APRIL 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 11 MAART 2026 / MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD 11 MARCH 2026** bl 1-10
5. **SAKE VOORTSPRUITEND UIT NOTULE VAN 'N VERGADERING VAN DIE MUNISIPALE BEPLANNINGSTRIBUNAAL GEHOU OP 11 MAART 2026 / MATTERS ARISING FROM THE MINUTES OF A MUNICIPAL PLANNING TRIBUNAL HELD ON 11 MARCH 2026**

Geen/None
6. **SAKE VIR OORWEGING / NUWE SAKE / MATTERS FOR CONSIDERATION / NEW MATTERS**
 - 6.1 **VOORGESTELDE OPHEFFING VAN BEPERKENDE VOORWAARDES, VERGUNNINGSGEBRUIK EN AFWYKING VAN ONTWIKKELINGSPARAMETERS OP ERF 310, YZERFONTEIN / PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS OP ERF 310, YZERFONTEIN (15/3/4-14, 15/3/5-14, 15/3/10-14) (WYK 5)** bl 11-48
 - 6.2 **VOORGESTELDE WYSIGING VAN GOEDKEURINGSVOORWAARDES OP GEDEELTE 35 VAN PLAAS JACOBUS KRAAL NO 554, AFDELING MALMESBURY / PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL ON PORTION 35 OF THE FARM JACOBUS KRAAL NO 554, DIVISION MALMESBURY (15/3/3-15, 15/3/10-15) (WYK 5)** bl 49-78
 - 6.3 **VOORGESTELDE VERGUNNINGSGEBRUIK OP GEDEELTE 1 VAN DIE PLAAS GEMSBOK KUIL NO 582, AFDELING MALMESBURY / PROPOSED CONSENT USE ON PORTION 1 OF FARM GEMSBOK KUIL NO 582, DIVISION MALMESBURY (15/3/10-15) (WYK 6)** bl 79-156

**6.4 VOORGESTELDE HERSONERING EN VERGUNNINGSGEBRUIK OP ERF 1327,
RIEBEEK KASTEEL / PROPOSED REZONING AND CONSENT USE ON ERF 1327,
RIEBEEK KASTEEL (15/3/3-11, 15/3/10-11) (WYK 12) bl 157-193**

**(get) J J SCHOLTZ
VOORSITTER**



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 11 MARCH 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:

Ms C Havenga
Mr C Rabie

Other officials:

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

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

The apology received from the Town and Regional Planner, Ms A de Jager, be noted.

3. DECLARATION OF INTEREST

No declarations were made.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 11 FEBRUARY 2026

RESOLUTION

(proposed by Ms C Havenga, seconded by Ms J S Krieger)

That the minutes of a Municipal Planning Tribunal Meeting held on 11 February 2026 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

**6.1 PROPOSED REMOVAL OF RESTRICTIVE CONDITION AND REZONING OF ERF 513,
YZERFONTEIN (15/3/10-8) (WARD 5)**

Mr A J Burger/...

Mr A J Burger gave background to the application in order for the development of Erf 513, Yzerfontein for business uses (4 retail spaces on ground floor) and flats (3 flats on first floor level and 2 flats on second floor level). Erf 513 is currently developed with a dwelling and outbuilding which will be demolished in order to accommodate the proposed development.

RESOLUTION

- A. The application for the removal of restrictive title conditions on Erf 513, Yzerfontein be approved in terms of Section 70 of the By-Law, as follows:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Conditions C.6(a), C.6(b), C.6(b)(i) and C.6(b)(ii) be removed from Title Deed T9429/89 that read as follows:

“...C.6.(a) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die, doel eindes wat die Administrateur van tyd tot tyd, na oor leg met die Dorpekommissie en die Plaaslike Owerheid goedkeur, met dien verstande dat, indien die erf in die gebied van 'n Dorpsaanlegskema ingesluit is, die Plaaslike Owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word.

(b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straat lyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die Plaaslike Owerheid:—

(i)'n buitegebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot by die muurplaat daarvan, binne sodanige sy— en agterruimtes opgerig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir 'n afstand van 12 meter gemeet van die agtergrens van die erf, met dien verstande dat in geval van 'n hoek erf die afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens ;

(ii)'n buitegebou ingevolge subparagraaf (i) slegs nader aan In sygrens of agter—grens van 'n perseel as die afstand hierbo voorgeskryf , opgerig mag word indien geen vensters of deure in enige muur, wat op sodanige grens front, aangebring word nie...”

be removed from the Deed completely.

- (b) The applicant/owner applies to the Deeds Office to amend the Title Deed in order to reflect the removal of the restrictive conditions;
- (c) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
- (i) Copy of the approval by Swartland Municipality;
 - (ii) Original Title Deed, and
 - (iii) Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
- (d) A copy of the amended Title Deed be provided to Swartland Municipality for record purposes;

- B. The application for the rezoning of erf 339, Malmesbury be approved in terms of Section 70 of the By-law, subject to the following conditions:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 513 be rezoned from Residential Zone 1 to Business Zone 1 in order to use the property as a business premises and flats as presented in the amended building plan application with Project Number 338-24, dated June 2024, Revision 6;

- (b) Building plans for the proposed development be submitted to the Senior Manager: Development Management for consideration and approval;
- (c) At least 16 parking bays and loading bay be provided on site as presented in the amended application as mentioned in paragraph B1(a). The parking bays be provided with a permanent dust free surface being concrete, paving or tar or a material pre-approved by the municipality and that the parking bays are clearly marked;
- (d) The use of the 8 parking bays obtaining access from Buitenkant Street be restricted for use by the businesses only;
- (e) The use of the 8 parking bays obtaining access from Gey van Pittius Street be restricted for use of the flats only;
- (f) Application for the display of advertising signs be made to the Senior Manager: Development;
- (g) A landscaping plan be submitted to the Director: Civil Engineering Services for consideration and approval;

B2 WATER

- (a) The proposed development be provided with a single connection of suitable size which shall connect to the Municipal water distribution network at a suitable location;
- (b) The water connection be designed by an Engineer suitably registered in terms of the provisions of Act 46 of 2000;
- (c) 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 Engineer;

B3 SEWERAGE

- (a) The engineering report indicates that the proposed development will be provided with a single sewage suction tank for the joint use of the five apartments and business premises. Therefore, responsibility be taken by way of an owners' association for the operation of the joint sewage system, which includes the emptying of the tank. Since separate tanks are not provided for each consumer unit, the Municipality will not provide pumping services and this be undertaken by a private service provider, which arrangements must be established and maintained by the owners' association;
- (b) An internal sewage distribution network including the sewage tank and suction point of the sewage tank be designed by an Engineer suitably registered in terms of the provisions of Act 46 of 2000;
- (c) The design be submitted to the Director: Civil Engineering Services for approval after which the construction work must be carried out under the supervision of the Engineer;

B4 STORMWATER

- (a) Stormwater runoff from the development be conducted underground to the nearest suitable municipal collection point;
- (b) The parking spaces, accesses, stormwater connections and pavement improvements be designed by an Engineer suitably registered in terms of the provisions of Act 46 of 2000;
- (c) 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 Engineer;

B5 REFUSE REMOVAL

- (a) A communal refuse area be provided that is properly secured and equipped with a water connection and a drainage system connected to a septic tank. The communal refuse areas be accessible to the service truck;

B6 ELECTRICITY

- (a) No additional electrical capacity is available for the site until Eskom has increased the maximum demand of the municipality. There is no time frame for when the maximum demand will be increased. Currently the size of the electrical connection is 60 Amp single phase, therefore there is only 13.8 kVA available (33%) of the estimated 42 kVA (AEP Electrical & Electronic Consulting Engineers) required for the development;

B7 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R14 824,97 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 R2 466,14 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 R11 386,63 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 R27 630,02 towards the waste water 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 R19 274,34 towards roads and storm water at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (f) The Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and can 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) If the expansion of any existing services is necessary to accommodate the development of services, this will be for the cost of the owner/developer;
- (c) The rates and taxes of the property be changed from residential to business;
- (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;

D. The application be supported for the following reasons:

- (a) Once the existing structures are demolished, the property does not consist of any physical restrictions which may impact negative on the application;
- (b) The proposed mixed uses of business and residential are complementary to the existing mixed use character of the area;
- (c) The development proposal complies with all the applicable zoning parameters of the Business Zone 1 zoning;
- (d) The development proposal in terms of scale, massing and placement remains in keeping with the development potential of surrounding single residential erven;
- (e) The application complies with the spatial planning of Yzerfontein;
- (f) The application complies with the principles of LUPA and SPLUMA;
- (g) Existing municipal services (water and sewerage) to the property are deemed sufficient in order to accommodate the proposed business use. Insufficient electricity capacity exists. However, the deficit can be supplemented with renewable energy;
- (h) The removal restrictive conditions do not affect the value of rights, personal or social benefits nor the rights of the surrounding property owners;
- (i) The additional impact by traffic generated by the proposed development is deemed to be minimal;
- (j) The tendency that the municipal values of properties will increase is anticipated to continue.

6.2 PROPOSED CONSENT USE ON ERF 9363, MALMESBURY (15/3/10-8) (WARD 10)

Mr H Olivier explained that the purpose of the application for consent use on Erf 9363, Malmesbury is to accommodate a double dwelling on the subject property. Erf 9363 is currently vacant and zoned Residential Zone 1.

RESOLUTION

- A. The application for consent use on Erf 9363, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), be approved, subject to the conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a double dwelling house, as presented in the application;
- (b) The double dwelling adheres to the applicable development parameters;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

A2 WATER

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

A3 SEWERAGE

- (a) The existing sewer connection be used and no additional connections be provided;

A4 DEVELOPMENT CHARGES

- (a) The development charge towards the supply of regional bulk water amounts to R12 263,60 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge towards bulk water reticulation amounts to R6 888,50 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge towards sewerage amounts to R4 283,75 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge towards wastewater treatment amounts to R4 643,70 and is for the account of the owner/developer 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 development charge towards streets amounts to R13 413,60 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-188-9210);
- (f) The development charge towards electricity amounts to R4 989,61 and is payable by the owner/developer 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 9/253-164-9210);
- (g) The Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and may be revised thereafter;

B. GENERAL

- (a) The approval does not exempt the applicant from adherence to 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 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;

6.2/B...

- (c) 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 against the appeal;
- (d) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued and failing to do so the approval will 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;
- (e) 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;

C. The application be supported for the following reasons:

- (a) The proposed second dwelling is a residential use and is therefore consistent with the proposals of the MSDF;
- (b) A double dwelling is accommodated as a consent use under Residential Zone 1 of the Development Management Scheme and there are no restrictions registered against the title deed of the property prohibiting the proposal;
- (c) The development proposal supports the optimal utilisation of the property;
- (d) The second dwelling provides in a need for a larger variety of housing opportunities to the wider population;
- (e) The development proposal will not negatively impact on the character of the Tafelzicht neighbourhood or the larger Malmesbury;
- (f) The proposal optimises the use of existing municipal engineering services;
- (g) The development will not have a significant impact on traffic volumes or safety, and with sufficient on-site parking being provided the proposed access from Brahmaan Street is deemed safe and appropriate for a residential use.

6.3 PROPOSED CONSENT USE ON ERF 8097, MALMESBURY (15/3/10-8) (WARD 11)

Mr A J Burger (on behalf of the author, Ms A de Jager) gave background to the application to operate a house shop from a portion of Erf 8097, Malmesbury which already contains a dwelling unit.

Erf 8097, Malmesbury is zoned as Residential Zone 2 and located on Alfa Street which the Municipal Spatial Development Framework (2025) identifies as an activity street.

RESOLUTION

A. The application for a consent use on Erf 8097, Malmesbury, 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:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent authorises a house shop restricted to a floor area of 25m² in extent, in accordance with the site plan, dated 1 February 2024, presented in the application;
- (b) Building plans, clearly indicating the house shop in relation to the house, as well as any unauthorised structures on the property, 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 Alfa Street, therefore at least one on-site parking bay be provided in front of the house shop, for customers and deliveries;
- (j) No loitering be permitted anywhere on Erf 8097, Malmesbury 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;

A2 WATER

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

A3 SEWERAGE

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

A4 STREETS AND STORM WATER

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

B. 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, no later than 11 June 2026;
- (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, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

C. The application is supported for the following reasons:

- (a) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;

6.2/C...

- (b) The application complies with the land uses proposed for this area of Malmesbury, as determined by the SDF;
- (c) This application supports the local economy and promotes entrepreneurship and local businesses, as a goal of the IDP;
- (d) The development parameters and requirements of the By-Law Zoning Scheme are complied with through imposing conditions of approval;
- (e) The development is envisioned to promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood;
- (f) 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;
- (g) The anticipated impact of the house shop on the surrounding community may be mitigated by specific conditions of approval;
- (h) The number of house shops in the area is foreseen to create healthy economic competition and over time create economically robust businesses;
- (i) 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;
- (j) The house shops in the neighbourhood are largely unauthorised and the applicant seeks to rectify the situation and legalise the land use on Erf 8097;
- (k) 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 impacts negatively on its surroundings.

6.4 PROPOSED REZONING AND SUBDIVISION OF ERF 2046, MALMESBURY (15/3/3-8, 15/3/7-8) (WARD 10)

The author, Mr H Olivier, gave a historical background to the application by Liebenberg Primary School which was previously considered by the former Transitional Council of Malmesbury and rejected mainly because the school had sufficient unused land to accommodate its playgrounds.

Liebenberg Primary School again requested access to a portion of Erf 2046, Malmesbury to fence and use as additional playground. The request motivated that the school had lost a significant portion of its internal ground for the establishment of a multi-purpose sport centre on the school's property. Furthermore, the school's enrolment had grown to ±1 895 learners in 2024, intensifying the need for additional space for a playground. The application for the use of ±6 037 m² of Erf 2046, strictly for a fenced playground and other conditions was approved by the Executive Mayoral Committee on a further condition that the statutory land-use process be followed.

Erf 2046, Malmesbury is a public place zoned Open Space Zone 1. In order for the school to use it as part of the playgrounds, application is made to close the portion of the open space, rezone it to Community Zone 1 as the appropriate zoning as well as to subdivide the portion for administrative purposes.

RESOLUTION

- A. The application for closure of a portion of a public place be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. The application for rezoning of Erf 2046, Malmesbury be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. The application for subdivision of Erf 2046, Malmesbury be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- D. The decisions A, B and C above are subject to the following conditions:

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) Portion of Public Place, Erf 2046 be closed as presented in the application;

- (b) All costs arising from, or incidental to, the subdivision and the registration of the subdivided portion in the municipality's name shall, in accordance with the council decision, be for the school's account;
- (c) Erf 2046 be rezoned from Open Space Zone 1 to Subdivisional area as indicated on the rezoning plan dated February 2025 with reference MAL/14346/NJdK in order to accommodate the following land uses;
 - (i) Community Zone 1
 - (ii) Open Space Zone 1
- (d) Erf 2046 (1,2475ha) be subdivided as indicated on the approved proposed subdivision plan dated October 2025 with reference MAL/14856/NJdK as follows:
 - (i) Portion A - ± 6020m² (Community Zone 1)
 - (ii) Remainder - ± 6544m² (Open Space Zone 1)

E. GENERAL

- (a) The legal certificate which authorises the transfer of the subdivided portions and the consolidated erf in terms of section 38 of the By-Law, will not be issued unless all the relevant conditions have been complied with;
- (b) 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;
- (c) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (d) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval must 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) 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;

F. The application be supported for the following reasons:

- (a) The application complies with Section 42 of the Spatial Planning and Land Use Management Act, Act 16 of 2013(SPLUMA) and advances the development principles in Section 7 of SPLUMA and Chapter VI of the Land Use Planning Act, (Act 3 of 2014);
- (b) The proposal aligns with the objectives of the PSDF (2014), WCDSDF (2020), and is deemed consistent with the Swartland MSDF (2023–2027; amended 2025);
- (c) The proposed rezoning and subdivision are consistent with the Swartland Development Management Scheme and Municipal Land Use Planning By law (PG 8226 of 25 March 2020);
- (d) The utilisation is desirable, low impact, retains substantial public open space, and improves learner safety;
- (e) No negative impact on municipal engineering services is anticipated;
- (f) The proposal supports efficient, sustainable use of municipal land within the urban footprint;
- (g) Public objections were duly considered. The proposal remains policy compliant and technically justified;
- (h) It optimises municipal land already located within the existing urban footprint, avoiding any expansion of the development edge;
- (i) It supports the residential neighbourhood's role as a mixed community environment, where institutional land uses (including schools) are appropriate and encouraged;
- (j) Open-space character is preserved: ±6 455 m² remains Open Space Zone 1, ensuring continued benefit to the wider community;

6.4/F...

- (k) It addresses a documented functional need in the urban system: the school's reduced internal playground capacity.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**



Verslag ♦ Ingxelo ♦ Report

Office of the Director: Development Services
Department: Development Management

25 March 2026

15/3/4-14/Erf 310
15/3/5-14/Erf 310
15/3/10-14/Erf 310

WARD: 5

ITEM 6.1 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON THURSDAY, 16 APRIL 2026

LAND USE PLANNING REPORT					
PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 310, YZERFONTEIN					
Reference number	15/3/4-14/Erf 310 15/3/5-14/Erf 310 15/3/10-14/Erf 310	Submission date	3 December 2025	Date finalised	26 March 2026

PART A: APPLICATION DESCRIPTION

An application for the removal of restrictive title on erf 310, Yzerfontein in terms of section 25(2)(f) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. It is proposed that condition C.I.(3) be removed from Title Deed T65461/1994 in order to remove the restriction of the number of residential units.

The proposal included an application for a consent use for a double dwelling on Erf 310, Yzerfontein, in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020). A double dwelling is one architectural unit that contains two residential units.

Furthermore, application includes an application for departure of development parameters on erf 310, Yzerfontein, in terms of section 25(2)(b) of Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020). The departure consists of the following:

- departure of the 4m street building line (Junction Road) to 3,15m.
- departure of the 1,5m side building line (southern boundary) to 0,854m.

The applicant is C.K. Rumboll and Partners and the property owners is the HOFFIE BASSON TRUST.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	ERF 310 YZERFONTEIN				
Physical address	75 Main Road	Town	Yzerfontein		
Current zoning	Residential Zone 1	Extent (m ² /ha)	691m 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 house	Title Deed number & date	T65461/1994		

Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)	C I. 3. That not more than one dwelling, together with the necessary outbuildings and appurtenances be erected on the erf.
Any third party conditions applicable?	Y	N	If Yes, specify	
Any unauthorised land use/building work	Y	N	If Yes, explain	During the evaluation of the report, it was found that there are structures indicated as existing on the site development plan that were not previously approved. These structures also depart from the southwestern side building line restriction, however the applicant failed to include in their application. It will therefore be dealt with as a separate application.

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning		Permanent departure	<input checked="" type="checkbox"/>	Temporary departure		Subdivision	
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>	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 310 Yzerfontein is zoned Residential Zone 1 and improved with a dwelling. The property owner proposes to undertake additions and alterations to the existing building in order to accommodate a double dwelling on the property. As an additional use right, the Residential zone 1 zoning makes provision for a second dwelling <60m². The lower ground floor where the second dwelling is proposed is 69m² in extent. Therefore, the requirement for the application for consent use. As stated by the applicant in conjunction with this, the application also seeks approval for the removal of restrictive title deed condition prohibiting the development proposal, as well as the relaxation of zoning/general provisions applicable to the current zoning designation.

The property is currently zoned Residential zone 1. A double dwelling house is permitted as a consent use under the Residential zone 1 zoning.

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.
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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 states that the application relates to relates to Erf 310, Yzerfontein, currently zoned Residential Zone 1 and developed with an existing dwelling. The property owner (Hoffie Basson Trust) proposes additions and alterations to accommodate a double dwelling, which triggers the need for the following land use approvals:

1. Removal of Restrictive Title Deed Condition

For the application for removal of restriction C.I. 3. of the title deed of the property the applicant motivates that:

- (a) The restriction is outdated and no longer aligned with contemporary planning principles or the Swartland MSDF.

- (b) The Development Management Scheme (DMS) already regulates density, character, and development form, making the restrictive condition redundant.
- (c) Removing the condition will allow utilisation of the property in line with current planning policy, without negative social or spatial impacts.

2. Consent use for a double dwelling house

The applicant motivates that a double dwelling is a consent use under the Residential Zone 1 zoning and the proposal is consistent with the development management scheme as it includes a two storey building (with a basement area) forming a single architectural entity with two separate dwellings. The applicant argues that the two units has separate access points, are within the zoning limits with a total coverage of 49% as well as that there is architectural compatibility between the two units.

The applicant argues that the proposal represents a contextually appropriate residential densification and with the area's character being predominantly residential in nature, the proposed development is compatible with its surroundings.

The applicant continues to motivate that the separate access points also provide sufficient space for on-site parking.

3. Permanent departures

The applicant motivates that the development proposal complies with the majority of the zoning development parameters of the current zoning and requirements for double dwellings. The applicant further motivates that the existing title deed historically permitted the building up to 3.15m from the street boundary and the proposal aligns with this longstanding development pattern. Furthermore, the proposed garage departing from the required building line restriction has been sited to integrate seamlessly with the proposed dwelling and maintains safe vehicular access from Junction Road and does not adversely affect sight distances, traffic flow, or pedestrian movement.

In terms of the application for departure of the side building line the applicant motivates that the external wall facing the neighbouring property contains no windows, doors, or other openings, ensuring that no overlooking or loss of privacy can occur. In addition, extending along the line of the existing external wall preserves the established built form on the property. As such, the proposed encroachment over the side building line will not introduce any adverse impacts on the adjacent property owner.

Compliance and desirability

The applicant argues that the proposal is desirable because:

- (a) It contributes to efficient land use within the existing urban fabric and supports the MSDF densification target.
- (b) The development will have negligible traffic impact, meet parking requirements, and utilise existing municipal infrastructure without burdening services.
- (c) No adverse environmental impacts are anticipated.
- (d) The application aligns with SPLUMA and LUPA principles, particularly spatial sustainability, efficiency, and good administration.

MSDF alignment.

The applicant highlights the alignment of the proposal with the MSDF in stating that the Swartland Municipal Spatial Development Framework (2025) provides the planning guidelines that guide future planning and development in Yzerfontein and the Swartland Municipal Area as a whole.

Erf 310 falls inside the urban edge and within Development Zone A, where residential densification and low density residential development are supported.

The MSDF encourages increasing Yzerfontein's density from 6.8 to 7.8 units/ha by 2027, and the proposal contributes toward this objective.

The applicant concludes that the proposal is considered desirable and is therefore submitted for your favourable consideration.

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 in the local newspapers and Provincial Gazette on 12 December 2025 and a total of 16 registered notices were issued to affected parties. Where e-mail addresses were available, affected parties were notified via e-mail as well.

Please refer to Annexure D for public participation map.

Total valid comments	2	Total comments and petitions refused	0
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Valid petition(s)	Y	N	If yes, number of signatures
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Community organisation(s) response	Y	N	Ward councillor response	Y	N	The application was forwarded to councillor Rangasamy, but no comments were received.
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Total letters of support	1
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PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation													
			Positive	Negative												
Building Control	11 December 2025	Building plans to be submitted to Building Control for consideration and approval	Comments only													
Electrical Engineering Services	3 December 2025	No comments	No comment													
Protection Services	10 December 2025	No comments	No comment													
Department: Civil Engineering Services	15 December 2025	<p>1. <u>Water</u></p> <p>The property be provided with a single water connection;</p> <p>2. <u>Sewerage</u></p> <p>The property be provided with a conservancy tank with a minimum capacity of 8000 litres that is accessible for the service vehicle from the street.</p> <p>3. Streets and Storm water</p> <p>In order</p> <p>3. <u>Other</u></p> <p>The following fixed development charges be made:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th></th> <th>Bulk Contribution</th> </tr> </thead> <tbody> <tr> <td>Bulk Water Distribution</td> <td>R 501, 25</td> </tr> <tr> <td>Bulk Water Supply</td> <td>R 5 518, 64</td> </tr> <tr> <td>Sewer</td> <td>R 2 512, 74</td> </tr> <tr> <td>WWTW</td> <td>R 6 097, 24</td> </tr> <tr> <td>Roads</td> <td>R 3 434, 70</td> </tr> </tbody> </table>		Bulk Contribution	Bulk Water Distribution	R 501, 25	Bulk Water Supply	R 5 518, 64	Sewer	R 2 512, 74	WWTW	R 6 097, 24	Roads	R 3 434, 70	Comments only	
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WWTW	R 6 097, 24															
Roads	R 3 434, 70															

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS	
<p>H & A Venter on behalf of the Hendrik Venter Familie Trust as registered owner of erf 311, Yzerfontein</p>	<p>As neighbouring affected property owner, Mr and Mrs Venter submitted a formal objection to the proposed relaxation of building lines and associated permanent departures. Their main concerns are summarised as follows:</p> <p>1. Impact on Privacy.</p> <p>The objectors argue that the reduced street and side building lines will position the new structure significantly closer to their boundary.</p> <p>They believe the scale and form of the proposed double dwelling will compromise their privacy through increased overlooking, reduced visual separation, and a heightened perception of building bulk.</p> <p>2. Negative Effect on Property Value.</p> <p>They state that the loss of privacy, outlook, and spatial quality caused by the encroaching building footprint will negatively affect the market value of their property.</p>	<p>1. Alleged Negative Impact on Privacy.</p> <p>The encroachments relate only to small portions of the proposed garage, affecting the street (Junction Road) and southwestern side building line. The remainder of the new dwelling fully complies with all building lines.</p> <p>The side facing wall contains no openings, preventing overlooking or direct loss of privacy.</p> <p>The proposal does not exceed height or bulk limits and will not create undue overshadowing or intrusive massing.</p> <p>Therefore, the applicant argues that no material negative impact on privacy will result from the proposal.</p> <p>2. Alleged Impact on Property Value.</p> <p>The objectors provided no objective property valuation or supporting evidence to substantiate claims of reduced market value.</p>	<p>1. Privacy and amenity.</p> <p>The encroaching element is the garage, not habitable rooms, and the side-facing wall contains no openings (no doors/windows), which limits overlooking. On this narrow privacy ground alone, the impact is low.</p> <p>However, the Municipality is not satisfied that a relaxation is necessary given the available on-site space to achieve compliance. In addition, part of the "established built form" cited by the applicant is unauthorised and cannot be relied upon as precedent to justify new encroachments.</p> <p>The privacy concerns are mitigated however the need for a departure is unproven and therefore the proposed departure cannot be recommended for approval.</p> <p>2. Impact on property value.</p> <p>Alleged value impacts carry limited weight. The objector provided no valuation evidence. In the absence of objective proof, alleged value loss</p>

	<p>They contend that the proposal undermines their reasonable expectations as adjoining owners and erodes the established residential character of the area.</p> <p>3. Departure from Planning Principles.</p> <p>According to the objectors, building lines serve important planning functions such as providing adequate light, ventilation, privacy, and spatial order.</p> <p>They argue that the proposed departures materially undermine these intentions and may set an undesirable precedent for similar applications in the neighbourhood.</p> <p>4. Incompatibility with surrounding development pattern.</p> <p>The objectors maintain that surrounding properties generally comply with prescribed building lines.</p>	<p>Minor encroachments of a garage—within permitted height and bulk—are unlikely to diminish value.</p> <p>The presence of double dwellings can, in many cases, encourage private investment and uplift surrounding property values.</p> <p>3. Departure from Planning Principles / Setting a Precedent.</p> <p>The proposed departures are limited in nature and do not undermine core planning principles such as access to light, air, or privacy. Each land use application is assessed on its own merits and does not create an automatic precedent. The overall spatial relationship between the erven is maintained, with the garage being the only element that marginally encroaches.</p> <p>4. Incompatibility with Surrounding Development Pattern.</p> <p>The applicant states that the proposal complies with nearly all zoning parameters except for the two minor departures.</p>	<p>cannot outweigh a planning assessment that rests on the scheme and policy.</p> <p>3. Planning principles / precedent.</p> <p>Departures are considered case-by-case on merit under the By-law and do not set automatic precedent.</p> <p>The street- and side-line departures are found unjustified because the stated need can be accommodated consistent with the applicable parameters. An additional side building line shortfall (first-floor main bedroom at 1.37 m vs 1.5 m) was identified on the plans during the drafting of this report. It did not form part of the application, motivation or the public participation process. This procedural flaw independently prevents approval of the submitted plan in its current form.</p> <p>The departure element is not supported on merit and procedurally defective as advertised/submitted.</p> <p>4. Compatibility with surrounding pattern.</p> <p>The double dwelling itself aligns with Residential Zone 1 (consent use)</p>
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	<p>They believe the reduced setbacks proposed for Erf 310 are inconsistent with the prevailing development pattern and built form of the area.</p> <p>5. Requested Outcome</p> <p>For the reasons set out above, the objectors submit that the application does not adequately mitigate the adverse impacts on adjoining properties and does not sufficiently demonstrate that the proposed departures are desirable, reasonable, or in the broader public interest.</p> <p>The objectors request that the application for permanent departures be refused.</p> <p>Alternatively, they ask that the development be amended to comply with standard building line requirements in order to protect the amenity, privacy, and value of neighbouring properties.</p>	<p>The applicant emphasize that the title deed historically permitted street setbacks as close as 3.15 m, which aligns with the current proposal.</p> <p>The encroachments do not alter the residential character of the area, nor do they introduce bulk inconsistent with prevailing development forms.</p> <p>5. Overall Applicant Position</p> <p>The applicant states that the objection does not demonstrate any material adverse impact on amenity, privacy, character, or property value.</p> <p>The nature and scale of the encroachments are minor and within the planning logic of the Development Management Scheme.</p> <p>The applicant therefore argues that the application remains desirable, reasonable, and in line with policy and zoning intentions.</p>	<p>and spatial policy (MSDF densification) and is deemed compatible. The minor garage encroachment is deemed not essential to achieve a corresponding outcome and can be avoided.</p> <p>The land use is compatible; the departure is not required for compatibility and is therefore not supported.</p> <p>5. Outcome on objection:</p> <p>The objection is clearly only made against the application for departure. The applications for removal of restriction as well as consent use are not dependant on the departure being approved and can therefore be considered separately.</p> <p>From the above it is clear that the objections should be upheld as the proposed departures are not recommended for approval on planning merit and procedural grounds.</p>
<p>SW Engelbrecht on behalf of Yzerfontein Residents Association</p>	<p>No objection is lodged on behalf of Yzerfontein Resident's association</p>	<p>The comment was not sent to the applicant for comment.</p>	<p>Noted</p>

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 3 December 2025. The public participation process commenced on the 12 December 2025 and ended on the 23 January 2026. An objection was received and referred to the applicant for comment on the 28 January 2026. The municipality received the comments on the objection from the applicant on the 26th of February 2026.

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 double dwelling 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 will promote the intensive utilisation of space as well as engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification;
- c) Efficiency: The development proposal will promote 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 were obtained;
- e) Spatial Resilience: The proposed double dwelling creates more affordable housing typologies in Yzerfontein.

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

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

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

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

- 1) Target existing economic nodes (e.g., CBDs (Central Business District), township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares, and markets, etc.) as levers for the regeneration and revitalisation of settlements.
- 2) Promote functional integration and mixed-use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralisation through densification and infill development.

- 3) Locate and package integrated land development packages, infrastructure, and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.
- 4) Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining, and tourism remain important economic underpinnings of rural settlements.
- 5) Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.
- 6) Delineate Integration Zones within settlements within which there are opportunities for spatially targeting public intervention to promote more inclusive, efficient, and sustainable forms of urban development.
- 7) Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.
- 8) Municipal SDFs (Spatial Development Framework) to include growth management tools to achieve SPLUMA's spatial principles. These could include a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities, and appropriate development typologies.

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

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

- (a) Protect and enhance the sense of place and settlement patterns
- (b) Improve accessibility at all scales
- (c) Promote an appropriate land use mix and density in settlements
- (d) Ensure effective and equitable social services and facilities
- (e) Support inclusive and sustainable housing

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

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

The development proposal is therefore deemed consistent with the PSDF.

2.3 West Coast District SDF (WCDSDF, 2020)

In the WCDSDF, 2020 it is stated that the functional classification for Yzerfontein is tourism and according to the growth potential study Yzerfontein has a medium 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, the WCDM SDF promotes 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.

A double dwelling promotes the principle, optimising the use of resources and limiting urban sprawl. Furthermore, the development proposal may provide in the need for accommodation by various tourists who visit the district and thus contribute to the income derived from tourism. It could therefore be argued that the proposal is consistent with the spatial planning policies of the WCDSDF, 2020.

2.4 Municipal Spatial Development Framework (SDF), 2025

The subject property is situated within a residential area, delineated as Zone A, as per the spatial proposals for Yzerfontein contained in the MSDF, 2025. The area is defined as located at the most western point along the coast and has a residential character with larger sized properties as well as a small business node including mixed uses such as high-density residential uses and a vacant school site. This zone also includes the harbour. Medium Density residential uses are supported within this area as well as high density residential uses being supported next to activity streets. The subject property is located next to Junction Road which is identified as an activity street. Please refer to the extract of the land use proposal map below.



The proposal is therefore deemed consistent and not in contradiction with the land use proposals of the MSDF, 2025.

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

As previously mentioned, the Residential zone 1 zoning makes provision for a double dwelling house as a consent use. Seeing that the second dwelling is > 60m² it is therefore not deemed an additional use right and the application therefore can be considered. The proposal for the second dwelling is consistent with the provisions of the development management scheme and is therefore supported.

Application is made for departure of the street building line abutting Junction Road from 4m to 3.15m to accommodate a portion of the proposed new double garage. Insufficient motivation is provided for the departure of the street building line and the applicant's need can easily be accommodated consistent with the provision.

The application for the departure of the side building line in order to accommodate the proposed garage and workshop 0.854m from the side boundary is also not supported. Yes, it could be argued that the proposed garage does not contain any windows, doors or other openings that might have an impact on the neighbouring property owner. Given the fact that sufficient space exists to accommodate the need consistent with the provision, the same argument applies as mentioned above. The applicant does however motivate that the extension is proposed along the line of existing external wall, therefore preserving the established built form on the property. The established built form referred to in this regard is unauthorised and not only does not form part of this application, but it also cannot be used as motivation for the proposed departure.

Another departure that is clearly indicated on the site development plan, however not included in the applicant's motivation is that of the new main bedroom proposed on first floor level on top of the existing building. It is located 1,37m from the northeastern side boundary in lieu of the 1,5m restriction. The application did not include this departure nor was it part of the public participation process and therefore the site development plan, as far as it relates to the departure cannot be considered favourably.

3. Desirability of the proposed utilisation

The proposed application for consent use and consequently also the application for the removal of the restrictive title condition, are consistent and not in contradiction with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.

The proposal is spatially resilient, as it proposes housing options that are more affordable.

The character of the surrounding area is that of a low-density residential neighbourhood. The nature of a double dwelling is to provide additional residential opportunities. The proposed land use is thus considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities compatible with that of the existing area.

The proposed activity will have a positive economic impact, as it potentially will generate income for both the landowner, municipality (through rates and taxes) and tourism as a whole, through the spending of the new residents / visitors to the area.

The proposed double dwelling is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental assets.

From the proposal it is clear that access to the property will be obtained directly from both Junction Road for the unit on the first floor as well as Main Road for the unit on the ground floor. The impact of the proposal on traffic in the area will be minimal.

As far as the proposal to accommodate a double dwelling on the property is concerned, the development proposal is considered desirable.

In terms of physical restrictions on the property, the property has a very steep slope that is mitigated not only through cut and fill but also through the proposal to include a workshop in the basement level. There are no physical restrictions on the property that justifies the proposed departures and therefore without justification the application for departure is not recommended for approval.

4. Impact on municipal engineering services

The proposed application is intended to optimise the use of existing infrastructure and municipal engineering services. Development charges will be levied in accordance with the relevant policy as well as the council approved development charges.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

The restriction limits development to one dwelling, thereby regulating settlement density and reinforcing neighbourhood character. Surrounding properties enjoy the benefit of this provision as a praedial right, although the actual degree of benefit varies by location, orientation, and built form.

The proposed removal will permit a double dwelling, but does not alter other restricted title conditions and does not affect coverage, height, or other development controls, which remain regulated by the development management scheme.

The financial or amenity value of the restriction to surrounding property owners is not significantly impaired, as development parameters that most directly protect built-form character remain in effect.

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

Surrounding owners benefit from the restriction in the form of predictability regarding dwelling numbers. While this is a legitimate benefit, the introduction of a double dwelling (consent use) within Residential Zone 1 is already contemplated and regulated within the municipal spatial vision, and the surrounding property owners retain the full protection of the development management scheme parameters.

Therefore, while neighbouring owners enjoy a legitimate benefit, the extent of its limitation is modest and occurs within a broader planning framework that already contemplates such an outcome.

Removal will allow the applicant to lawfully pursue a double dwelling, a use that is:

- contextually appropriate,
- aligned with approved spatial policy
- within the urban edge, and
- supported by existing infrastructure.

This promotes efficient utilisation of urban land and offers an additional residential opportunity that remains harmonious with the character of the area. The benefit to the applicant is therefore significant, legitimate, and policy-aligned.

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

The restriction contributes to character preservation through limits on dwelling numbers. However, this benefit must be balanced against contemporary policies encouraging incremental densification in existing serviced urban areas to curb sprawl and improve settlement efficiency.

While remaining in place would maintain the traditional restriction, the public interest does not strongly favour retention where policy encourages moderate densification and all other development safeguards remain in place.

The removal of the restriction will:

- enable a land use (double dwelling) supported by the MSDF,
- increase residential opportunity in an area with demonstrated tourism and housing demand,
- promote spatial sustainability and efficient service utilisation, and
- support the municipality's densification targets for Yzerfontein.

Removal of the restriction therefore positively serves the broader public interest, provided development adheres to DMS controls.

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

Removal affects only one restrictive condition relating to the number of dwellings.

All other restrictions and all development management scheme development rules (building lines, height, coverage, parking) remain applicable and enforceable.

The removal therefore affects only some, not all, rights; the remaining instruments sufficiently protect neighbourhood character and amenity.

When balancing the above factors, including the rights-based nature of restrictive conditions, it could be argued that:

1. The removal does not result in an arbitrary deprivation of adjoining owners' rights;
2. The restriction's purpose remains acknowledged, but its retention in this instance provides limited incremental benefit compared to the public-interest benefits of a policy-aligned double dwelling;
3. The development management scheme provides adequate and enforceable safeguards to protect character, bulk, privacy, and spatial order following removal.

Accordingly, the removal of restrictive condition C.I.(3) is justified in law, policy-aligned, and not arbitrary, and can be supported.

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for the removal of title deed restrictions on Erf 310, Yzerfontein, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), in order to remove the restrictive conditions C.I.3 registered in Title Deed T65461/1994, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

(a) The restrictions to be removed read as follows:

"... C I. 3. That not more than one dwelling, together with the necessary outbuildings and appurtenances be erected on the erf..."

(b) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the removal of the restrictive conditions;

(c) The following minimum information be provided to the Deeds Office in order to consider the application, namely:

- (i) Copy of the approval by Swartland Municipality;
- (ii) Original title deed, and
- (iii) Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;

(d) A copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans;

B. The application for the consent use on Erf 310, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), be approved, subject to the conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorizes a double dwelling house, as presented in the application;
- (b) The double dwelling adheres to the applicable development parameters and the lower ground level not be used as a third dwelling unit;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) Any revised design must comply with applicable building lines or be re-applied for, together with any previously omitted building line deviations. The new application be subject to a new public participation process to the satisfaction of the Senior Manager: Development Management.

2. WATER

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

3. SEWERAGE

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

4. DEVELOPMENT CHARGES

- (a) The development charge towards the supply of regional bulk water amounts to R 12 263, 60 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge towards bulk water reticulation amounts to R1 114, 35 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge towards sewerage amounts to R 5 584, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge towards wastewater treatment amounts to R 13 549, 30 and is for the account of the owner/developer 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 development charge towards streets amounts to R 7 632, 55 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge towards electricity amounts to R 11 927, 67 and is payable by the owner/developer 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 9/253-164-9210);
- (g) The Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and may be revised thereafter.

C. The application for departure of the development parameters on Erf 310, Yzerfontein, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) for the reasons as set out below.

5. GENERAL

- (a) The approval does not exempt the applicant from adherence to 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 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;
- (c) 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 against the appeal.
- (d) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued and failing to do so the approval will 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.
- (e) 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

In terms of the removal of restriction application the proposal is supported for the following reasons:

1. It is determined that the restrictive condition serves a legitimate purpose, namely regulating dwelling numbers to protect the coordinated character of the township. Its purpose has been fully considered and acknowledged, and the Municipality accepts that such conditions carry reciprocal rights for all property owners in the township. However, in this particular case, the extent to which the condition continues to provide material benefit to surrounding property owners is limited, as all other protective mechanisms, such as height, coverage, building lines, and general development parameters, remain fully applicable under the development management scheme.
2. The removal of the restriction does not result in a significant deprivation of rights of neighbouring affected properties.
3. The social benefit of retaining the restriction is limited, as dwelling-number controls no longer function as the primary mechanism for protecting neighbourhood character. That role is now fulfilled by uniform zoning parameters. Retention would therefore not meaningfully enhance public interest beyond what the development management scheme already regulates. Neighbouring owners continue to enjoy all remaining restrictions in the title deed as well as the full protection of the zoning scheme.
4. Removal of the condition enables the applicant to apply for a land use (double dwelling) that is expressly contemplated as a consent use under Residential Zone 1 and is consistent with the spatial planning instruments of the Municipality and Province. This supports efficient use of serviced urban land, aligned with the applicable spatial policy and SPLUMA principles.

In terms of the consent use application the proposal is supported for the following reasons:

5. The use is compatible with the predominantly residential character and represents context-appropriate densification supported by the policy direction toward compact growth as contained in municipal, district as well as provincial Spatial Development Frameworks.
6. A double dwelling is accommodated as a consent use under Residential Zone 1 of the development management scheme.
7. The development proposal supports the optimal utilisation of the property as well as the use of existing municipal engineering services.
8. The second dwelling provides in a need for a larger variety of housing opportunities to the wider population.
9. The development proposal will not negatively impact on the character of Yzerfontein.
10. The development will not have a significant impact on traffic volumes or safety, and with sufficient on-site parking being provided the proposed access from Junction Road as well as Main Street is deemed safe and appropriate for a residential use.
11. No substantiated, policy-based objection was lodged against the land use itself; objections targeted the departures.

In terms of the application for departure of the development parameters:

12. The applicant did not demonstrate why compliance cannot reasonably be achieved on-site; the Municipality is satisfied that the stated need can be accommodated without relaxation.
13. The motivation references "established built form" created by unauthorised structures; such works cannot justify new encroachments.
14. The submitted plan indicates an additional side building line shortfall (first-floor main bedroom at 1.37 m vs 1.5 m) that was not included or advertised as part of the application, which independently prevents approving the departures as tabled.
15. Approving non-essential departures where compliance is feasible would unnecessarily erode the orderly application of the development management scheme. The refusal preserves the spatial order intended by building lines without undermining the supported double-dwelling land use.



PART N: ANNEXURES

Annexure A	Locality Plan
Annexure B	Site Development Plan / Proposed building plan
Annexure C	Copy of the title deed
Annexure D	Public participation plan
Annexure E	Objection Hendrik Venter Familie Trust
Annexure F	Support from the Yzerfontein Residents Association
Annexure G	Comments on the objections received.
Annexure H	Copy of previously approved plans.

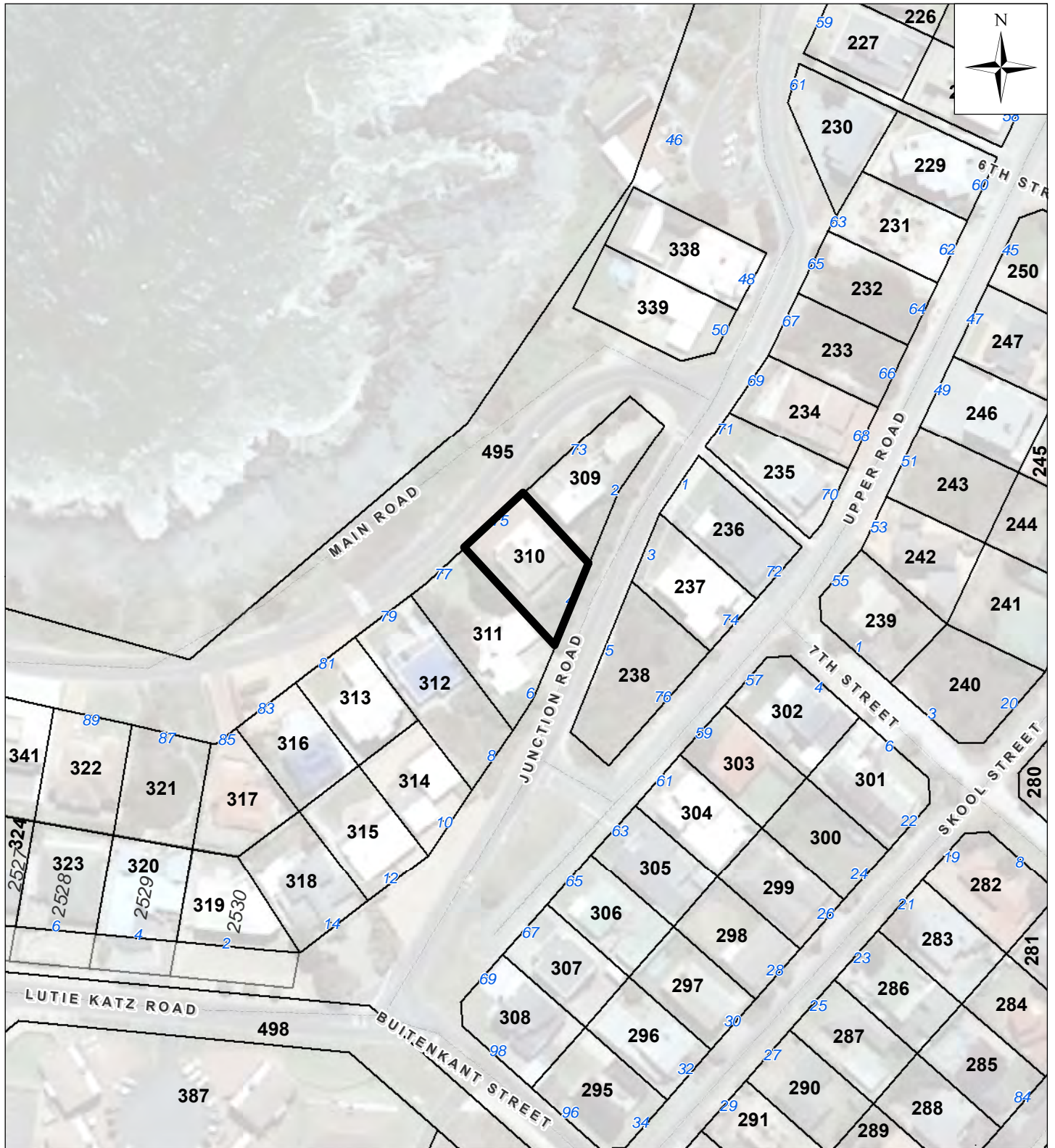
PART O: APPLICANT DETAILS

First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Hoffie Basson Trust	Is the applicant authorised to submit this application:	Y	N

PART P: SIGNATURES

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010			Date: 26 March 2026	
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
			Date: 27 March 2026	

LOCATION PLAN OF ERF 310, YZERFONTEIN



ANNEXURE B

1. This drawing is to be read in conjunction with the other project Drawings, Construction Documentation and the engineers drawings, details and specification.

2. Contractor must view site and works and allow for everything necessary to complete the works.

3. Quality of materials and workmanship to comply with the latest relevant Codes & Specifications of SABS & BSS & the minimum standards of Standard Preliminaries (JBCC) & the model Preliminaries for Trades (1992 ASAS) and where applicable Project Specifications.

4. This drawing is to be read in conjunction with other project Drawings, Construction Documentation and the engineers drawings, details and specification.

5. Contractor must view site and works and allow for everything necessary to complete the works.

6. Contractor to check the details on this drawing for compliance with standards of good building practice with particular reference to requirement by local & / or site conditions, report any discrepancies to the Architect.

7. No setting out is to commence before site boundary peg positions are verified & pointed out by the Employer's Land Surveyor. Correct setting out including that from boundaries & building lines & verification of services and existing works are the Contractor's responsibility.

8. Contractor to verify all levels, heights and dimensions on site and check the same against drawings before putting any work in hand.

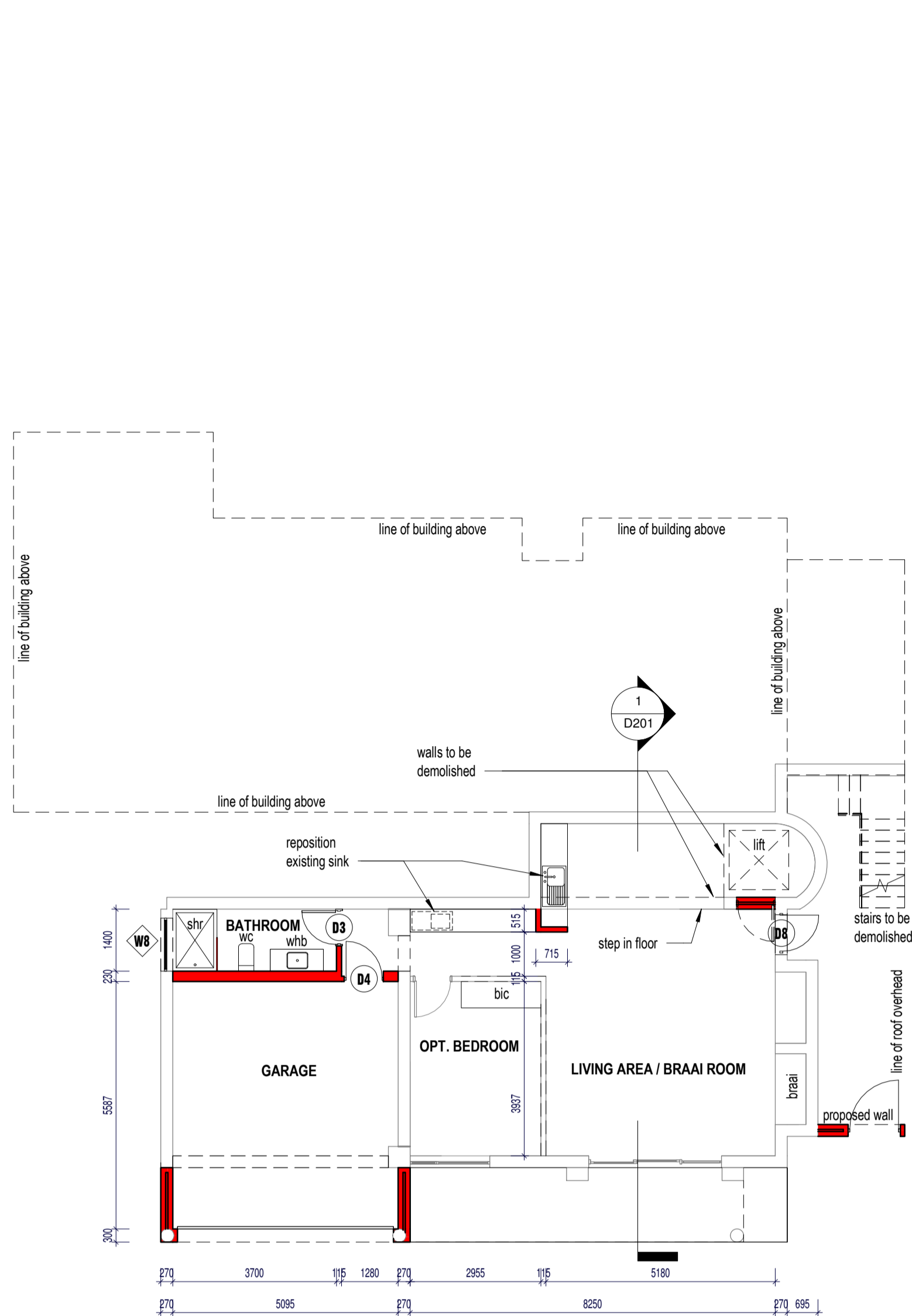
9. Figure dimensions are to be used at all times and large scale details will take preference over small scale. This drawing is not to be scaled.

10. Only the latest construction drawings issued as Architect's Instruction are authorised for "Construction" may be used for construction of the works. All superseding and other drawings must be removed from site.

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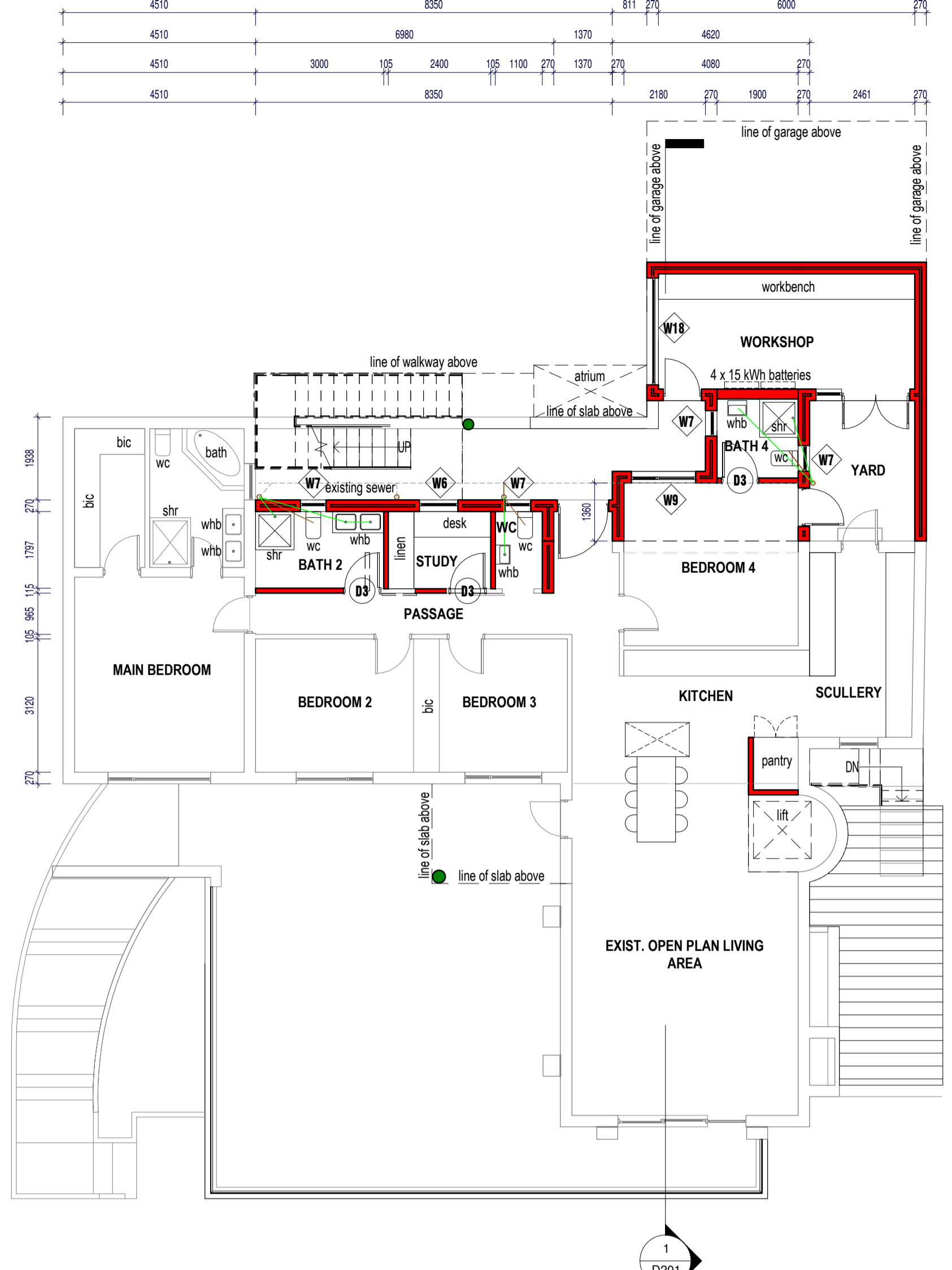
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No.	Description	Date
A	FOR INFORMATION	2025/04/29
B	FIRST FLOOR ADDED	2025/05/16
C	LOWER GROUND FLOOR REVISED	2025/06/20
D	GENERAL DESIGN UPDATE	2025/07/17
E	FIRST FLOOR FLAT UPDATED	2025/08/10
F	UPDATED AS PER CLIENT COMMENTS	2025/08/18
G	UPDATED TO MATCH SITE SURVEY	2025/10/13
H	GARAGE AREA REDESIGNED	2025/11/12
I	KITCHENETTE REMOVED	2025/11/27



LVL -1 - LOWER GROUND FLOOR PLAN

1 : 100



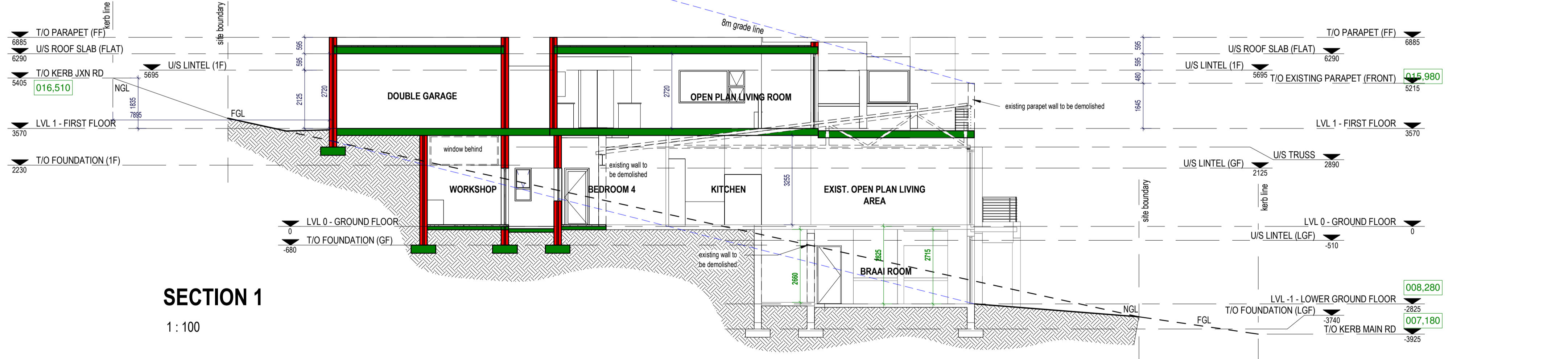
LVL 0 - GROUND FLOOR PLAN

1 : 100



LVL 1 - FIRST FLOOR PLAN

1 : 100



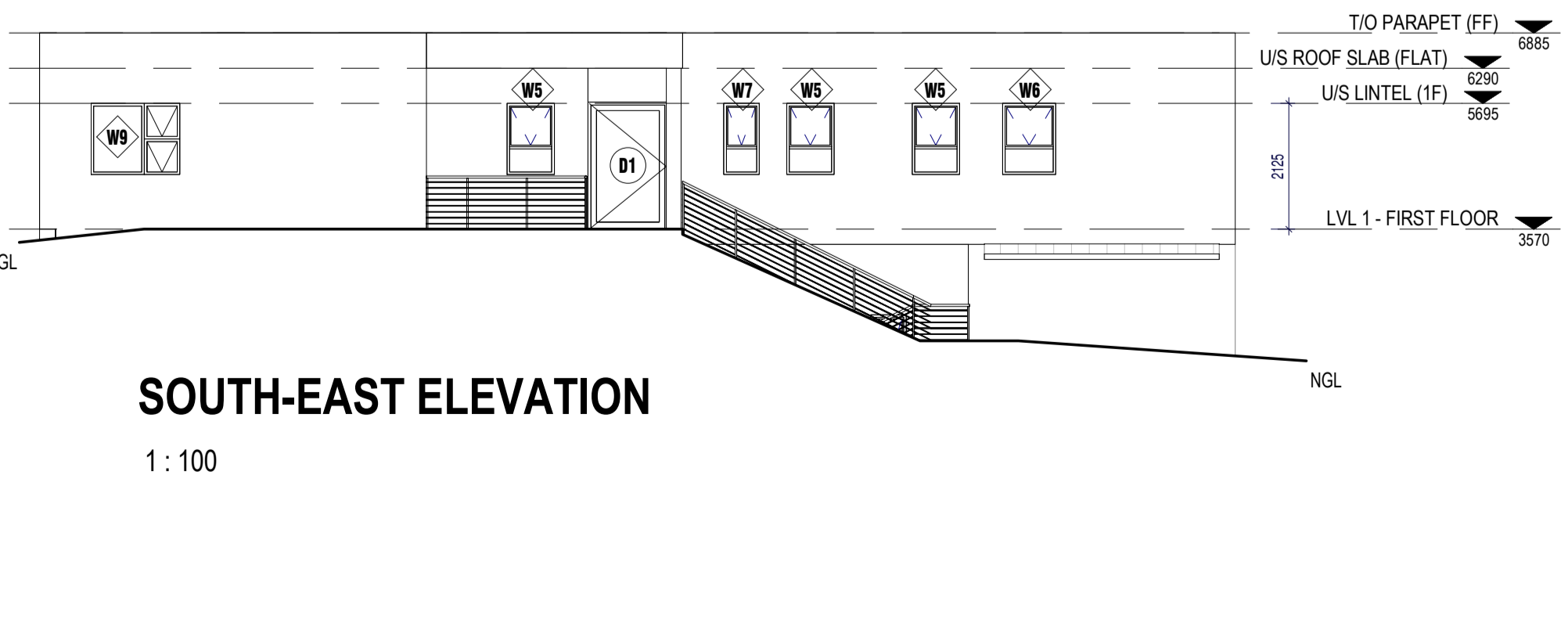
SECTION 1

1 : 100



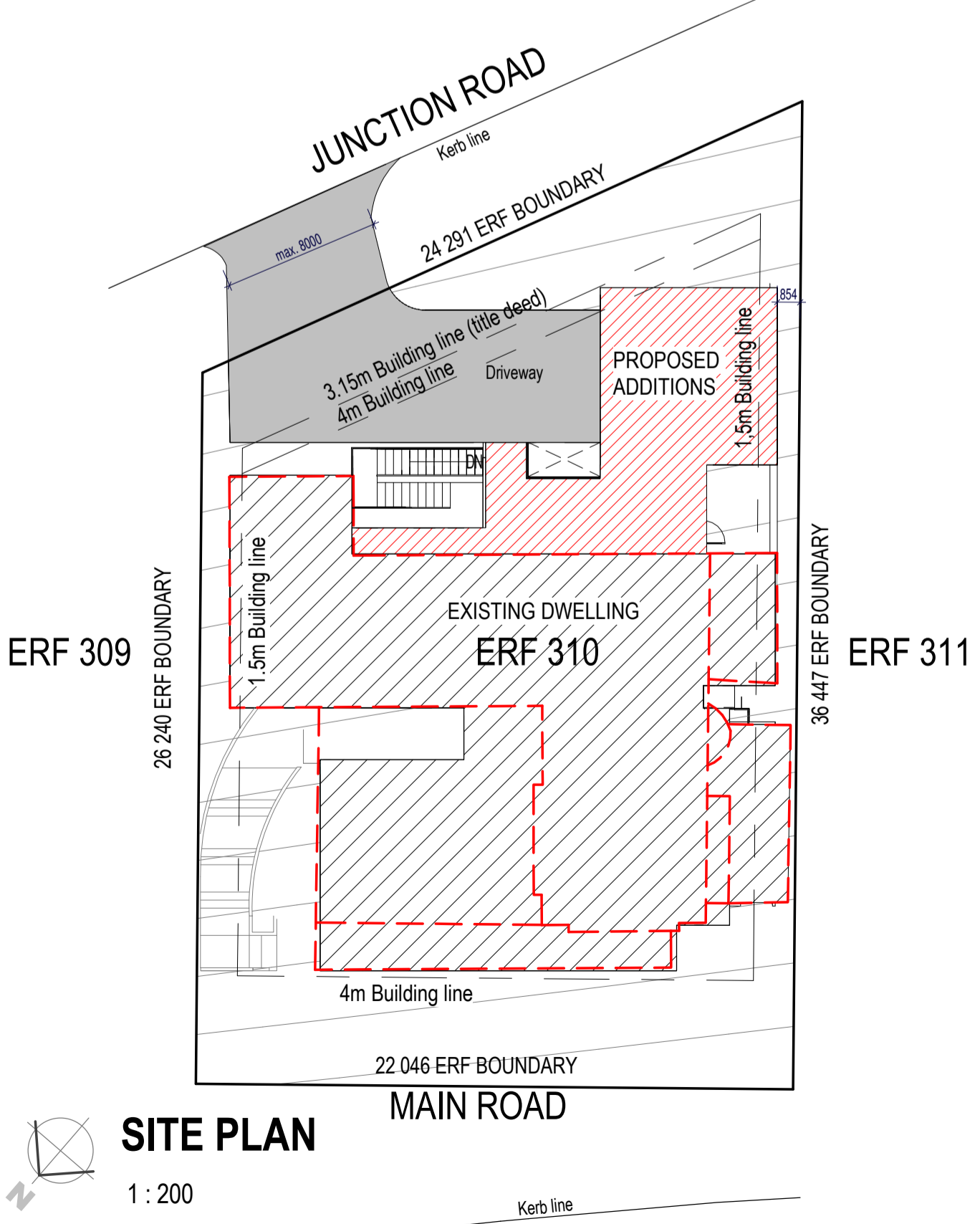
NORTH-WEST ELEVATION

1 : 100



SOUTH-EAST ELEVATION

1 : 100



SITE PLAN

1 : 200

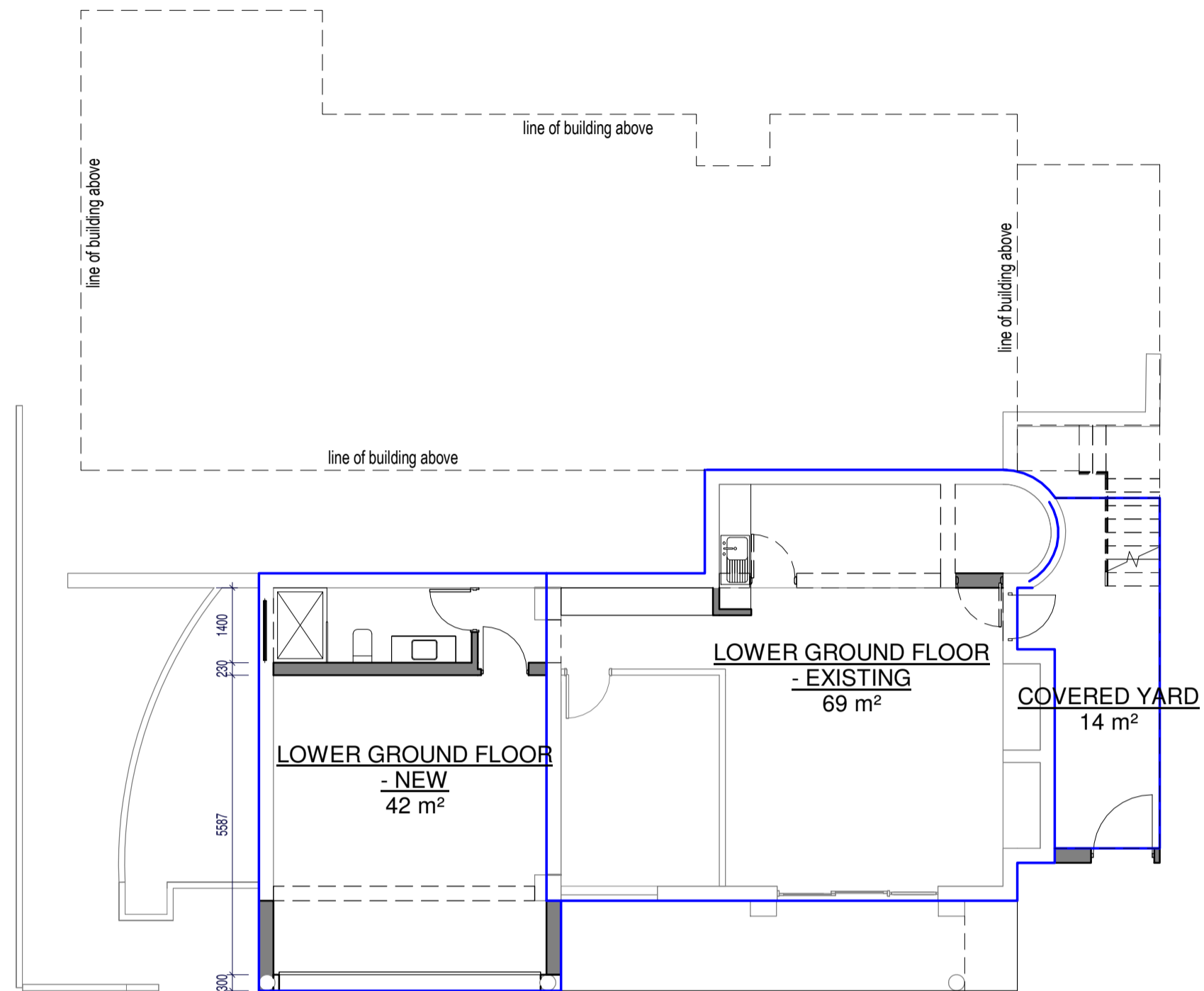


CLIENT
HOFFIE BASSON FAMILIE TRUST
PROJECT
HOUSE ROTSVAS

Project number 25004
Date 2025/04/29
Drawn by CS
Checked by CA

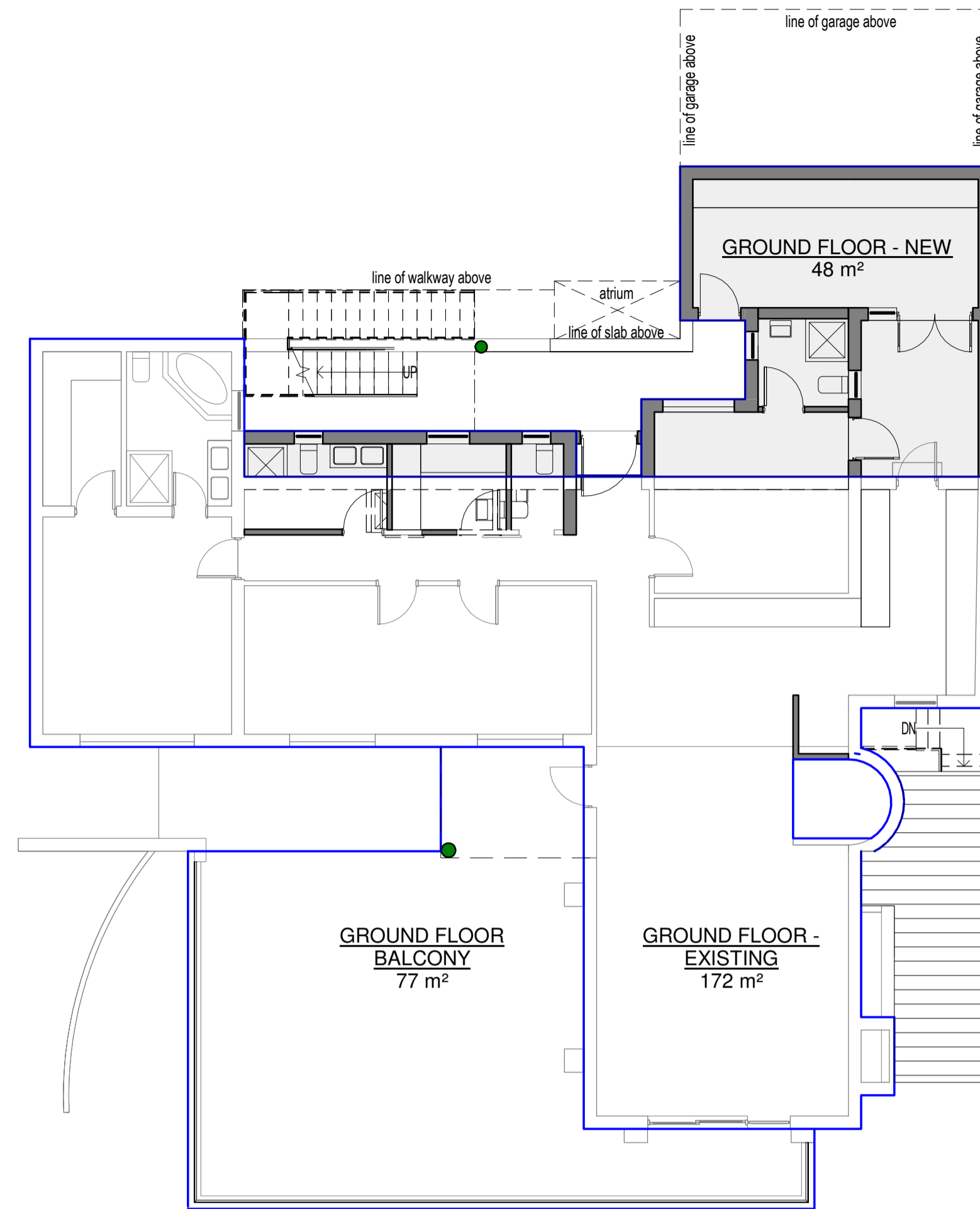
PLANS, SECTIONS & ELEVATIONS

Dwg No. D201
Rev No. I
Scale As indicated



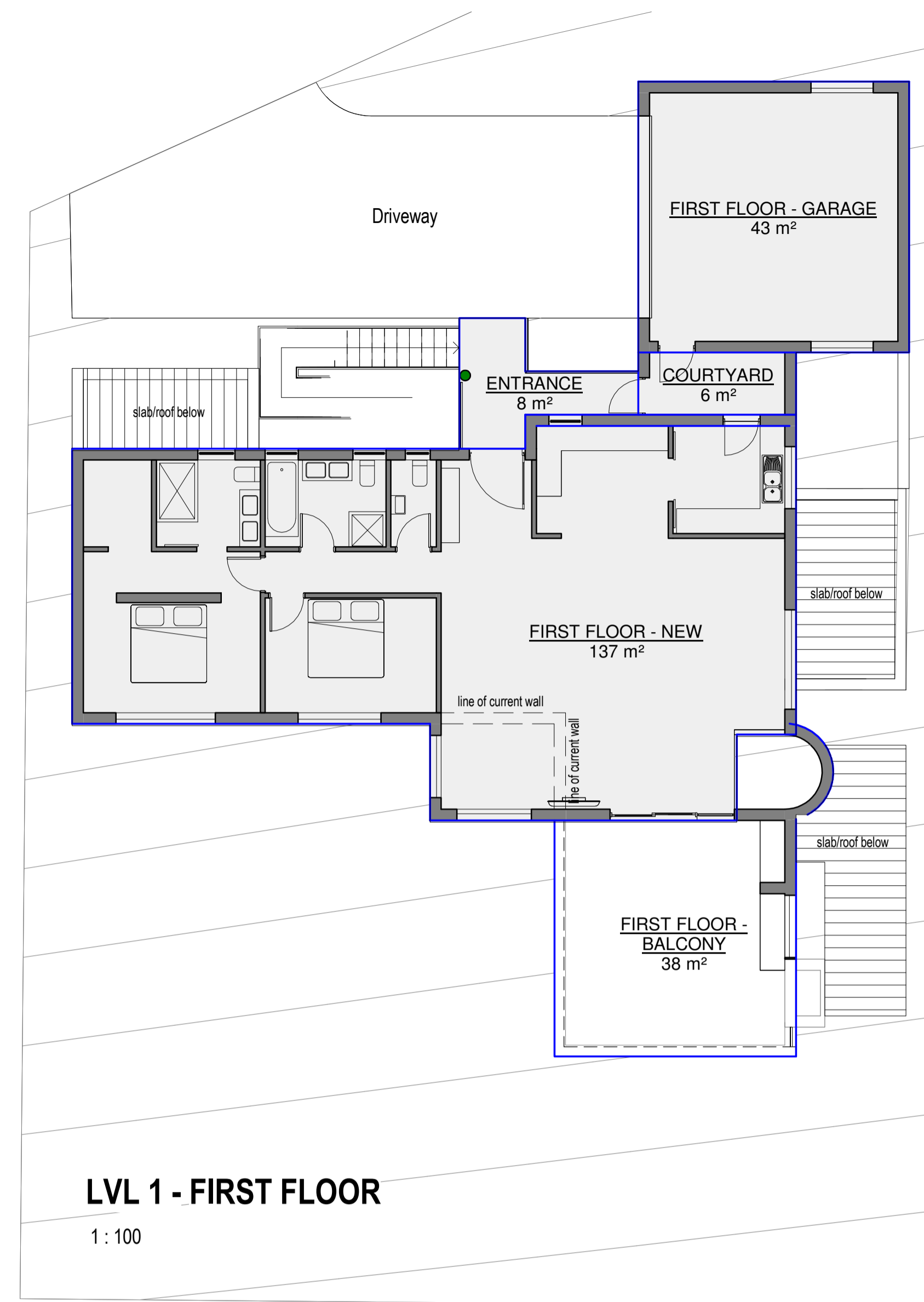
LVL -1 - LOWER GROUND FLOOR

1 : 100



LVL 0 - GROUND FLOOR

1 : 100



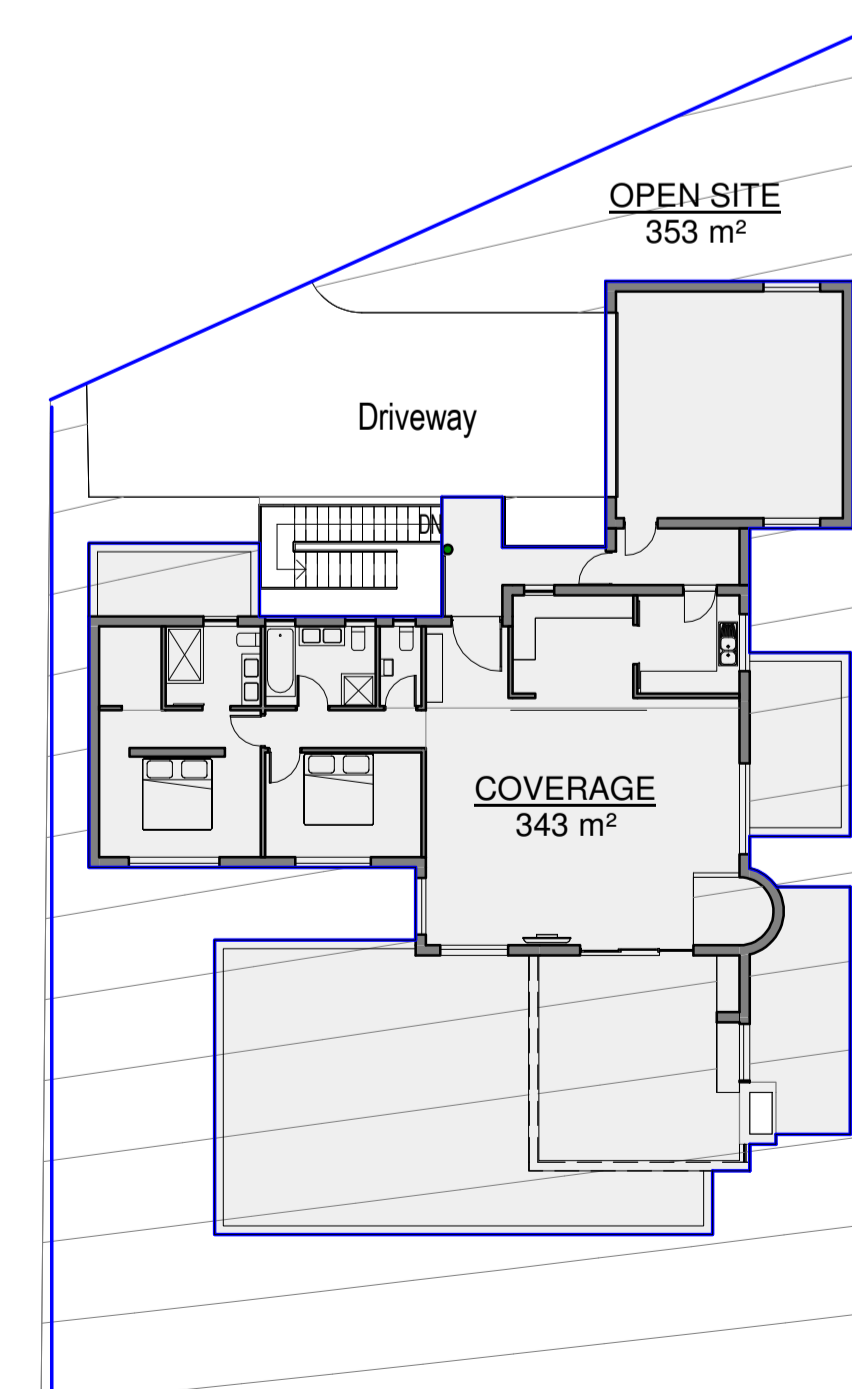
LVL 1 - FIRST FLOOR

1 : 100

AREA SCHEDULE (GBA)		
Name	Level	Area
COVERED YARD	LVL -1 - LOWER GROUND FLOOR	14 m ²
LOWER GROUND FLOOR - NEW	LVL -1 - LOWER GROUND FLOOR	42 m ²
LOWER GROUND FLOOR - EXISTING	LVL -1 - LOWER GROUND FLOOR	69 m ²
LVL -1 - LOWER GROUND FLOOR: 3		125 m ²
GROUND FLOOR - NEW	LVL 0 - GROUND FLOOR	48 m ²
GROUND FLOOR BALCONY	LVL 0 - GROUND FLOOR	77 m ²
GROUND FLOOR - EXISTING	LVL 0 - GROUND FLOOR	172 m ²
LVL 0 - GROUND FLOOR: 3		297 m ²
COURTYARD	LVL 1 - FIRST FLOOR	6 m ²
ENTRANCE	LVL 1 - FIRST FLOOR	8 m ²
FIRST FLOOR - BALCONY	LVL 1 - FIRST FLOOR	38 m ²
FIRST FLOOR - GARAGE	LVL 1 - FIRST FLOOR	43 m ²
FIRST FLOOR - NEW	LVL 1 - FIRST FLOOR	137 m ²
LVL 1 - FIRST FLOOR: 5		231 m ²
		654 m ²

Area Schedule (COVERAGE)		
Name	Area	COVERAGE
COVERAGE	343 m ²	49%
OPEN SITE	353 m ²	51%
	696 m ²	100%

PROPOSED SCHEDULE OF RIGHTS		
PROPERTY DESCRIPTION		
Erf / Portion : 310	Site Area : 691m ²	
Township : YZERFONTEIN	Title Deed No. : TXXX	
ZONING INFORMATION		
TOWN PLANNING SCHEME : TBC	AMENDMENT SCHEME NO. : TBC	
USE ZONE: RESIDENTIAL 1		
DEVELOPMENT CONTROL MEASURES		
Permissible	Control	Actual
TBC	Height Zone	3
8m above NGL	Height of Buildings	TBC
50% (345.50m ²)	Coverage	49% (343m ²)
1	Floor Area Ratio	0.95
691m ²	Floor Area	654m ²



COVERAGE PLAN

1 : 200

- GENERAL NOTES**
- All dimensions to be checked on site.
 - Contractor to ensure that all work is done in strict accordance with latest Regulations & requirements of applicable Authorities including National Building Regulations (NBR); Local Mun. Authority: CSIR - Technical Guide to a Good House Construction (residential work). All other relevant Authorities.
 - Quality of materials and workmanship to comply with the latest relevant Codes & Specifications of SABS & BSS & the minimum standards of Standard Preliminaries (JBCC) & the model Preliminaries for Trades (1992 ASAS) and where applicable Project Specifications.
 - This drawing is to be read in conjunction with other project Drawings, Construction Documentation and the engineers drawings, details and specification.
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DRAWING ISSUE LOG

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CLIENT
HOFFIE BASSON FAMILIE TRUST

PROJECT
HOUSE ROTSVAS

Project number: 25004
Date: 2025/04/29
Drawn by: CS
Checked by: CA

AREA PLANS

Dwg No. **D403** Rev No. **I**
Scale: **As indicated**

179

000033257 / 2000

VERBINDINGSKONTRAKT

VR020006 / 2000

R 65332,94

02.09.94

REGISTRATIEUR

DE KLERK & VAN GEND

65461,94

T

DE KLERK & VAN GEND
 Prokureurs, Notarisse & Aktebesorgers
 CLAREMONT

TRANSPORTAKTE
 KRAFTENS 'N PROKURASIE

SY DIT BEKEND AAN DIE BUREAU KANGAAN:

DAT WILLEM PETRUS MAHERBE

voor my, Registrateur van Aktes, te Kaapstad, verskyn het, behoorlik daartoe gemagtig kragtens 'n Prokurasie onderteken te KAAPSTAD op 5 AUGUSTUS 1994 deur

ALEXANDER VAN BRED
 Identiteitsnommer 310831 5027 00 1
 Getroud buite gemeenskap van goed

welke Prokurasie hede aan my getoon is:

EN die Komparant het verklaar dat

Overgedrewe deur
 TRANSPORTBESORGER
 D P DE K VAN GEND

THE 'TICC' SEMENTE KYK GLADSY
 COMMENTS SEE PAGE 7

sy prinsipaal die hiernagenoemde eiendom waarlik en wettiglik verkoop het aan die hiernagenoemde Transportnemer op 17 Junie 1994

EN SO IS DIT DAT hy, die Komparant in sy voormelde hoedanigheid deur hierdie akte oordra en transporteer in volle en vrye eiendom aan en ten gunste van -

**DIE TRUSTEES INDETYD VAN DIE
HOFFIE BASSON TRUST
NR T2238/94**

Hul gemagtigdes -

**ERF 310 YZERFONTEIN
in die Gebied van die Plaaslike
Raad van Yzerfontein
Afdeling Malmesbury**

Groot: 691 (Seshonderdeen en Negentig)
vierkante meter

EERSTE geregistreer kragtens Transportakte No T20090/1951 met Kaart 842/1937 daaraan geheg en gehou kragtens Transportakte No T34581/1979

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No T22275/1970.

B. **ONDERHEWIG VERDER** aan die spesiale voorwaardes vervat in Kroongrondbrief No 78/1936 gedateer 30 Junie 1936 No 5 en 6 van die gemelde voorwaardes wat as volg lees:-

5. Alle regte op enige mineraal, van watter aard ook en op enige olie in of op die grond hierby toegeken, word uitdruklik aan die Staat voorbehou, tesame met die reg van toegang na alle myne of werke vir myn of prospekter doeleindes onderneem deur iemand wat behoorlik daartoe gemagtig is. Die grond is onderhewig aan sodanige verder regte wat die publiek of die Regering nou of hierna mag besit, of geregtig is te verkry ingevolge of kragtens enige Wet betreffende die prospekter, deling myn of ontginning van enige mineraal, van watter aard ook en van enige olie in of op die grond hierby toegeken watter regte nie deur die grond hier verkort of op enige manier aangetas word nie. Voorts, word die reg van die Staat voorbehou, om soveel van die grond hierby toegeken te beset of te laat beset, en om soveel water op daardie grond te gebruik of te laat gebruik as wat benodig mag wees om na enige mineraal of olie te prospekter of te myn, teen betaling as vergoeding van sodanige somme geld as wat die betrokke partye onderling ooreenkoms mag bepaal, of by gebreke van sodanige ooreenkoms, as wat deur 'n skiedsregtelike uitspraak vasgestel mag word.
6. Dat geen gebou op die grond binne 15,74 meter van die Hoogwatermerk van die see opgerig sal word nie, en dat in oop ruimte van 15,74 meter bo die Hoogwatermerk van die see vir die ongehinderde gebruik van die publiek vygelaat sal word.

Die oorblywende voorwaardes vervat in gesegde Kroongrondbrief No 78/1936 verwys na en maak voorsiening vir:

- (a) Existing roads and thoroughfares to remain free and uninterrupted.
- (b) The granting of ways of necessity and the making of new roads.
- (c) The making of public roads, railways, dams, aqueducts and furrows, the erection of telegraph and telephone lines and the establishment of outspans.
- (d) Re-occupation of the said land or portion thereof by the State President under certain conditions.

C. **ONDERHEWIG VERDER AAN:**

1. Die voorwaardes opgelê deur die Administrateur by goedkeuring van Yzerfontein Dorpsgebied, en uiteengesit in gemelde Transportakte No T20090/1951 naamlik:

Ten gunste van die geregistreerde eienaar van enige erf in die gemelde dorpsgebied

1. That the erf be used for residential purposes only;
2. That the erf be not subdivided
3. That not more than one dwelling, together with the necessary outbuildings and appurtenances be erected on the erf
4. That not more than one-half the area of the erf be built upon
5. That no building shall be erected within 3,15 metres of any street line which forms a boundary of the erf, or within 3,15 metres of the open space where it forms a boundary of the erf on the sea front
6. That when any of the existing buildings are demolished the building line laid down in (5) shall apply

Ten gunste van die plaaslike owerheid

7. That the owner of each erf, whether the applicant for the establishment of the Township or any future owner, shall be obliged to allow the drainage or sewerage of any other erf or erven to be conveyed over such erf if deemed necessary by the Local Authority, and in such manner and in such position as may from time to time be reasonably be required by the Local Authority.

- II. Die volgende voorwaardes ongeld deur Yzerfontein Seaside Estates (Proprietary) Limited ten gunste van hulself solank hulle enige erf in Yzerfontein Dorpsgebied besit en ten gunste van enige Plaaslike Owerheid wat gestig mag word in Yzerfontein Dorpsgebied en enige geregistreerde eienaar van 'n erf in die gemelde Dorpsgebied, en uiteengesit in Transportakte No T20090/1951 naamlik:-

"That no building shall be erected on any erf until the plans and specifications thereof have been submitted to and approved of by the Company or in the event of a Local Authority being established at Yzerfontein Township, by such Local Authority."

- III. Hierdie erf sal soos vermeld in Transportakte Nr T20090/1951 nie geregtig wees op die voordele van die voorwaardes van die Notariële Serwituutakte gemaak tussen Yzerfontein Seaside Estates (Proprietary) Limited en William Abraham Smit, die agent van Nicolaas Gerhardus Pienaar op 26 April 1937, aangeheg aan Transportakte No T3729/1937, ten gunste van die maatskappy die regte verkry onder die gemelde Serwituutakte synde gereserveer vir die gemelde maatskappy solank hulle grond besit in Yzerfontein Township Site, voormeld, onderhewig, in elk geval, aan die volgende voorwaarde uiteengesit in gemelde Transportakte No T20090/1951, naamlik:-

"That the owner of this erf or his successors in title shall be entitled with other owners of erven in Yzerfontein Township Site to take an equal share of the water in the reservoir erected by the Company on Lot No 102, Yzerfontein Township Site."

FOR INFORMATION ONLY

6

WESHALWE die Komparant afstand gedoen het van alle eiendoms- en ander regte wat die gesegde **TRANSPORTGEWER**

tot op hede op gemelde vaste eiendom gehad het en gevolglik ook erken het dat gesegde **TRANSPORTGEWER**

daarvan heeltemaal ontsien is, en geen eiendoms- en ander regte daarop besit nie; en dat kragtens hierdie Akte,

die gesegde **TRANSPORTNEMER**

Hul Gemagtigdes tans is en voortaan op die volle eiendomsregte daarop geregtig sal wees, ooreenkomstig plaaslike gebruik, onder voorbehoud nogtans van die Regte van die Staat en eindelik erken het dat die koopprys R390 000,00 (Driehonderd en Negentigduisend Rand) bedra.

TEN GETUIE waarvan ek, die gesegde Registrateur van Aktes, tesame met die Komparant q.q. hierdie Akte onderteken en met die Amptenaar bekragtig het.

ALDUS vernig ten kantore van die Registrateur van Aktes te Kaapstad, op

J. De Vries

Meer

q.q. sy Prinspaal/ale

IN MY TEENWOORDIGHEID

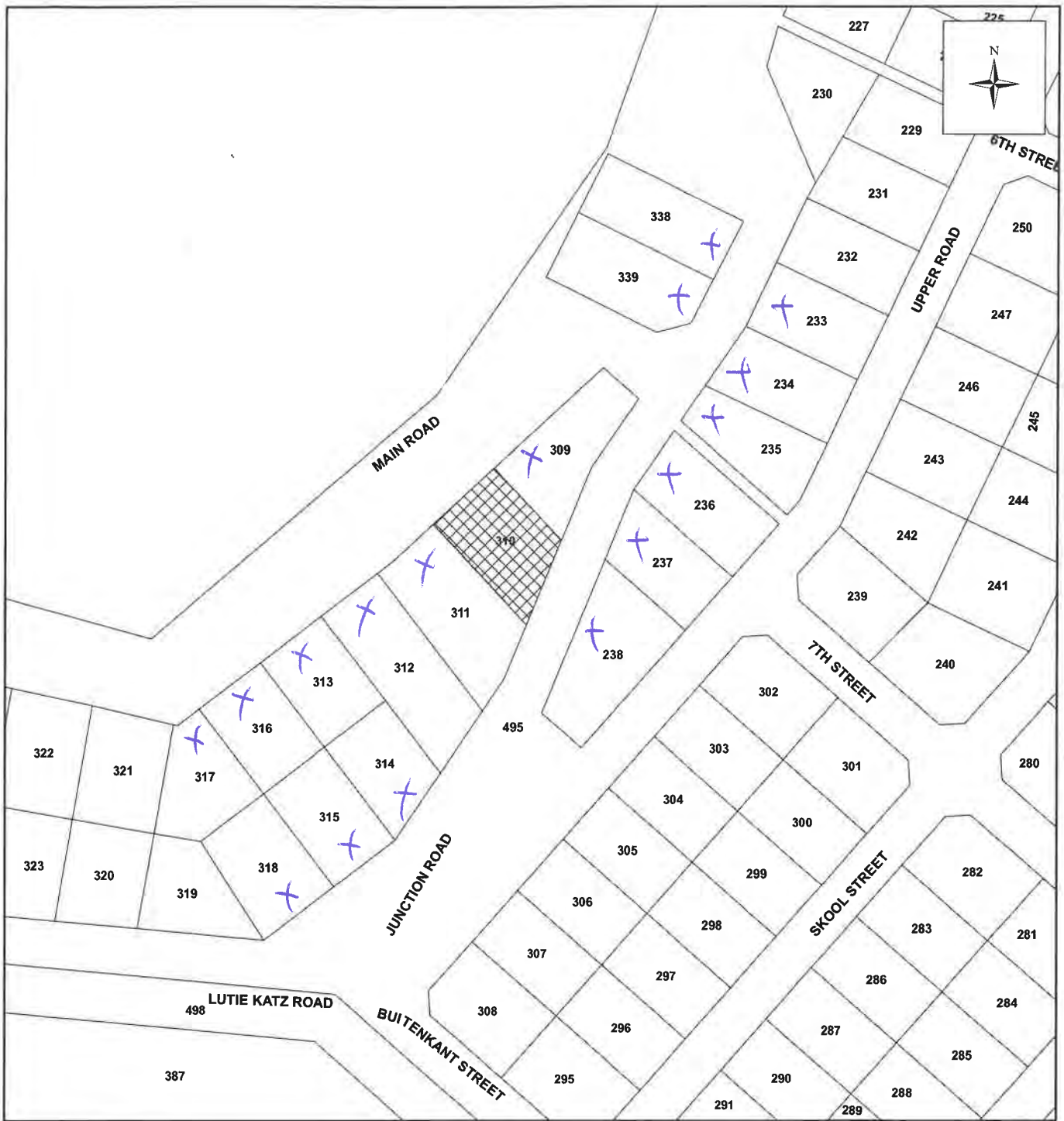
[Signature]
REGISTRATEUR VAN AKTES

WOM INFORMATIE

7

VERBOD		MORTGAGED	
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28 FEB 2005		<i>[Signature]</i>	

FOR INFORMATION ONLY

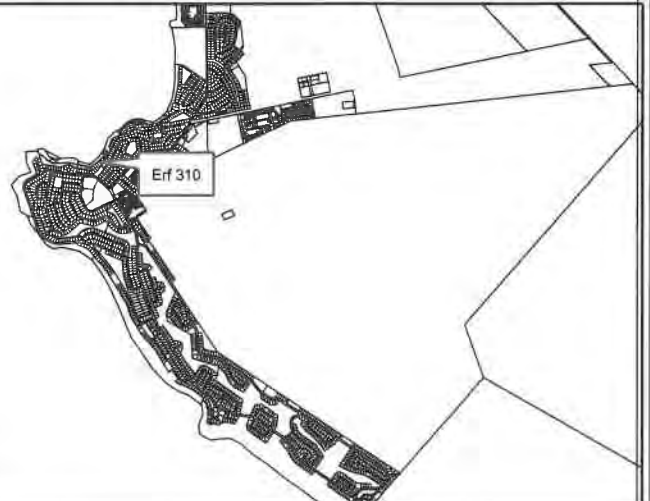


Voorgestelde opheffing, vergunningsgebruik en afwyking

Erf 310, Yzerfontein

Publieke deelname

Skaal: NVT



From: Antoinette Venter <venterepos@gmail.com>
Sent: Monday, 05 January 2026 06:10
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Cc: Antoinette Venter <venterepos@gmail.com>; Gideon Venter <gjventer@archrockinvest.com>
Subject: Erf 310 Yzerfontein - Objection to the departure of development parameters

Hendrik Venter Familie Trust
Hoofweg 76, Yzerfontein
Email: venterepos@gmail.com

5 January 2026

The Municipal Manager
Swartland Municipality
Private Bag X52
Malmesbury
7299

Dear Sir / Madam,

**RE: OBJECTION TO APPLICATION FOR DEPARTURE FROM DEVELOPMENT PARAMETERS
ERF 310, YZERFONTEIN (NOTICE 57/2025/2026)**

I am the registered owner of Erf 311 directly adjacent to **Erf 310, Yzerfontein**, and hereby submit my formal objection to the application for the relaxation of building lines and related departures from the applicable development parameters.

After reviewing the proposal and supporting documentation, I wish to place the following objections on record:

1. **Negative impact on privacy**

The proposed relaxation of the street and side building lines will result in the building being positioned materially closer to my boundary. Given the scale and form of the proposed double dwelling, this will directly compromise the privacy of my property through increased overlooking, loss of visual separation, and increased perception of bulk.

2. **Detrimental effect on property value**

Reduced building setbacks and intensified development along the shared boundary will negatively affect the market value of my property. The erosion of privacy, outlook, and

spatial quality is contrary to the reasonable expectations of adjoining property owners and undermines the established residential character of the area.

3. **Departure from the intended planning framework**

Building lines exist to ensure adequate light, air, privacy, and spatial order between properties. The requested departures materially undermine these planning principles and set an undesirable precedent for further encroachments in the neighbourhood.

4. **Incompatibility with surrounding development pattern**

The proposed relaxations are not, in my view, in keeping with the prevailing development pattern and built form of surrounding erven, which generally respect established building lines and spatial relationships.

For the reasons set out above, I submit that the application does not adequately mitigate the adverse impacts on adjoining properties and does not sufficiently demonstrate that the proposed departures are desirable, reasonable, or in the broader public interest.

I therefore respectfully request that the application for the relaxation of building lines and associated departures **be refused**, or alternatively that it be materially amended to maintain compliance with the prescribed building lines in order to protect the amenity, privacy, and value of neighbouring properties.

I trust that this objection will be given due consideration in terms of the Municipal Land Use Planning By-Law.

Yours faithfully,

Hendrik & Antoinette Venter

Trustees: Hendrik Venter Familie Trust

Email: venterepos@gmail.com

Sel 083 231 0218

Sel 082 873 4405

From: admin@yzerfontein.org <admin@yzerfontein.org>

Sent: Friday, January 09, 2026 11:53 AM

To: Lenay Abdol <PlanIntern1@swartland.org.za>; 'yzerfontein@swartlandtourism.co.za' <yzerfontein@swartlandtourism.co.za>; 'chairperson@bewarea.org.za' <chairperson@bewarea.org.za>; 'chairperson@yzerfontein.org' <chairperson@yzerfontein.org>; 'info.ynhw@gmail.com' <info.ynhw@gmail.com>; 'henk@vnboerdery.co.za' <henk@vnboerdery.co.za>

Subject: Re: Voorgestelde opheffing van beperkings, vergunningsgebruik en afwyking van ontwikkelingsparameters op erf 310, Yzerfontein

Your mail with regards to the removal of the restrictive conditions on erf 310 refers.

No objection is lodged on behalf of Yzerfontein Resident's association.

Regards,

SW Engelbrecht on behalf of YRA

CK RUMBOLL & PARTNERS INC.



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

DATE: 26 February 2026

OUR REF: YZE/14071/MH

PER HAND & LAND USE PORTAL SUBMISSION

Attention: Mr A Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

RESPONSE TO OBJECTIONS AND COMMENTS:

**APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND
PERMANENT DEPARTURES IN TERMS OF THE SWARTLAND MUNICIPALITY LAND USE PLANNING BY-LAW
(2020) IN RESPECT OF ERF 310 YZERFONTEIN**

With reference to the below correspondence:

- a) Your letter dated 28 January 2026

The table below presents a summary of the comments and objections submitted during the public participation commenting period, alongside the responses provided by CK Rumboll and Partners on behalf of the registered owner of Erf 310 Yzerfontein, the Hoffie Basson Trust. The following parties submitted comments and objections:

1. Hendrik and Antoinette Venter

Our response has been provided in the same language in which each objection/comment was received

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

Objector	Objection/Comments	Response on objections
<p>1. Hendrik and Antoinette Venter</p>	<p>I am the registered owner of Erf 311 directly adjacent to Erf 310, Yzerfontein, and hereby submit my formal objection to the application for the relaxation of building lines and related departures from the applicable development parameters.</p> <p>After reviewing the proposal and supporting documentation, I wish to place the following objections on record:</p> <p>1. Negative impact on privacy</p> <p>The proposed relaxation of the street and side building lines will result in the building being positioned materially closer to my boundary. Given the scale and form of the proposed double dwelling, this will directly compromise the privacy of my property through increased overlooking, loss of visual separation, and increased perception of bulk.</p> <p>2. Detrimental effect on property value</p> <p>Reduced building setbacks and intensified development along the shared boundary will</p>	<p>The proposed departures relates solely to small portions of the proposed garage encroaching the street (Junction Road) and south-western side building line. The remainder of the proposed additional dwelling unit complies fully with the prescribed building lines and all applicable development parameters, including the height restriction of the current zoning. Importantly, the wall that encroaches the side building line contains no openings, thereby preventing any overlooking or direct loss of privacy to the objectors' property. As such, the proposal will not result in a material compromise of privacy, nor will it result in excessive bulk or overshadowing beyond what is already permitted in terms of the Zoning Scheme. The relaxation of the relevant street building line will have no impact on the objectors' property. Notably, as set out in the motivation report, the title deed expressly permits development up to 3,15m from any street boundary. No objective property valuation or market analysis has been provided to support the claim that the proposal will negatively affect the value of the objector's property. On the contrary, double dwellings may, in some cases, encourage further investment in the surrounding area. The encroachments are limited in extent, and do not exceed the height or bulk permitted in terms of the current zoning. Each land use application must be considered on its own merits,</p>

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

negatively affect the market value of my property. The erosion of privacy, outlook, and spatial quality is contrary to the reasonable expectations of adjoining property owners and undermines the established residential character of the area.

3. Departure from the intended planning framework

Building lines exist to ensure adequate light, air, privacy, and spatial order between properties. The requested departures materially undermine these planning principles and set an undesirable precedent for further encroachments in the neighbourhood.

4. Incompatibility with surrounding development pattern

The proposed relaxations are not, in my view, in keeping with the prevailing development pattern and built form of surrounding erven, which generally respect established building lines and spatial relationships.

taking into account the relevant facts and considerations surrounding the application. Furthermore, the overall spatial relationship between the properties is largely maintained, with only a minor relaxation pertaining to the proposed garage.

In light of the above, it is submitted that the proposed departures does not result in a material adverse impacts on the amenity, privacy, character, or value of the objectors' 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

For the reasons set out above, I submit that the application does not adequately mitigate the adverse impacts on adjoining properties and does not sufficiently demonstrate that the proposed departures are desirable, reasonable, or in the broader public interest.

I therefore respectfully request that the application for the relaxation of building lines and associated departures be refused, or alternatively that it be materially amended to maintain compliance with the prescribed building lines in order to protect the amenity, privacy, and value of neighbouring properties.

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

We trust that the above will be duly considered during the assessment of this application.

Yours truly,



Mornay Herling

For CK RUMBOLL & PARTNERS

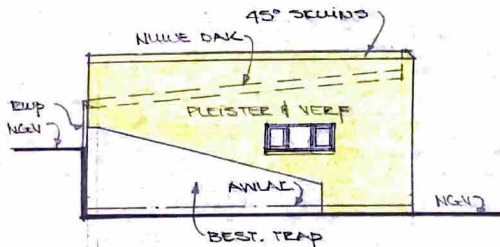
DIREKTEURE / DIRECTORS:

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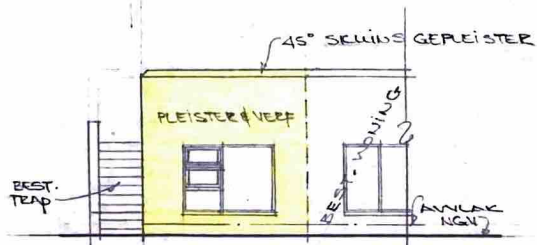
ADDRESS/ ADRES: reception@rumboll.co.za / PO Box 211 / 16 Rainierstr, **Malmesbury**, 7299
MALMESBURY (T) 022 482 1845

WEBSITE www.ckrumboll.co.za

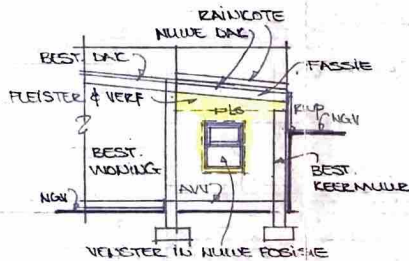
ANNEXURE H



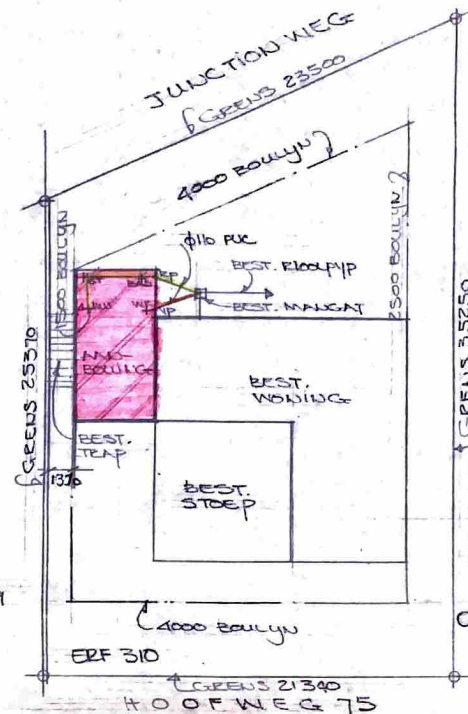
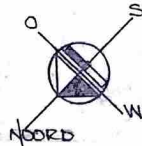
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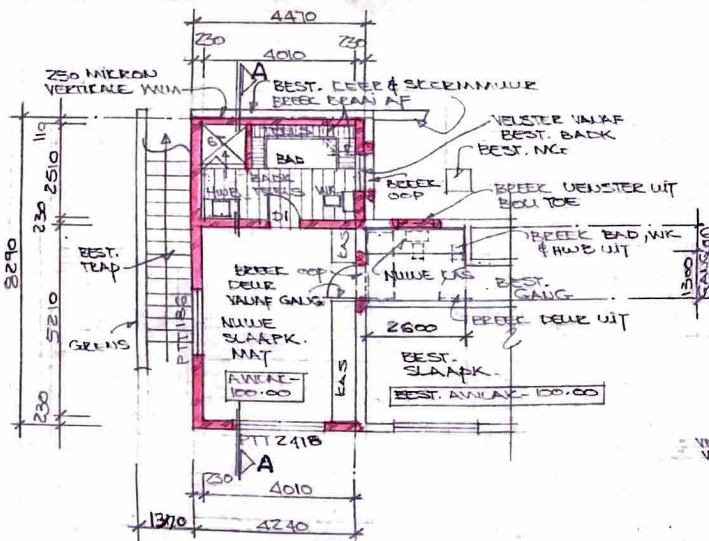
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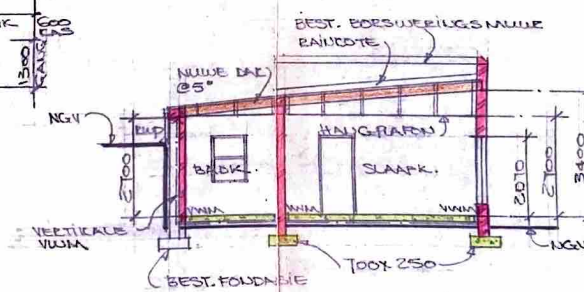
○ TERREIN-EN RIJOLPLAN
SKAAL 1:200



○ GRONDPLAN

SKAAL 1:100
BLUTE OFFERVLAK - 35,15 M²
D1 - HOEKRIJG DEUR IN 230 STAAL ROBYN

○ SNIT A-A
SKAAL 1:100



○ SPESIFIKASIE

- DAKKONSTRUKSIE:**
GROENDEK IER PLATE OF 76x50 SA DEEL LATEE @ 1125 S/S OP 228x50 SA DEEL BALK @ 1000 S/S OP 114x28 SA DEEL MULLERPLAAT. HELLING 5°. 410 SISALATION OUBER LATEE GEELD OORHANG.
- GEULTE & FASSIE:**
VIERKANTIGE LINC GEULTE & RUFE. 150x12 ASBES FASSIE (VERF)
- PLAFOND:**
G.4 CHILDBOARD TEEL 38x50 SA DEEL LATEE @ 400-450 S/S, ANW 114x38 SA DEEL HANGERS. 75 RINDO KROUWLYS. SKIEN & VERF LATEE.
- WONDING:**
TWE 110x70 BELD LATEE OOR ALLE OEFINGE.
- WONDING:**
25 DIK SEMENT WAKLAAG OP 75 DIK BETON BLAD OP 150 MIKROOVUIM OF SILDVULLING BIEK OP BEST. FLEISEL
- MURE:**
GEROL MET 3A'S KLEISTELE. FLEISTER & VERF BLUNE & BLUTE. 4 UE DEAND OOR ALLE OEFINGE.
- BETONMENSELS:**
1:1,5:3 - SEMENT: SAND: KLIP
10-18 MPA NA 28 DAE
- SAUTERE WARE & TEELS:**
VOLGEDS ERFVLAK SE SPESIFIKASIES

KOPIEREG WORD VOORBEHU.
GESKREWE MATE GENIET VOORKEUR BO GESKAALE MATE.
KONTROLEER ALLE MATE EN HOOGTE OP TERREIN VOOR WERK BEGIN.

SWATLAND MUNICIPALITY
PLAN NR 23500
ERF NO 310
DATUM GOEDKEUR 01/01/2008
DATE OF APPROVAL 01/01/2008
Hierdie plan is ge-
aanvaar deur die goeie oordeel van die
building plan is valid for a period of
one year from date of approval.
Hierdie plan moet aan die bounspesifiekasies
gevoel word alvorens bouwerk te begin.
Hierdie plan moet aan die bounspesifiekasies
gevoel word alvorens bouwerk te begin.

ERF 310

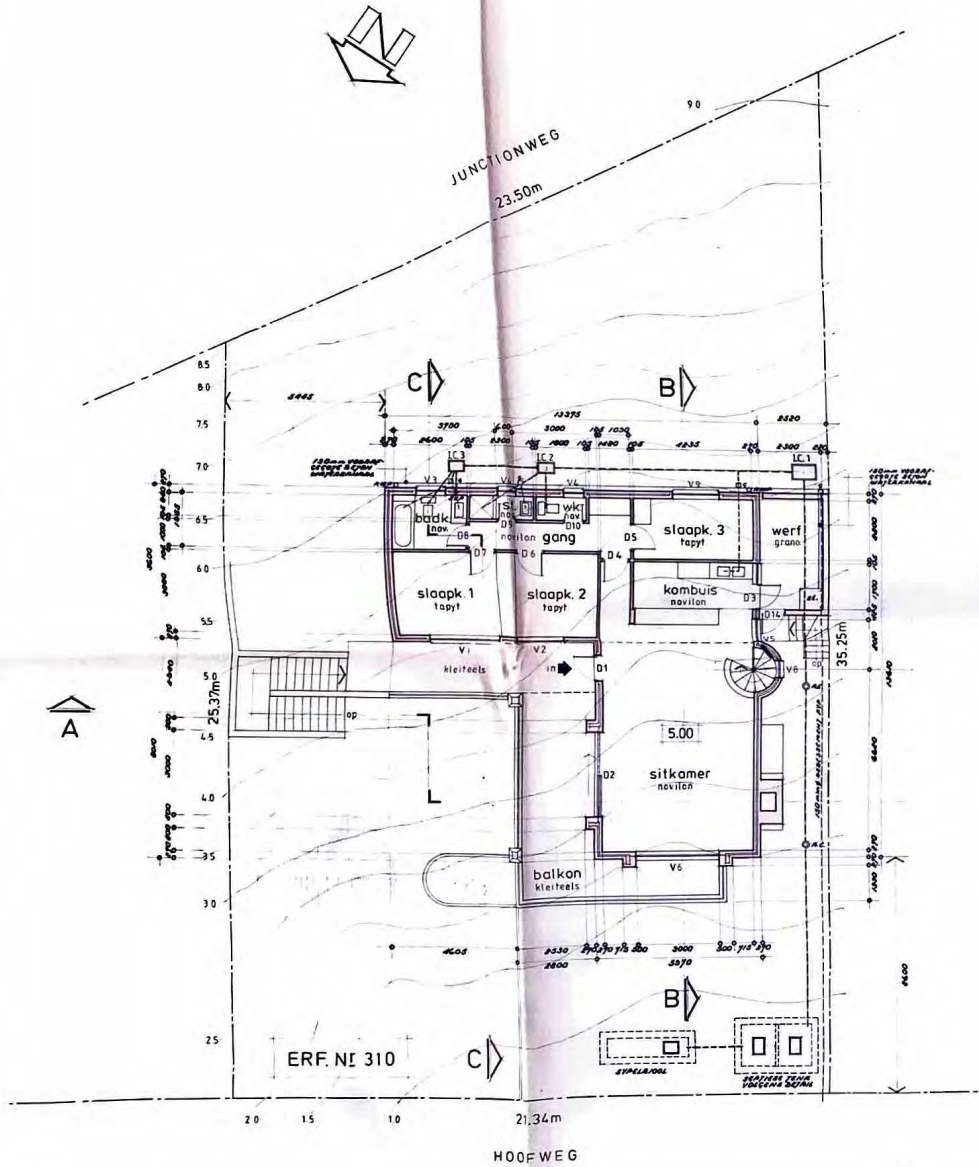
ANTON DE KLERK
LEWENSDIENST
TEKENAAR EN BOEKHOUWSTREKTER
MOORFRAAT
245 MOORFRAAT
7310
TEL: 022 - 433 3303 W
433 1241 NU
082 4935415

projek:
aanbouing aan woning
vir mnr. en mev. J.H. Basson
op erf no. 310 hooftweg 75
zyferfontein

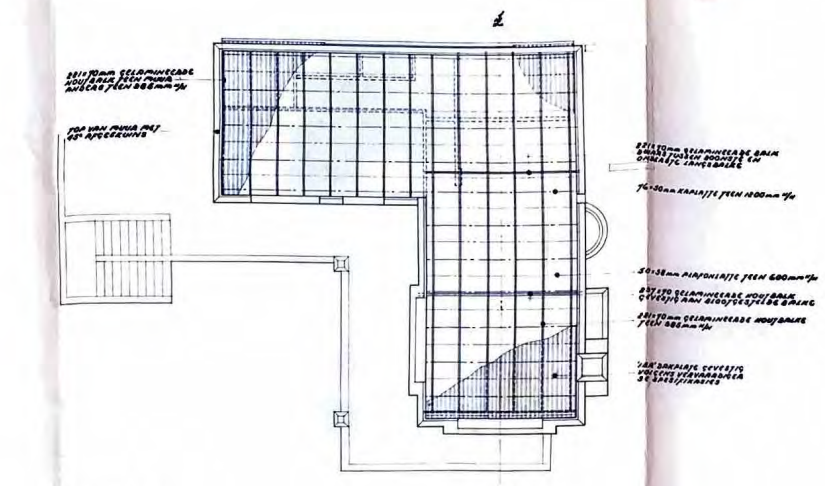
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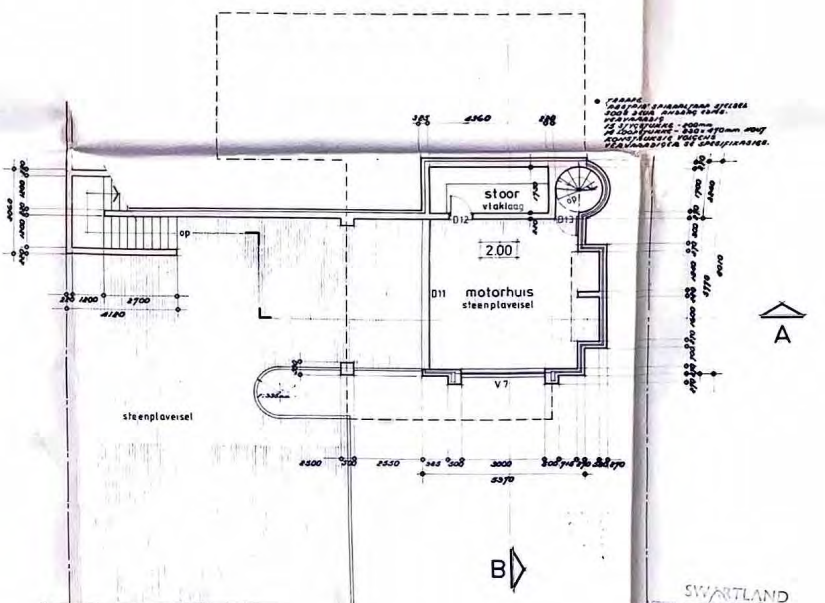
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grondvloerplan



dakplan



laergrondvloerplan

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HUIS VAN BREDAZERFONTEIN

GRONDVLOERPLAN
LAERGRONDVLOERPLAN
DAKPLAN

SWARTLAND
MUNICIPAL ENGINEER
REGISTERED
Municipal Engineer
15-12-1981
SWARTLAND

15-12-1981
SWARTLAND

Nic Meyer
argitekte ingelyf
architects inc.

283
1.1



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Departement: Ontwikkelingsbestuur

27 March 2026

15/3/3-15/Farm_554/35
15/3/10-15/ Farm_554/35

WYK: 5

ITEM 6.2 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP DONDERDAG, 16 APRIL 2026.

LAND USE PLANNING REPORT

PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL ON PORTION 35 OF THE FARM JACOBUS KRAAL NO. 554, DIVISION MALMESBURY

<i>Reference number</i>	15/3/3-15/Farm_554/35 15/3/10-15/ Farm_554/35	<i>Application submission date</i>	1 July 2025	<i>Date report finalised</i>	27 March 2026
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PART A: APPLICATION DESCRIPTION

Application is made for the amendment of conditions A.(1).(a), A.(1).(b) and B.(1).(c) in respect of the approval dated 20 March 2020 pertaining to Portion 35 of Farm Jacobus Kraal No. 554, Division Malmesbury in terms of Section 25(2)(h) of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020).

The proposed amendment of conditions relates to:

- (i). Increasing the footprint of the Agricultural Zone 2 zoning from 70m² to 194m² in extent.
- (ii). Increasing the footprint of the Tourist Facility from 1344m² to 9265m² in extent.
- (iii). Replacement of 2 camping sites with additional cottages under the Resort Zone zoning.

The applicant is CK Rumboll and Partners and the owner of the property is WACS AT Koffiefontein Pty. Ltd.

PART B: PROPERTY DETAILS

Property description (In accordance with Title Deed)	Portion 35 (portion of Portion 3) of the farm Jacobus Kraal No. 554, situate in the Swartland Municipality, Division Malmesbury, Western Cape Province.				
Physical address	4km east of Yzerfontein		Nearest town	Yzerfontein	
Current zoning	Split zoning	Extent (m ² /ha)	46.6319Ha	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)				
Current land use	Agriculture, Agricultural industry, Tourist Facility and Resort		Title Deed number & date	T35890/2016	
Any restrictive title conditions applicable	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If yes, list condition number(s)		
Any third-party conditions applicable?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If yes, specify		

Any unauthorised land use/building work	Y	N	If yes, explain	The owner has already expanded the tourist facility beyond the conditions of approval as will be further discussed in the background.
---	---	---	-----------------	---

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 an owner's association		Rectify failure by an owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use			

PART D: BACKGROUND

In 2017 application was made for a consent use to accommodate a tourist facility including a craft shop, bistro and 3 additional dwelling units. The application was approved. In 2019 application was made for the amendment of the conditions of approval as well as rezoning of portion (70m²) of the property to Agricultural zone 2 to include a distillery and related tasting facility as part of the uses on the farm. The amendment on the other hand, included accommodating a pub as part of the tourist facility and to enlarge the rights from 625m² to 1371m². The application also included the rezoning of portion of the property ±2200m² to Resort Zone in order to accommodate camping facilities. No objections were received against the application and the application was approved on 20 March 2020. In 2021, application was made for the rezoning and consent use of a further portion of the property (18m² in extent) to accommodate a gambling facility as part of the pub. The latter application was refused by the Municipal Planning Tribunal on the 11th of August 2021. In November of 2022 the municipality received an application for subdivision and departure of the subject property. The owner envisaged the subdivision of the property into 3 portions between 14.5ha and 17.63ha in extent. The application was approved in April 2023, and the approval is therefore still valid.

The subject property therefore currently has a split zoning including;

- Agricultural Zone 1 with consent for 3 additional dwelling units and a tourist facility (1 371m² in extent).
- Agricultural Zone 2, limited to an agricultural industry (Gin distillery) of 70m² in extent.
- Resort Zone (±2200m²), limited to the following facilities:
 - 1 Cottage;
 - Veranda;
 - Braai facilities;
 - Ablution facilities;
 - Water features;
 - Various hiking trails;
 - 5 x Camp sites

The owner has since undertaken extensions that exceed the approved areas as well as intends to accommodate new uses as part of the tourism facility and therefore application is made for the amendment of the 2020 approval.

Application is therefore made for the amendment of conditions A.(1).(a), A.(1).(b) and B.(1).(c) in respect of the approval dated 20 March 2020 pertaining to Portion 35 of Farm Jacobus Kraal No. 554, Division Malmesbury in terms of Section 25(2)(h) of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020).

The proposed amendment of conditions relates to:

- (iv). Increasing the footprint of the Agricultural Zone 2 zoning from 70m² to 194m² in extent.
- (v). Increasing the footprint of the Tourist Facility from 1344m² to 9265m² in extent which includes 2 padel courts.
- (vi). Replacement of 2 camping sites with additional cottages under the Resort Zone zoning.

From the above it is clear that a place of entertainment or conference facility have never been approved for this property. The municipality, after receiving complaints, issued the owner with a compliance notice on the 19th of November 2025 that the tourist facility on the subject property is restricted to the operation of a bistro (restaurant and pub) as well as a craft shop.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

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

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

The applicant motivates that the proposed amendments do not introduce new land uses but rather enhance and optimise existing approved uses.

The development is said to be compatible with the character of the site and surrounding area, which includes other tourism-related and residential uses.

The inclusion of padel courts is presented as a complementary recreational amenity aligned with the definition of a tourist facility under the Swartland Municipality's Development Management Scheme.

The applicant contends that the proposal supports the Swartland Municipal Spatial Development Framework (2023), particularly in promoting tourism along the Yzerfontein Rural Corridor.

The existing carriageway crossing from Main Road 215 will be maintained. Sufficient parking is provided on-site.

The development is expected to contribute to rural economic diversification, job creation, and local tourism growth, without placing pressure on municipal engineering services.

The applicant further asserts compliance with the development principles of SPLUMA, including spatial justice, sustainability, efficiency, resilience, and good administration.

The applicant concludes that the application is considered desirable and is therefore submitted for the Municipality's favourable consideration.

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 published in local newspapers and the Provincial Gazette on the 18th of July 2025, in terms of Section 55 of the By-law. The commenting period, for or against the application, closed on 18th of August 2025.

In addition to the publication, a total of 14 written notices were sent via registered mail to the owners of affected properties, in term of Section 56(1) & (2) of the By-Law (refer to Annexure C). A total of (8) notices were returned un-claimed, however the notices were also sent to the e-mail addresses of the affected property owners as well as the Jacobuskraal Owners Association, and therefore the public participation process is considered reasonable and fair.

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	N/A	Ward councillor response	Y N N/A
Total letters of support	1				

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Date received	Summary of comments	Recommendation	
Development Services: Building Control	4 July 2025	Building plans to be submitted to Building Control for consideration and approval	Positive	Negative
Protection Services	1 July 2025	No comments	Positive	Negative
Department: Civil Engineering Services	26 August 2025	Under paragraph 5.3 of the motivation report it is stated that there is no impact on municipal services. The farm is supplied with municipal drinking water from the bulk water pipe that supplies water to Yzerfontein. There will be increased water consumption for which development charges are payable and available capacity must be confirmed. In order to calculate the development charges, it is required that and to confirm capacity, the application must include an engineering report.	Positive	Negative
	11 March 2026	<p>The following comments were obtained after the applicant provide the municipality with the required Engineering Services Report. Please see attached as Annexure D.</p> <p>1. Water</p> <p>The farm has an existing connection from the bulk water supply to Yzerfontein. The engineering report indicates that the new additions will increase the monthly consumption by 63.66kl, i.e. 2.09kl/d. For this a development charge in respect of bulk water in the amount of R 28 875.35 is payable.</p> <p>2. Sewage</p> <p>Sewage can be discharged to the Darling Sewage Works, a private service provider must be used to transport sewage to the Darling Sewage Works.</p> <p>3. Streets & Stormwater</p> <p>In order</p> <p>4. Solid Waste</p> <p>That no refuse collection service will be provided.</p> <p>Household solid waste can be disposed of at the nearest landfill site upon payment of the applicable charges.</p>		
Department of Infrastructure Chief Directorate: Road planning Please refer to Annexure E	8 October 2025	This Branch offers no objection to the proposal in terms of the Land Use Planning Act 3 of 2014.	Positive	Negative
Department of Agriculture Please refer to Annexure E	18 November 2025	The Western Cape Department of Agriculture has no objection to the proposed application	Positive	Negative

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS Please refer to Annexure H	MUNICIPAL ASSESSMENT OF COMMENTS
SW Engelbrecht on behalf of the Yzerfontein Residents Association. Please refer to Annexure F.	The application is supported by Yzerfontein Residents Association (YRA) with the understanding that a traffic study be undertaken to investigate access to and from the R315 to ensure the safety of other road users.	<p>The applicant motivates that they note the YRA's support for the application, on condition that a traffic study be undertaken. However, the applicant state that it is not clear whether the reference relates to the general traffic safety and flow along the R315, or specifically to the existing access to Portion 35 of Plaas Jacobuskraal 554. However, the applicant argues that a formal traffic study is not warranted, for the following reasons:</p> <ul style="list-style-type: none"> • The proposed extensions will make use of the existing, approved access from the R315, which is already in use for the current tourism facility. No new accesses are proposed. • The extensions are complementary to the existing uses and will not result in a significant increase in traffic volumes. • The existing access has adequate sight distances, and there is no indication of traffic safety risks. <p>Based on the above reasons, the applicant is of the opinion that a formal traffic study is not necessary.</p>	The relevant road authority has no objection against the proposal. No traffic statement is deemed necessary.
Mr L van Niekerk as owner of neighbouring affected property. Please refer to Annexure G	<p>The objector raises serious concerns about the ongoing negative impacts associated with the existing operations of the outdoor bar known as "Little Mexico," which forms part of the broader tourism facility.</p> <p>The key concerns raised include:</p> <p>Noise Disturbance and Behavioural Issues</p> <p>The objector reports persistent and excessive noise levels, particularly during weekends and late-night hours, which have significantly disrupted the peace and quiet of the residential environment. The noise is attributed to activities at Little Mexico and is said to affect the quality of life and well-being of nearby residents, some of whom work from home and across international time zones.</p>	<p>The applicant state that it is clear that the objection is essentially related to the operation of the facility and therefore the applicant wishes to confirm the following:</p> <ul style="list-style-type: none"> • The owner is committed to the responsible management of the facility in accordance with the applicable legislation and, in particular, the provisions of the existing liquor license. • Various measures have already been put in place to limit the noise impact as far as possible. <p>These include the control of sound levels during performances, the strategic placement of sound</p>	The author of this report wishes to highlight the following definitions as contained in the development management scheme: <p>Tourist facilities, means amenities for tourists or visitors such as lecture rooms, restaurants, gift shops, restrooms or recreational facilities, conference facilities, reception facilities and market, but does not include a hotel or overnight accommodation;</p> <p>Restaurant, means a commercial establishment where meals and liquid</p>

	<p>Attempts to Resolve the Issue The objector indicates that multiple efforts have been made to address the situation through appropriate channels, including:</p> <ul style="list-style-type: none"> • Direct engagement with the management of Little Mexico. Communication with the property owner, which reportedly yielded no satisfactory resolution. • Repeated contact with the Darling Police Station Which according to the objector has been largely unresponsive or unable to assist due to resource constraints. • Attempts to reach the local law enforcement officer in Yzerfontein, Mr Neal Africa, without success. • Lodging complaints with the Liquor Board. Despite these efforts, no meaningful or lasting solution has been achieved. <p>Additional Concerns The objection further highlights the following issues:</p> <ol style="list-style-type: none"> 1. Alcohol abuse and public intoxication. 2. Reckless driving and speeding in the vicinity. 3. Near-collisions and general traffic safety concerns. 4. A growing sense of unrest and insecurity among residents. <p>Request for Consideration and Action The objector strongly urges the Tribunal to take these matters into account before considering any further expansion of the facility. They assert that until effective and enforceable measures are implemented to address the current impacts, they cannot support the proposed amendments. The open-air nature of the facility is cited as a major contributor to the noise and disruption.</p>	<p>equipment to reduce the effect on surrounding landowners, as well as the monitoring of sound levels. All activities are further strictly limited to the hours as prescribed in the liquor license.</p> <ul style="list-style-type: none"> • The applicant also highlight that this component of the tourism facility is mainly utilised for special events, holidays and weekends, and is therefore not a daily activity. 	<p>refreshments are prepared and served to paying customers for consumption on the site, and includes licensed provision of alcoholic beverages for consumption on the site;</p> <p>Conference facility means a place of gathering, which also supplies meals, and which normally is an additional activity to a primary function such as a hotel, guest house or restaurant, and where the building restrictions will be those of the primary function, except that additional parking may be required.</p> <p>As mentioned in the background, in Part D above, the tourist facility on the subject property is restricted to the operation of a bistro (restaurant and pub) as well as a craft shop.</p> <p>The proposed amendment of conditions relates to:</p> <ol style="list-style-type: none"> 1. Increasing the footprint of the Agricultural Zone 2 zoning from 70m² to 194m² in extent. 2. Increasing the footprint of the Tourist Facility from 1344m² to 9265m² in extent. 3. Replacement of 2 camping sites with additional cottages under the Resort Zone zoning. <p>The proposed amendment does not propose to accommodate a place of entertainment or conference facility. Swartland Municipality can only consider what is proposed in the application and a therefore the concerns of the objectors can be resolved with the inclusion of a condition that the facility may not be used as a place of entertainment or conference facility.</p>
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	<p>The objector lastly expresses their willingness to provide further details or evidence upon request and seeks guidance on formal avenues for future action should the situation persist.</p> <p>The objection concludes with a plea for the Tribunal to respect the residents' right to a peaceful living and working environment, and to prioritise their health and well-being in the decision-making process.</p>		
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PART J: MUNICIPAL PLANNING EVALUATION

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

The application in terms of the By-law was submitted on 1st of July 2025. The public participation process commenced on the 18th of July 2025 and ended on the 18th of August 2025. Objections were received and referred to the applicant for comment on 20 August 2025 and this municipality received the comments on the objection from the applicant on the 5th of September 2025.

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

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

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

Spatial Justice:

The proposed development is deemed consistent with the Swartland MSDF, 2025 as well as the goals of the district and provincial spatial policies as will be further discussed below. The consideration of the application also realises the owner of the property's right to apply in terms of the relevant legislation.

The application does not directly address historical spatial imbalances but may contribute to local economic development and job creation.

However, concerns raised by neighbours regarding noise, safety, and public nuisance may undermine the principle of fair access to a peaceful living environment.

Spatial Sustainability:

The proposal does not have a negative impact on critical biodiversity areas or high potential agricultural land and will in the long term contribute to the economy of the region through the improvement of the property as well as through job creation. The services report provided confirms the current and estimated water demand for the proposed facility as well as that of the proposed extension. No capacity issues have been raised and it can therefore be argued that the proposal will not have a negative impact on the Municipality's ability to provide services to Yzerfontein.

Efficiency:

Efficient use of land and infrastructure is encouraged. The proposed tourism orientated use is deemed appropriate along the Yzerfontein tourism corridor. The application complies with the principle of efficiency.

Spatial Resilience:

Spatial resilience relates to land use which is adaptable to economic and environmental shocks. The temporary nature of the structures proposed as part of the expansion of the tourist facility as well as the diversification in order to include padel courts as part of the recreational activities around Yzerfontein and formal accommodation as part of the resort, will clearly enhance economic resilience of the facility. The accommodation of special events, normally associated with live bands / loud music and anti-social behaviour, may impact negatively on the surrounding community's ability to maintain a stable, peaceful and adaptive living environment. Swartland Municipality has maintained that in terms of the applicable development management scheme, special events are accommodated as temporary departure applications in a rural setting due to each event, and the impact thereof being considered on its own merit as well as public participation. Special events related to musical acts including live music should therefore be excluded from the use in order to ensure spatial resilience as well as good administration.

Good Administration:

The application and public participation are administrated by Swartland Municipality and public and departmental comments were obtained. The public participation process has been administered in a fair and justified manner. The decision making is guided by several considerations as required by the relevant By-law and Municipal Spatial Development Framework. As mentioned above the hosting of special events related to musical acts including live / load music should form part of separate applications as it is, in principle inconsistent with the applicable development management scheme.

Most of the development proposal clearly adheres to the spatial planning principles and is consistent with the abovementioned legislative measures.

Provincial Spatial Development Framework (PSDF, 2014)

The development proposal is deemed consistent with the provincial settlement policy objectives as contained in the PSDF, 2014.

The PSDF encourages the diversification of land use in rural areas especially where it supports tourism, agri-tourism or recreation as well as where the provinces unique scenic and cultural landscapes are not eroded or fragmented by inappropriate development. The scale and nature of the proposal is such that it will not detract from the scenic landscape or sense of place. The extension of the restaurant and padel courts enhances the tourism and recreational offering of the facility contributing to local tourism and economic sustainability. It is therefore supportive / secondary to the existing tourist facility which is consistent with the PSDF.

Western Cape Land Use Planning Guidelines for Rural Areas, 2019.

The proposal is deemed consistent with the objectives of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019.

The Western Cape Land Use Planning Guidelines for Rural Areas, 2019 acknowledges that tourist and recreational facilities could be accommodated across the rural landscape, however it is clear that the nature and scale of the facility need to be closely aligned with the environmental characteristics of the local context.

The scale and nature of the proposed extension of the existing restaurant and padel ball courts as well as the proposed location within the existing tourist facility precinct, ensure that there will be no adverse effects on society, natural systems (sites identified as being of conservation significance) or agricultural resources. The agricultural potential of the subject property is such that it is not ideal for farming. The proposal will therefore not compromise farm production. Activities linked to eco-tourism or agri-tourism ventures with clear public benefit, is therefore supported.

2.2 West Coast District SDF (WCDSDF, 2020)

The WCDM SDF, 2020 promotes 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). The scale and nature of the proposed recreational facility is such that it will result in, the efficient use of existing infrastructure, the diversification of land use in support of tourism as well as not have a negative impact on prime or unique agricultural land. The proposal is therefore deemed consistent with the WCDSDF, 2020.

Municipal Spatial Development Framework (SDF), 2025

The spatial context the MSDF, 2025 clearly characterise the rural areas of Ward 5 as intensive and extensive agricultural production, coastal conservation as well as leisure accommodation estates. Due to the locational advantage and accessibility of Yzerfontein, the SDF identifies this ward as a strategic tourism corridor, with emphasis on eco-tourism, agri-tourism, and conservation-compatible development.

The SDF supports tourism development that:

1. Intensive rural use corridor be developed along R315 from the R315/ R27 intersection and the town of Yzerfontein and encourages small-scale agri-processing, small holdings and farm-based tourism along this corridor.
2. Promotes agricultural branding through festivals and events (e.g., Rocking the Daisies, Crayfish Bonanza).
3. The development of amenities including farm stalls, limited agri-processing, tasting of farm produce and markets, venues are supported along the R315 to ensure convenient and equal access to opportunities.

4. Diversify agricultural activities focusing on conservation and tourism, offering alternative uses and products.

The proposed expansion aligns with the economic diversification goals, but its scale (9265 m²) may challenge the SDF's emphasis on low-impact, context-sensitive tourism. The facility further fails to demonstrate how the facility remains subordinate to the primary use of the property as Agriculture and that the proposal does not compromise agricultural viability.

The SDF emphasizes the protection of the coastal and rural landscape character suggesting mitigation of visual and environmental impacts as well as integration with ecological corridors. Further, the SDF notes that infrastructure capacity in rural areas are limited and development must be aligned with available services and not place pressure on municipal networks. Therefore, the scale of the development in the rural context is questionable as it should respect the character and sense of place of its rural setting as well as ensure that activities does not negatively affect the small holding / residential amenity, especially in the light of noise and behavioural complaints.

The expansion of the tourist facility providing additional space for the restaurant as well as the inclusion of 2 padel courts is supported by and not in conflict with the Swartland SDF, 2025. The proposed padel courts is deemed supportive of the main tourist facility which consist of a restaurant and pub and together with the distillery, tasting facility as well as resort, the proposed expansion and diversification in that sense support tourism as well as do not have a negative impact on prime or unique agricultural land. The further subdivision of the property, which is still valid also confirms the residential / small holding character of the property. The proposal is deemed consistent with the Swartland MSDF, 2025.

2.3 Zoning Scheme Provisions

As mentioned above the subject property currently has a split zoning including;

- Agricultural Zone 1 with consent for 3 additional dwelling units and a tourist facility (1 371m² in extent).
- Agricultural Zone 2, limited to an agricultural industry (Gin distillery) of 70m² in extent.
- Resort Zone (±2200m²), limited to the following facilities:
 - 1 Cottage;
 - Veranda;
 - Braai facilities;
 - Ablution facilities;
 - Water features;
 - Various hiking trails;
 - 5 x Camp sites

The tourist facility as approved includes a craft shop, bistro and a pub with no mention being made to include special events, a venue or exhibition centre. In a rural context the hosting of entertainment events is accommodated as a temporary use right for that specific event or alternatively as an exhibition centre.

Tourist facilities, are defined as amenities for tourists or visitors such as lecture rooms, restaurants, gift shops, restrooms or recreational facilities, conference facilities, reception facilities and market, but does not include a hotel or overnight accommodation;

Restaurant, means a commercial establishment where meals and liquid refreshments are prepared and served to paying customers for consumption on the site, and includes licensed provision of alcoholic beverages for consumption on the site;

The extension of the tourist facility in order to accommodate special events is therefore in contradiction with the development management scheme.

The open-air nature of the facility as well as its rural setting, including the proximity of a number of homesteads, result in the facility not being able to comply with the Western Cape Noise Control Regulations (PG 7141 of 20 June 2013) and therefore the complaints. A condition imposed in an attempt to enforce the Western Cape Noise Control Regulations (PG 7141 of 20 June 2013) to allow the hosting of events will not be attainable. The fact that the existing extension of the tourist facility was mainly used for special events, was only highlighted during the comments on the objection and not as proposed in the application. Should the extension be approved as presented in the application, the use should specifically exclude social events as it is not within the existing and approved rights.

The amendment of the conditions in order to expand the existing restaurant and pub, include 2 padel courts as well as additional cottages instead of informal camp site, is consistent with the development management scheme as well as that which was included in the application.

In terms of Section 100(c) of the Swartland Municipality: Municipal Land Use Planning By-Law, in the case of consent use or a temporary departure, the municipality may withdraw the approval granted and take any of the steps contemplated in section 98(1)(g) if the owner / operator of the facility fails to comply with a compliance notice.

3. **Desirability of the proposed utilisation**

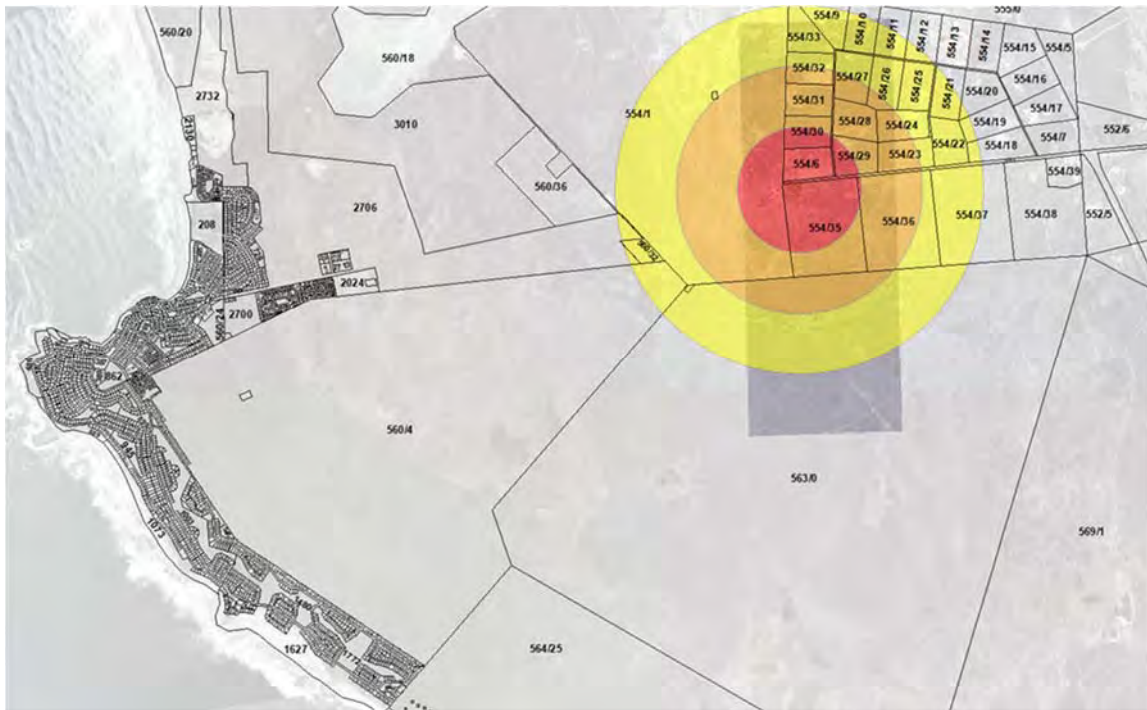
There are no physical restrictions on the property that will have a negative impact on this application. There is a provincial heritage site on the subject property. About 150m from the proposed tourist facility there is a Stone wall lime kiln which is deemed of Aesthetical, historical, rarity as well as social historical significance. The proposed extension of the tourist facility does however not threaten the structure in any way.

The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels as discussed above.

The proposed application will not have a negative impact on the character of the area.

The proposed development, as proposed in the application is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental / heritage assets.

Below is an indication of a 500m, 1000m and 1500m buffer around the facility which proves that the activities may impact negatively on a number of small holdings if the special events continue un-regulated.



No capacity issues have been raised in the services report and it can therefore be argued that the proposal will not have a negative impact on the Municipality's ability to provide services to Yzerfontein.

The department of Infrastructure also provided no objection to the proposal, with no requirement for the provision of traffic impact assessments nor any upgrading of the existing access to the farm.

The development proposal is considered desirable.

4. **Impact on municipal engineering services**

As discussed above, the proposed development will not have a significant impact on municipal engineering services. Should any services need upgrading to accommodate the proposed development it will be for the developer's account.

5. **Response by applicant**

See Part F in terms of the motivation as well as part I in terms of the comments on the objections received.

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

(i). Both the Provincial Departments of Infrastructure and Agriculture do not object against the proposal.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

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

N/A

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

N/A

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

N/A

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for the amendment of conditions A.(1).(a), A.(1).(b) and B.(1).(c) in respect of the approval dated 20 March 2020 pertaining to Portion 35 of Farm Jacobus Kraal No. 554, Division Malmesbury in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved subject to the conditions:

1. TOWN PLANNING AND BUILDING CONTROL

(a) Condition A.(1).(a) - Current text:

“A portion (70m² in extent) of Portion 35 of the farm Jacobuskraal no. 554 (46.6319ha in extent), be rezoned from Agricultural Zone 1 to Agricultural Zone 2, as presented in the application;”

Proposed amendment:

“A portion (194m² in extent) of Portion 35 of the farm Jacobuskraal no. 554 (46.6319ha in extent), be rezoned from Agricultural Zone 1 to Agricultural Zone 2, as presented in the application;”

(b) Condition A.(1).(b) - Current text:

“A portion (2200m² in extent) of Portion 35 of the farm Jacobuskraal no. 554 (46.6319ha in extent), be rezoned from Agricultural Zone 1 to Resort Zone, to accommodate the following, as presented in the application:

- (i). 1 x cottage;
- (ii). 5 x camp sites;
- (iii). 1 x building with ablution facilities;
- (iv). 1 x veranda;
- (v). 1 x area with braai facilities;”

Proposed amendment:

“A portion (2200m² in extent) of Portion 35 of the farm Jacobuskraal no. 554 (46.6319ha in extent), be rezoned from Agricultural Zone 1 to Resort Zone, to accommodate the following, as presented in the application:

- (i). 3 x cottages;
- (ii). 2 x camp sites;
- (iii). 1 x building with ablution facilities;
- (iv). 1 x veranda;
- (v). 1 x area with braai facilities;”

(c) Condition B.(1).(c) - Current text:

“The consent use for a tourist facility be restricted to 1344m², as presented in the application;”

Proposed amendment:

“The consent use for a tourist facility be restricted to 9265m², as presented in the application;”

(d) The tourist facility be used only for a restaurant, pub, craft shop, approved padel courts and ancillary facilities;

(e) The use of the premises for entertainment events, concerts, live or amplified music, conferences, exhibitions, markets or any activity amounting to a place of entertainment or conference facility as defined in the development management scheme is expressly prohibited;

2. WATER

(a) The farm has an existing connection from the bulk water supply to Yzerfontein. The engineering report indicates that the new additions will increase the monthly consumption by 63.66kl, i.e. 2.09kl/d. For this a development charge in respect of bulk water is payable;

3. SEWERAGE

(a) Sewage be discharged to the Darling Sewage Works;

(b) The owner / developer appoints a private service provider to transport sewage to the Darling Sewage Works

4. SOLID WASTE

(a) That no refuse collection service will be provided.

(b) Household solid waste can be disposed of at the nearest landfill site upon payment of the applicable charges.

5. DEVELOPMENT CHARGES

(a) The development charge applicable to the tourist facility, towards the supply of regional bulk water amounts to R 64 167, 43 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-176-9210);

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

6. GENERAL

(a) The approval does not exempt the applicant from adherence to 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 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;

(c) 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 against the appeal.

(d) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued and failing to do so the approval will 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.

PART M: REASONS FOR RECOMMENDATION

- 1) There are no physical restrictions on the property that will have a negative impact on the proposed application.
- 2) There are no restrictions registered against the title deed of the property that prohibits the proposed land use.
- 3) The proposed expansion of the tourist facility and resort components is broadly consistent with the Provincial SDF (2014), West Coast District SDF (2020), and the Swartland Municipal SDF (2025), all of which encourage: rural economic diversification, farm-based tourism along the R315/Yzerfontein corridor, and amenities such as restaurants, markets, tasting facilities, and eco-tourism activities.

- 4) The proposed padel courts and cottages fall within the range of tourism-related uses anticipated by these frameworks and do not compromise significant biodiversity, high-value agricultural land, or scenic rural landscapes.
- 5) The proposed amendments remain compatible with the existing use rights, provided that the facility is expressly restricted to its lawful rights (restaurant, pub, craft shop, padel, cottages) and not used as a place of entertainment, venue, or event facility, which is otherwise prohibited in terms of the development management scheme.
- 6) The specific condition restricting the use are therefore necessary to bring the land use activity into alignment with the zoning scheme and to prevent unlawful special events.
- 7) The expansion does not, compromise agricultural viability (low agricultural potential), affect ecological corridors, or place undue pressure on municipal services.
- 8) The expansion maximizes the efficient use of existing infrastructure and supports rural economic diversification through additional recreational amenities and tourist services. The development contributes to employment and small-scale tourism while remaining subordinate to the primary agricultural character.
- 9) The proposed development is considered desirable, subject to conditions, because the conditions remove the source of harm identified during public participation.



PART N: ANNEXURES

Annexure A	Locality Map
Annexure B	Site development plan
Annexure C	Public Participation Plan
Annexure D	Services Report
Annexure E	Comment Dept of Infrastructure, Chief Directorate: Road Design
Annexure F	Comment Western Cape Department of Agriculture Land Use Management.
Annexure G	Support Yzerfontein Residents Association.
Annexure H	Objections by Luther van Niekerk
Annexure I	Applicants comment on the objections

PART O: APPLICANT DETAILS

Name	CK Rumboll and Partners			
Registered owner(s)	WACS AT Koffiefontein Pty. Ltd.	Is the applicant authorised to submit this application?	Y	N

PART P: SIGNATURES

Author details: Herman Olivier Town Planner & GIS Administrator SACPLAN: A/204/2010		Date: 27 March 2026	
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended
		Date: 30 March 2026	

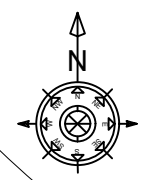
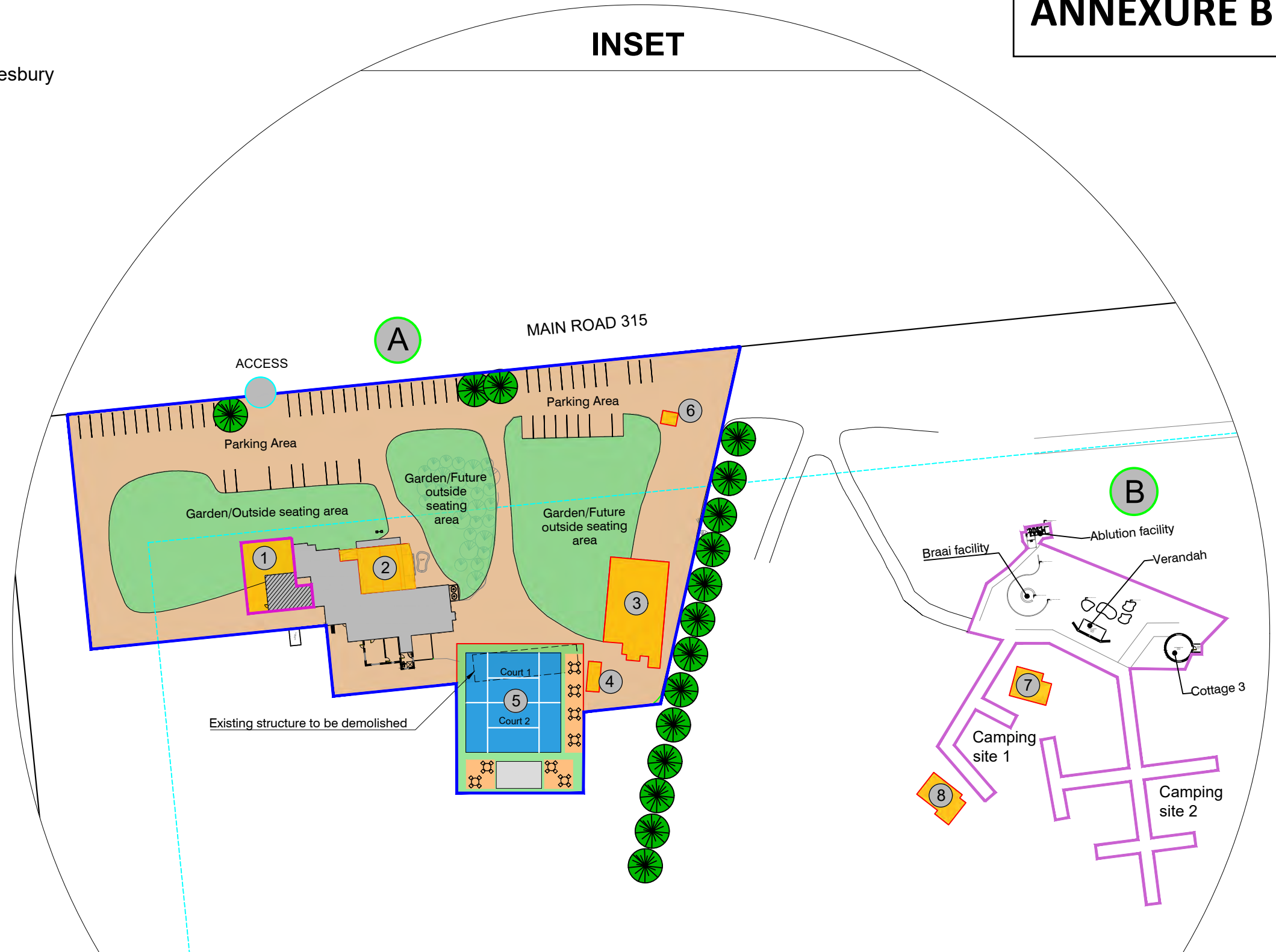
SITE DEVELOPMENT PLAN

ANNEXURE B

Portion 35 of Farm Jacobuskraal No.554, Division Malmesbury

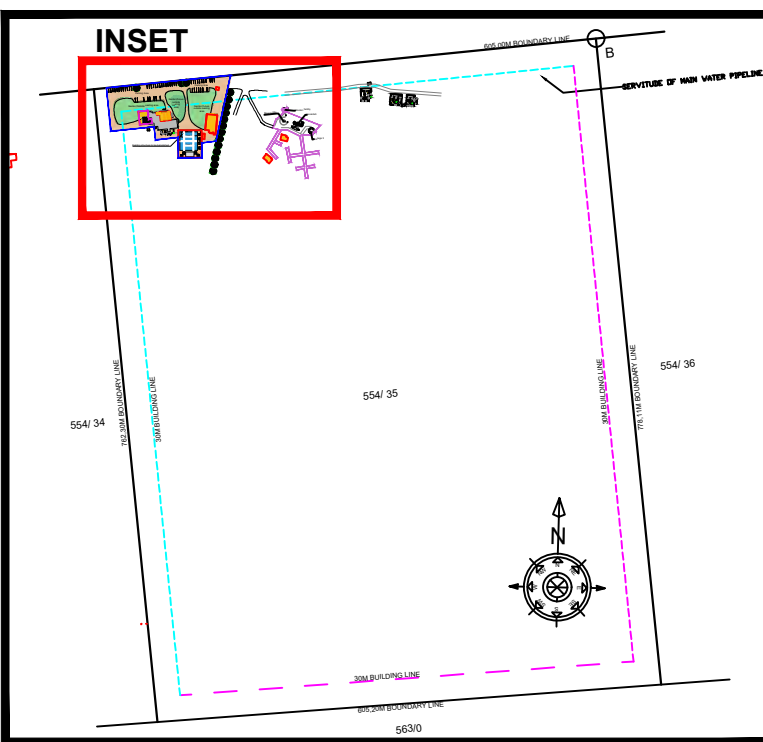
LEGEND:


-  Approved Tourist Facility
-  Approved agricultural industry (gin distillery)
-  Footprints of new buildings/structures/areas
-  New footprint of Tourist Facility (±9265m²)
-  New footprint of Gin Distillery (±194m²)
-  30m building line

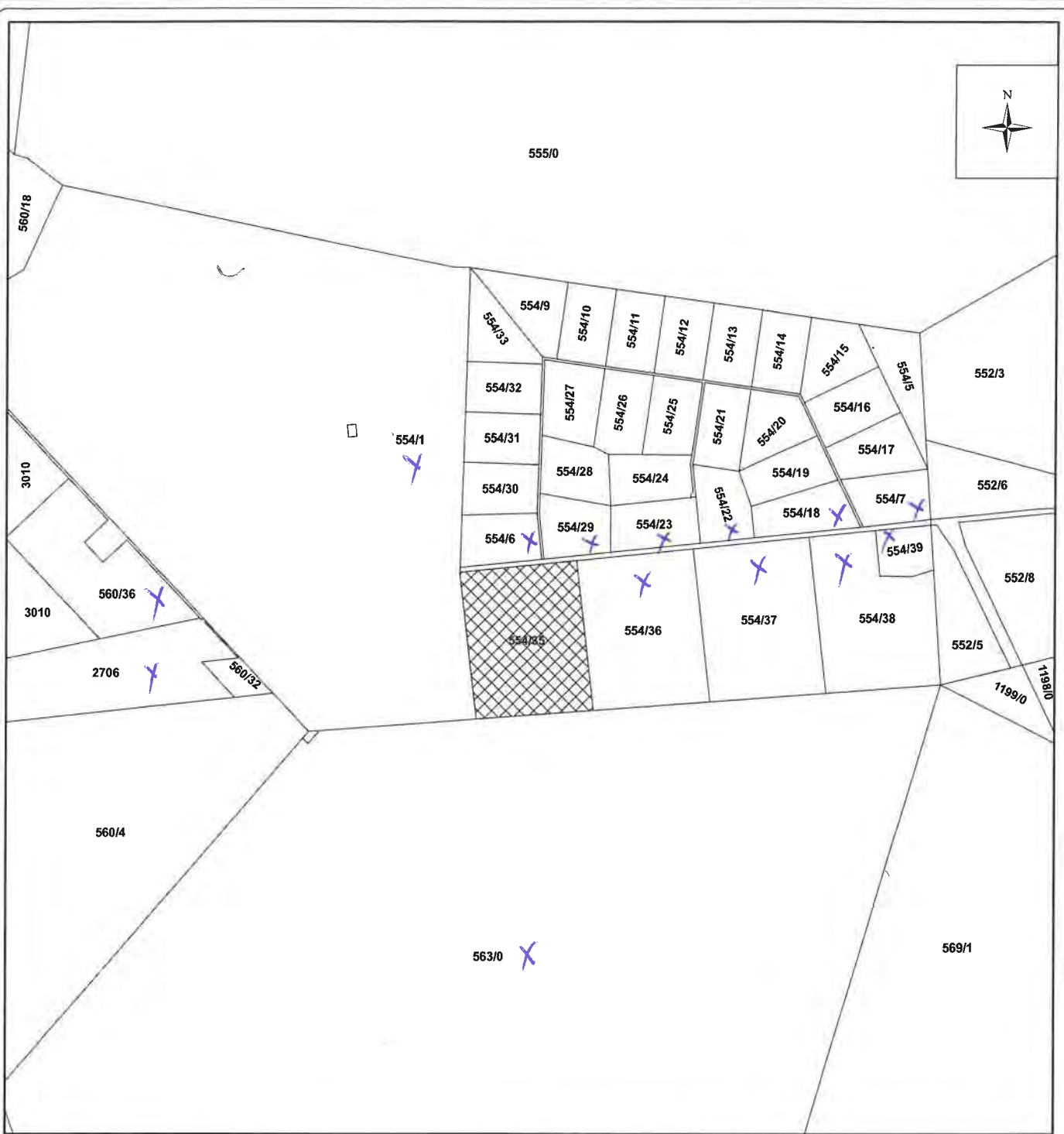


- A TOURIST FACILITY**
- ① ADDITIONAL SEATING AREA
 - ② RECONFIGURATION OF SEATING AREA UNDER MARQUEE TENT/EXPANSION OF VERANDAH
 - ③ BAR AND SEATING AREA UNDER MARQUEE TENT
 - ④ ABLUTION FACILITY
 - ⑤ PROPOSED PADEL COURTS
 - ⑥ TICKET SALES AREA

- B CAMPING SITE**
- ⑦ COTTAGE 1
 - ⑧ COTTAGE 2



	C.K. RUMBOLL & PARTNERS TOWN PLANNERS PROFESSIONAL SURVEYORS 16 RAINIER STREET, MALMESBURY Tel: 022 - 4821845 Fax: 022 - 4871661 Email: planning5@rumboll.co.za	
	DATE: JUNE 2025	AUTHORITY: SWARTLAND MUNICIPALITY
REFERENCE: MAL/14422/MH		

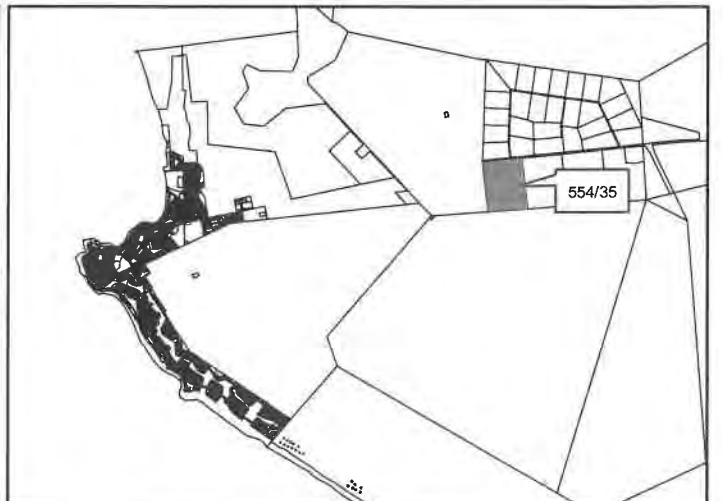


**Voorgestelde wysiging van voorwaardes:
Hersonering**

**Gedeelte 35 van plaas Jacobuskraal no 554,
Afdeling Malmesbury**

Publieke deelname

Skaal: NVT



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Offices at Pretoria, Nelspruit,
Aliwal North, Paarl,
and Mozambique

B-BBEE LEVEL TWO CONTRIBUTOR

Your ref:

Our ref: W2421/3.5-01

06/03/2026

Attention: Mornay Herling

CK Rumboll & Partners
P.O. Box 211
MALMESBURY
7299

Mornay,

PT 35 OF FARM JACOBSKRAAL NO. 554, MALMESBURY: ENGINEER'S REPORT

With reference to the comments received from the Department of Civil Engineering Services of Swartland Municipality:

Under paragraph 5.3 of the motivation report it is stated that there is no impact on municipal services. The farm is supplied with municipal drinking water from the bulk water pipeline that supplies water to Yzerfontein. There will be increased water consumption for which development charges are payable and available capacity must be confirmed. In order to calculate the development charges and to confirm capacity, it is required that the application must include an engineering report."

1. WATER DEMAND

Water consumption records received for July 2025 – October 2025 indicate the demand varying from 102 – 218 kl/month. The average water demand for these months are 139.75kl/month.

The following extensions to the tourist facility is applied for:

A. Tourist Facility

- Additional seating area at the gin brewery: 124m²
- Extension to Restaurant with Craft shop: 89 m²
- Bar and Marquee tent: 367m²

B. Camp site

- Two Cottages

1.1 Water Demand Assumption:

Restaurant and entertainment facility: 2,48 l/m²
Cottage: 350 l/day

A. Tourist Facility

- Additional seating area at the gin brewery: $124\text{m}^2 \times 2.48 \text{ l/m}^2 = 292\text{l/day} = 8.76 \text{ kl/month}$
- Extension to Restaurant with Craft shop: $89 \text{ m}^2 \times 2.48\text{l/m}^2 = 220 \text{ l/day} = 6.6 \text{ kl/month}$
- Bar and Marquee tent: $367\text{m}^2 \times 2.48\text{l/m}^2 = 910\text{l/day} = 27.3 \text{ kl/month}$

B. Camp site

- Two Cottages : $2 \times 350 \text{ l/day} = 700\text{l/day} = 21,0\text{kl/month}$

Total Water demand at 100% occupation: 63.66 kl/month

Average Water Demand (60% occupation) : 38.19 kl/month

2. CONCLUSION

The current average water demand of the tourist facility = 139.75 kl/month

The estimated water demand for the enlarged facility = $139.75 + 38.19 = 177.94\text{kl/month}$

We trust that you will find the above in order.

Kind Regards,



MPJ LOUBSER PrEng
SKCM Engineers

.../ml

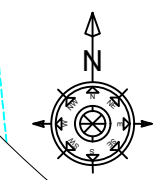
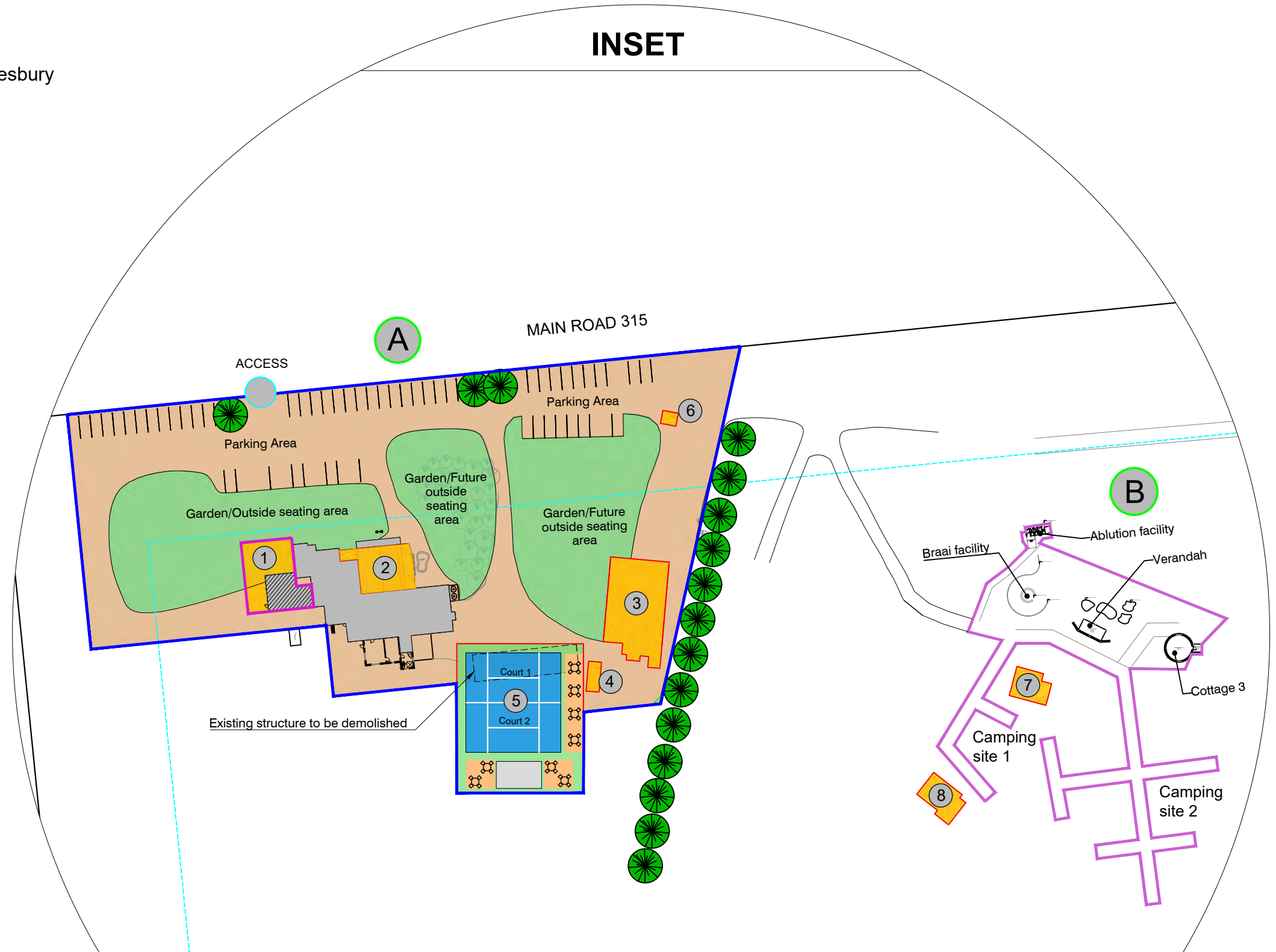
SITE DEVELOPMENT PLAN

Portion 35 of Farm Jacobuskraal No.554, Division Malmesbury

LEGEND:

-  Approved Tourist Facility
-  Approved agricultural industry (gin distillery)
-  Footprints of new buildings/structures/areas
-  New footprint of Tourist Facility (±9265m²)
-  New footprint of Gin Distillery (±194m²)
-  30m building line

INSET



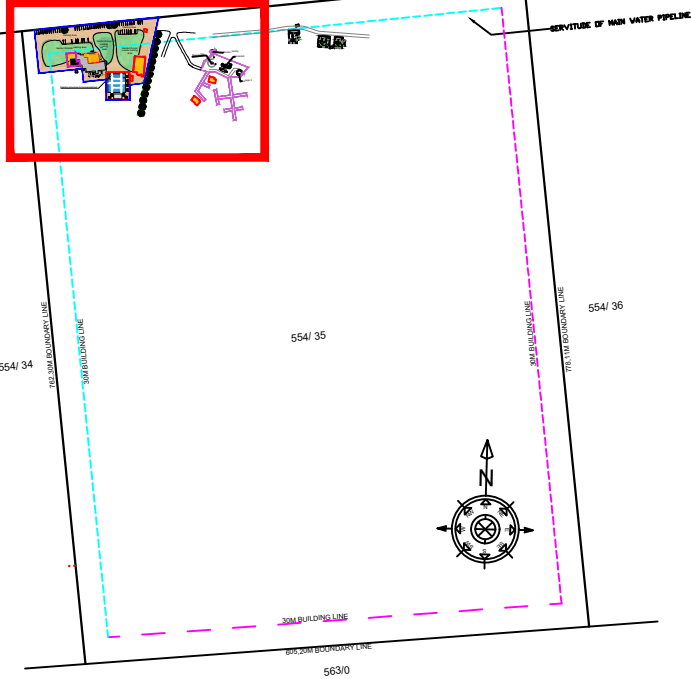
A TOURIST FACILITY

- ① ADDITIONAL SEATING AREA
- ② RECONFIGURATION OF SEATING AREA UNDER MARQUEE TENT/EXPANSION OF VERANDAH
- ③ BAR AND SEATING AREA UNDER MARQUEE TENT
- ④ ABLUTION FACILITY
- ⑤ PROPOSED PADEL COURTS
- ⑥ TICKET SALES AREA

B CAMPING SITE

- ⑦ COTTAGE 1
- ⑧ COTTAGE 2

INSET



C.K. RUMBOLL & PARTNERS
TOWN PLANNERS
PROFESSIONAL SURVEYORS
16 RAINIER STREET, MALMESBURY
Tel: 022 - 4821845
Fax: 022 - 4871661
Email: planning5@rumboll.co.za

DATE:
JUNE 2025

REFERENCE:
MAL/14422/MH

AUTHORITY:
SWARTLAND
MUNICIPALITY

Ref: DOI/CFS/RN/LU/REZ/SUB -26/418 (Application No: 2025-08-0014)

The Municipal Manager
Swartland Municipality
Private Bag X52

MALMESBURY

7299

Attention: Ms DN Stellenberg

Dear Madam

PORTION 35 OF FARM JACOBUSKRAAL 554, MALMESBURY: PROPOSED AMENDMENT OF CONDITIONS

1. Your letter to this Branch referenced 15/3/3-15/Farm_554/35 dated 14 July 2025.
2. The application affects Main Road 215 for which this Branch is the Road Authority.
3. The application for the amendment of conditions A.1(a), A.1(b) and A.1(c) with rezoning of portion 35 of farm Jacobuskraal nr 554, division Malmesbury. The purpose of the amendments are as follows:
 - 3.1. Enlargement of the area zoned as Agricultural Zone 2 from 70m² to 194m²;
 - 3.2. Enlargement of the area of the consent use for a tourist facility from 1334m² to 9265m² which includes 2 pedal courts;
 - 3.3. Change of 2 camping sites to additional dwelling units under the Resort zoning.
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: 8 OCTOBER 2025**

ENDORSEMENTS

1. Swartland Municipality
Attention: Ms DN Stellenberg (e-mail: swartlandmun@swartland.org.za)
2. District Roads Engineer Paarl
(email: DREPaarl.Technical@westerncape.gov.za)
3. Mr D Fortuin (e-mail)



Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/2/5/151
YOUR REFERENCE : 15/3/3-15/Farm_554/35 & 15/3/6-15/Farm_554/35
ENQUIRIES : Cor van der Walt

Swartland Municipality
Private Bag X52
MALMESBURY
7299

Att: Ms DN Stellenberg

**PROPOSED AMENDMENT OF CONDITIONS AND REZONING: DIVISION MALMESBURY
PORTION 35 OF THE FARM JACOBUSKRAAL NO 554**

Your application of 14 July 2025 has reference.

The Western Cape Department of Agriculture has no objection to the proposed application.

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

**Cor van der
Walt**

Digitally signed by Cor
van der Walt
Date: 2025.11.21
10:56:59 +02'00'

Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2025-11-18

Copy:
CK Rumboll & Partners
PO Box 211
MALMESBURY
7299

From: admin@yzerfontein.org <admin@yzerfontein.org>

Sent: 11 August 2025 13:45

To: Delmary Stellenberg <StellenbergD@swartland.org.za>; admin@bewarea.org.za

Subject: RE: Wysiging van voorwaardes en hersonering van gedeelte 35 van Plaas Jacobuskraal nr. 554

Die skrywe 21 July 25 rakende die wysiging van voorwaardes en hersonering van gedeelte 35 van Plaas Jacobuskraal nr 554, verwys.

Die aansoek word ondersteun deur YIV met dien verstande dat n verkeers studie onderneem word ten einde toegang tot en uit die R 315 te ondersoek om die veiligheid van ander padgebruikers te verseker.

SW Engelbrecht

Namens YIV

From: Kathleen Van Niekerk <setonboone@gmail.com>
Sent: Monday, 04 August 2025 11:19
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Fwd: Brief aan munisipaliteit

Subject: Brief aan munisipaliteit - Beswaar

Aan wie dit mag aangaan,

Hiermee maak ons formeel beswaar teen die voorgenome uitbreiding van [Kennisgewing 01/2025/2026 - Voorgestelde wysiging van voorwaardes: Wysiging van voorwaardes en herosnering van gedeelte 35 van plaaslike Jaccobuskraal No 554, afdeling Malmesbury].

Leêr verw/ 15/3/3-15/Farm_554/36

Ons ondervind reeds ernstige probleme weens die aanhoudende geraas en onaanvaarbare gedrag wat afkomstig is van **Little Mexico**, 'n buitelugkroeg oorkant ons wonings.

Verskeie pogings is aangewend om hierdie situasie vreedsaam en deur die regte kanale aan te spreek. Dit sluit in:

- Direkte kommunikasie met die bestuur van Little Mexico.
- Pogings om met die grondeienaar te kommunikeer. Daar was nie die nodig tegemoetkominge soos gewens van sy kant.
- Herhaalde kontak met die **Darling-polisiekantoor**, wat óf sê dat daar geen voertuie beskikbaar is nie, óf eenvoudig nie die telefoon antwoord nie.
- Pogings om met **Neal Africa**, die plaaslike wetstoepasser in Yzerfontein, te skakel – geen terugvoering
- Klagtes by die **Drankraad**.

Tot op hede is geen sinvolle of volhoubare oplossing gevind nie. Die harde geraas tot in die vroeë oggendure soms, asook laat oor naweke is onaanvaarbaar en beïnvloed die leefkwaliteit van inwoners direk. Sommige van ons werk van die huis af en in internasionale tydsones, en was al hier gevestig lank voor Little Mexico geopen is. Veral op Vrydagaande en Saterdagdaande is dit soms 'n probleem.

Daarby skep die volgende ook ernstige bekommernis:

- Alkoholmisbruik en openbare dronkenskap.
- Voertuie wat met groot spoed en gevaarlike gedrag in en om die woonbuurt beweeg.
- Potensiële botsings wat reeds verskeie kere net-net afgeweer is.
- Algemene onmin, onrus en 'n gevoel van onveiligheid.

Ons vra dringend dat hierdie sake in ag geneem word voordat enige verdere goedkeuring vir uitbreiding oorweeg word.

Totdat daar daadwerklike en blywende optrede geneem is teen die gedrag en impak van Little Mexico en die verantwoordelike partye, kan ons hierdie aansoek nie steun nie. Hulle opelug fasiliteite veroorsaak geweldige geraas, veral oor naweke.

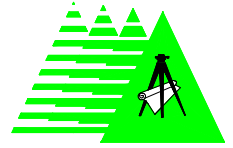
Ons is beskikbaar om verdere besonderhede of getuienis te verskaf indien nodig, en versoek ook dat u ons kan adviseer met wie ons verder in verbinding kan tree vir formele optrede indien dit steeds aanhou om in die toekoms probleme te veroorsaak.

Ons vra dat ons welstand en gesondheid wat beïnvloed word deur die optrede oorkant, asook ons reg tot 'n rustige tuisomgewing en werksomgewing gerespekteer word.

Met dank en hoop op regverdige oorweging,

Luther van Niekerk
Namens my huurders
Jacobuskraal 6
Yzerfontein
7351

CK RUMBOLL & VENNOTE / PARTNERS



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

DATE: 5 September 2025

OUR REF: MAL/14422/MH

PER HAND, E-MAIL AND PORTAL SUBMISSION

Attention: Mr A Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52

MALMESBURY

7300

StellenbergD@swartland.org.za

RESPONSE TO OBJECTIONS & COMMENTS:

APPLICATION FOR PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL IN TERMS OF THE SWARTLAND MUNICIPALITY LAND USE PLANNING BY-LAW (2020) IN RESPECT OF PORTION 35 OF FARM JACOBUS KRAAL NO. 554, DIVISION MALMESBURY

With reference to the below correspondence:

- a) Your letter dated 20 August 2025

The table below provides a summary of the comments/objections that were received during the commenting period of the public participation along with the response from CK Rumboll and Partners on behalf of, WACS AT KOFFIEFONTEIN (Pty) Ltd, registered owner of Portion 35 of Farm Jacobus Kraal No. 554 Division Malmesbury. Comments and objections were received from the following parties:

1. SW Engelbrecht
2. Kathleen and Luther van Niekerk

Please note that our response is provided in the language that the objections was received.

Objector	Objection/Comments	Response on objections
<p>1. SW Engelbrecht</p>	<p>Die aansoek word ondersteun deur YIV met dien verstande dat n verkeers studie onderneem word ten einde toegang tot en uit die R315 te ondersoek om die veiligheid van die ander padgebruikers te verseker.</p>	<p>Hierdie kantoor neem kennis van YIV se ondersteuning van die aansoek, op voorwaarde dat 'n verkeerstudie onderneem word. Dit is egter nie duidelik of die verwysing betrekking het op die algemene verkeersveiligheid en -vloei langs die R315, of spesifiek op die bestaande toegang tot Gedeelte 35 van Plaas Jacobuskraal 554 nie.</p> <p>Nietemin is dit die mening van hierdie kantoor dat 'n formele verkeerstudie nie geregverdig is nie, om die volgende redes:</p> <ul style="list-style-type: none"> • Die voorgestelde uitbreidings sal van die bestaande, goedgekeurde toegang vanaf die R315 gebruik maak, wat reeds in gebruik is vir die huidige toerismefasiliteit. Geen nuwe toegange word voorgestel nie. • Die uitbreidings is aanvullend tot die bestaande gebruike en sal nie 'n beduidende toename in verkeersvolumes tot gevolg hê nie. • Die bestaande toegang beskik oor voldoende sigafstande, en daar is geen aanduiding van verkeersveiligheidsrisiko's nie. <p>Aan die hand van bogenoemde redes, is hierdie kantoor van mening dat 'n formele verkeerstudie nie nodig is nie.</p>

<p>2. Kathleen Luther Niekerk and van</p>	<p>Ons ondervind reeds ernstige probleme weens die aanhoudende geraas en onaanvaarbare gedrag wat afkomstig is van Little Mexico, 'n buitelugkroeg oorkant ons wonings.</p> <p>Verskeie pogings is aangewend om hierdie situasie vreedsaam en deur die regte kanale aan te spreek. Dit sluit in:</p> <ul style="list-style-type: none"> • Direkte kommunikasie met die bestuur van Little Mexico. • Pogings om met die grondeienaar te kommunikeer. Daar was nie die nodig tegemoetkominge soos gewens van sy kant. • Herhaalde kontak met die Darling-polisiekantoor wat of sê dat daar geen voertuie beskikbaar is nie, of eenvoudig nie die telefoon antwoord nie. • Pogings om met Neal Africa, die plaaslike wetstoepasser in Yzerfontein, te skakel - geen terugvoering • Klagtes by die Drankraad <p>Tot op hede is geen sinvolle of volhoubare oplossing gevind nie. Die harde geraas tot in die vroeë oggendure soms, asook laat oor naweke is onaanvaarbaar en beïnvloed die leefkwaliteit van inwoners direk. Sommige van ons werk van die huis af en in internasionale tydsones, en was al hier gevestig</p>	<p>Dit is duidelik dat die beswaar in wese verband hou met die bedryf van die fasiliteit. Hierdie kantoor wens derhalwe die volgende te bevestig:</p> <ul style="list-style-type: none"> • Die eienaar is verbind tot die verantwoordelike bestuur van die fasiliteit in ooreenstemming met die toepaslike wetgewing en, in die besonder, die bepalings van die bestaande dranklisensie. • Reeds is verskeie maatreëls ingestel om die geraasimpak sover moontlik te beperk. Dit sluit in die beheer van klankvlakke tydens optredes, die strategiese plasing van klanktoerusting om die effek op omliggende grondeienaars te verminder, asook die monitering van klankvlakke. Alle aktiwiteite word verder streng beperk tot die ure soos voorgeskryf in die dranklisensie. • Dit moet ook beklemtoon word dat hierdie komponent van die toerismefasiliteit hoofsaaklik benut word vir spesiale geleenthede, vakansiedae en naweke, en derhalwe nie 'n daaglikse aktiwiteit is nie.
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lank voor Little Mexico geopen is. Veral op Vrydagaande en Saterdagagaande is dit soms 'n probleem.

Daarby skep die volgende ook ernstige bekommernis:

- Alkoholmisbruik en openbare dronkenskap.
- Voertuie wat met groot spoed en gevaarlike gedrag in en om die woonbuurt beweeg.
- Potensiële botsings wat reeds verskeie kere net-net afgeweer is.
- Algemene onmin, onrus en 'n gevoel van onveiligheid.

Ons vra dringend dat hierdie sake in ag geneem word voordat enige verdere goedkeuring vir uitbreiding oorweeg word.

Totdat daar daadwerklike en blywende optrede geneem is teen die gedrag en impak van Little Mexico en die verantwoordelike partye, kan ons hierdie aansoek nie steun nie. Hulle opelug fasiliteite veroorsaak geweldige geraas, veral oor naweke.

Ons is beskikbaar om verdere besonderhede of getuienis te verskaf indien nodig, en versoek ook dat u ons kan adviseer met wie ons verder in verbinding kan tree vir formele optrede indien dit steeds

	<p>aanhou om in die toekoms probleme te veroorsaak.</p> <p>Ons vra dat ons welstand en gesondheid wat beïnvloed word deur die optrede oorkant, asook ons reg tot 'n rustige tuisomgewing en werksomgewing gerespekteer word.</p>	
--	--	--

We trust that the above will be duly considered during the assessment of this application.

Yours faithfully,



Mornay Herling

For CK Rumboll and Partners

ITEM 6.3 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP DONDERDAG, 16 APRIL 2026

LAND USE PLANNING REPORT PROPOSED CONSENT USE ON PORTION 1 OF FARM GEMSBOKS KUIL NO 582, DIVISION MALMESBURY					
Reference number	15/3/10-15/Farm 582/1	Application submission date	28 July 2025	Date report finalised	30 March 2026

PART A: APPLICATION DESCRIPTION							
<p>The application for consent use for mining on portion 1 of farm Gemboks Kuil no 582, 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 mine entails a sand mine of 5ha in extent.</p> <p>The applicant is CK Rumboll & Partners and owner is Morelig Plase CC .</p>							
PART B: PROPERTY DETAILS							
Property description (in accordance with Title Deed)	Certain piece of abolished quitrent land, situate in the Division of Malmesbury, being the place called Jacobs Dam, portion of the farm Gemboks Kuil.						
Physical address	9km east of Darling	Town	N/A				
Current zoning	Agricultural zone 1	Extent (m ² /ha)	640,5 475ha	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)						
Current land use	Agriculture	Title Deed number & date	T9642/1967				
Any restrictive title conditions applicable	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, list condition number(s)					
Any third party conditions applicable?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, specify					
Any unauthorised land use/building work	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, explain					
PART C: LIST OF APPLICATIONS (TICK APPLICABLE)							
Rezoning	<input type="checkbox"/>	Permanent departure	<input type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Extension of the validity period of an approval	<input type="checkbox"/>	Approval of an overlay zone	<input type="checkbox"/>	Consolidation	<input type="checkbox"/>	Removal, suspension or amendment of restrictive conditions	<input type="checkbox"/>
Permissions in terms of the zoning scheme	<input type="checkbox"/>	Amendment, deletion or imposition of conditions	<input type="checkbox"/>	Amendment or cancellation of an approved subdivision plan	<input type="checkbox"/>	Permission in terms of a	<input type="checkbox"/>

	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

Application is made for a consent use for mining in order to authorise a sand mine of 5ha in extent.

A mining permit dated 23 May 2025 has been issued for the sand mine.

An Environmental Authorisation with reference WC30/5/1/3/2/10340MP, dated 9 April 2025 has been issued for the sand mine.

Farm Gemsboks Kuil no 582/1, Division Malmesbury is zoned Agricultural zone 1 and consists of an existing dwelling and outbuildings.

The proposed mine area is located in active grazing land on the property. The sand on the farm is too deep for crop cultivation. The entire site is surrounded by grazing land which in turn is surrounded by monoculture cropland. The site carries a heavy load of alien invasive Port Jackson trees.

During the public participation process the Department of Infrastructure objected against the application and requested that a Traffic Impact Assessment be done, specifically addressing the impact of the proposed mining on the Minor Roads. A Traffic Impact Statement was prepared by EFG Engineers. The Department of Infrastructure withdrew its objection after the TIS confirmed that the proposed sand mine will have a negligible traffic impact on the proclaimed roads.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y

N

PART F: SUMMARY OF APPLICANT'S MOTIVATION

The proposed consent use is considered desirable on the basis of the following:

1. The proposed development complies with the SDF of Swartland Municipality.
2. The proposed mine utilizes land with low agricultural potential, unlocking economic value without compromising food production.
3. It contributes to regional economic diversification by introducing a small-scale sector in to the rural economy. The locally sourced sand reduces transport costs and emissions, supporting sustainable construction and infrastructure development.
4. The proposed development enhances the principles of LUPA and SPLUMA.
5. The phased mining and rehabilitation approach ensures minimal environmental impact and long-term land restoration.
6. The proposal will enhance economic growth of the area.
7. An Environmental Authorisation and a mining permit have been issued by the Department of Mineral Petroleum Resources.

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 6 registered notices were sent to affected parties by means of registered mail as well as by email. Notices were also sent to external departments for comments.

The public participation process started on 15 September 2025 and ended on 22 October 2025 for affected parties and on 18 November 2025.

The objection was sent to the applicant for comments on 29 October 2025. The comments from the applicant on the objection was received on 4 November 2025.

The comments from the Department of Infrastructure were sent to the applicant via email on 24 November 2025. Positive comments from the department were received on 4 March 2026.

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

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

<p>1. Department Civil Engineering Services</p> <p>1.1 Water</p> <p>a) No municipal water services can be provided.</p> <p>1.2 Sewerage</p> <p>a) No municipal sewerage services can be provided.</p> <p>2. Department: Water & Sanitation</p> <p>See Annexure G.</p> <p>3. Department of Infrastructure</p> <p>See Annexure I and Annexure J.</p> <p>4. Department of Agriculture Western Cape</p> <p>See Annexure H.</p>			

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL COMMENTS ON THE OBJECTIONS
Kirsten Boerdery Edms. Bpk.	<p>1. Kirsten Boerdery is currently the tenants of the farm through which the servitude runs through. Maintenance of a servitude road is typically the responsibility of the servitude holder, who must ensure the road remains usable. However, this can vary based on the specific terms of the servitude agreement, which may require the property owner to share costs or handle maintenance. If there is no written agreement, it's crucial to check local laws and consider negotiating with the other party or seeking legal advice.</p>	<p>1. Noted.</p> <p>Kirsten Boerdery are only tenants and not the registered owner of the farm. That means they have no legal right to block or challenge the use of the registered servitude road. The road's upkeep is between the registered land owner and the owner of Farm No 582/1. With the proposed consent use on Farm No. 582/1, any need for maintenance or upgrade of the servitude road will be addressed directly between the two registered owners and not the tenants.</p> <p>1. Noted.</p> <p>It is not clear whether the two landowners have had discussions regarding the maintenance of the road. Nowhere in the processes of the mining permit, Environmental Authorisation or the land use application has the issue of road maintenance been flagged.</p> <p>The TIS states that 4 heavy vehicle trips (2 inbound and 2 outbound) will be produced per day. The trip generation of the sand mine and the impact on the road is deemed insignificant.</p>
Quantum foods Proprietary Limited	<p>2. The Proposed Sand Mining Area is directly adjacent to and borders the south-western boundary of Quantum Foods' Layer Farm, which gives rise to concerns by Quantum Foods of potential impacts on groundwater resources, access routes, and operational activities in the vicinity.</p>	<p>2. The proposed sand mining activity will occur ± 2.3km from the nearest chicken cages on Farm No 583/5. The impact on Quantum Foods' Layer Farm will therefore be minimal to none. Furthermore, access to Farm No 582/1 is also located from the south-western side of the property, ± 4.8km, from the boundary of Farm No 583/5, further reducing any impact on Quantum Foods' Layer Farm.</p> <p>2. The comments from the applicant is supported.</p>
	<p>3. The Application Documents evidence that the Applicant was granted (i) an environmental authorisation ("EA") in terms of the National Environmental Management Act, 1998, as amended ("NEMA"), in respect of sand mining-related infrastructural activities on the terms of the Mineral and Petroleum Resources Development Act, 2002, as amended ("MPRDA"), and (ii) a mining permit ("Mining Permit") in terms of section 27 of the MPRDA, dated 23 May 2025 ("General Permit"). Despite the fact that Quantum Foods is the owner of the Proposed Sand Mining Area, the Applicant never consulted Quantum Foods pursuant to the opportunity to raise its mining permit and EA concerns.</p> <p>It is on the basis of this lack of consultation and the</p>	<p>3. Noted. The Environmental Authorisation (EA) has been issued following a public participation process that the Department deemed sufficient. In addition, the proposal was advertised in the Gazette, providing an opportunity for any interested or affected parties to submit comments. An on-site notice was also put on site to give surrounding land owners the opportunity to comment on the proposal.</p> <p>3. Noted. The comments from the applicant is supported.</p>

	unintended or overlooked impacts on the Layer Farm operations that Quantum Foods has interest and would like to object.		
	4. Quantum Foods further notes that the Applicant's proposed sand mining activities in the vicinity and it has, to date, not been provided with any correspondence of registration ("BAR") and Environmental Management Programme ("EMPr") that were submitted in support of the potential impacts.	4. The Basic Assessment Report "BAR" and Environmental Management Programme ("EMPr") can be provided on request form the environmental consultant.	4. Noted.
	5. Quantum Foods notes that it was never identified with the Layer Farm and notified of the Applicant's EA and Mining Permit application opportunity to comment on the environmental impact assessments conducted in respect of the Proposed Sand Mining Area before the EA and Mining Permit were granted. The PPP conducted by the Applicant was accordingly incomplete and inadequate in relation to the EA and Mining Permit applications (i.e., NEMA and the MPRDA).	5. Noted. Refer to point 3 above.	5. The public participation process that was undertaken was deemed sufficient by the Department deciding on the mining permit and Environmental Authorization.
	6. The belated notification to Quantum Foods of the Consent Use Application, albeit by the Swartland Municipality and not the Applicant, means that Quantum Foods is being engaged far too late in the process, and without access to critical information such as the Applicant's BAR and EMPr. This procedural gap has significantly prejudiced Quantum Foods' rights as adjacent landowner and operator of the Layer Farm to participation and to the consideration of likely or potential impacts from the Applicant's proposed sand mining activities on the existing Layer Farm operations. It is submitted that the Consent Use Application cannot be granted until Quantum Foods' concerns have been adequately considered and addressed.	6. Noted. Refer to point 4 above.	6. The processes that was followed until the mining permit and Environmental Authorization were issued are not questioned. The mining permit and Environmental Authorization enables the municipality to take an informed decision on the land use application. Decision making on the land use process will not be postponed.

	<p>7. The Applicant's proposed sand mining operation constitutes an incompatible industrial activity within an area dominated by established commercial agricultural activities.</p>	<p>7. According to the Swartland Municipal Land Use Planning By-law, "Mining" is classified as a consent use on Agricultural Zone 1 land, indicating that this activity is considered compatible with agricultural purposes. Similar to Quantum Foods, which operates "Intensive Stock Farming" on the property, also classified as a consent use, the proposed mining operation will function as a complementary use to the primary use of the property and its zoning.</p>	<p>7. Mining as a land use is accommodated as a consent use under the Agricultural zone 1 zoning. This is evidence that mining is compatible within an agricultural context.</p>
	<p>8. The proposed sand mining operation is therefore likely to introduce significant negative externalities (e.g., noise, vibration, heavy vehicle traffic, and dust) that are potentially detrimental to surrounding farming activities, livestock, and workers, thus undermining the permanent agricultural character of the area and contravening the aims of the municipal planning scheme to protect agricultural sustainability.</p> <p>The Proposed Sand Mining Area further forms part of active grazing land. Although rehabilitation is mentioned in the Application Documents, there are no clear details on topsoil handling, erosion control, or timeframes for restoring the area for agricultural use. Incomplete or inadequate rehabilitation could reduce grazing value and cause erosion or alien and invasive plant spread.</p> <p>Without sight of the EMPr which was approved in the EA granted to the Applicant, Quantum Foods has no assurance of the appropriateness of mitigation measures to be applied by the Applicant.</p>	<p>8. As mentioned earlier, the proposal is located ± 2.3km away from the intensive stock farming located on the property and access is obtained from the south-western side of the property. The proposed sand mining operation will therefore highly unlikely impact the agricultural activities on Farm No 583/5.</p> <p>The EMPr addresses all the issues raised and can be obtained from the environmental consultant.</p>	<p>8. The closest farmstead to the proposed mining area is ± 2km. It is unlikely that the proposed mining will have a significant impact on the surrounding farms.</p> <p>The comments from the applicant is supported.</p>
	<p>9. Quantum Foods' Layer Farm relies on borehole water for livestock and agricultural use. Quantum Foods has prior experience of negative impacts from adjacent sand mining operations. A previous sand</p>	<p>9. The following is an extract from the "BAR": "No water will be used in the mining process." The proposed development will therefore not impact groundwater.</p>	<p>9. The applicant's comment is supported.</p>

	<p>mine near its Tydstroom Helderfontein Farm resulted in reduced borehole water volumes, directly impacting agricultural operations. While the motivation report submitted in support of the Applicant's Consent Use Application states that no water will be used in the mining process, and the EA confirms that no on-site screening, washing, or processing will occur, Quantum Foods has no assurance that the Applicant's proposed sand mining operations will not give rise to groundwater depletion risks in the vicinity of the Layer Farm, given the lack of consultation by the Applicant with Quantum Foods.</p>		
	<p>10. The Application Documents further note that the site is on sandy soils about 120m from the Groen River, which still poses a potential risk of seepage or contamination from runoff or dust-suppression water. While Condition 2 of the EA requires that any water used for dust suppression must be of suitable quality and must not pollute soil or water resources, Quantum Foods has no access to information on groundwater depth, flow direction, or baseline quality, nor to the appropriateness of mitigation measures included in the Applicant's EMPr.</p>	<p>10. Refer to point 4.</p>	<p>10. Noted. The statement can be taken up with the ECO of the mine.</p>
	<p>11. The motivation report submitted in support of the Applicant's Consent Use Application provides that access to and from the Proposed Sand Mining Area will be via a gravel road crossing Farms 580/3 and 580/6 to the R315.</p> <p>Condition 14 of the EA confirms that vehicular movement must be limited to the authorised access road and that no driving through undisturbed areas is allowed. Without sight of the BAR, Quantum Foods has no confirmation of which access route has been authorised. Quantum Foods thus has no assurance that the Applicant's proposed sand mining operations will not present significant traffic-related</p>	<p>11. Noted. Refer to point 4 and 8.</p>	<p>11. Access to the mining area will be via OP5339 from the MR224, which is from the south.</p> <p>The chicken houses of Quantum Foods obtains access from a complete different direction and access routes, which is from the north.</p>

	<p>impacts which may impact the Layer Farm operations, such as which roads will be used by the Applicant, how many trucks will be used on a daily/weekly basis, how traffic-related impacts (such as dust management, road maintenance, road safety risks, shared logistics and delivery schedules of other operators in the vicinity (including Quantum Foods), etc.) will be managed by the Applicant.</p>		
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PART J: MUNICIPAL PLANNING EVALUATION

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

The application for consent use for mining on portion 1 of farm Gemboks Kuil no 582, 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 mine entails a sand mine of 5ha in extent.

A total of 6 registered notices were sent to affected parties by means of registered mail as well as by email. Notices were also sent to external departments for comments.

The public participation process started on 15 September 2025 and ended on 22 October 2025 for affected parties and on 18 November 2025.

The objection was sent to the applicant for comments on 29 October 2025. The comments from the applicant on the objection was received on 4 November 2025.

The comments from the Department of Infrastructure were sent to the applicant via email on 24 November 2025. Positive comments from the department were received on 4 March 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 sand mine supports the principle of spatial justice by enabling the productive use of land with limited agricultural viability, thereby promoting a more inclusive and equitable distribution of economic opportunities within the rural environment. By supplying locally sourced sand to nearby communities and construction industries, the development enhances access to natural resources and may reduce building and infrastructure costs in the surrounding area. It also allows the landowner to unlock economic potential from previously underutilised land, contributing to rural livelihoods and reducing reliance on traditional agriculture alone. Furthermore, the right to operate a sand mine will generate employment opportunities, supporting local economic growth and creating new avenues for income in the area. These opportunities are expected to benefit previously disadvantaged groups by providing equal access to work and skills development. The application does not result in the exclusion of any group and ensures that the economic benefits of the mine are shared across the local community, thereby advancing spatial justice through inclusive participation in the local economy.
- b) Spatial Sustainability: The proposed development supports spatial sustainability by aligning land use with the site's natural carrying capacity and environmental characteristics, given that the sandy soil profile is unsuitable for intensive agriculture and better suited for sand mining. The application does not involve land of high agricultural potential, and although agriculture is currently practised, the cadastral unit is not considered agriculturally sustainable.

The proposed activity includes a phased mining approach with progressive rehabilitation, including the reapplication of topsoil, re-vegetation according to the landowner's specifications, and alien vegetation control, ensuring the land is restored for future productive use. No critical biodiversity areas or formally protected natural areas will be affected, and rehabilitation will take place throughout the life of the mine to maintain ecological integrity. The development has minimal to negligible impact on existing service infrastructure.

- c) Efficiency: The proposed mining operation promotes efficient land use through a compact, phased approach that limits disturbance to one hectare at a time, allowing for simultaneous excavation and rehabilitation to optimise the use of land, time, and resources. Existing farm roads will be used for access, eliminating the need for new infrastructure and thereby reducing both capital and environmental costs. The close proximity of the site to regional markets enhances transportation efficiency and supports the local construction industry by addressing the current demand for sand. Existing services will be used optimally, and any additional services required will be provided as needed. Once mining is complete, the land will be rehabilitated in accordance with best practices. By introducing a complementary land use alongside existing agricultural activities, the proposal enhances the overall economic value and long-term viability of the farm.
- d) Good Administration: The application was communicated to the affected landowners through registered mail. The application was also circulated to the relevant municipal departments and external departments for comment.

Consideration was given to all correspondence received and the application was dealt with in a timeous manner. It is therefore argued that the principles of good administration were complied with by the Municipality.

- a) Spatial Resilience: The project demonstrates spatial resilience by diversifying rural land use and creating economic alternatives in an area vulnerable to economic change. By enabling responsible mining on degraded land, the proposal reduces pressure on more sensitive agricultural or natural areas and builds resilience into the rural economy. The rehabilitation strategy ensures that the land can recover and adapt for future uses, even after the closure of the mine.

2.3 Spatial Development Framework(SDF)

The proposed 5ha open cast surface mine operation aligns with the strategic objectives of the Swartland Spatial Development Framework (SDF) by contributing directly to the growth and diversification of the local economy. By establishing a small scale sand mining operation on land with limited agricultural potential, the project supports the development of a new economic sector that complements the region's traditional agricultural base. The mine will stimulate local supply chains through the provision of affordable, locally sourced construction material, which in turn strengthens economic linkages and trade advantages within Swartland and adjacent regions. Its proximity to existing transport routes enhances mobility and access to markets, thereby reinforcing the municipality's broader goal of improving regional economic connectivity.

Moreover, the mine promotes sustainable land use while safeguarding the region's heritage and environmental assets. The site layout was informed by environmental sensitivity and avoids significant ecological or heritage features. Heritage Western Cape has confirmed that the operation poses no threat to heritage resources, aligning with the SDF's goal to protect economic vibrancy and heritage value. The mine's small footprint, phased rehabilitation strategy, and use of existing infrastructure ensure minimal long-term impact. By transforming underutilised land into a productive asset without undermining heritage or environmental resources, the proposal supports Swartland's strategy to develop and protect its competitive advantage while encouraging economic diversification and resilience.

From the above it is evident that the proposal is directly in line with the Swartland Spatial Development framework.

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

The development proposal complies with all the applicable zoning scheme parameters.

2.5 Desirability of the proposed utilisation

Farm 582/1 consist of no physical restrictions which may impact negatively on this application.

The proposed sand mine is deemed compatible in the agricultural landscape/character and is temporary of nature.

A mining permit and Environmental Authorization has been issued for the proposed sand mine.

Farm 582/1 does not have any title deed restrictions prohibiting the proposed use.

3. Impact on municipal engineering services

No municipal services can be provided.

4. Comments of organs of state

Positive comments were received from the Department of Infrastructure and Department: Water & Sanitation.

Department of Agriculture could not comment as the information they requested during the environmental process was not provided to them.

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

<u>The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal</u>
N/A
<u>The social benefit of the restrictive condition remaining in place, and/or being removed/amended</u>
N/A
<u>Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights</u>
N/A

PART L: RECOMMENDATION WITH CONDITIONS

The application for a consent use on portion 1 of farm Gemsboks Kuil no 582, 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 consent use authorises mining in the form of a sand mine with a total footprint of 5ha in extent, as presented in the application;
- b) The mining activity is limited to the extraction of sand, as presented in the application;
- c) Should any human remains be found during the mining process, SAHRA and Heritage Western Cape must be notified immediately;
- d) Mining activities be conducted in accordance with the approved Environmental Management Programme and layout plan;
- e) 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 & SEWERAGE

- a) No municipal drinking water or sewerage services can be provided;

3. GENERAL

- a) The owner/developer complies with the conditions of the Environmental Authorisation of the Department of Mineral Resources and Energy, reference number WC30/5/1/3/2/1034MP, dated 9 April 2025;
- b) The owner/developer complies with the requirements issued by Department: Water & Sanitation with their letter with reference 16/2/7/G21D/A/8, dated 16 October 2025;
- c) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- d) The approval is valid for a period of 5 years, in terms of Section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision. Should all conditions of approval be met within the prescribed period, the land use becomes permanent and the approval period will no longer be applicable;
- e) The applicant/objector be informed of the right to appeal against the decision of the Authorized Official in terms of Section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with Section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

1. An Environmental Authorization and mining permit were granted for the sand mine.
2. There are no physical restrictions on the property that will have a negative impact on the mining activities and all possible impacts will be mitigated by the EMP.

3. The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.
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 presented by the applicant, 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. 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.


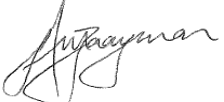
PART N: ANNEXURES

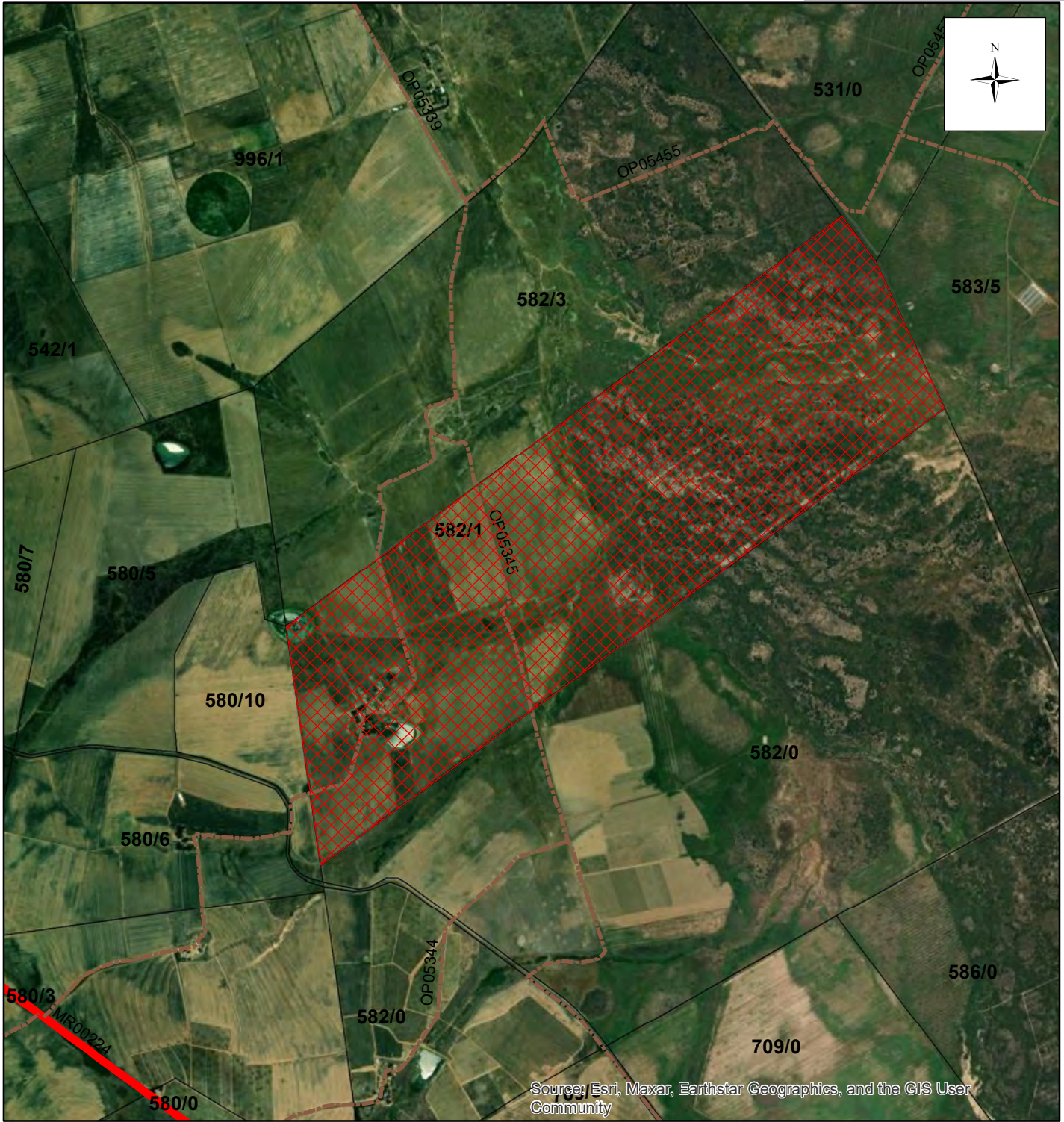
Annexure A	Locality Plan
Annexure B	Mining plan
Annexure C	Plan indicating the public participation process
Annexure D	Objection from Kirsten Boerdery Edms Bpk
Annexure E	Objection from Quatum Foods
Annexure F	Comment from the applicant on the objections
Annexure G	Letter from Department: Water & Sanitation
Annexure H	Letter from Department: Agriculture
Annexure I	Letter from Department: Infrastructure
Annexure J	Letter from Department: Infrastructure
Annexure K	Mining permit
Annexure L	Environmental Authorization
Annexure M	Traffic Impact Statement

PART O: APPLICANT DETAILS

First name(s)	CK Rumboll & Partners – NJ de Kock			
Registered owner(s)	Morelig Plase CC	Is the applicant authorised to submit this application:	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N

PART P: SIGNATURES

Author details: AJ Burger Chief Town & Regional Planner SACPLAN: B/8429/2020		Date: 30 March 2026		
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	<input type="checkbox"/> Not recommended	
		Date: 30 March 2026		



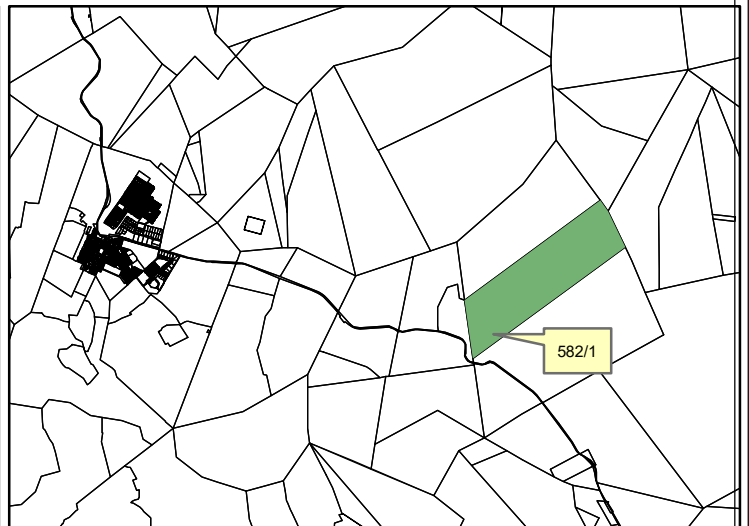
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Proposed consent use

Portion 1 of farm Gemsboks Kuil no 582,
Division Malmesbury


Locality plan


Scale: N/A








LOCATION OF FARM No 582/1 MALMESBURY RD

ACCESS 

EXISTING DAM 

EXISTING BUILDINGS 


PROPERTY BOUNDARY 

MINING AREA (±5HA) 

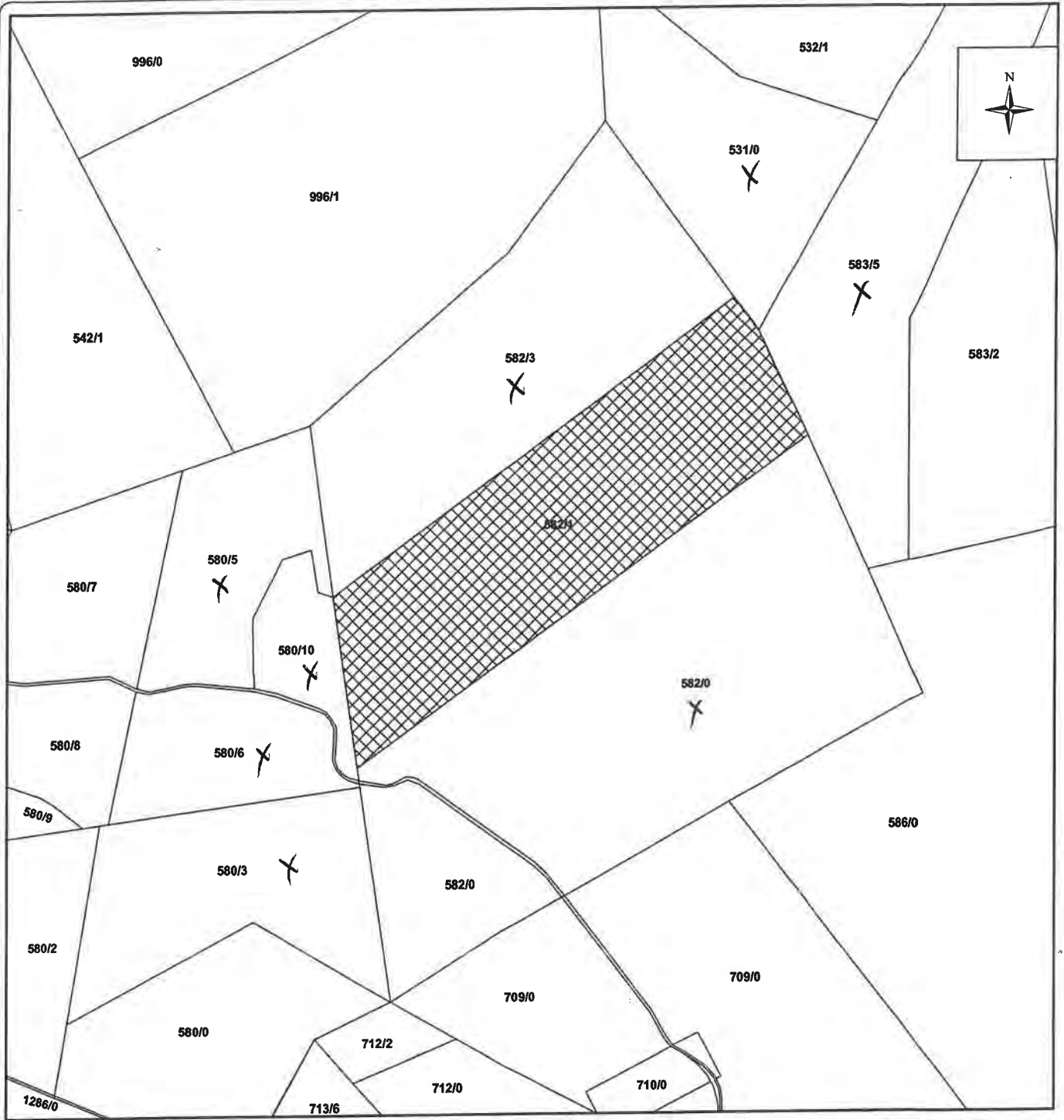
Mining area - Site Development Plan
FARM No 582/1, MALMESBURY RD

NOTE:
ALL DISTANCES AND AREAS ARE SUBJECT TO SURVEYING

COMPILED/ saamgestel: CK RUMBOLLAND PARTNERS
TOWN PLANNING
PROFESSIONAL SURVEYORS
16 RAINIER STREET, MALMESBURY
TEL: 022 482 1845
FAX/faks: 022 487 1661
EMAIL/epos: leap@rumboll.co.za

DATE/ datum: July 2025	MUNICIPALITY/ munisipaliteit SWARTLAND
REF/ verw: MAL/14689/NJdK	
DRAFTER/tekenaar: NI de Kock	

ANNEXURE B

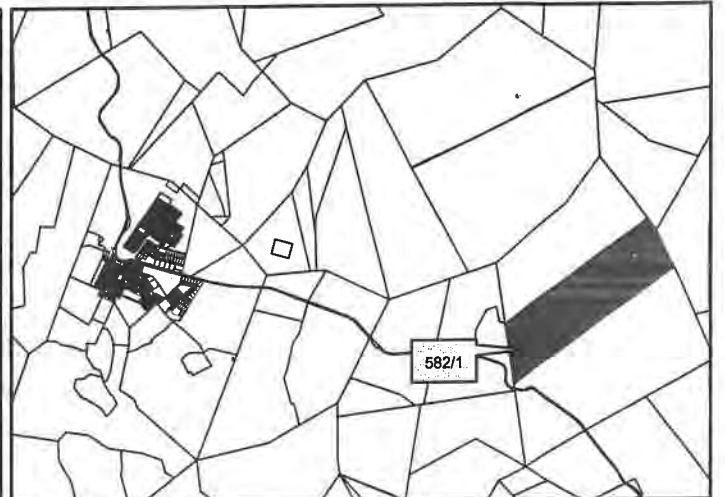


Voorgestelde vergunningsgebruik

**Gedeelte 1 van plaas Gemsboks Kuil
no 582, Afdeling Malmesbury**

Publieke deelname

Skaal: NVT



**KIRSTEN BOERDERY PTY LTD
2017/653639/07
POSBUS 29
DARLING
7345**

**TEL: 071 659 5670
FAKS: Geen**

**ANDRE: 083 226 8749
E-POS: admin@kirstenbdy.co.za
BTW: 417 0289 419**

20 Oktober 2025

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury
7299
Epos: swartlandmun@swartland.org.za

IS: Lêerverw: 15/3/10-15Farm_582/01
Vergunningsgebruik aansoek op gedeelte 1 van plaas Gemboks Kuil nr 582
Afdeling Malmesbury - 5Ha Sandmyn

Hiermee skriftelike terugvoering op bg.

Ons het nie 'n probleem met die sandmyn as sulks nie, maar het vrae rondom die servituut pad.

Wat is die spesifieke regulasies rondom 'n servituut pad, asook wie is die verantwoordelike persoon. Ons is ook van mening dat 'n servituut pad minstens 13m breed moet wees, en hierdie servituut is op sommige plekke nie meer as 4m nie. Ons is dus van mening dat indien die pad swaar verkeer gaan moet dra van die trokke wat die sandmyn besoek, die pad onbegaanbaar gaan wees veral in die winter.

Aangeheg is tipiese vrae wat ons het oor die servituut waaroor ons graag eers uitsluitel wil hê alvorens daar voortgegaan kan word met die toestaan van die vergunning.

By voorbaat dankie

AF Kirsten



AI Mode All Images Videos News Maps Short videos More ▾ Tools ▾

✦ AI Overview ⋮

Maintenance of a servitude road is typically the responsibility of the servitude holder, who must ensure the road remains usable. However, this can vary based on the specific terms of the servitude agreement, which may require the property owner to share costs or handle maintenance. If there is no written agreement, it's crucial to check local laws and consider negotiating with the other party or seeking legal advice. [Ⓔ]

Determining responsibility

- **Check the servitude agreement:** The most important factor is the original servitude deed or title deed. It should clearly state who is responsible for maintenance.
- **Servitude holder's duty:** Generally, the person or entity that benefits from the servitude (the servitude holder) is responsible for maintaining the road to ensure their access.
- **Shared responsibility:** The servitude agreement may specify that maintenance costs or duties are shared between the servitude holder and the servient landowner.
- **No written agreement:** If no written agreement exists, responsibility can be a point of dispute. In this case, it is best to negotiate with the other party, as shared costs are a common outcome. [Ⓔ]

How to manage maintenance

- **Exercise the right to maintain:** The servitude holder has the right to perform reasonable and necessary maintenance to preserve access, even without the owner's consent.
- **Document everything:** Keep records of all communications, maintenance activities, and expenses. This is crucial for resolving future disputes.
- **Reasonable use:** Ensure that your use of the road and any maintenance performed does not unduly interfere with the servient owner's right to use their property.
- **Seek legal advice:** If you cannot reach an agreement with the other party, consult with a legal professional to understand your rights and obligations. [Ⓔ]



Sign in

- **Legal principle of *civiliter modo*:** This principle means the servitude holder must exercise their rights with the minimum burden on the servient owner.
- **Gates:** Installing a gate requires ensuring it is essential for the effective use of the servitude. The servitude holder may have the right to install a gate if it is necessary for security or livestock control, but the servient owner has the right to use the property as long as it does not interfere with the servitude.
- **Damage from neighbors:** If damage is caused by a neighboring property (e.g., from

Attention: Municipal Manager: Swartland Municipality
Private Bag X52
Malmesbury
7299

By email: swartlandmun@swartland.org.za

90 Rivonia Road, Sandton
Johannesburg, 2196
PO Box 61771, Marshalltown
Johannesburg, 2107, South Africa
Docex 26 Johannesburg
T +27 (0) 11 530 5000
F +27 (0) 11 530 5111
www.webberwentzel.com

Your reference
15/3/10-15/Farm_582/01

Our reference
P Novotny/D Bayman
4015164.03

Date
22 October 2025

Dear Sir / Madam

OBJECTION TO APPLICATION FOR CONSENT USE FOR MINING ON PORTION 1 OF FARM GEMBOKS KUIL NO 582, DIVISION MALMESBURY IN TERMS OF SECTION 60 OF THE SWARTLAND MUNICIPAL LAND USE PLANING BY-LAW, 2020

1. Introduction

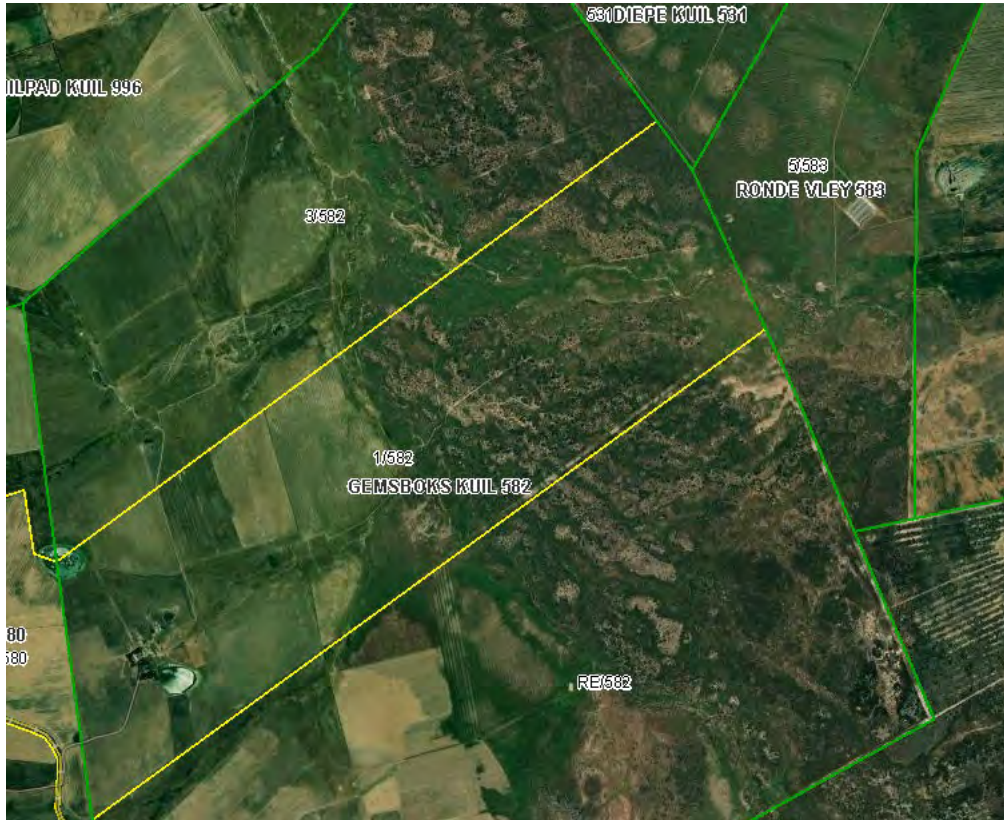
- 1.1 We act for Quantum Foods Proprietary Limited ("**Quantum Foods**").
- 1.2 On or about 2 October 2025, Quantum Foods received notice, dated 19 September 2025 (15/3/10-15/Farm_582/01) ("**Notice of Application**"), regarding the application lodged by CK Rumboll & Partners on behalf of Morelig Plase CC ("**Applicant**") for consent use to establish a sand mine on Portion 1 of the farm Gemboks Kuil 582, division Malmesbury ("**Proposed Sand Mining Area**"), in terms of section 25(2)(o) of the Swartland Municipal Land Use Planning By-law, 2020 ("**By-Laws**") ("**Consent Use Application**"). A copy of the Notice of Application is attached hereto as Annexure "**A**". The Notice of Application indicates an opportunity for interested or affected persons to submit comments or objections in respect of the Consent Use Application by 22 October 2025.
- 1.3 On 13 October 2025, Quantum Foods received a copy of the motivation report and certain of the annexures to the Applicant's Consent Use Application ("**Application Documents**"), copies of which are attached as the bundle marked Annexure "**B**".
- 1.4 Quantum Foods hereby submits its objection against the Consent Use Application, in terms of section 60 of the By-Laws, for the reasons set out below.

2. Quantum Foods' interest in the Consent Use Application

- 2.1 Quantum Foods is a primary agricultural business focusing on animal feeds, eggs, layer and broiler farming, and related businesses within South Africa. Quantum Foods operates a commercial layer farm at Portion 5 (a portion of Portion 1) of the farm Rondevlei 583, Swartland Municipality, Division Malmesbury, Western Cape ("**Layer**

Farm"). Quantum Foods is also the owner of this property, per the title deed copy attached hereto as Annexure "C".

2.2 As illustrated below, the Proposed Sand Mining Area is directly adjacent to and borders the south-western boundary of Quantum Foods' Layer Farm. This map also shows the proximity of the Proposed Sand Mining Area to Quantum Foods' Layer Farm, which give rise to concerns by Quantum Foods of potential impacts on groundwater resources, access routes, and operational activities in the vicinity.



2.3 The Application Documents evidence that the Applicant was granted (i) an environmental authorisation in terms of the National Environmental Management Act, 1998, as amended ("**NEMA**"), in respect of sand mining and related infrastructural activities on the Proposed Sand Mining Area, on 9 April 2025 ("**EA**"); and (ii) a mining permit in terms of the Mineral and Petroleum Resources Development Act, 2002, as amended ("**MPRDA**"), in respect of sand (general) and gravel mining on the Proposed Sand Mining Area, on 23 May 2025 ("**Mining Permit**"). Despite the fact that Quantum Foods is the owner and operator of the Layer Farm which is directly adjacent to the Proposed Sand Mining Area, the Applicant never consulted Quantum Foods pursuant to its applications for the Mining Permit and EA. Quantum Foods thus never had the opportunity to raise its concerns regarding impacts likely or potentially to be generated at the Proposed Sand Mining Area which may have an effect(s) on the Layer Farm operations.

2.4 It is on the basis of this lack of consultation and the unknown extent of likely or potential impacts from the Proposed Sand Mining Area on Quantum Foods' existing Layer Farm operations that Quantum Foods has in interest in, and would like to object against, the Consent Use Application.

2.5 Quantum Foods further notes that the Notice of Application is the first time it has been made aware of the Applicant's proposed sand mining activities in the vicinity and it has, to date, not been provided with any correspondence or information from the Applicant, including but not limited to the Basic Assessment Report ("**BAR**") and

Environmental Management Programme ("**EMPr**") that were submitted in support of the EA application. These documents are necessary to understand the full extent of potential impacts, mitigation measures, and operational commitments which were assessed and approved for the Applicant's proposed sand mining operation, and without such information Quantum Foods is unable to meaningful comment on the Consent Use Application.

3. Reasons for objection

3.1 Deficiencies in public participation process ("PPP**")**

3.1.1 Quantum Foods notes that it was never identified and notified as a directly adjacent landowner and operator of the Layer Farm during the Applicant's EA and Mining Permit applications, with the result that it was never afforded the opportunity to comment on the environmental impact assessments conducted in respect of the Applicant's planned operations on the Proposed Sand Mining Area before the EA and Mining Permit were granted. The PPP conducted by the Applicant was accordingly inadequate and in contravention of the laws applicable to the EA and Mining Permit applications (i.e., NEMA and the MPRDA).

3.1.2 The belated notification to Quantum Foods of the Consent Use Application, albeit by the Swartland Municipality and not the Applicant, means that Quantum Foods is being engaged far too late in the process, and without access to critical information such as the Applicant's BAR and EMPr. This procedural gap has significantly prejudiced Quantum Foods' rights as adjacent landowner and operator of the Layer Farm to participation and to the consideration of likely or potential impacts from the Applicant's proposed sand mining activities on the existing Layer Farm operations. It is submitted that the Consent Use Application cannot be granted until Quantum Foods' concerns have been adequately considered and addressed.

3.2 Incompatibility with surrounding land use

3.2.1 The Applicant's proposed sand mining operation constitutes an incompatible industrial activity within an area dominated by established commercial agricultural operations.

3.2.2 The proposed sand mining operation is therefore likely to introduce significant negative externalities (e.g., noise, vibration, heavy vehicle traffic, and dust) that are potentially detrimental to surrounding farming activities, livestock, and workers, thus undermining the permanent agricultural character of the area and contravening the aims of the municipal planning scheme to protect agricultural sustainability.

3.2.3 The Proposed Sand Mining Area further forms part of active grazing land. Although rehabilitation is mentioned in the Application Documents, there are no clear details on topsoil handling, erosion control, or timeframes for restoring the area for agricultural use. Incomplete or inadequate rehabilitation could reduce grazing value and cause erosion or alien and invasive plant spread.

3.2.4 Without sight of the EMPr which was approved in the EA granted to the Applicant, Quantum Foods has no assurance of the appropriateness of mitigation measures to be applied by the Applicant.

3.3 **Risks to groundwater resources**

3.3.1 Quantum Foods' Layer Farm relies on borehole water for livestock and agricultural use. Quantum Foods has prior experience of negative impacts from adjacent sand mining operations. A previous sand mine near its Tydstroom Helderfontein Farm resulted in reduced borehole water volumes, directly impacting agricultural operations. While the motivation report submitted in support of the Applicant's Consent Use Application states that no water will be used in the mining process, and the EA confirms that no on-site screening, washing, or processing will occur, Quantum Foods has no assurance that the Applicant's proposed sand mining operations will not give rise to groundwater depletion risks in the vicinity of the Layer Farm, given the lack of consultation by the Applicant with Quantum Foods.

3.3.2 The Application Documents further note that the site is on sandy soils about 120 m from the Groen River, which still poses a potential risk of seepage or contamination from runoff or dust-suppression water. While Condition 2 of the EA requires that any water used for dust suppression must be of suitable quality and must not pollute soil or water resources, Quantum Foods has no access to information on groundwater depth, flow direction, or baseline quality, nor to the appropriateness of mitigation measures included in the Applicant's EMPr.

3.4 **Access, routing and traffic impacts**

3.4.1 The motivation report submitted in support of the Applicant's Consent Use Application provides that access to and from the Proposed Sand Mining Area will be via a gravel road crossing Farms 580/3 and 580/6 to the R315.

3.4.2 Condition 14 of the EA confirms that vehicular movement must be limited to the authorised access road and that no driving through undisturbed areas is allowed. Without sight of the BAR, Quantum Foods has no confirmation of which access route has been authorised. Quantum Foods thus has no assurance that the Applicant's proposed sand mining operations will not present significant traffic-related impacts which may impact the Layer Farm operations, such as which roads will be used by the Applicant, how many trucks will be used on a daily/weekly basis, how traffic-related impacts (such as dust management, road maintenance, road safety risks, shared logistics and delivery schedules of other operators in the vicinity (including Quantum Foods), etc.) will be managed by the Applicant.

4. **Conclusion**

4.1 For the reasons set out above, Quantum Foods respectfully objects to the Municipality's grant of the Applicant's Consent Use Application until sufficient consultation has been held between Quantum Foods and the Applicant in respect of the abovementioned concerns.

4.2 Quantum Foods confirms that it has no objection to the Applicant's proposed sand mining operations proceeding if Quantum Foods' concerns are adequately discussed with and addressed by the Applicant.

4.3 Quantum Foods therefore requests that the Municipality, empowered by section 65(5) of the By-Laws, direct the Applicant to consult with Quantum Foods on the abovementioned concerns, and to record the outcome of the discussion and the measures to be put in place to address any remaining concerns that are found to bear potential impacts on Quantum Foods' Layer Farm operations before the Consent Use Application can be granted.

4.4 The address and contact details at which Quantum Foods will receive notice or service of documents in respect of this objection is:

4.4.1 Ziyanda Wakashe, Quantum Foods Group Company Secretary and Legal Advisor at Ziyanda.Wakashe@quantumfoods.co.za,

4.4.2 with a copy to: Paula-Ann Novotny and Sabeeha Loonat, Webber Wentzel (Quantum Foods' legal representatives) at Paula-Ann.Novotny@webberwentzel.com and Sabeeha.Loonat@webberwentzel.com.

Yours faithfully



WEBBER WENTZEL

Paula-Ann Novotny

Partner

Direct tel: +27 11 530 5892

Email: paula-ann.novotny@webberwentzel.com

CK RUMBOLL & VENNOTE / PARTNERS



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

DATE: **4 November 2025**

OUR REF: **MAL/14689/NJdK**

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

MUNISIPALITEIT SWARTLAND		REG	
LEER N°	ALLO N°	VERSLAG	WAG
15/3/10-15/Farm-582/01	582/01		
Verrekslys	Inligting	Verslag	Wag
GSSB			
uDe			
Ander Opdrag			
PERDATUM			(get)BK

Sir

COMMENTS ON OBJECTIONS

PROPOSED CONSENT USE ON PORTION 1 OF FARM GEMSBOKS KUIL NR 582 DIVISION MALMESBURY

Your letter dated 29 October 2025 refers (see annexure A attached). Please find attached our comments to objections.

This office has been instructed by the owner of Farm Nr 582/1, Division Malmesbury to handle all town planning actions regarding the application for consent use on their behalf.

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

- Kirsten Boerdery Edms. Bpk.
- Webber Wentzel on behalf of Quantum foods Proprietary Limited



Objector	Objections	Comment from CK Rumboll & Partners
Kirsten Boerdery Edms. Bpk.	1. Kirsten Boerdery is currently the tenants of the farm through which the servitude runs through. Maintenance of a servitude road is typically the responsibility of the servitude holder, who must ensure the road remains usable. However, this can vary based on the specific terms of the servitude agreement, which may require the property owner to share costs or handle maintenance. If there is no written agreement, it's crucial to check local laws and consider negotiating with the other party or seeking legal advice.	1. Noted. Kirsten Boerdery are only tenants and not the registered owner of the farm. That means they have no legal right to block or challenge the use of the registered servitude road. The road's upkeep is between the registered land owner and the owner of Farm No 582/1. With the proposed consent use on Farm No. 582/1, any need for maintenance or upgrade of the servitude road will be addressed directly between the two registered owners and not the tenants.
Quantum foods Proprietary Limited	2. The Proposed Sand Mining Area is directly adjacent to and borders the south-western boundary of Quantum Foods' Layer Farm, which gives rise to concerns by Quantum Foods of potential impacts on groundwater resources, access routes, and operational activities in the vicinity.	2. The proposed sand mining activity will occur ±2.3km from the nearest chicken cages on Farm No 583/5. The impact on Quantum Foods' Layer Farm will therefore be minimal to none. Furthermore, access to Farm No 582/1 is also located form the south-western side of the property, ±4.8km, from the boundary of Farm No 583/5, further reducing any impact on Quantum Foods' Layer Farm.
	3. The Application Documents evidence that the Applicant was granted (i) an environmental authorisation ("EA") in terms of the National Environmental Management Act, 1998, as amended ("NEMA"), in respect of sand mining-related infrastructural activities on the terms of the Mineral and Petroleum Resources Development Act, 2002, as amended ("MPRDA"), and (ii) a mining permit ("Mining Permit") in terms of section 27 of the MPRDA, dated 23 May 2025 ("General Permit"). Despite the fact that Quantum Foods is the owner of the	3. Noted. The Environmental Authorisation (EA) has been issued following a public participation process that the Department deemed sufficient. In addition, the proposal was advertised in the Gazette, providing an opportunity for any interested or affected parties to submit comments. An on-site notice was also put on site to give surrounding land owners the opportunity to comment on the proposal.

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

	<p>Proposed Sand Mining Area, the Applicant never consulted Quantum Foods pursuant to the opportunity to raise its mining permit and EA concerns.</p> <p>It is on the basis of this lack of consultation and the unintended or overlooked impacts on the Layer Farm operations that Quantum Foods has interest and would like to object.</p>	
<p>4. Quantum Foods further notes that the Applicant's proposed sand mining activities in the vicinity and it has, to date, not been provided with any correspondence of registration ("BAR") and Environmental Management Programme ("EMPr") that were submitted in support of the potential impacts.</p>	<p>4. The Basic Assessment Report "BAR" and Environmental Management Programme ("EMPr") can be provided on request from the environmental consultant.</p>	
<p>5. Quantum Foods notes that it was never identified with the Layer Farm and notified of the Applicant's EA and Mining Permit application opportunity to comment on the environmental impact assessments conducted in respect of the Proposed Sand Mining Area before the EA and Mining Permit were granted. The PPP conducted by the Applicant was accordingly incomplete and inadequate in relation to the EA and Mining Permit applications (i.e., NEMA and the MPRDA).</p>	<p>5. Noted. Refer to point 3 above.</p>	
<p>6. The belated notification to Quantum Foods of the Consent Use Application, albeit by the Swartland Municipality and not the Applicant, means that Quantum Foods is being engaged far too late in the process, and without access to critical</p>	<p>6. Noted. Refer to point 4 above.</p>	

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	<p>information such as the Applicant's BAR and EMPr. This procedural gap has significantly prejudiced Quantum Foods' rights as adjacent landowner and operator of the Layer Farm to participation and to the consideration of likely or potential impacts from the Applicant's proposed sand mining activities on the existing Layer Farm operations. It is submitted that the Consent Use Application cannot be granted until Quantum Foods' concerns have been adequately considered and addressed.</p>	
	<p>7. The Applicant's proposed sand mining operation constitutes an incompatible industrial activity within an area dominated by established commercial agricultural activities.</p>	<p>7. According to the Swartland Municipal Land Use Planning By-law, "Mining" is classified as a consent use on Agricultural Zone 1 land, indicating that this activity is considered compatible with agricultural purposes. Similar to Quantum Foods, which operates "Intensive Stock Farming" on the property, also classified as a consent use, the proposed mining operation will function as a complementary use to the primary use of the property and its zoning.</p>
	<p>8. The proposed sand mining operation is therefore likely to introduce significant negative externalities (e.g., noise, vibration, heavy vehicle traffic, and dust) that are potentially detrimental to surrounding farming activities, livestock, and workers, thus undermining the permanent agricultural character of the area and contravening the aims of the municipal planning scheme to protect agricultural sustainability.</p> <p>The Proposed Sand Mining Area further forms part of active grazing land. Although rehabilitation is mentioned in the</p>	<p>8. As mentioned earlier, the proposal is located ± 2.3km away from the intensive stock farming located on the property and access is obtained from the south-western side of the property. The proposed sand mining operation will therefore highly unlikely impact the agricultural activities on Farm No 583/5.</p> <p>The EMPr addresses all the issues raised and can be obtained from the environmental consultant.</p>

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	<p>Application Documents, there are no clear details on topsoil handling, erosion control, or timeframes for restoring the area for agricultural use. Incomplete or inadequate rehabilitation could reduce grazing value and cause erosion or alien and invasive plant spread.</p> <p>Without sight of the EMPr which was approved in the EA granted to the Applicant, Quantum Foods has no assurance of the appropriateness of mitigation measures to be applied by the Applicant.</p>	
	<p>9. Quantum Foods' Layer Farm relies on borehole water for livestock and agricultural use. Quantum Foods has prior experience of negative impacts from adjacent sand mining operations. A previous sand mine near its Tydstroom Helderfontein Farm resulted in reduced borehole water volumes, directly impacting agricultural operations. While the motivation report submitted in support of the Applicant's Consent Use Application states that no water will be used in the mining process, and the EA confirms that no on-site screening, washing, or processing will occur, Quantum Foods has no assurance that the Applicant's proposed sand mining operations will not give rise to groundwater depletion risks in the vicinity of the Layer Farm, given the lack of consultation by the Applicant with Quantum Foods.</p>	<p>9. The following is an extract from the "BAR": "<i>No water will be used in the mining process.</i>"</p> <p>The proposed development will therefore not impact groundwater.</p>

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	<p>The Application Documents further note that the site is on sandy soils about 120m from the Groen River, which still poses a potential risk of seepage or contamination from runoff or dust-suppression water. While Condition 2 of the EA requires that any water used for dust suppression must be of suitable quality and must not pollute soil or water resources, Quantum Foods has no access to information on groundwater depth, flow direction, or baseline quality, nor to the appropriateness of mitigation measures included in the Applicant's EMPr.</p>	<p>10. Refer to point 4.</p>
	<p>11. The motivation report submitted in support of the Applicant's Consent Use Application provides that access to and from the Proposed Sand Mining Area will be via a gravel road crossing Farms 580/3 and 580/6 to the R315.</p> <p>Condition 14 of the EA confirms that vehicular movement must be limited to the authorised access road and that no driving through undisturbed areas is allowed. Without sight of the BAR, Quantum Foods has no confirmation of which access route has been authorised. Quantum Foods thus has no assurance that the Applicant's proposed sand mining operations will not present significant traffic-related impacts which may impact the Layer Farm operations, such as which roads will be used by the Applicant, how many trucks will be used on a daily/weekly basis, how traffic-related impacts (such as dust management, road maintenance, road safety risks, shared logistics and delivery</p>	<p>11. Noted. Refer to point 4 and 8.</p>

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MALMESBURY (T) 022 482 1845

	schedules of other operators in the vicinity (including Quantum Foods), etc.) will be managed by the Applicant.	
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Considering the above, the landowners of Farm No. 582/1 have already obtained the necessary Environmental Authorisation (EA) and mining permit from the relevant regulatory authorities. Any concerns or objections raised by surrounding landowners were thoroughly considered and addressed during these approval processes. The competent departments assessed the potential impacts of the proposed sand mining operation on the environment and neighbouring properties and concluded that these impacts were adequately mitigated. In light of this, the current consent use application, which seeks the required land use rights, can likewise be considered sufficient to authorise the operation of the proposed sand mine in accordance with applicable land use planning regulations.

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.

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MALMESBURY (T) 022 482 1845



Lêerverw: 15/3/10-15/Farm_582/01

Navrae:
Me D N Stellenberg

29 October 2025

C K Rumboll & Vennote
P O Box 211
MALMESBURY
7299

Email: planning5@rumboll.co.za

Dear Sir

**OBJECTIONS: PROPOSED CONSENT USE ON PORTION 1 OF FARM GEMSBOKS KUIL NR 582
DIVISION MALMESBURY)**

Your application with reference MAL/14689/NJdK dated 28 Julie 2025 refers.

Kindly find attached the objections received by Kirsten Boerdery Edms. Bpk. and Webber Wentzel on behalf of Quantum Foods Proprietary Limited during the commenting period.

Your comment on the objections is requested within 30 days from the date of this letter 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!

rom: Kantoor <admin@kirstenbdy.co.za>
Sent: Tuesday, 21 October 2025 13:09
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Vergunningsverbruik Gemboks Kuil nr 582
Importance: High

Goeiedag

Sien aangeheg die skrywe rondom die Vergunningsgebruik aansoek op Gemboks Kuil nr 582

Kirsten Boerdery is tans die huurders van die aangrensende plaas waardeur die servituut pad loop

Andre Kirsten kan gekontak word per selfoon 083 226 8749 of per kerende epos admin@kirstenbdy.co.za

By voorbaat dankie

Ilse Page ?

Admin/Boekhouding

Kirsten Boerdery Edms Bpk

0716595670



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Maintenance of a servitude road is typically the responsibility of the servitude holder, who must ensure the road remains usable. However, this can vary based on the specific terms of the servitude agreement, which may require the property owner to share costs or handle maintenance. If there is no written agreement, it's crucial to check local laws and consider negotiating with the other party or seeking legal advice. [Ⓔ]

Determining responsibility

- **Check the servitude agreement:** The most important factor is the original servitude deed or title deed. It should clearly state who is responsible for maintenance.
- **Servitude holder's duty:** Generally, the person or entity that benefits from the servitude (the servitude holder) is responsible for maintaining the road to ensure their access.
- **Shared responsibility:** The servitude agreement may specify that maintenance costs or duties are shared between the servitude holder and the servient landowner.
- **No written agreement:** If no written agreement exists, responsibility can be a point of dispute. In this case, it is best to negotiate with the other party, as shared costs are a common outcome. [Ⓔ]

How to manage maintenance

- **Exercise the right to maintain:** The servitude holder has the right to perform reasonable and necessary maintenance to preserve access, even without the owner's consent.
- **Document everything:** Keep records of all communications, maintenance activities, and expenses. This is crucial for resolving future disputes.
- **Reasonable use:** Ensure that your use of the road and any maintenance performed does not unduly interfere with the servient owner's right to use their property.
- **Seek legal advice:** If you cannot reach an agreement with the other party, consult with a legal professional to understand your rights and obligations. [Ⓔ]



Sign

- **Legal principle of *civiliter modo*:** This principle means the servitude holder must exercise their rights with the minimum burden on the servient owner.
- **Gates:** Installing a gate requires ensuring it is essential for the effective use of the servitude. The servitude holder may have the right to install a gate if it is necessary for security or livestock control, but the servient owner has the right to use the property as long as it does not interfere with the servitude.
- **Damage from neighbors:** If damage is caused by a neighboring property (e.g., from

Attention: Municipal Manager: Swartland Municipality
Private Bag X52
Malmesbury
7299

By email: swartlandmun@swartland.org.za

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PO Box 61771, Marshalltown
Johannesburg, 2107, South Africa
Docex 26 Johannesburg
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www.webberwentzel.com

Your reference
15/3/10-15/Farm_582/01

Our reference
P Novotny/D Bayman
4015164.03

Date
22 October 2025

Dear Sir / Madam

OBJECTION TO APPLICATION FOR CONSENT USE FOR MINING ON PORTION 1 OF FARM GEMBOKS KUIL NO 582, DIVISION MALMESBURY IN TERMS OF SECTION 60 OF THE SWARTLAND MUNICIPAL LAND USE PLANING BY-LAW, 2020

1. Introduction

- 1.1 We act for Quantum Foods Proprietary Limited ("**Quantum Foods**").
- 1.2 On or about 2 October 2025, Quantum Foods received notice, dated 19 September 2025 (15/3/10-15/Farm_582/01) ("**Notice of Application**"), regarding the application lodged by CK Rumboll & Partners on behalf of Morelig Plase CC ("**Applicant**") for consent use to establish a sand mine on Portion 1 of the farm Gemsboks Kuil 582, division Malmesbury ("**Proposed Sand Mining Area**"), in terms of section 25(2)(o) of the Swartland Municipal Land Use Planning By-law, 2020 ("**By-Laws**") ("**Consent Use Application**"). A copy of the Notice of Application is attached hereto as Annexure "**A**". The Notice of Application indicates an opportunity for interested or affected persons to submit comments or objections in respect of the Consent Use Application by 22 October 2025.
- 1.3 On 13 October 2025, Quantum Foods received a copy of the motivation report and certain of the annexures to the Applicant's Consent Use Application ("**Application Documents**"), copies of which are attached as the bundle marked Annexure "**B**".
- 1.4 Quantum Foods hereby submits its objection against the Consent Use Application, in terms of section 60 of the By-Laws, for the reasons set out below.

2. Quantum Foods' interest in the Consent Use Application

- 2.1 Quantum Foods is a primary agricultural business focusing on animal feeds, eggs, layer and broiler farming, and related businesses within South Africa. Quantum Foods operates a commercial layer farm at Portion 5 (a portion of Portion 1) of the farm Rondevlei 583, Swartland Municipality, Division Malmesbury, Western Cape ("**Layer**

WW To Swartland Municipality_Morelig Plase CC Objection 21102025 Draft

Senior Partner: G Driver **Managing Partner:** S Patel **Partners:** BW Abraham RB Africa C Alexander AK Allie NG Alp TB Ball DC Bayman AP Blair K Blom N Blom AJR Booysen AR Bowley M Bux V Campos RI Carrim T Cassim SJ Chong ME Claassens KL Collier KM Colman KE Coster K Couzyn DB Cron PA Crosland R Cruywagen JH Davies KM Davis PM Daya L de Bruyn PU Dela M Denenga C Dennehy DW de Villiers HM de Villiers ST Dias BEC Dickinson DA Dingley W Drue E Durman GP Duncan CP du Toit TC Dye L Dyer SK Edmondson LF Egypt KH Eiser JC Els S Farren K Fazal G Filtzmaurice JB Forman L Franca M Garden MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green O Gusha JM Harvey JS Henning KR Hillis CM Holfeld PM Holloway SJ Hutton KT Inglis ME Jarvis JC Jones CM Jonker S Jooste LA Kahn L Kamukwamba M Kennedy A Keyser GR Kgalle MT Kgoodi A Khumalo KE Kilner MD Kota JC Kraamwinkel AC Kruger S Kruger J Lamb LC Lambrechts LM Lamola B Lötter E Louw CF Mackenzie M Mahlangu V Mannar CCT Marupen-Shkaldy G Masina T Masingi N Mberere MC McIntosh SJ McKenzie CS Meyer A Mhlongo AJ Mills D Milo M Mkhabela DR Mogapi P Mohanlal L Moolman LE Mostert VM Movshovich M Mpungose A Mulr C Murphy D Naidoo P Naidoo DC Nchabeleng DP Ndiweni ST Ngcamu LM Nkanza C Nthling PD Novotny M Nxumalo AN Nyatsumba MB Nzimande A October L Odendaal N Paige AS Parry GR Penfold SE Phajene M Philippides BA Phillips MA Phillips CH Pienaar MP Pool DJ Rafferty D Ramjattan GI Rapson K Rew G Richards-Smith SA Ritchie J Roberts BJ Rule S Rule G Sader H Samsodien DA Serumula KE Shepherd ZK Sibeko N Singh N Singh-Nogueira CP Sieberhagen P Singh S Sithole J Smit C Smith P Soni MP Spalding MW Straeuli LJ Swaine Z Swanepoel WV Tembedza A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Thavani G Truter PZ Vanda SE van der Meulen JP van der Poel MS van der Walt CS Vanmali N van Vuuren JE Veeran HM Venter B Versfeld MG Versfeld TA Versfeld C Vertue T Viljoen DM Visagie EME Warrington J Watson M Wessels AWR Westwood RH Wilson JS Whitehead KD Wolmarans

Farm"). Quantum Foods is also the owner of this property, per the title deed copy attached hereto as Annexure "C".

- 2.2 As illustrated below, the Proposed Sand Mining Area is directly adjacent to and borders the south-western boundary of Quantum Foods' Layer Farm. This map also shows the proximity of the Proposed Sand Mining Area to Quantum Foods' Layer Farm, which give rise to concerns by Quantum Foods of potential impacts on groundwater resources, access routes, and operational activities in the vicinity.



- 2.3 The Application Documents evidence that the Applicant was granted (i) an environmental authorisation in terms of the National Environmental Management Act, 1998, as amended ("**NEMA**"), in respect of sand mining and related infrastructural activities on the Proposed Sand Mining Area, on 9 April 2025 ("**EA**"); and (ii) a mining permit in terms of the Mineral and Petroleum Resources Development Act, 2002, as amended ("**MPRDA**"), in respect of sand (general) and gravel mining on the Proposed Sand Mining Area, on 23 May 2025 ("**Mining Permit**"). Despite the fact that Quantum Foods is the owner and operator of the Layer Farm which is directly adjacent to the Proposed Sand Mining Area, the Applicant never consulted Quantum Foods pursuant to its applications for the Mining Permit and EA. Quantum Foods thus never had the opportunity to raise its concerns regarding impacts likely or potentially to be generated at the Proposed Sand Mining Area which may have an effect(s) on the Layer Farm operations.
- 2.4 It is on the basis of this lack of consultation and the unknown extent of likely or potential impacts from the Proposed Sand Mining Area on Quantum Foods' existing Layer Farm operations that Quantum Foods has in interest in, and would like to object against, the Consent Use Application.
- 2.5 Quantum Foods further notes that the Notice of Application is the first time it has been made aware of the Applicant's proposed sand mining activities in the vicinity and it has, to date, not been provided with any correspondence or information from the Applicant, including but not limited to the Basic Assessment Report ("**BAR**") and

Environmental Management Programme ("EMPr") that were submitted in support of the EA application. These documents are necessary to understand the full extent of potential impacts, mitigation measures, and operational commitments which were assessed and approved for the Applicant's proposed sand mining operation, and without such information Quantum Foods is unable to meaningful comment on the Consent Use Application.

3. Reasons for objection

3.1 Deficiencies in public participation process ("PPP")

3.1.1 Quantum Foods notes that it was never identified and notified as a directly adjacent landowner and operator of the Layer Farm during the Applicant's EA and Mining Permit applications, with the result that it was never afforded the opportunity to comment on the environmental impact assessments conducted in respect of the Applicant's planned operations on the Proposed Sand Mining Area before the EA and Mining Permit were granted. The PPP conducted by the Applicant was accordingly inadequate and in contravention of the laws applicable to the EA and Mining Permit applications (i.e., NEMA and the MPRDA).

3.1.2 The belated notification to Quantum Foods of the Consent Use Application, albeit by the Swartland Municipality and not the Applicant, means that Quantum Foods is being engaged far too late in the process, and without access to critical information such as the Applicant's BAR and EMPr. This procedural gap has significantly prejudiced Quantum Foods' rights as adjacent landowner and operator of the Layer Farm to participation and to the consideration of likely or potential impacts from the Applicant's proposed sand mining activities on the existing Layer Farm operations. It is submitted that the Consent Use Application cannot be granted until Quantum Foods' concerns have been adequately considered and addressed.

3.2 Incompatibility with surrounding land use

3.2.1 The Applicant's proposed sand mining operation constitutes an incompatible industrial activity within an area dominated by established commercial agricultural operations.

3.2.2 The proposed sand mining operation is therefore likely to introduce significant negative externalities (e.g., noise, vibration, heavy vehicle traffic, and dust) that are potentially detrimental to surrounding farming activities, livestock, and workers, thus undermining the permanent agricultural character of the area and contravening the aims of the municipal planning scheme to protect agricultural sustainability.

3.2.3 The Proposed Sand Mining Area further forms part of active grazing land. Although rehabilitation is mentioned in the Application Documents, there are no clear details on topsoil handling, erosion control, or timeframes for restoring the area for agricultural use. Incomplete or inadequate rehabilitation could reduce grazing value and cause erosion or alien and invasive plant spread.

3.2.4 Without sight of the EMPr which was approved in the EA granted to the Applicant, Quantum Foods has no assurance of the appropriateness of mitigation measures to be applied by the Applicant.

3.3 Risks to groundwater resources

3.3.1 Quantum Foods' Layer Farm relies on borehole water for livestock and agricultural use. Quantum Foods has prior experience of negative impacts from adjacent sand mining operations. A previous sand mine near its Tydstroom Helderfontein Farm resulted in reduced borehole water volumes, directly impacting agricultural operations. While the motivation report submitted in support of the Applicant's Consent Use Application states that no water will be used in the mining process, and the EA confirms that no on-site screening, washing, or processing will occur, Quantum Foods has no assurance that the Applicant's proposed sand mining operations will not give rise to groundwater depletion risks in the vicinity of the Layer Farm, given the lack of consultation by the Applicant with Quantum Foods.

3.3.2 The Application Documents further note that the site is on sandy soils about 120 m from the Groen River, which still poses a potential risk of seepage or contamination from runoff or dust-suppression water. While Condition 2 of the EA requires that any water used for dust suppression must be of suitable quality and must not pollute soil or water resources, Quantum Foods has no access to information on groundwater depth, flow direction, or baseline quality, nor to the appropriateness of mitigation measures included in the Applicant's EMPr.

3.4 Access, routing and traffic impacts

3.4.1 The motivation report submitted in support of the Applicant's Consent Use Application provides that access to and from the Proposed Sand Mining Area will be via a gravel road crossing Farms 580/3 and 580/6 to the R315.

3.4.2 Condition 14 of the EA confirms that vehicular movement must be limited to the authorised access road and that no driving through undisturbed areas is allowed. Without sight of the BAR, Quantum Foods has no confirmation of which access route has been authorised. Quantum Foods thus has no assurance that the Applicant's proposed sand mining operations will not present significant traffic-related impacts which may impact the Layer Farm operations, such as which roads will be used by the Applicant, how many trucks will be used on a daily/weekly basis, how traffic-related impacts (such as dust management, road maintenance, road safety risks, shared logistics and delivery schedules of other operators in the vicinity (including Quantum Foods), etc.) will be managed by the Applicant.

4. Conclusion

4.1 For the reasons set out above, Quantum Foods respectfully objects to the Municipality's grant of the Applicant's Consent Use Application until sufficient consultation has been held between Quantum Foods and the Applicant in respect of the abovementioned concerns.

4.2 Quantum Foods confirms that it has no objection to the Applicant's proposed sand mining operations proceeding if Quantum Foods' concerns are adequately discussed with and addressed by the Applicant.

4.3 Quantum Foods therefore requests that the Municipality, empowered by section 65(5) of the By-Laws, direct the Applicant to consult with Quantum Foods on the abovementioned concerns, and to record the outcome of the discussion and the measures to be put in place to address any remaining concerns that are found to bear potential impacts on Quantum Foods' Layer Farm operations before the Consent Use Application can be granted.

- 4.4 The address and contact details at which Quantum Foods will receive notice or service of documents in respect of this objection is:
- 4.4.1 Ziyanda Wakashe, Quantum Foods Group Company Secretary and Legal Advisor at Ziyanda.Wakashe@quantumfoods.co.za,
- 4.4.2 with a copy to: Paula-Ann Novotny and Sabeeha Loonat, Webber Wentzel (Quantum Foods' legal representatives) at Paula-Ann.Novotny@webberwentzel.com and Sabeeha.Loonat@webberwentzel.com.

Yours faithfully



WEBBER WENTZEL

Paula-Ann Novotny

Partner

Direct tel: +27 11 530 5892

Email: paula-ann.novotny@webberwentzel.com



WESTERN CAPE REGION

Private Bag X 16, Sanlamhof, 7532 / 52 Voortrekker Road, Bellville 7530
Tel #: (021) 941 6000 Fax #: (021) 941 6077

Enquiries :Z. Magodla
Tel No :(021) 941 6124
Email :magodlaz@dws.gov.za
Reference :16/2/7/G21D/A/8

Attention: NJ De Kock

CK Rumboll and Partners
16 Rainier Street
MALMESBURY
7300

Dear Sir/Madam

Via Email: planning2@rumboll.co.za

PROPOSED CONSENT USE ON PORTION 1 OF FARM GEMBOKS KUIL NO.582, DIVISION MALMESBURY- WESTERN CAPE

Reference is made to the above-mentioned application dated September 2025 with Reference Number:15/3/10-15/Farm 582/01.

This Department has perused the above-mentioned application for the proposed consent use in terms of Section 25(2)(o) of the Swartland Municipality Land Use Planning By-Law (2020); and has the following comments:

1. Please note that if any of the above activities will affect the allocation of a water use as registered by this Department, the owner(s) of the new property(ies) must enter into a written mutual agreement to determine each property`s share in any allocated water or water use and this must be communicated to this Department.
2. If the consent use will affect the allocation of a water use as licenced by this Department, the Licencee must contact the Department for the amendment of this licence. This will also be necessary if the property description changes. The Licencee must provide full details of all changes in respect of the properties to the Responsible Authority within 60 days after the said change takes place.
3. Please note that no activity should occur within the 1:100 year flood line or within 100m distance from the edge of watercourse (excluding flood plains) or within 500m from any boundary of a wetland or water resource, unless authorized by this Department
4. Note that no abstraction, pumping or storage of both surface and groundwater may occur without prior authorisation from this Department, unless it is Schedule 1 or Existing Lawful use as described in the National Water Act, 1998 (Act No.36 of 1998) (NWA).



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

5. All relevant Sections of the NWA regarding water use, water resource management, and pollution management must be adhered to.
6. Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received.
7. The comments issued shall not be construed as exempting the applicant from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.
8. On condition that all of the above is adhered to, this Department does not have any objection towards the proposed consent use.

Please do not hesitate to contact the above office should there be any queries.

Sincerely,



PROVINCIAL HEAD:

Signed by:

Designation:

Date:

WESTERN CAPE

Nelisa Ndobeni

Control Environmental Officer

16 October 2025

Cc: The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299



OUR REFERENCE : 20/9/2/2/5/707
YOUR REFERENCE : 15/3/10-15/Farm_582/01
ENQUIRIES : Cor van der Walt

Swartland Municipality
Private Bag X52
MALMESBURY
7299

Att: Ms. DN Stellenberg

**PROPOSED CONSENT USE: DIVISION MALMESBURY
PORTION 1 OF THE FARM GEMSBOKS KUIL NO 582**

Your application of 19 September 2025 has reference.

The Western Cape Department of Agriculture requested additional information during the environmental process, which was not provided. The Department did not have the opportunity to comment on the environmental process and therefore cannot comment on the planning application.

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

LANDUSE MANAGER: LANDUSE MANAGEMENT

2026-01-27

Copy:

CK Rumboll & Partners
PO Box 211
MALMESBURY
7299



Ref: DOI/CFS/RN/LU/REZ/SUB -26/430 (Application No: 2025-10-0075)

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

Attention: Ms DN Stellenberg

Dear Madam

PORTION 1 OF FARM GEMSBOKS KUIL 582, MALMESBURY: PROPOSED CONSENT USE

1. The following refer:
 - 1.1. Your letter to this Branch referenced 15/3/10-15/Farm_582/01 dated 19 September 2025, and
 - 1.2. CK Rumboll & Partners Motivational Report referenced MAL/14689/NJdK dated July 2025.
2. The application affects Minor Road 5339, 5344 and 5345 for which this Branch is the Road Authority.
3. The proposal is for Consent use for a sand mine, 5 hectares in size, on the subject property.
4. The Motivational Report is silent on the transport implication of the mining operations in terms of volume of sand mined and transported from the site.
5. In terms of Section 7 of the Roads Ordinance 19 of 1976 this Branch is not obliged to maintain Minor Roads.
6. It is expected that the Minor Roads referred to paragraph 2 will not be able to withstand the additional traffic generated from the sand mine. Therefore this Branch will require a Traffic Impact Assessment specifically addressing the impacting on the Minor Roads.
7. Accordingly this Branch offers objects to the proposal in terms of the Land Use Planning Act 3 of 2014, due to a lack of information.

8. This Branch will consider withdrawing its objection upon receipt of the Traffic Impact Assessment.

Yours Sincerely



DD FORTUIN

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 20 NOVEMBER 2025

ENDORSEMENTS

1. Swartland Municipality
Attention: Mr DN Stellenberg (e-mail: swartlandmun@swartland.org.za)
2. CK Rumboll & Planning
Attention: Mr N de Kock (e-mail: planning@rumboll.co.za)
3. District Roads Engineer Paarl
(email: DREPaarl.Technical@westerncape.gov.za)
4. Mr D Fortuin (e-mail)



**Western Cape
Government**

Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: DOI/CFS/RN/LU/REZ/SUB -26/430 (Application No: 2026-02-0037)

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

Attention: Ms DN Stallenberg

Dear Madam

PORTION 1 OF FARM GEMSBOKS KUIL 582, MALMESBURY: PROPOSED CONSENT USE

1. The following refer:
 - 1.1. Your letter to this Branch referenced 15/3/10-15/Farm_582/01 dated 19 September 2025,
 - 1.2. CK Rumboll & Partners Motivational Report referenced MAL/14689/NJdK dated July 2025,
 - 1.3. Traffic Impact Statement (TIS) prepared by EFG Engineers referenced 1095/Im/00 dated February 2026, and
 - 1.4. This Branch's letter to you referenced DOI/CFS/RN/LU/REZ/SUB -26/430 (Application No: 2025-10-0075) dated 20 November 2025.
2. The application affects Minor Road 5339, 5344 and 5345 for which this Branch is the road authority.
3. The proposal is for Consent use for a sand mine, 5 hectares in size, on the subject property.
4. The TIS prepared has confirmed that the proposal sand mine will have a negligible traffic impact on the abovementioned proclaimed roads.
5. Accordingly this Branch withdraws its objection and offers no objection to the proposal in terms of the Land Use Planning Act 3 of 2014.
6. In terms of Section 7 of the Roads Ordinance 19 of 1976 this Branch is not obliged to maintain Minor Roads.

Yours Sincerely

DD FORTUIN

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 4 MARCH 2026

ENDORSEMENTS

1. Swartland Municipality
Attention: Mr DN Stellenberg (e-mail: swartlandmun@swartland.org.za)
2. CK Rumboll & Planning
Attention: Mr N de Kock (e-mail: planning@rumboll.co.za)
3. District Roads Engineer Paarl
(email: DREPaarl.Technical@westerncape.gov.za)
4. Mr D Fortuin (e-mail)



mineral resources & energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

DMRE 58

ANNEXURE K

MINING PERMIT

[issued in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)]

DEPT. OF MINERAL AND PETROLEUM RESOURCES
Official Office Stamp 23 MAY 2025 R0002544 3012
REGIONAL MANAGER WESTERN CAPE REGION

Permit No.

Office reference

Region

Permission is hereby granted under and subject to the provisions of the Mineral and Petroleum Resources Development Act,

2002 to [full name]

Identity number in case of a natural person

In the case of a person other than a natural person please indicate:

Co Cc Partnership/Joint venture Other *

* If other, specify

Registration number of Co. or Cc.

To mine for [name of mineral]

On [full name of farm and subdivision, registration division and no.]

as indicated on the attached plan No. signed by the Regional Manager on

Unless this permit is suspended, cancelled, abandoned or lapses, it shall be valid for a period (not more than two years) which shall extend from the date of issuing to and may be renewed for three periods each which may not exceed one year.

This permit does not exempt the holder from the requirements of any provision of any other law or from any restrictive provisions or conditions contained in the title deed of the land concerned, nor does it encroach upon the rights of any person who may have an interest in the land concerned.

Signed at this day of 2025



WESTERN CAPE REGION

Tel: 021 427 1000; Fax: 021 427 1046

Private Bag X9 Roggebaai, 8012; 7th Floor, MAP House, 44 Strand Street, Cape Town, 8001

From: Mineral Regulation **Sub-Directorate:** Mine Environmental Management

Enquiries: Linda Njemla **EAPASA Reg No:** 2019/1312 **E-mail:** Linda.Njemla@dmre.gov.za

Ref No.: WC30/5/1/3/2/10347MP

For Attention: Henno Heyns

E-mail: hennoheyns86@gmail.com

CC: Natio Van Rooyen natio@ludgar.co.za

Dear Mr Heyns

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED FOR MINING PERMIT APPLICATION IN RESPECT OF SAND AND RELATED INFRASTRUCTURAL ACTIVITIES ON 1 OF FARM GEMSBOKS KUIL 582 SITUATED IN THE MAGISTERIAL DISTRICT OF MALMESBURY: THE WESTERN CAPE REGION

With reference to the abovementioned 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 of 2014.

Should you wish to appeal any aspect of the decision, **you must submit the appeal to the Minister of Forestry, Fisheries and the Environment a copy of such appeal to the Department of Mineral and Petroleum Resources (Western Cape Regional Office)**, within 20 days from the date of notification, and such appeal must be lodged as prescribed in by Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as prescribed below:



Appeal to the Department of Forestry, Fisheries and the Environment:

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


In addition, please provide a copy of the lodged appeal to the Department of Mineral and Petroleum Resources.

Attention : Regional Manager: Western Cape Region
By facsimile : (021) 427 1046
E-mail : Pieter.Swart@dmre.gov.za
By post : Private Bag X 09, ROGGEBAAI, 8012
By hand : 7th Floor, MAP House, 44 Strand Street, Cape Town, 8001

Should you decide to appeal, you must comply with the National Appeal Regulation of 2014 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 Environmental Affairs.

Kind Regards,

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

DATE:




**mineral &
petroleum resources**

Department:
Mineral and Petroleum Resources
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE REGION

Tel: 021 427 1000; Fax: 021 427 1046

Private Bag X9 Roggebaai, 8012; 7th Floor, MAP House, 44 Strand Street, Cape Town, 8001

From: Mineral Regulation **Sub-Directorate:** Mine Environmental Management

Enquiries: Linda Njemla **EAPASA Reg No:** 2019/1312

E-mail: Linda.Njemla@dmre.gov.za

Ref No.: WC30/5/1/3/2/10340MP

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED (“NEMA”) AND THE 2014 EIA REGULATIONS AS AMENDED FOR SAND AND RELATED INFRASTRUCTURAL MINING ACTIVITIES:

Applicant:	MôRELIG PLASE CC
Farm Names:	Portion 1 of Farm Gemsboks Kuil 582, in the Magisterial District of Malmesbury
Location	off the R315, about 8kms northeast of Darling, Swartland.

DECISION

ACRONYMS

DEPARTMENT:	Department of Mineral and Petroleum Resources
ECO:	Environmental Control Officer
EA:	Environmental Authorisation
EIA:	Environmental Impact Assessment
EIA REGULATIONS:	EIA Regulations, 2014 as amended
EIR:	Environmental Impact Report
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

The Department is satisfied, on the basis of 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.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department of Mineral and Energy Resources hereby **Grants** an Environmental Authorisation (EA) to **MôRELIG Plase CC** with the following contact details –

Physical Address:

MôRELIG Plaas,
R315 Darling Road,
Darling
7345

Postal Address:

P. O. Box 66
Darling, 7300

Contact person: MôRELIG Plase CC

Cell: 082 673 1724

E-mail: hennoheyns86@gmail.com

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

LISTED ACTIVITIES AUTHORISED:

Listed Activities	Activity and/or project description
<p><i>Activity 21 of Government Notice No. R. 327 of April 2017 as amended by GNR 517 of 11 June 2021.</i></p> <p><i>Any activity including the operation of that activity which requires a mining permit in terms of Section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as well as any other applicable Activity, contained in this Listing Notice or Listing Notice 3 of 2014 required to exercise a permit.</i></p>	<p>The development of a 5ha open cast for a sand mine for the building and construction industry. The material will be loaded by excavator onto trucks for transport to the market. There will be no processing, screening, washing, or stock piling of the deposit on site.</p>

Detailed description of the activity are as follows:

The holder is hereby authorised to undertake mining activities including the above listed activities as it relates to the development as follows:

There is an existing road to the proposed new sand mine, so no new roads will need to be constructed. The mine will be divided into 6 blocks. Mining will be done in a sequence from block 1 to the next block. An existing farm road will be used to access the site. As each block is mined and when completed it will be rehabilitated. Before mining commences, alien vegetation will be removed, followed by topsoil removal with remnant vegetation to berm outside of the excavation area. Overburden will be removed and stored in berm outside of the excavation area. The mined material will be loaded of sand directly by front-end loader onto dispatch trucks. Alien vegetation control continues rehabilitated disturbed areas for full life of mine and after care period.

Site description and location:

Mining activities will be conducted at the following co-ordinates as described in page 13 of the BAR/EMPr:

ID.	Latitude	Longitude
A	-33.380500	18.507176
B	-33.378980	18.509493
C	-33.380145	18.510967
D	-33.381626	18.508496

The SG code for the farm portion is as follows:

C04600000000058200001

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 attached site layout plan and keep the impact on the receiving environment as low as possible.
2. Should water be used for dust suppression, the use of potable water is not supported and should be avoided. Where non-potable or treated water is to be used, this should be of a suitable quality so as not to cause any severe/repeated pollution to soil or water resources.
3. The total extent of the mining permit is strictly limited to 5ha. This includes the excavations, topsoil stockpiles, and any mining activity applied and authorised.
4. Mining activities must strictly be conducted within the demarcated area and other areas outside of the mine layout boundary must be treated as the no-go areas.
5. Only one block is permitted to be mined at a time.
6. Visible semi-permanent markers must be placed on the mining boundary before mining activities commences and must be kept for the duration of mining.
7. The site has been identified as an agricultural land; therefore, the EA holder shall ensure proper management of the topsoil.
8. Concurrent mining and rehabilitation must be done in the mining area so that the size of the active mining area should not be larger than sequence of the phases stipulated in the mining work plan, and at the end of mining.
9. At least 300mm of topsoil must be removed and stockpiled to be returned after mining and spread evenly over the mined area.
10. The stockpiled topsoil must be protected from and/or against losses by water and wind erosion. Driving over stockpiled topsoil is prohibited.
11. Sensitive areas must be conserved and exempted from any disturbance and buffer of 100m to those area shall be implemented.
12. All alien and invasive species must be removed within the mining area and 50m away from the mining area prior to mine closure.
13. Noise generated during mining and rehabilitation operations must comply with the Western Cape Noise Control Regulations (Province notice 200/2013).



14. Vehicular movement must be restricted to the existing access road and the one authorised for this mining activity and driving through undisturbed and inactive areas is prohibited.
15. All recommendations and conditions set out in the approved EMPr must be strictly adhered to.

ANNEXURE 1: REASONS FOR THE DECISION

1. Key factors considered in making the decision

All the information submitted to the Department was considered when evaluating this application. Below is a summary of the main topics that in the Department's view were of most significance in making this decision.

- a) The environmental impacts associated with the proposed activity outlined in the BAR will be addressed through the implementation of the proposed mitigation measures outlined in the EMPr compiled by Natio van Rooyen of Ludgar Mining (Pty) Ltd trading as Ludgar Consulting.
- b) The screening tool report which shows various sensitivities for various themes and such specialist studies were conducted and when conducted a valid accepted motivation was provided.
- c) The Public Participation Process (PPP) Report is contained in the submitted BAR & EMPr received by the Department on 31 January 2025 (attached as Appendix N). The PPP that was undertaken by the EAP & Applicant has satisfied the minimum requirements prescribed in the EIA Regulations R982 of 2014 as amended by (GN 326) for public involvement

2. Findings

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

- a) The need and desirability of the project was addressed. There is a lot of construction in the Western cape and the construction contributes to both GDP and Employment as per the IDP shows the need for mining in the area. This mine will contribute to the supply of local sand to the Swartland Municipality region, without having to import this mineral from other areas.



- b) The potential impacts on the proposed site were clearly investigated and mitigation measures were outlined in the BAR and EMPr.
- c) The application area is located on agricultural land and is zoned for agricultural use.
- d) Public Participation Process complied with Chapter 6 of the 2014 EIA Regulations R.982. The PPP included, *inter-alia*, the following:
- A newspaper advertisement was placed in the local newspaper the **“Swartland Gazette newspaper” on 15 October 2024.**
 - A register of all the interested and affected parties was created.
 - Site Notices were placed in public areas
 - Notices were sent to all key stakeholders and the registered interested and affected parties;
- (i) The PPP 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 as outlined below, the concerns raised by the I&APs and regulatory Authorities were addressed by the EAP in the final BAR and EMPr.
- (ii) The relevant State Departments that administer law relating to matters affecting the environment and other affected State organisations; (West Coast District Municipality, Department of Environmental Affairs and Development Planning (DEAP), Western Cape Heritage; Department of Water and Sanitation (DWS), Department of Agriculture, Heritage Western Cape); were consulted by the EAP: (Consultation and response Report Appendix N:). Comments were only Swartland Local Municipality, Heritage Western Cape and DEA&DP.
- (iii) In terms of the notification of intent to develop submitted in terms of section 38(1) of the National Heritage Resources Act (Act 25 of 1999). The response was there is no reason to believe that the proposed open cast surface mine operation will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required (appendix D).
- (iv) There were no objections recorded. The EAP has adequately addressed these concerns in the BAR response section.
- e) (The proposed development area has a very high Terrestrial Biodiversity sensitivity, a high Agricultural, Animal Species and Civil Aviation Themes. A medium Palaeontology and Plant Species sensitivity, a low Aquatic Biodiversity, Defence and Archaeological and Cultural Heritage Theme sensitivity. The Screening Report identified the following specialist studies to be undertaken for the EIA application:

- i. Agricultural Impact Assessment

- ii. Terrestrial Biodiversity Impact Assessment
- iii. Animal Species Assessment

Additional Studies:

- i. Aquatic Biodiversity Impact Assessment
 - ii. Plant Species Assessment
- f) An animal species assessment was conducted by Nicolaas Hanekom of Enviro-EAP (Pty) Ltd (appendix E) where a site visit was done. Different biodiversity features, habitat, vegetation and landscape units present were identified and recorded in the field. Walk-through-surveys were conducted of representative habitats 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 which required the recording of their location. The presence of sensitive habitats such as wetlands or pans and unique edaphic environments, such as rocky outcrops or quartz patches, such as SCC habitats are present and therefore was recorded and mapped. The bigger study recorded medium and high sensitivity areas within the study area. The proposed mine areas will have a Low Negative impact on animal species. The proposed mining will have relatively little animal species impacts provided that appropriate mitigation measures included in the impact table above are included in the EMPr and adhered to.
- g) Terrestrial biodiversity assessment was conducted by Nicolaas Hanekom of Enviro-EAP (Pty) Ltd (see Appendix F) as the screening tool indicated that the site is located in a critical biodiversity area. During the site visit, it was observed that the ecological state of the area was very poor therefore a compliance statement was compiled. The site is highly infested with Port Jackson alien invasive plants with few patches of natural vegetation. The area has been subject to agricultural practices such as grazing and crop production. The clearing of vegetation for mining will improve the plant species of the area. There were no species of interest observed as the search for listed species of conservation concern at the site were conducted, including sensitive habitats such as wetlands or pans and unique edaphic environments, such as rocky outcrops or quartz patches.
- h) Aquatic biodiversity assessment was undertaken by Nicolaas Hanekom of Enviro-EAP (Pty) Ltd (see Appendix H), and it was confirmed that the site had a 'low' sensitivity with respect to aquatic biodiversity. A compliance statement was compiled. The site assessment determined that there is no Freshwater Ecosystem



Priority Area (FEPA) and Freshwater Ecological features are inside or close to the study area. The closest freshwater ecological feature is the Groen River which is located approximately 120m west of the mine site.

- i) An Agricultural Impact assessment was also conducted which is attached as appendix I was done by Johann Lanz. The typical site conditions shown very sandy soils and abundance of invasive alien species. mining can improve the state of the site and be using for growing agricultural crops as long as topsoil is properly managed.
- k) While Sand mining crucial for construction, the impact associated with it in this particular site does not have significant environmental impacts, including habitat loss, and reduced biodiversity.
- j) The applicant has complied with section 24P of NEMA and submitted the financial provision for rehabilitation and remediation of environmental damage caused by mining operations.

ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS

1 SCOPE OF AUTHORISATION

- 1.1 The holder of EA shall 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.
- 1.3 The activities which are authorised may only be carried out at the property indicated in the EA and or on the approved EMPR.
- 1.4 When any of the holder 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 the safety of people and animals.

2 APPEAL OF AUTHORISATION

- 2.1 The holder of 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:
Notify all registered I&APs of –
 - 2.1.1 The outcome of the application;
 - 2.1.2 The date of the decision;
 - 2.1.3 The date of issue of the decision and;
 - 2.1.4 The reasons for the decision as included in Annexure 1 and Departmental Standard Conditions in Annexure 2.
- 2.2 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,
- 2.3 Draw the attention of all registered I&APs to the manner in which they may access the decision.
- 2.4 Provide the registered I&APs with:
 - 2.4.1 Name of the holder (entity) of this EA
 - 2.4.2 Name of the responsible person for this EA
 - 2.4.3 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 An appropriate notification sign must be erected at the mining site, warning the public (residents, visitors etc.) about the hazard around the mining site and presence of heavy vehicles and machinery.
- 3.4 Mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.5 Existing topsoil stockpiles and any new topsoil stripped from mining area must be protected from erosion, contamination and/or pollution.
- 3.6 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.
- 3.7 An integrated waste management approach must be implemented that is based on waste minimization (waste management hierarchy) 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.
- 3.8 The waste storage site must have firm, impermeable, chemical resistant floors and a roof to prevent direct sunlight and rainwater from getting in contact with the waste.
- 3.9 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998) as amended, 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 understands 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 in their work and training them to operate in an environmentally acceptable manner.
- 3.10 Operational vehicles for mining 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.
- 3.11 Residents (if any) on the property and surrounding areas must be informed if any unusual noise activities are planned.
- 3.12 Dust suppression measures must be implemented on all exposed surface access road to minimize and control airborne dust.



3.13 Should any heritage remains be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) and/or Heritage Western Cape (HWC) (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 African Heritage Resource Agency (SAHRA) and/or Heritage Western Cape (HWC).

Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; middens, 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.

3.14 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 wastewater treatment works.

3.15 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.

3.16 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.

3.17 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times complies with the approved EMPR.

3.18 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.

3.19 The holder of EA must note that in terms 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.



- 3.20 An appeal under Section 43 (7) of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended) suspends an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.
- 3.21 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.
- 3.22 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.
- 3.23 Subject to the commencement and duration of the requirements of the mining permit in terms of the MPRDA, this EA is valid for a period of 5 (five) years from the date on which the aforementioned permit is granted, or the expiration date of the permit whichever comes first. Should the Mining Permit lapse or not be renewed in terms of the MPRDA, this EA will no longer be valid.
- 3.24 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.
- 3.25 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.
- 3.26 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 activity (lies) 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 on the property.
- 4.2 The content 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 attended to as soon as possible and addressed to the satisfaction of all concerned interested and affected parties.
- 4.4 Material leaving the site must be covered with a cloth during transportation to prevent sand from being blown away by wind and causing pollution.
- 4.5 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.6 The holder of the EA must ensure that all non-recyclable waste is disposed of at waste management facilities licensed to handle such waste and all recyclable waste is collected by licensed waste management facilities for recycling, reuse or treatment.
- 4.7 Non-compliance with any condition of this EA or 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 EMPR that forms part of this EA may be conducted, and additional or new activities not specified herein must be applied for by the holder and authorized by the competent authority in the form of an amendment of the EA and the EMPR 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 and EMPR.
- 4.9 Rehabilitation of the disturbed surface caused by operation must comply with the approved EMPR.
- 4.10 The holder of the EA must appoint the mine manager or a suitably competent person to familiarize themselves with the contents of the Environmental Authorization and Environmental Management Programme (EMPr) in order to ensure compliance with the conditions of approval contained therein.
- 4.11 The appointed mine manager or a suitably competent person 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.
- 4.12 The duties and responsibility of the ECO should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA.
- 4.13 The footprint of the activities must be limited on the areas authorized for the actual mining works and operational activities and all areas outside of the footprint must be regarded as a “no go” areas.
- 4.14 Erosion and soil loss must be prevented by making sure that mining is only confined to one phase at a time.
- 4.15 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.

5 REPORTING TO THE DEPARTMENT

5.1 The holder of EA must:

- 5.1.1 submit and Environmental Audit Report to this department biennially and such report must be done by qualified Environmental Assessment Practitioner, and the audit report must specify whether conditions of this environmental authorisation and EMPR/closure plan are adhered to;
- 5.1.2 The audit report must be in accordance to appendix 7 of the 2014 EIA regulations;
- 5.1.3 identify and assess any new impacts and risks as a result of undertaking the activities, if applicable
- 5.1.4 identify shortcomings in the EMPR/closure plan, if applicable;
- 5.1.5 identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPR/closure plan;
- 5.1.6 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate; and,
- 5.1.7 Be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised the audit.

- 5.2 Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMPR/closure plan in order to rectify any shortcomings identified with the aforementioned audit report.



- 5.3 The holder of the EA must annually assess the environmental liabilities of the operation by using the master rates in line with the applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.
- 5.4 The holder of the EA must, within 24 hours of any incidents occurring, notify the Competent Authority of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- 5.5 The holder of the EA must, within 14 days, or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.4, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –
 - 5.5.1 Correct the impact resulting from the incident;
 - 5.5.2 Prevent the incident from causing any further impact; and
 - 5.5.3 Prevent a recurrence of a similar incident.
 - 5.5.4 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.4, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the EA.

6 SITE SECURITY AND ACCESS CONTROL

- 6.1 The holder of the EA must ensure effective access control on the site to reasonably prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at each entrance.
- 6.2 The mining area must be demarcated, and lockable gates must be installed to restrict unauthorised access to the mining site.
- 6.3 Weatherproof, durable and legible notices in at least three official languages applicable in the area must be displayed at each 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 maintain and implement an emergency preparedness plan and review it biennially 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 centre 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, 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 in an environmentally friendly manner.

9 COMMISSIONING AND DECOMMISSIONING

9.1 The commissioning and decommissioning of individual activity within the overall listed Mining activity must take place within the phases and timeframes as set out in EMP or 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 plants may be used for rehabilitation purposes only indigenous plant can 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 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:.....


TRAFFIC IMPACT STATEMENT

FEBRUARY 2026

PTN 1 OF FARM GEMBOKSKUIL 582

PREPARED FOR:

MORELIG PLASE BK

EFG Engineers (Pty) Ltd

Transport, Infrastructure, Municipal Services & Developments

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Ref. 1095/lm/00



EFG ENGINEERS (Pty) Ltd

ISO 9001:2015 Reference: 8.6

VERIFICATION PAGE

Project: 1095-Portion 1 of Farm Gembokskuil 582

Prepared For: MAJ Visser, Morelig Plase BK

Tel: 0826731724

EFG Director: Werner van Rooyen

EFG Manager: Liesel Maakal

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QUALITY VERIFICATION

This report has been prepared under the controls established by a Quality Management System that meets the requirements of ISO 9001: 2015.

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TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	EXISTING TRAFFIC	1
3.	TRIP GENERATION	2
4.	ACCESS	3
5.	TURNING LANES INVESTIGATION	4
6.	MINOR ROADS IMPACT	5
7.	CONCLUSIONS	6
8.	RECOMMENDATIONS	6

LIST OF FIGURES

Figure 1:	Locality plan.....	1
Figure 2:	Daily Traffic Distribution along MR301 (2022 RNIS Data; Station 4292C)	2
Figure 3:	Estimated Daily Truck Traffic Assignment	2
Figure 4:	Access route to Sand Mine	3
Figure 5:	Design traffic AM peak hour	4
Figure 6:	Right-turn lane warrant for 100km/h two-lane road.....	4
Figure 7:	Left-turn lane warrant for two-lane road	5
Figure 8:	OP5339	5
Figure 9:	OP5339 railway crossing.....	6

LIST OF TABLES

No table of figures entries found.

LIST OF APPENDICES

None

1. INTRODUCTION

EFG Engineers (Pty) Ltd was appointed to prepare a Traffic Impact Statement in support of a sand mine on Portion 1 of Farm Gembokskuil 586, located between Darling and Malmesbury. The Western Cape Government (WCG) requested that a TIA be compiled in their letter dated 20 November 2025 with reference DOI/CFS/RN/LU/REZ/SUB -26/430 (Application No: 2025-10-0075) that evaluates the impact of the sand mine (+-5ha) on three affected Provincial Minor roads. A locality plan is shown below as **Figure 1**, which includes the nearby Provincial Roads (Main Road 224 and various Minor Roads). The locality plan is indicative of the sand mine area.



Figure 1: Locality plan

2. EXISTING TRAFFIC

The latest traffic data on RNIS near the site is dated 2022. The station is 0302C on MR224 km20.72, approximately 5km from where OP5339 connects with MR224. The AADT on MR224 is 1566, which is considered fairly low volume; including a peak hour (11:00-12:00) two-way volume of 129 vehicles per hour. The volumes of traffic on the minor roads in question are expected to be very low.

Figure 2 shows that MR224 does not have typical commuter travel patterns and that there is a consistent distribution of heavy vehicles between 09:00 and 16:00.

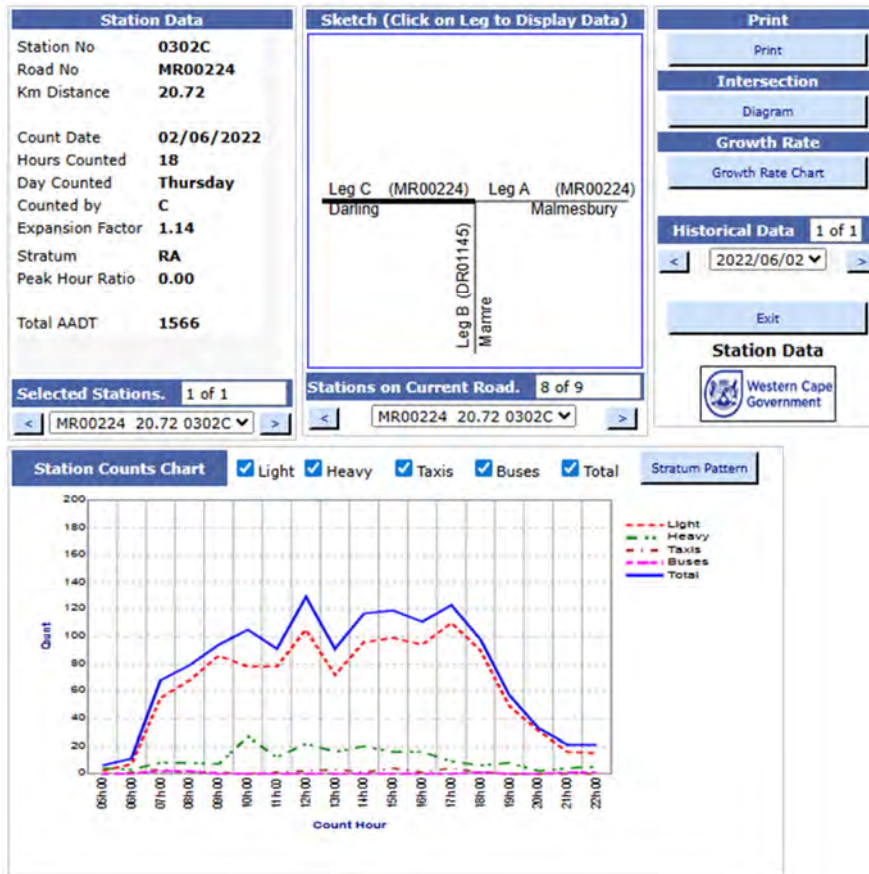


Figure 2: Daily Traffic Distribution along MR301 (2022 RNIS Data; Station 4292C)

3. TRIP GENERATION

The TMH17 Trip Data Manual and South African Trip Generation Rates do not provide trip rates for sand mining operations. Hence, the information as received from the applicant was used.

The sand mine (+-5ha) will produce four heavy vehicle trips per day (two trips laden outbound from the mine and two trips unladen towards the mine). The volume of heavy vehicles related to the sand mine is hence very low with negligible traffic impact. The number of trips generated does not warrant detail capacity analysis.

Figure 3 shows the current daily truck traffic assignment. A 50/50 split was assumed towards Malmesbury and Darling respectively.

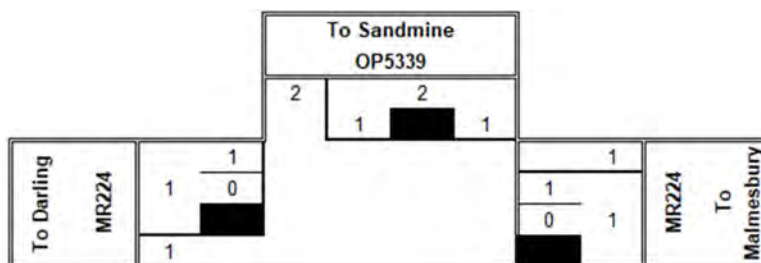


Figure 3: Estimated Daily Truck Traffic Assignment

4. ACCESS

Portion 1 of Farm Gembokskuil 582 has an existing access to/from MR224 at +-km26 via OP5339. Please refer to Figure 4 below. Between MR224 and the railway line (the railway line is shown in dark purple), OP5339 is used by two landowners. Beyond the railway line OP5339 is used by die sand mine applicant only who resides at Morelig farm. The route from OP5339 to the sand mine entrance is indicated in green.



Figure 4: Access route to Sand Mine

5. TURNING LANES INVESTIGATION

The design traffic (existing traffic plus Portion 1 of Farm Gembokskuil 582 development truck trips) is shown below in **Figure 5**.

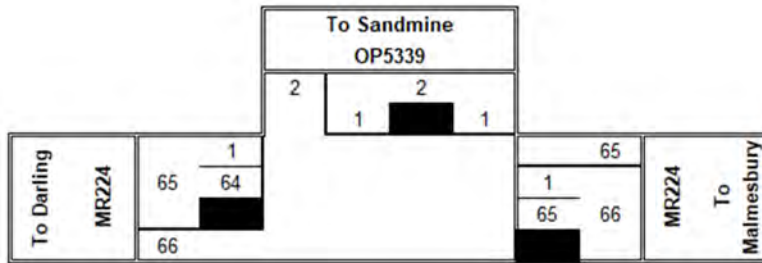


Figure 5: Design traffic AM peak hour

The right-turn lane warrants as per the *WCG Road Access Management Guidelines (dated 2020)* were investigated for the design traffic as per Figure 6 (yellow star), which revealed a right-turn lane is not warranted.

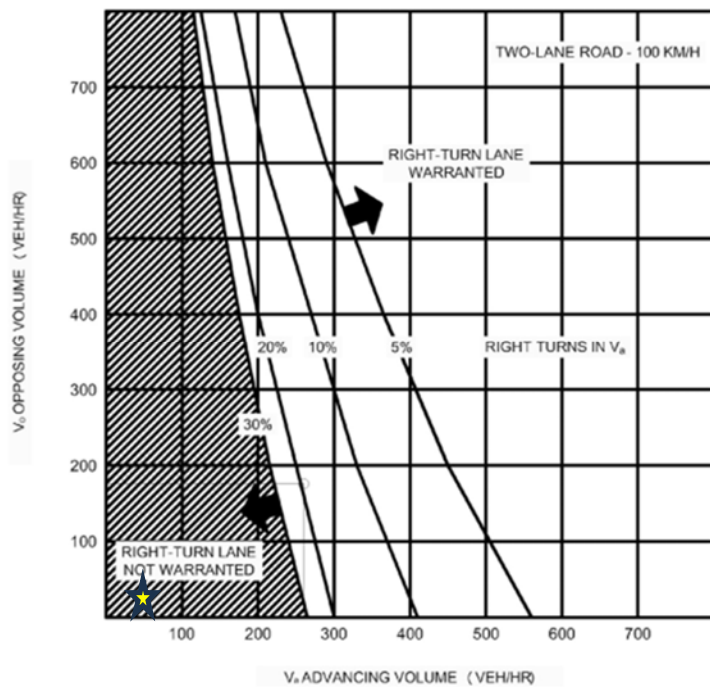


Figure 6: Right-turn lane warrant for 100km/h two-lane road

Similarly,, the left-turn lane warrant chart is given in **Figure 7**. A left-turn lane is not warranted in the weekday AM peak hour (indicated by yellow star).

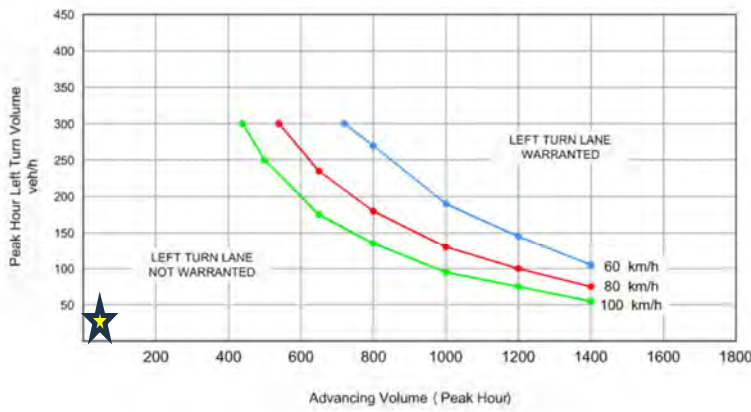


FIGURE 14-4: Warrant for left turn lane for a 3-leg unsignalised intersection on a two-lane arterial

Figure 7: Left-turn lane warrant for two-lane road

6. MINOR ROADS IMPACT

The Western Cape Government (WCG) requested that a TIA be compiled in their letter dated 20 November 2025 that evaluates the impact of the sand mine (+-5ha) on three affected Provincial Minor roads. Section 4 of this report indicates that only one minor road, OP5339, is affected by the sand mine. A photo of gravel road OP5339 is included below as Figure 8. The sand mine applicant currently maintains OP5339.

From a pavement axle load point of view, four truck trips per day (two trips laden outbound and two trips inbound empty) will have a negligible effect and no additional maintenance strategies are required since the applicant will continue with maintenance in future.



Figure 8: OP5339

It was observed on site that the level crossing as shown in Figure 9 have limited signage which may have a safety impact. It is proposed that a new R1 Stop sign (1200mm size) be installed from both sides.



Figure 9: OP5339 railway crossing

7. CONCLUSIONS

Based on the findings of this report, the following conclusions can be drawn:

- EFG Engineers (Pty) Ltd was appointed to prepare a Traffic Impact Statement in support of a sand mine (+5ha) on Portion 1 of Farm Gembokskuil, located between Darling and Malmesbury. This was in response to comments received from WCG regarding the impact of the sand mine on Minor Roads;
- The existing traffic on OP5339 is very low and the traffic volumes on MR224 is also fairly low;
- The trip generation of the sand mine is four truck trips per day which is an insignificant traffic impact on OP5339. No other minor roads are affected;
- The sand mine applicant currently maintains OP5339 and will continue to do so in future;
- A left or right-turn lane on MR224 is not warranted where OP5339 joins MR224 and; and
- The OP5339 level crossing on OP5339 requires two new Stop signs for safety.

8. RECOMMENDATIONS

Based on the conclusions, this report is in support of the sand mine on Portion 1 of Farm Gembokskuil 582 from a traffic impact point of view. It is proposed that a new R1 Stop sign (1200mm size) be installed from both sides of the railway crossing on OP5339.

L Maakal

Liesel Maakal MSc(Eng) Pr(Eng)(Civil)

EFG Engineers (Pty) Ltd

26 March 2026

15/3/3-11/Erf_1327
15/3/10-11/Erf_1327

WYK: 12

ITEM 6.4 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL TAKING PLACE ON THURSDAY, 16 APRIL 2026

LAND USE PLANNING REPORT PROPOSED REZONING AND CONSENT USE ON ERF 1327, RIEBEEK KASTEEL					
Reference number	15/3/3-11/Erf_1327 15/3/10-11/Erf_1327	Submission date	30 July 2025	Date finalised	27 March 2026

PART A: APPLICATION DESCRIPTION					
Application for the rezoning of Erf 1327, Riebeeck Kasteel, is made in terms of Section 25(2)(a) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), from Residential Zone 1 to Residential Zone 5: Rural Residential.					
Application for a consent use on Erf 1327, Riebeeck Kasteel, 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 accommodate horticulture in hydroponic greenhouse tunnels on a portion of the property.					
The applicant are C.K. Rumboll and partners and property owner is Gondover (Pty) Ltd.					

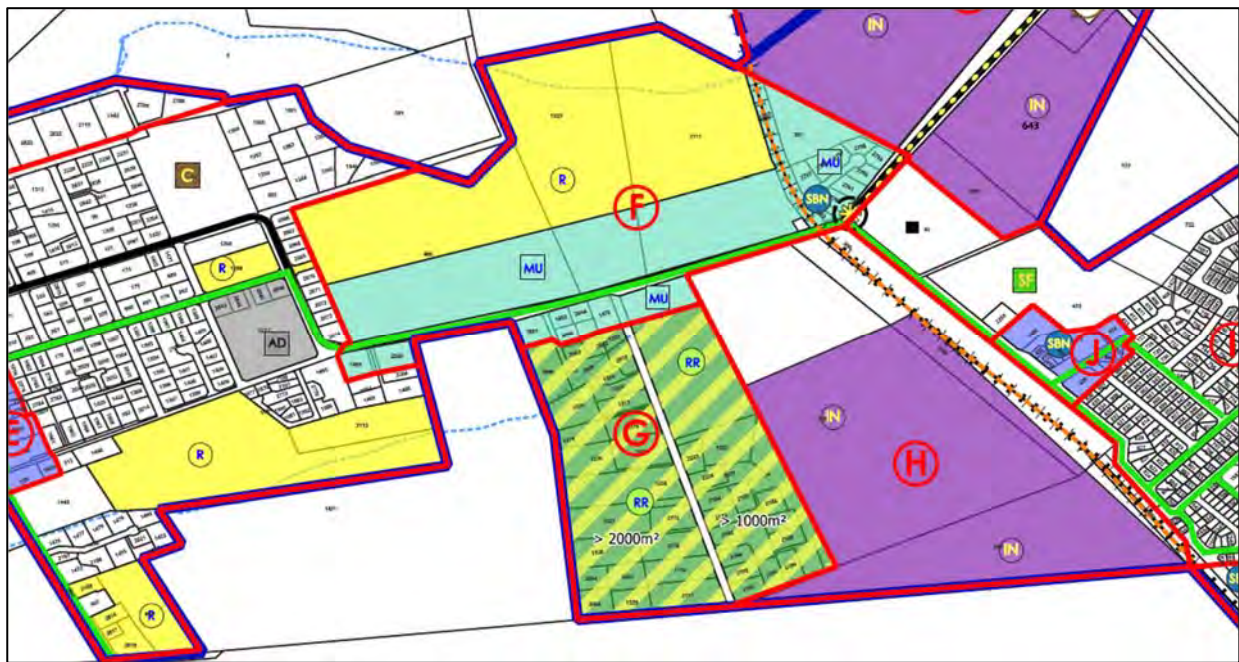
PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	ERF 1327 RIEBEEK KASTEEL, in the Swartland Municipality, Division Malmesbury, Western Cape Province				
Physical address	30 Pieter Cruythoff Street	Town	Riebeeck Kasteel		
Current zoning	Residential Zone 1	Extent (m ² /ha)	10 001 ha	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	Residential and horticulture		Title Deed number & date	T19557/2019	
Any restrictive title conditions applicable	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, list condition number(s)		
Any third party conditions applicable?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, specify		
Any unauthorised land use/building work	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, explain Hydroponic tunnels		

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)							
Rezoning	<input checked="" type="checkbox"/>	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	<input checked="" type="checkbox"/>	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 building that constitutes a non-conforming use		
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PART D: BACKGROUND

Erf 1327, Riebeeck Kasteel is zoned Residential Zone 1. The erf is located in Pieter Cruythoff Street, delineated as Area G by the Swartland Municipal Spatial Development Framework (MSDF, 2025). The area is characterised as low density residential properties larger than 2 000m², earmarked for rural residential purposes. The surrounding properties are zoned residential, agriculture and agricultural industry.



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
G	Zone G has a low-density residential character with residential properties larger than 1 000 m ² .	X			X							X			

Erf 1327 was subdivided into two portions on 24 November 2021, forming the Remainder and unregistered Erf 2772.



Taking into account that the subdivision was already approved and is still actively within the approval period of 5 years, the rezoning is proposed for a portion of Erf 1327 (the footprint of unregistered Erf 2772, 2 638m² in extent), without first rezoning to subdivisional area.



The hydroponic tunnels are used for the cultivation of vegetables and herbs at a small scale, primarily for personal use. While minimally invasive, the land use is not permitted under Residential Zone 1, but as a consent use under Residential Zone 5. The aim of the application is to regularise the land use that is currently unauthorised.

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.
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PART F: SUMMARY OF APPLICANT'S MOTIVATION

1. Motivation

The application seeks to obtain land use rights for the continued use of an existing hydroponic greenhouse tunnel. The structure is used for the cultivation of vegetables and herbs. Although the activity is small-scale and non-invasive, it constitutes horticulture in terms of the applicable zoning scheme and therefore requires formal authorisation under the proposed Residential Zone 5 zoning, which allows for horticultural as a consent use.

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

The rezoning of a portion of the property from Residential Zone 1 to Residential Zone 5 is required to enable the simultaneous submission of a consent use application for horticultural purposes. Under the current Residential Zone 1 zoning, commercial horticultural activities are not permitted. By rezoning a portion of Erf 1327 (unregistered Erf 2772), to

Residential Zone 5, the zoning scheme allows for horticulture as a consent use, thereby formalising the appropriate legal framework to accommodate the land use.

The application also seeks to obtain consent use rights on the property, to permit the continued use of the existing hydroponic greenhouse tunnel.

The owners have indicated their intention to register and sell unregistered Erf 2772, and the prospective new owner is expected to construct a primary dwelling on the property, consistent with the rights afforded by Residential Zone 5.

The subject property is located within an area identified for rural residential development, where small-scale agricultural activities on residential land is common and encouraged. The surrounding properties, particularly to the north and south, are characterised by rural residential land uses, many of which incorporate agricultural elements such as olive groves. The presence of the hydroponic tunnel on the proposed Residential Zone 5 portion is therefore consistent with the prevailing land use pattern and contributes to the broader rural character of the area.

The formalisation of the hydroponic tunnel through this consent use application promotes responsible land use management. It supports low-impact, self-sustaining agricultural activity within the rural residential settlement context and ensures that the property complies with zoning scheme regulations prior to its transfer.

The use is compatible with the character of the area for the following reasons:

- a) The hydroponic tunnel is used for the cultivation of vegetables and/or herbs at a small scale and primarily for personal use. This form of horticulture generates minimal noise and waste and does not involve the use of heavy machinery or large-scale operations that could disrupt the surrounding rural residential environment.
- b) The surrounding area is characterised by rural residential properties, many of which already accommodate small-scale agricultural activities such as olive groves. The hydroponic tunnel is therefore in keeping with the established land use pattern and rural character of the area, and will not introduce a foreign or incompatible use.
- c) The existing hydroponic tunnel is of a modest scale and located in a manner that does not dominate the landscape or negatively affect the visual quality of the area. It is consistent with the type of structures typically found in rural residential settings. Since the tunnel is located at the western part of unregistered Erf 2772 (the back), the new dwelling house will be erected to the east, which will reduce any visual impact from the street.

When considering the definition of Rural Residential, it is evident that the zone supports both agricultural and supportive land uses. Given that the subject property is located within such a rural residential context, the existing hydroponic tunnel constitutes a compatible and supportive use. As such, it can be favourably considered, consistent with the spatial proposals of the Swartland SDF (2025).

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

- 2.1 **Spatial justice:** The application advances spatial justice by regularising an existing land use that supports self-reliance on a small scale. The proposal is supported by the Swartland Spatial Development Framework for the area, to utilise this property as a Rural Residential entity, comprising of both residential and agricultural activities.
- 2.2 **Spatial sustainability:** The proposal contributes to spatial sustainability by accommodating an existing hydroponic tunnel within a designated rural residential area where small-scale agricultural activities are encouraged. The land use is environmentally responsible, requires minimal infrastructure support, and aligns with the character of the area. The application encourages sustainable land use practices that are well integrated with the surrounding built and natural environment. The rezoning and consent use also reinforce responsible development on already subdivided land, minimising urban sprawl and inappropriate expansion into sensitive or undeveloped areas.
- 2.3 **Efficiency:** The application reflects the principle of efficiency by utilising existing infrastructure and built form without requiring new development. The proposal ensures optimal use of the property in a way that is consistent with the surrounding land use pattern, thereby promoting efficient spatial development. Furthermore, the approach avoids unnecessary procedural delays and costs for both the applicant and the municipality by aligning current land use with the applicable planning framework.
- 2.4 **Spatial resilience:** The proposed development contributes to spatial resilience by promoting a multifunctional rural landscape that integrates residential living with sustainable, small-scale agriculture. The existing hydroponic tunnel enhances the property's ability to adapt to external shocks such as economic pressures by allowing on-site production of fresh produce. This kind of local, decentralised food system reduces reliance on broader supply chains and strengthens the capacity of rural communities to respond to future uncertainties. By supporting a form of land use that is both environmentally and economically resilient, the application aligns with broader spatial planning goals that encourage resource efficient development.
- 2.5 **Good administration:** The proposed application will be taken through the public process by the Swartland Municipality and all relevant departments will be approached. Participation of different relevant departments and the public will ensure an informed decision.

3. Desirability

- a) The proposed development use enhances the principles of *LUPA and SPLUMA*.
- b) The proposal complies with the *Swartland Spatial Development Framework (2023)* as the main forward planning document for Riebeek Kasteel and the Swartland Municipal Area as a whole.
- c) The proposal complies with the *Swartland Municipal Land Use Planning By-Law (PG 8226)*.
- d) The development proposal will complement the character of the area and not adversely affect any natural conservation areas or surrounding agricultural practises.
- e) The proposal will allow the formalization of the existing use on the property.
- f) Through the proposed application, the property will be utilised to its full potential.
- g) The proposed development will make use of existing infrastructure services and will not have any significant impact on external engineering services, nor will it negatively impact on environmental / heritage assets.

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 published in local newspapers and the Provincial Gazette on 9 September 2025, in terms of Section 55 of the By-Law. The commenting period, for or against the application, closed on 13 October 2025.

In addition to the abovementioned publication, 11 written notices were sent via registered mail to the affected property owners in the area, in terms of Section 56(1) & (2) of the By-Law, as well as e-mails, where e-mail addresses were available. Two notices were returned unclaimed. Please refer to Annexure C for the public participation map.

A total of 4 objections were received against the proposal. The applicant was afforded 30 days, from 15 October 2025 to 16 November 2025, to respond to comments and objections received by affected parties. The response to comments was received on 31 October 2025.

The Swartland Department: Civil Engineering Services requested additional information relating to the water use generated by the horticultural activities on the property, which was provided on 23 February 2026. The information was considered and commented on by the Department and the application is now submitted for consideration by the Tribunal.

Total valid comments	2		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 proposal was communicated to the ward councillor, Cllr. Bess and the ward committee chairperson, J. Geldenhuys. The ward committee chairperson objected to the proposal.
Total letters of support	2				

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

Name	Date received	Summary of comments	Recomm.
Dept: Civil Eng. Services	20 March 2026	<p>1. Water</p> <p>a) Die erf van 'n enkele aansluiting voorsien word en dat geen addisionele aansluitings voorsien word nie;</p> <p>b) Slegs boorgatwater vir die kommersiële tuinbouaktiwiteite aangewend word;</p> <p>c) Geen munisipale drinkwater vir die kommersiële tuinbouaktiwiteite aangewend word nie;</p> <p>2. Riolering</p> <p>Die erf van 'n enkele riolaansluiting voorsien word en dat geen addisionele aansluitings voorsien word nie;</p>	✓
Building Control	12 Nov 2025	Building plans be submitted to the Senior Manager: Development Management for consideration and approval;	✓

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS	
<p>J. Geldenhuys Ward Committee member (Annexure D)</p>	<p>1. Residential zone 5 is not the correct zoning given the current and intended use. The existing tunnels are currently not being primarily used for personal consumption. The produce is wholly used for commercial sale throughout the Cape. The owner has previously admitted this invalid commercial usage to Swartland Town Planning, which has resulted in the outstanding non-compliance notices levied against them. Moreover, Agricultural zone 1 is more appropriate as it specifically makes provision for aqua/horticulture, while residential zone 5 does not. However, agricultural zone 1 is, of course, not suitable for the area.</p>	<p>1. The proposed rezoning of a portion of Erf 1327 to Residential Zone 5 is precisely tailored for rural residential areas like the area where Erf 1327 is located. Seeing that the average sizes for Residential Zone 5 erven area larger than 1900m², the proposal to rezone a portion (±2638m²) of Erf 1327 to Residential Zone 5 falls ideally within this scope. Considering the sizes of the surrounding properties and the fact that these properties are all surrounded by both Agricultural Zone 1 and 2 properties, indicating that the area mostly rural although it has a Residential Zone 1 zoning. The "rural" Residential Zone 5 zoning is therefore ideal for this proposed area.</p> <p>As the objector mentioned, that horticulture is ideal for an Agricultural Zone 1 properties and further state that Agricultural Zone 1 is not suitable for the area. It should be noted that all these properties are located adjacent to Agricultural Zone 1 land. The area is actually ideal for the intended use.</p>	<p>1. The By-Law allows the opportunity for any land owner to apply for the legalisation of an unauthorised land use on their property.</p> <p>Such an application is not a guarantee that the land use will automatically be approved, but it does provide an opportunity for the owner/developer to motivate the land use, the relevant authorities to evaluate the proposal in terms of legislative requirements, as well as to inform the general public of a development and open it up to comments or objections.</p> <ul style="list-style-type: none"> - The owner/developer aims at rectifying the unauthorised land use, through rezoning to Res. Zone 5, consistent with the By-Law; - The SDF earmarks the area for rural residential purposes. The proposal for rezoning is thus considered appropriate in the context and consistent with the spatial planning proposals;
	<p>2. Resident complaints: As a Ward Committee member, several residents have submitted complaints to me about the excessive and continuous noise coming from the current operation. They have reported that it is a 24-hour disturbance at times, not befitting of a residential area. These have been additional complaints about the height and the unsightly aesthetic of the tunnels.</p>	<p>2. Considering the comments received from the land owners of Erven 1326 (which is located closer to the tunnels than the objectors): <i>"We have never experienced noise issues from the tunnels. The generator was only used during load shedding, which was unavoidable. Nearly every house on Pieter Cruythoff Street has a generator, and these could be heard from a few houses away. The generator for the tunnels is in a sealed, noise damped unit within the decibel lawful parameters.</i></p> <p><i>The extractor fans have also never bothered us as Mr Lang has ceased using them for the past two years. He has made alternative adjustments for hot air to escape freely and naturally."</i></p> <p>The noise impact can thus be considered limited.</p>	<p>2. While the erven in Area G the area are zoned Residential Zone 1, the minimum erf size is limited to 2 000m², located on the urban edge of Riebeek Kasteel. The properties in the immediate surroundings are primarily farms.</p> <p>The zoning of the erven was established during a period when the zoning category of Residential Zone 5 was not defined in the By-Law. The large erven and the location lend itself perfectly to the concept and character of rural residential living, which consist of a regular dwelling house together with agricultural activities on a small scale. The properties in the area are already used in this manner, being cultivated with groves and/or orchards. Employing greenhouse tunnels for crop cultivation is thus considered consistent within the context.</p> <p>The use of a generator is not unusual in either a residential or agricultural context and, as long as a generator adheres to the restrictions of Western Cape</p>

			Noise Control Regulations (PG 7141 dated 20 June 2013), it is considered an acceptable ambient noise.
	3. It is well understood that fish are being kept and bred as part of the aquaponic operation. This is not disclosed effectively in the application, and it doesn't address how these fish and the related waste are being handled to ensure compliance with the environment and the surrounding residential area.	3. The following is a quote from the owner of Erf 1327: <i>"There is absolutely no fish waste from this system, only organic plant waste that gets recycled into compost. This whole process has absolutely no impact on the environment and in fact it saves water as part of an environmentally friendly way of producing food. The same amount of plants will use thousands of litres being wasted if farmed in conventional farming."</i>	3. Noted. The presence of fish on the property by no means constitutes intensive fish farming. The fish are used as an environmentally friendly water filtering method, not for commercial purposes.
	4. The area of Pieter Cruythoff Street is a growing neighbourhood consisting of residential properties with large erven and high-end values, which yield noteworthy rates and contribute to municipal funding. Additionally, the municipality is currently investing a substantial amount in the surfacing of this street, which should lead to increased residential interest, property values, and therefore rates. From a Town Planning and community growth perspective, it does not make sense at this time to approve a portion of land for agricultural/commercial use which would be more intensive and eventually surrounded by residential erven.	4. While Pieter Cruythoff Street is indeed an area of growing residential interest, it is important to recognize that the property in question lies at the interface between residential and agricultural zones, serving as a natural transition between the two land uses. The limited agricultural activity on the site is small in scale and consistent with the established rural-residential character of the broader area. Allowing such a use does not undermine future residential growth or municipal investment, but rather supports a balanced and diverse land-use pattern that reflects the area's agricultural nature. Additionally, the Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other principles, Section 59 (1), which divulges principles of spatial justice, specifies in subsection (f) that: <i>"A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome."</i>	4. The purpose of Residential Zone 5 is <i>"...to accommodate larger residential properties also used for agricultural purposes where agriculture, as a secondary reason for occupation of the property can be utilised..."</i> It should be clear from the abovementioned that Res 5 is not intended for regular, full scale commercial agricultural development. However, cultivating crops intended for sale is not contradictory to the use, providing that the primary use of the erf remains residential and no shops/retail activities occur on the property itself.
	5. It should be noted again that the owner has long-standing unresolved non-compliance notices issued by Swartland Town Planning. These are for incorrect zoning and a lack of building plans for the existing tunnels. While people should generally be	5. The application, submitted on 23 July 2025, serves as a direct and proactive response to the Swartland Municipality's illegal land use notice dated 31 May 2024, thereby ensuring full compliance with the Swartland Land Use Planning By-Law through the proposed rezoning and consent use.	5. Refer to assessment 1.

	afforded a chance to rectify issues, the fact that the owner has knowingly operated in non-compliance for several years should not be completely ignored. This leads to distrust, and it should at the very least call for a closer examination of the application and current operation by Swartland Town Planning.		
D. Redman Erf 2178 (Annexure E)	5. No action was taken to comply with illegal land use (as per the notice dated 31 May 2024). Instead, the applicant has opted to apply to regularise this illegal land use.	6. See point 5 above.	5. Refer to assessment 1.
	7. The statements by the applicant are disingenuous. By the applicant's own admission to Alwyn Burger of Swartland Town Planning, the tunnel is commercially viable. It is well known that produce from these tunnels has, and continues to be, commercially available for sale in several outlets in the village alone, to my personal knowledge. I am happy to provide proof, if required. Furthermore, I am not aware of any inspection that has been carried out on these tunnels to confirm that vegetables and herbs are indeed the only crops grown there.	8. Noted, whether the limited production is used for personal or small commercial purposes, the physical footprint / impact remains identical and minimal. It is the responsibility of the owner to comply with any health regulations if it is sold for any other use than personal consumption. The scale of the horticulture can be limited to what is currently on the property to ensure that no additional impact is proposed.	7. Refer to assessment 4.
	8. It is true there are olive groves, many of which have been part of those properties for decades, and often having been planted long before current owners resided there. My own property is one such, with 21 olive trees in my back garden. I am personally unaware of any other neighbour accommodating hydroponic or aquaponic tunnels as per the vague statement in the application; other than existing olive trees, a Google aerial view proves as much. The point, however, is that cultivating olive trees, other than pruning and harvesting (both	8. Olive groves on the objector's property demonstrate ongoing agricultural activity, including pruning and harvesting, within the existing residential area. Furthermore, these properties are located adjacent to Agricultural Zone 1 and Zone 2 land, which are characterized by commercial farming operations that typically involve the use of large machinery and generate associated noise. The proposed development, in its current form, is therefore consistent with the prevailing land uses in the surrounding area. In addition, the use of protective netting over crops has become a common agricultural practice aimed at	8. Refer to assessments 2 and 4.

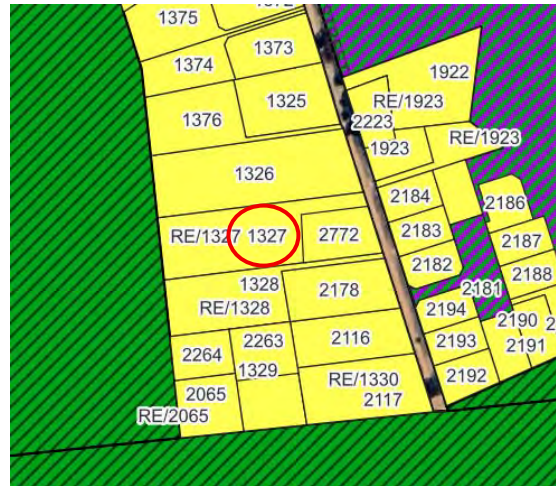
of which are done by hand, requiring no machinery) are silent activities producing zero waste, noise or disturbance. This is the opposite of the hydroponic tunnels.

There are no other similar tunnels on the entirety of Pieter Cruythoff Street. If anything, they are the single visually invasive and incongruous intervention to the environmental context and rural character. Constructing a structure in front of the tunnels may visually block them from that specific view, but they are still clearly visible from my adjacent properties, like my own.

An image supplied in the Motivation Report, simply zooming out to reveal the aerial view of the entire Pieter Cruythoff Street clearly shows the overbearing scale of these tunnels in relation to surrounding residential properties. They have a larger footprint than the majority (13) of existing residential structures. This cannot possibly be realistically considered a "modest scale".

The assertion (under "Proposed consent use")that a future residential property will be constructed on erf 2772 and that "the new dwelling house will be erected to the east, which will reduce any visual impact from the street" is sheer supposition, and cannot possibly be put forward as a valid point in a professional Motivation Report. It is frankly ridiculous that such assumption is mentioned as a means of minimizing existing visual impact. Will such a restrictive condition be included in the title deed? Highly unlikely.

improving yield and crop quality. This approach is already evident in Riebeeck Kasteel, specifically on Erven 489, 2022 and Farm No 661/6 (which is also located within the existing residential area). Consequently, the proposed horticultural use on a portion of Erf 1327 will have a minimal impact when compared to the intensity and nature of activities permitted on the adjacent agricultural-zoned properties.

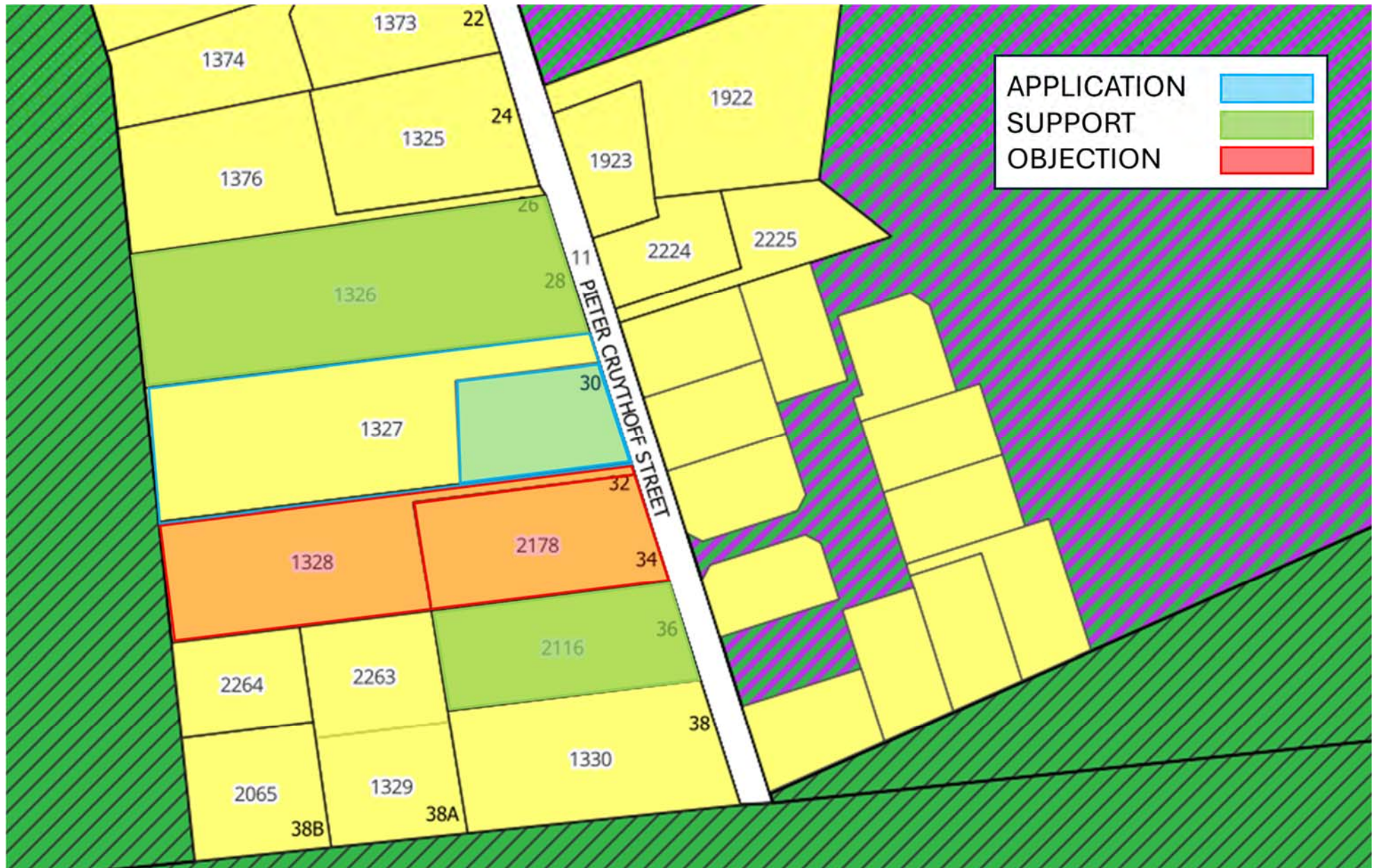


The height of the tunnels is limited to the height of a single storey dwelling and restricting the location of the tunnels to the rear of the property, ensures that the streetscape will remain consistent with that of a residential street, once the dwelling is constructed on the erf. The visual impact of the tunnels are considered minimal and appropriate in the context. Furthermore, the cladded frame structure is considered temporary and can easily be demolished at any stage in the future.

	<p>9. These would consequently grant similar departures for any future dwelling constructed on erf 2772, encroaching on neighbouring property boundaries.</p> <p>Furthermore, if rezoning is granted, nothing stops the applicant from in fact erecting additional tunnels on the property. While the report states that the rezoning is required for the existing tunnels only and that the land is to be sold with a dwelling constructed to hide the existing tunnels from view (on the unrealistic assumption that the purchaser of this land will in fact want to retain these tunnels), there is simply no enforceable mechanism to prevent the erection of additional tunnels, further compounding the negative impact on the residential area and neighbours. I distinctly recall the applicant mentioning to me directly that he needed to 'scale up for his business' after stating that was the reason he was in fact going to move the tunnels elsewhere (another location altogether) where he could accommodate additional tunnels. So a rezoning that would permit tunnels on the property becomes highly concerning as to how far this could potentially extend.</p>	<p>9. The departure of building lines is merely for the existing tunnels. Any new buildings should comply with the development parameters of the proposed Residential Zone 5 zoning. If not, another application for departure will need to be submitted for approval.</p>	<p>9. Departure from a building line by no means authorises the applicant to encroach on any property boundaries, not is it the intention of the applicant.</p> <p>Also, refer to assessment 4, regarding the intended character of Res. 5. The zoning category does not allow carte blanche for agricultural development and the use will not be allowed to overshadow the residential component on the erf.</p>
	<p>10. I moved into my property at the end of January 2024. On the 2 occasions I viewed the property prior to purchase, I noted what I assumed to be air vents, one at the top of each tunnel, facing my property. Only after having moved in, and these were activated, it was clear that they are some sort of extractor fan mechanism that sometimes ran up to 9 hours per day. The sound from these extractors are clearly audible within my house.</p> <p>Secondly, there is what sounds like an industrial generator on the property that</p>	<p>10. As the objector mentioned, he moved into his property at the end of January 2024, long after the hydroponic greenhouse tunnel was erected. The purchase was therefore made with full knowledge of the tunnel's existence and the potential implications it might have on the surrounding visual character and sound levels.</p> <p>Furthermore, refer to point 2 above.</p>	<p>10. Refer to assessment 2.</p>

	<p>is even louder when running. It would often kick off during load-shedding in the middle of the night and was loud enough to wake me every time. To my knowledge a generator creating that level of noise is strictly prohibited in a residential area.</p> <p>11. It is clear that these structures are invasive within the rural residential context, are an eyesore, produce unacceptable levels of noise and disturbance, and can potentially negatively affect the value of the properties we have invested in. The municipality has the legal responsibility to protect the constitutional rights to the peaceful amenity of their homes of affected properties and ratepayers over and above a single owner's desire to grow herbs and vegetables.</p>	<p>11. Refer to point 3.</p> <p>The following is an extract from the land owner of Erf 2116: <i>“Regarding your tunnels, I have no objection to your tunnels, I do not regard them as an eyesore at all and they do not create any other reason that I would object to. I think it is important to note that when they were erected our zoning allowed it. I don’t hear anything from your operation either, the only ‘noise’ was during load shedding when your generator came on we sometimes heard a very low hum that was never any nuisance.”</i></p> <p>The objector’s comment is therefore subjective and the proposal can be supported as other surrounding land owners support this.</p>	<p>11. Refer to assessment 8.</p>
<p>K. Rossouw Erf 2178 (Annexure F)</p> <p>CMU Itten Erf 1328 (Annexure G)</p>	<p>12. Despite what is submitted in the motivation report, these tunnels are:</p> <ol style="list-style-type: none"> a) Very large structures when compared to the surrounding residences. There are no other properties on the street with anything similar. b) Used for commercial purposes. You can buy the produce in a few places in Riebeek Kasteel. c) Noisy and do actually cause disturbance. I can hear the fans from the tunnels and the even louder generator from inside my house. The generator can even be heard when all windows and doors are closed. 	<p>12. Refer to point 8.</p>	<p>12. Refer to assessments 2, 4 and 8.</p>

	<p>13. Who is to believe the vague promises that a house will be built to shield the tunnels from view? Who ensures that this will actually happen? There is no legal way to do that.</p> <p>What stops the property owner from adding more tunnels if the property is rezoned? Who has inspected these tunnels, even the existing ones, to ensure they are not creating issues for those of us directly affected? Has anyone been to the property to hear the fans and generator in action?</p> <p>Basically, as a directly affected neighbour with property rights protected by multiple by-laws, I strongly believe that these tunnels are totally inappropriate for our residential area and negatively impact those rights. The municipality is obligated to protect the rights of the rate-paying residential community over and above a single property owner's attempt to continue the illegal use of residential land</p>	<p>13. Erf 1327 was subdivided to create unregistered Erf 2772 (the rezoning and departure application is submitted). The intent of the subdivision is to sell the portion of land. It would be highly unlikely that a new owner would purchase the property and not erect a dwelling house on the premises.</p> <p>See the extract from the land owner: <i>"Maybe due to Mr Redman only becoming a resident in the last 2 years he would not be aware of any inspections took place so to correct him the city council offices and the councillor with senior representatives did come and do an inspection which he can verify with them".</i></p>	<p>13. Refer to assessment 4. If approved, the development will be subject to certain conditions, specifically addressing the objectors' concerns.</p>
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Objectors in relation to the application erf

PART J: MUNICIPAL PLANNING EVALUATION

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

Application for the rezoning of Erf 1327, Riebeek Kasteel, is made in terms of Section 25(2)(a) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), from Residential Zone 1 to Residential Zone 5: Rural Residential.

The application was published in local newspapers and the Provincial Gazette on 9 September 2025, in terms of Section 55 of the By-Law. The commenting period, for or against the application, closed on 13 October 2025.

In addition to the abovementioned publication, 11 written notices were sent via registered mail to the affected property owners in the area, in terms of Section 56(1) & (2) of the By-Law, as well as e-mails, where e-mail addresses were available. Two notices were returned unclaimed. Please refer to Annexure C for the public participation map.

A total of 4 objections were received against the proposal. The applicant was afforded 30 days, from 15 October 2025 to 16 November 2025, to respond to comments and objections received by affected parties. The response to comments was received on 31 October 2025.

The Swartland Department: Civil Engineering Services requested additional information relating to the water use generated by the horticultural activities on the property, which was provided on 23 February 2026. The information was considered and commented on by the Department and the application is now submitted for consideration by the Tribunal

The applicant are C.K. Rumboll and partners and property owner is Gondover (Pty) Ltd.

2. Legislation and policy frameworks

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

a) Spatial Justice: The SDF identifies the area surrounding Erf 1327 as an area which can accommodate secondary educational uses. The scale and nature of the proposal renders it consistent with the spatial proposals for Riebeek Kasteel. The proposed land use is consistent with the existing uses on surrounding properties, and affected property owners also retain the right to develop their properties in a similar manner.

b) Spatial Sustainability: The proposed development will promote the optimal utilisation of a large rural residential erf, constituting densification, without causing additional impact on the natural environment, and while promoting the spatial proposals of the SDF.

Existing services are deemed sufficient to accommodate a dwelling on the property, while the hydroponic cultivation component of the development will utilise borehole water.

c) Efficiency: The future and existing infrastructure on Erf 1327 will be used optimally by the dwelling and horticultural activities.

d) Good Administration: The application and public participation was administered by Swartland Municipality and public and departmental comments obtained.

e) Spatial Resilience: The hydroponic tunnels are constructed by means of a steel frame, covered in material. Such structures may easily be demolished and are considered non-permanent. Should the use of the tunnels discontinue, the impact may be erased fairly easily.

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

2.2 Spatial Development Framework(SDF)

Erf 1327 is located in Area G of Riebeek Kasteel, as delineated by the SDF. Area G is surrounded by farms and agricultural industries, while the area itself is identified as rural residential. The minimum erf sizes are restricted both east and west of Pieter Cruythoff Street, to 1 000m² and 2 000m² respectively.

The proposed erf size and land use are consistent with the spatial proposals for the area, as identified by the SDF.

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

Erf 1327 is zoned Residential Zone 1. Subdivision of the property was approved in November 2021, to form Erf 2772, but the subdivision has hitherto not been registered. The rezoning is thus proposed only for the footprint of the portion

that will eventually become Erf 2772, to Residential Zone 5, with consent application for horticulture. The consent use application is triggered, as the owner/developer utilises hydroponic tunnels for the commercial production of herb and vegetables.

The proposal adheres to all the development parameters, including building lines, coverage and required parking bays.

The application at hand does not include the departure from the building lines that will be more restrictive, once the rezoning has been approved. The owner/developer may either amend the position of the tunnels to adhere to the new 6m side building lines, or a building line departure application may be included with the building plan submission.

3. Impact on municipal engineering services

The Department: Civil Engineering Services supports the application in its current form, but cautions that no municipal drinking water may be used for the hydroponic cultivation.

The owner/developer submitted that borehole water will be utilised and the quality and yield of the boreholes were considered and supported by the Department: Civil Engineering Services.

4. Desirability of the proposed utilisation

Erf 1327, Riebeek Kasteel is zoned Residential Zone 1 and is developed with a dwelling house. During November 2021, a portion of the property was subdivided (unregistered Erf 2772, 2 638m² in extent), and two hydroponic tunnels were constructed on the unregistered portion. The cultivation of herbs and vegetables for commercial purposes is regarded as horticulture and the owners were instructed to complete a land use application for the rezoning of the property from Residential Zone 1 to Residential Zone 5 and apply for a consent use to accommodate the horticultural activities on the erf. Taking into account that the property has already been subdivided and is currently actively in the approval period, the application did not include rezoning into subdivisional area.

The purpose of Residential Zone 5 is specifically to accommodate larger residential erven, but also to provide opportunity for owners to practise agricultural activities on a small scale. The intent, however, should always be to retain the residential use of the property. Erf 1327 contains a dwelling, but unregistered Erf 2772 will eventually be registered, containing only the existing hydroponic tunnels. The conditions of approval will thus include the requirement that building plans for a dwelling be submitted immediately upon transfer of the property, to ensure that the primary use of the property remains intact.

The current visual impact of the hydroponic tunnels is similar to and even less than that of the residential dwellings in the area.





Taking into account that the developable space for the dwelling on unregistered Erf 2772 will be the eastern portion of the property, along Pieter Cruythoff Street, it is further anticipated that the streetscape will not be impacted and will remain that of a residential development.

The impact of the electricity generator seems to be a subjective issue, with certain residents objecting against the use, while others state the opposite. It is argued that the use of a generator is not illegal, provided that the Noise Control Act is adhered to. Furthermore, the size of the erven is such, that the conditions of approval may stipulate that generators be located as far as practically possible away from any of the neighbouring dwellings.

Allowing horticulture as a consent use, does not restrict the land owner to produce for personal use only. Production for commercial purposes is absolutely permissible. However, the scale of the production is dictated by the primary use of the property that must remain residential, as well as the fact that no retail activities may take place on the property. The conditions of approval will be formulated accordingly.

The character of the area is not foreseen to be negatively impacted upon, as the area proposed for rezoning is consistent with the minimum erf size of 2 000m² and the proposed land use is foreseen to promote the character of rural residential living. The SDF clearly earmarks the area for the use, as a buffer zone between the residential development of Riebeek Kasteel and the surrounding agricultural land.

By-Law makes provision for horticulture as a consent use under Residential Zone 5, as the land use is consistent with the character of such a development.

There are no physical restrictions on the property that will have a negative impact on the application.

The use of borehole water for the horticultural activities on the property was considered and deemed acceptable by the Department: Civil Engineering Services, while sufficient services capacity exists to accommodate domestic use.

The public participation process of the application was done according to the prescribed timeframes of the By-Law.

The property is not registered as a heritage asset and the development proposal will have no impact on the cultural or natural historical assets of Riebeek Kasteel, in fact, the development is foreseen to enhance the historically rural nature.

The Title deed contains no restrictive conditions to prohibit the proposed consent use.

The application is considered to be desirable.

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 rezoning of a portion of Erf 1327, 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);
- B.** The application for a consent use on a portion of Erf 1327, 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);

Approvals A. and B. are subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- a) A portion of Erf 1327, Riebeek Kasteel, (2 638m² in extent) be rezoned from Residential Zone 1 to Residential Zone 5, in accordance with Rezoning Plan MAL/14280/NJdK, as presented in the application;
- b) The consent use authorises horticulture to be practised in the existing hydroponic greenhouse tunnels on the Residential Zone 5 portion of Erf 1327, as presented in the application;
- c) The primary use of the Residential Zone 5 portion remains residential with horticulture as a secondary land use;
- d) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- e) Application for the display of advertising signs be submitted to the Senior Manager: Development Management for consideration for approval;

2. WATER

- a) The existing single water connection be used and that no additional connections be provided;
- b) Only borehole water be used towards the commercial horticultural activities and no municipal drinking water be used;

3. SEWERAGE

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

4. GENERAL

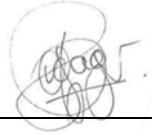

- a) The approval is valid for a period of 5 years, in terms of Section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision. Should all conditions of approval be met within the prescribed period, the land use becomes permanent and the approval period will no longer be applicable;
- 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 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.
- c) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;

PART M: REASONS FOR RECOMMENDATION

1. The application complies with the planning principles of LUPA and SPLUMA.
2. The application is compliant with the spatial planning of Riebeek Kasteel, as directed by the SDF.
3. The proposed rezoning and consent use will complement and not have a negative impact on the residential character of the surrounding area.
4. The development proposal supports the optimal utilisation of the property.
5. The proposal seeks to obtain formalisation of an existing use on the property.
6. The development will utilise existing infrastructure, supplemented with borehole water.
7. The structures of the hydroponic greenhouse tunnels are semi-permanent and can easily be demolished, should it be necessary in future.
8. The noise impact of the facility on the tranquillity of the neighbourhood is deemed to be negligible.

PART N: ANNEXURES

ANNEXURE A	Locality Plan
ANNEXURE B	Site Development Plan
ANNEXURE C	Public Participation Map
ANNEXURE D	Objections by J. Geldenhuys
ANNEXURE E	Objections by D. Redman
ANNEXURE F	Objections by K. Rossouw
ANNEXURE G	Objections by C.M.U. Itten
ANNEXURE H	Response to comments

PART O: APPLICANT DETAILS				
First name(s)	C.K. Rumboll and partners and property owner is			
Registered owner(s)	Gondovert (Pty) Ltd.	Is the applicant authorised to submit this application:	Y	N
PART P: SIGNATURES				
Author details: A. de Jager Senior Town Planner SACPLAN: A/2203/2015			Date: 30 March 2026	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
			Date: 30 March 2026	

Locality of Erf 1327 Riebeek Kasteel

Legend



Map Center: Lon: 18°54'3
Lat: 33°23'5

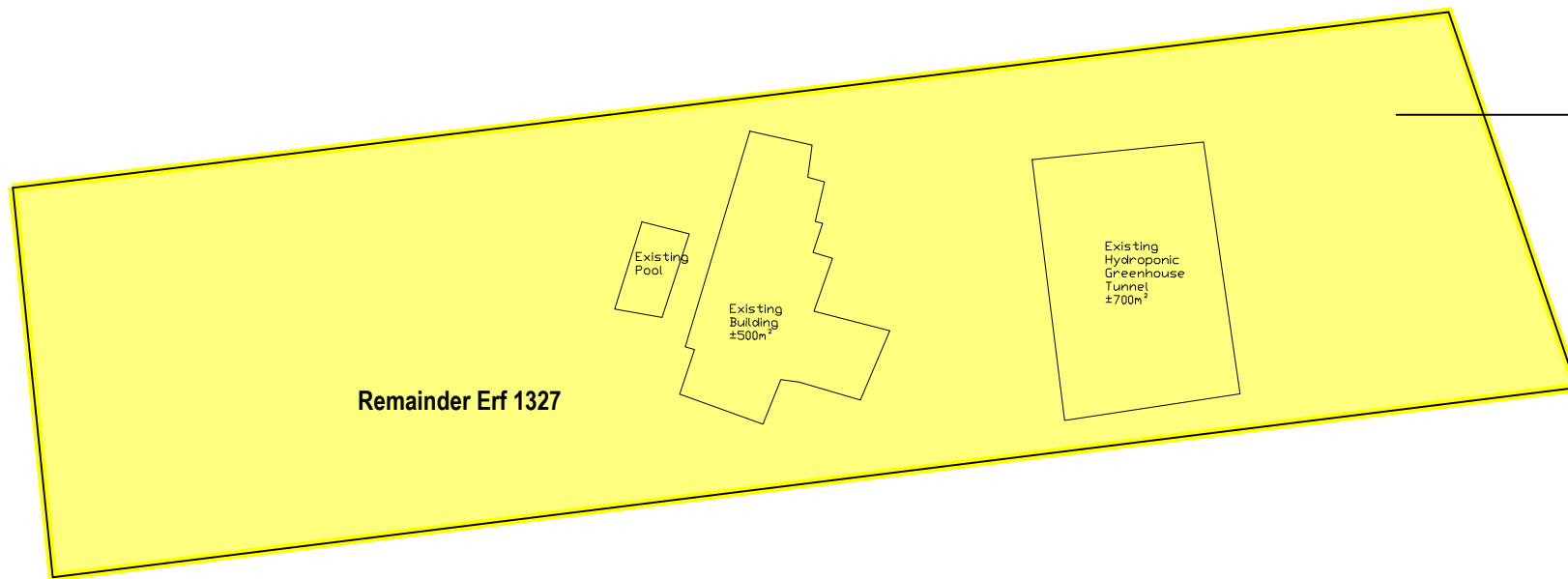
Scale: 1:18,056

Date created: 2025/21/07



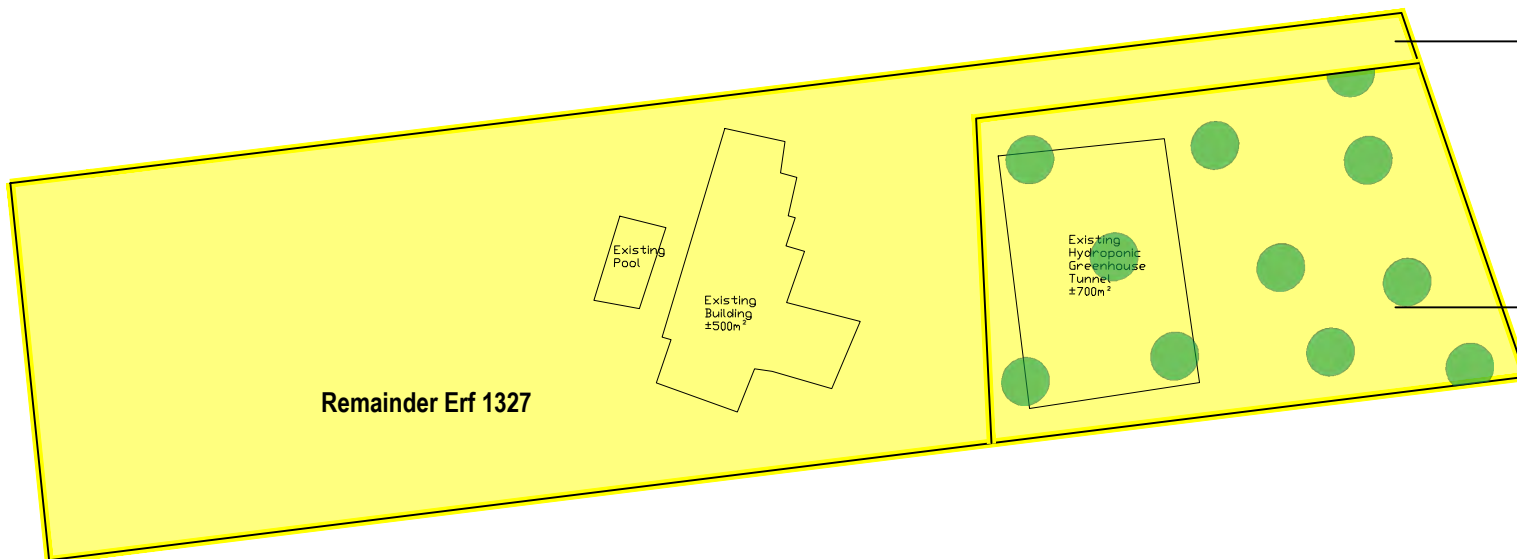
Western C
Governme
FOR YOU

ANNEXURE A



Residential Zone 1



BEFORE REZONING



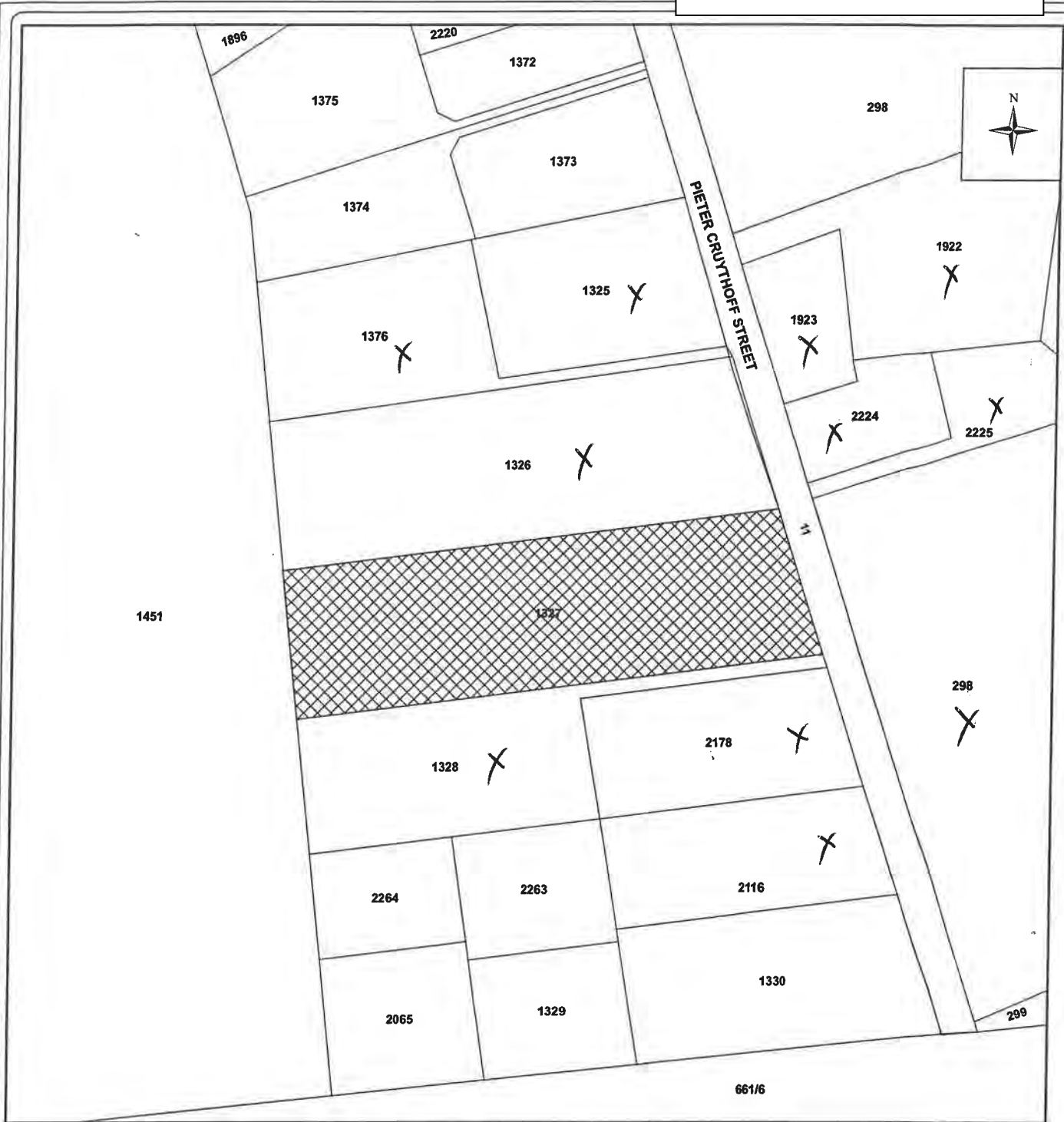
Residential Zone 1

Residential Zone 1

AFTER REZONING

TITLE: REZONING	
ERF 1327 RIEBEEK KASTEEL	
PHYSICAL ADDRESS: RIEBEEK KASTEEL	
NOTE: ALL AREAS AND DISTANCES ARE SUBJECTED TO FIELD VERIFICATION	
COMPILED BY: 	C.K. RUMBOLD & V. PANING TOWN PLANNERS PROFESSIONAL SERVICE 16 RAINIER STREET Tel: 022 - 4821845 Fax: 022 - 4871661 Email: paning2@ckr.co.za
DATE: JULY 2025	AUTHORITY: SWARTLAND
REF: MAL/14280/NJdK	

ANNEXURE B

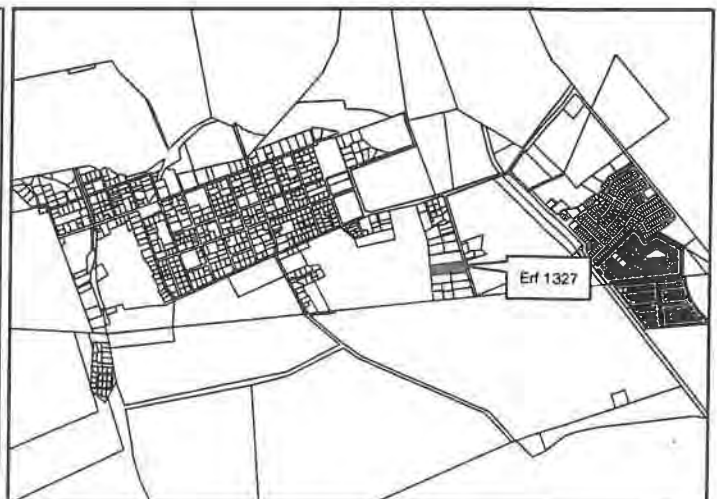


Voorgestelde hersonering en vergunningsgebruik

Erf 1327, Riebeek Kasteel

Publieke deelname

Skaal: NVT



ANNEXURE D

From: Joshua Geldenhuis <joshuageldenhuis1@gmail.com>

Sent: Thursday, 09 October 2025 22:14

To: Registrasie Email <RegistrasieEmail@swartland.org.za>; Alwyn Zaayman <zaaymana@swartland.org.za>

Cc: Desiree Bess (desireevgk@gmail.com) <desireevgk@gmail.com>

Subject: Objection: Proposed Rezoning Of ERF 1327, Riebeek Kasteel (Notice 22/2025/2026)

Hello,

I am hereby submitting my objection regarding the proposed rezoning of ERF 1327 in Riebeek Kasteel to residential zone 5. My reasons for objection are below

1. **Incorrect zoning for usage:** Residential zone 5 is not the correct zoning given the current and intended use. The existing tunnels are currently not being primarily used for personal consumption. The produce is wholly used for commercial sale throughout the Cape. The owner has previously admitted this invalid commercial usage to Swartland Town Planning, which has resulted in the outstanding non-compliance notices levied against them. Moreover, Agricultural zone 1 is more appropriate as it specifically makes provision for aqua/horticulture, while residential zone 5 does not. However, agricultural zone 1 is, of course, not suitable for the area.
2. **Resident complaints:** As a Ward Committee member, several residents have submitted complaints to me about the excessive and continuous noise coming from the current operation. They have reported that it is a 24-hour disturbance at times, not befitting of a residential area. There have been additional complaints about the height and the unsightly aesthetic of the tunnels.
3. **Waste:** It is well understood that fish are being kept and bred as part of the aquaponic operation. This is not disclosed effectively in the application, and it doesn't address how these fish and the related waste are being handled to ensure compliance with the environment and the surrounding residential area.
4. **Surrounding area and interests:** The area of Pieter Cruythoff Street is a growing neighborhood consisting of residential properties with large erven and high-end values, which yield noteworthy rates and contribute to municipal funding. Additionally, the municipality is currently investing a substantial amount in the surfacing of this street, which should lead to increased residential interest, property values, and therefore rates. From a Town Planning and community growth perspective, it does not make sense at this time to approve a portion of land for agricultural/commercial use which would be more interesting and eventually surrounded by residential erven.
5. **Past non-compliance:** It should be noted again that the owner has long-standing unresolved non-compliance notices issued by Swartland Town Planning. These are for incorrect zoning and a lack of building plans for the existing tunnels. While people should generally be afforded a chance to rectify issues, the fact that the owner has knowingly operated in non-compliance for several years should not be completely ignored. This leads to distrust, and it should at the very least call for a closer examination of the application and current operation by Swartland Town Planning.

Please confirm receipt of this email.

Kind regards,

Joshua Geldenhuis
Ward 12 Committee

From: Deon Redman <deonredman@yahoo.com>

Sent: Friday, 10 October 2025 07:48

To: Registrasie Email <RegistrasieEmail@swartland.org.za>; Delmary Stellenberg

<StellenbergD@swartland.org.za>

Subject: OBJECTION: PROPOSED REZONING, CONSENT USE AND DEPARTURE ON ERF 1327, RIEBEEK KASTEEL

ANNEXURE E

Dear Sir / Madam

I, Deon Redman, co-owner and resident at 34 Pieter Cruythoff Street (Erf 2187) hereby note my OBJECTION to the Proposed Rezoning, Consent Use and Departure on Erf 1327, Riebeek Kasteel.

I am a direct neighbour of the currently unregistered portion of Erf 1327 (Erf 2772) for which rezoning is being sought, separated only by the panhandle leading to Erf 1328. I acknowledge and confirm my status as a directly interested and affected party in this application and request any updates to be duly communicated moving forward.

My reasons for this objection are laid out below, as per the application:

1. Background

No action was taken to comply with illegal land use (as per the notice dated 31 May 2024). Instead, the applicant has opted to apply to regularise this illegal land use.

Section 3.2 (Proposed Consent Use) states:

The structure is currently used for the cultivation of vegetables and/or herbs, primarily for personal consumption.

Respectfully, this statement is disingenuous. By the applicant's own admission to Alwyn Burger of Swartland Town Planning, the tunnels are being used commercially. It is well known that produce from these tunnels has, and continues to be, commercially available for sale in several outlets in the village alone, to my personal knowledge. I am happy to provide proof, if required. Furthermore, I am not aware of any inspection that has been carried out on these tunnels to confirm that vegetables and herbs are indeed the only crops grown there. I am told by a neighbour that police visited the site at some point but could not gain access. Why they would see the need to carry out an inspection remains unknown to me. Whether any activity there poses a security risk to myself or my property remains equally unknown, but certainly unacceptable.

2. Surrounding land uses

It is true that several surrounding properties have olive groves, many of which have been part of those properties for decades, and often having been planted long before current owners resided there. My own property is one such, with 21 olive trees in my back garden. I am personally unaware of any other neighbour accommodating "some form of agricultural activity" (as per the vague statement in the application) other than existing olive trees. A Google aerial view proves as much. The point, however, is that cultivating olive trees, other than pruning and harvesting (both of which are done by hand, requiring no machinery) are silent activities producing zero waste, noise or disturbance.

This is the opposite of the hydroponic tunnels.

It is further stated:

The presence of the hydroponic tunnel on unregistered Erf 2772 is therefore consistent with the prevailing land use pattern and contributes to the broader rural character of the area.

This statement is, respectfully, nonsensical. There are no other similar tunnels on the entirety of Pieter Cruythoff Street. If anything, they are the single visually invasive and incongruous intervention to the environmental context and rural character. Constructing a structure in front of the tunnels may visually block them from that specific view, but they are still clearly visible from my adjacent properties, like my own.

It is additionally stated:

The existing hydroponic tunnel is of a modest scale and located in a manner that does not dominate the landscape or negatively affect the visual quality of the area.

While not evident in the edited *Figure 1. Aerial View/location* image (page 5) supplied in the Motivation Report, simply zooming out to reveal the aerial view of the entire Pieter Cruythoff Street (as per the image attached to this mail) clearly shows the overbearing scale of these tunnels in relation to surrounding residential properties. They have a larger footprint than the majority (18) of existing residential structures. This can not possibly be realistically considered a "modest scale".

The assertion (under "Proposed consent use")that a future residential property will be constructed on erf 2772 and that *"the new dwelling house will be erected to the east, which will reduce any visual impact from the street"* is sheer supposition, and can not possibly be put forward as a valid point in a professional Motivation Report. It is frankly ridiculous that such assumption is mentioned as a means of minimizing existing visual impact. Will such a restrictive condition be included in the title deed? Highly unlikely.

3. Departure of building lines

These would consequently grant similar departures for any future dwelling constructed on erf 2772, encroaching on neighbouring property boundaries.

Furthermore, if rezoning is granted, nothing stops the applicant from in fact erecting additional tunnels on the property. While the report states that the rezoning is required for the existing tunnels only and that the land is to be sold with a dwelling constructed to hide the existing tunnels from view (on the unrealistic assumption that the purchaser of this land will in fact want to retain these tunnels), there is simply no enforceable mechanism to prevent the erection of additional tunnels, further compounding the negative impact on the residential area and neighbours. I distinctly recall the applicant mentioning to me directly that he needed to 'scale up for his business' after stating that was the reason he was in fact going to move the tunnels elsewhere (another location altogether) where he could accommodate additional tunnels. So a rezoning that would permit tunnels on the property becomes highly concerning as to how far this could potentially extend.

4. Noise and Disturbance

The application states:

This form of horticulture generates minimal noise and waste and does not involve the use of heavy machinery or large-scale operations that could disrupt the surrounding rural residential environment.

It further states:

The hydroponic tunnel is a lightweight, low-intensity agricultural structure that does not generate noise, odour, visual obstruction, or privacy concerns for adjacent properties. Its impact on neighbouring erven is therefore limited.

Having previously consulted regarding noise and disturbance in residential contexts, I urgently query how these statements are put forward without any inspection, assessment, or corroborating data from a licensed professional. Again, it is little more than supposition.

I moved into my property at the end of January 2024. On the 2 occasions I viewed the property prior to purchase, I noted what I assumed to be air vents, one at the top of each tunnel, facing my property. Only after having moved in, and these were activated, it was clear that they are some sort of extractor fan mechanism that sometimes ran up to 9 hours per day. The sound from these extractors are clearly audible within my house.

Secondly, there is what sounds like an industrial generator on the property (I cannot see where exactly this is located) that is even louder when running. It would often kick off during load-shedding in the middle of the night and was loud enough to wake me every time it did so. I am unsure if it is activated only during load-shedding, but to my knowledge a generator creating that level of noise is strictly prohibited in a residential context.

Regarding waste, there is now mention of how the fish and their waste is being handled, and if that is environmentally compliant in a residential area. Again, I am unaware of any inspection that has been carried out to assess this.

I was in the process of having my attorney draft a letter of complaint and demand to the municipality to enforce compliance of applicable by-laws. I did not proceed however, as I learnt that the tents were to be removed, as per instruction of the municipality. As mentioned, having spoken to Mr Lang socially, he mentioned that he was planning to move the tunnels as he needed to 'scale up' for his business. That was further reason to no longer pursue at the time.

It is clear that these structures are invasive within the rural residential context, are an eyesore, produce unacceptable levels of noise and disturbance, and can potentially negatively affect the value of the properties we have invested in. The municipality has the legal responsibility to protect the constitutional rights to the peaceful amenity of their homes of affected properties and ratepayers over and above a single owner's desire

to grow herbs and vegetables for (as, frankly, misrepresented in the Motivation Report) "*primarily personal use*".

Kindly confirm receipt of this email and this objection.

Sincerely

Deon Redman

34 Pieter Cruythoff Street.

From: Kris Rossouw <kingkris22@gmail.com>

Sent: Friday, 10 October 2025 10:51

To: Registrasie Email <RegistrasieEmail@swartland.org.za>; Delmary Stellenberg <StellenbergD@swartland.org.za>

Subject: Objection: ON ERF 1327 Proposed rezoning, consent use and departure, Riebeek Kasteel

ANNEXURE F

Good Day

I reside at 34 Pieter Cruythoff Street (erf 2187, direct neighbour to erf 2772) which I co-own. I **formally object** to the proposed rezoning, consent use and departure on Erf 1327, Riebeek Kasteel.

Despite what is submitted (and often misrepresented) in the application's motivation report, these tunnels are:

1. Actually very large structures when compared to the surrounding residences. There are no other properties on the street with anything similar.
2. Used for commercial purposes. You can buy the produce in a few places in Riebeek kasteel, and who knows where else.
3. Noisy and do actually cause disturbance. I can hear the fans from the tunnels and the even louder generator from inside my house. The generator can even be heard when all windows and doors are closed. Has anyone ever actually checked this?

It's hard to believe anything that is mentioned in the motivation report, when I know from personal experience that so many points have been mis-stated or misrepresented.

Also, who is to believe the vague promises that a house will be built to shield the tunnels from view (from the front only, to add)? Who ensures that this will actually happen? There is no legal way to do that.

What stops the property owner from adding more tunnels if the property is rezoned?

Who has inspected these tunnels, even the existing ones, to ensure that they are not creating issues for those of us directly affected? Has anyone been to the property to hear the fans and generator in action?

Basically, as a directly affected neighbour with property rights protected by multiple by-laws, I strongly believe that these tunnels are totally inappropriate for our residential area and negatively impact those rights. How do they not negatively affect surrounding property values?

The municipality is obligated to protect the rights of the rate-paying residential community over and above a single property owner's attempt to continue the illegal use of residential land.

Please confirm that this mail has been received and my objection noted.

Kind regards

Krisjan Rossouw

34 Pieter Cruythoff Street

ANNEXURE G

CK RUMBOLL & VENNOTE / PARTNERS

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

DATE: 29 October 2025

OUR REF: RK/14280/NJdK

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED REZONING AND CONSENT USE ON ERF 1327, RIEBEEK KASTEEL

Your letter dated 15 October 2025 refers (see annexure A attached). Please find attached our comments to objections.

This office has been instructed by the owner of Erf 1327 to handle all town planning actions regarding the application for rezoning and consent use on Erf 1327, Riebeek Kasteel.

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

- Joshua Geldenhuys
- Deon Redman
- Krisjan Rossouw
- CMU Itten

Please note that comments in support of this application are also attached from the surrounding owners:

- Fiona Hellmann (Erf 1326)
- Don King (Erf 2116)

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

Objector	Objection	Comment from CK Rumboll & Partners
Joshua Geldenhuys	<p>1. Incorrect zoning for usage: Residential zone 5 is not the correct zoning given the current and intended use. The existing tunnels are currently not being primarily used for personal consumption. The produce is wholly used for commercial sale throughout the Cape. The owner has previously admitted this invalid commercial usage to Swartland Town Planning, which has resulted in the outstanding non-compliance notices levied against them. Moreover, Agricultural zone 1 is more appropriate as it specifically makes provision for aqua/horticulture, while residential zone 5 does not. However, agricultural zone 1 is, of course, not suitable for the area.</p>	<p>1. The proposed rezoning of a portion of Erf 1327 to Residential Zone 5 is precisely tailored for rural residential areas like the area where Erf 1327 is located. Seeing that the average sizes for Residential Zone 5 even area larger than 1900m², the proposal to rezone a portion (±2638m²) of Erf 1327 to Residential Zone 5 falls ideally within this scope. Considering the sizes of the surrounding properties and the fact that these properties are all surrounded by both Agricultural Zone 1 and 2 properties, indicating that the area mostly rural although it has a Residential Zone 1 zoning. The “rural” Residential Zone 5 zoning is therefore ideal for this proposed area.</p> <p>As the objector mentioned, that horticulture is ideal for an Agricultural Zone 1 properties and further state that Agricultural Zone 1 is not suitable for the area. It should be noted that all these properties are located adjacent to Agricultural Zone 1 land. This being the case, this area is ideal for this use.</p>
	<p>2. Resident complaints: As a Ward Committee member, several residents have submitted complaints to me about the excessive and continuous noise coming from the current operation. They have reported that it is a 24-hour disturbance at times, not befitting of a residential area. These have been additional complaints about the height and the unsightly aesthetic of the tunnels.</p>	<p>2. Considering the comments received from the land owners of Erven 1326 (which is located closer to the tunnels than the objectors): <i>“We have never experienced noise issues from the tunnels. The generator was only used during load shedding, which was unavoidable. Nearly every house on Pieter Cruythoff Street has a generator, and these could be heard from a few houses away. The generator for the tunnels is in a sealed noise, damped unit within the decibel lawful parameters. We have never been bothered by the noise of the generator, and it was only used as a necessity during load shedding.”</i></p>

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

		<p><i>The extractor fans have also never bothered us as Mr Lang has ceased using them for the past two years. He has made alternative adjustments for hot air to escape freely and naturally.</i></p> <p>Considering this, the noise impact can be considered limited.</p>
	<p>3. Waste: It is well understood that fish are being kept and bred as part of the aquaponic operation. This is not disclosed effectively in the application, and it doesn't address how these fish and the related waste are being handled to ensure compliance with the environment and the surrounding residential area.</p>	<p>3. The following is an extract from the owner of Erf 1327: <i>"There is absolutely no fish waste from this system, only organic plant waste that gets recycled into compost. This whole process has absolutely no impact on the environment and in fact it saves water as part of an environmentally friendly way of producing food. The same amount of plants will use thousands of litres being wasted if farmed in conventional farming."</i></p>
	<p>4. Surrounding area and interests: The area of Pieter Cruythoff Street is a growing neighbourhood consisting of residential properties with large erven and high-end values, which yield noteworthy rates and contribute to municipal funding. Additionally, the municipality is currently investing a substantial amount in the surfacing of this street, which should lead to increased residential interest, property values, and therefore rates. From a Town Planning and community growth perspective, it does not make sense at this time to approve a portion of land for agricultural/commercial use which would be more interesting and eventually surrounded by residential erven.</p>	<p>4. While Pieter Cruythoff Street is indeed an area of growing residential interest, it is important to recognize that the property in question lies at the interface between residential and agricultural zones, serving as a natural transition between the two land uses. The limited agricultural activity on the site is small in scale and consistent with the established rural-residential character of the broader area. Allowing such a use does not undermine future residential growth or municipal investment, but rather supports a balanced and diverse land-use pattern that reflects the area's agricultural nature.</p> <p>Additionally, the Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other principles, Section 59 (1), which divulges principles of spatial justice, specifies in subsection (f) that: <i>"A competent authority contemplated in this Act or other relevant authority considering an application before it,</i></p>

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		<i>may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome.”</i>
	5.Past non-compliance: It should be noted again that the owner has long-standing unresolved non-compliance notices issued by Swartland Town Planning. These are for incorrect zoning and a lack of building plans for the existing tunnels. While people should generally be afforded a chance to rectify issues, the fact that the owner has knowingly operated in non-compliance for several years should not be completely ignored. This leads to distrust, and it should at the very least call for a closer examination of the application and current operation by Swartland Town Planning.	5. The application, submitted on 23 July 2025, serves as a direct and proactive response to the Swartland Municipality's illegal land use notice dated 31 May 2024, thereby ensuring full compliance with the Swartland Land Use Planning By-Law through the proposed rezoning and consent use.
Deon Redman	6. No action was taken to comply with illegal land use (as per the notice dated 31 May 2024). Instead, the applicant has opted to apply to regularise this illegal land use.	6. See point 5 above.
	7. <i>The structure is currently used for the cultivation of vegetables and/or herbs, primarily for personal consumption.</i> Respectfully, this statement is disingenuous. By the applicant's own admission to Alwyn Burger of Swartland Town Planning, the tunnel is commercially viable. It is well known that produce from these tunnels has, and continues to be, commercially available for sale in several outlets in the village alone, to my personal knowledge. I am happy to provide proof, if required. Furthermore, I am not aware of any inspection that has been carried out on these tunnels to confirm that vegetables and herbs are indeed the only crops grown there. I am told by a neighbour that colic visited the site at some point but could not gain	7. Noted, whether the limited production is used for personal or small commercial purposes, the physical footprint / impact remains identical and minimal. It is the responsibility of the owner to comply with any health regulations if it is sold for any other use than personal consumption. The scale of the horticulture can be limited to what is currently on the property to ensure that no additional impact is proposed.

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	<p>access. Why they would see the need to carry out an inspection remains unknown to me. Whether any activity there poses a security risk to myself or my property remains equally unknown, but certainly unacceptable.</p>	
	<p>8. Surrounding land uses It is true there are olive groves, many of which have been part of those properties for decades, and often having been planted long before current owners resided there. My own property is one such, with 21 olive trees in my back garden. I am personally unaware of any other neighbour accommodating hydroponic or aquaponic tunnels as per the vague statement in the application; other than existing olive trees, a Google aerial view proves as much. The point, however, is that cultivating olive trees, other than pruning and harvesting (both of which are done by hand, requiring no machinery) are silent activities producing zero waste, noise or disturbance. This is the opposite of the hydroponic tunnels.</p> <p>It is further stated: <i>The presence of the hydroponic tunnel on unregistered Erf 2772 is therefore consistent with the prevailing land use pattern and contributes to the broader rural character of the area.</i></p> <p>This statement is, respectfully, nonsensical. There are no other similar tunnels on the entirety of Pieter Cruythoff Street. If anything, they are the single visually invasive and incongruous intervention to the environmental context and rural character. Constructing a structure in front of the tunnels may visually block them from that specific view, but they are still clearly visible from my adjacent properties, like my own.</p> <p>It is additionally stated: <i>The existing hydroponic tunnel is of a modest</i></p>	<p>8. Olive groves on the objector's property demonstrate ongoing agricultural activity, including pruning and harvesting, within the existing residential area. Furthermore, these properties are located adjacent to Agricultural Zone 1 and Zone 2 land, which are characterized by commercial farming operations that typically involve the use of large machinery and generate associated noise. The proposed development, in its current form, is therefore consistent with the prevailing land uses in the surrounding area.</p> <p>In addition, the use of protective netting over crops has become a common agricultural practice aimed at improving yield and crop quality. This approach is already evident in Riebeek Kasteel, specifically on Erven 489, 2022 and Farm No 661/6 (which is also located within the existing residential area). Consequently, the proposed horticultural use on a portion of Erf 1327 will have a minimal impact when compared to the intensity and nature of activities permitted on the adjacent agricultural-zoned properties.</p>

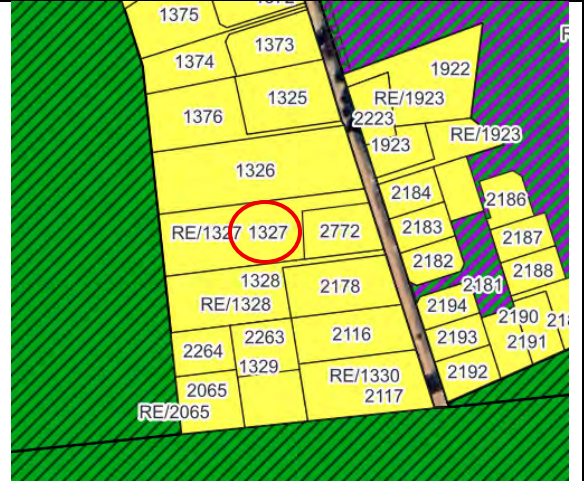
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scale and located in a manner that does not dominate the landscape or negatively affect the visual quality of the area.

While not evident in the edited Figure 1. Aerial View/location image (page 5) supplied in the Motivation Report, simply zooming out to reveal the aerial view of the entire Pieter Cruythoff Street clearly shows the overbearing scale of these tunnels in relation to surrounding residential properties. They have a larger footprint than the majority (13) of existing residential structures. This cannot possibly be realistically considered a "modest scale"

The assertion (under "Proposed consent use")that a future residential property will be constructed on erf 2772 and that "the new dwelling house will be erected to the east, which will reduce any visual impact from the street" is sheer supposition, and cannot possibly be put forward as a valid point in a professional Motivation Report. It is frankly ridiculous that such assumption is mentioned as a means of minimizing existing visual impact. Will such a restrictive condition be included in the title deed? Highly unlikely.



9. Departure of building lines:

These would consequently grant similar departures for any future dwelling constructed on erf 2772, encroaching on neighbouring property boundaries.

Furthermore, if rezoning is granted, nothing stops the applicant from in fact erecting additional tunnels on the property. While the report states that the rezoning is required for the existing tunnels only and that the land is to be sold with a dwelling constructed to hide the existing tunnels from view (on the unrealistic assumption that the

9. The departure of building lines is merely for the existing tunnels. Any new buildings should comply with the development parameters of the proposed Residential Zone 5 zoning. If not, another application for departure will need to be submitted for approval.

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	<p>purchaser of this land will in fact want to retain these tunnels), there is simply no enforceable mechanism to prevent the erection of additional tunnels, further compounding the negative impact on the residential area and neighbours. I distinctly recall the applicant mentioning to me directly that he needed to 'scale up for his business' after stating that was the reason he was in fact going to move the tunnels elsewhere (another location altogether) where he could accommodate additional tunnels. So a rezoning that would permit tunnels on the property becomes highly concerning as to how far this could potentially extend.</p>	
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	<p>Noise and disturbance:</p> <p>The application states: <i>This form of horticulture generates minimal noise and waste and does not involve the use of heavy machinery or large-scale operations that could disrupt the surrounding rural residential environment.</i></p> <p>It further states: <i>The hydroponic tunnel is a lightweight, low-intensity agricultural structure that does not generate noise, odour, visual obstruction, or privacy concerns for adjacent properties. Its impact on neighbouring erven is therefore limited.</i></p> <p>Having previously consulted regarding noise and disturbance in residential contexts, I urgently query how these statements are put forward without any inspection, assessment, or corroborating data from a licensed professional. Again, it is little more than supposition. I moved into my property at the end of January 2024. On the 2 occasions I viewed the property prior to purchase, I noted what I assumed to be air vents, one at the top of each tunnel, facing my property. Only after having moved in, and these were activated, it was clear that they are some sort of extractor fan mechanism that sometimes ran up to 9 hours per day. The sound from these extractors are clearly audible within my house. Secondly, there is what sounds like an industrial generator on the property (cannot see where exactly this is located) that is even louder when running. It would often kick off during load-shedding in the middle of the night and was loud enough to wake me every time it did so am unsure if it is activated only during load-shedding, but to my knowledge a generator creating that level of noise is strictly prohibited in a residential</p>	<p>10. As the objector mentioned, he moved into his property at the end of January 2024, long after the hydroponic greenhouse tunnel was erected. The purchase was therefore made with full knowledge of the tunnel's existence and the potential implications it might have on the surrounding visual character and sound levels.</p> <p>Furthermore, refer to point 2 above.</p>
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	<p>Regarding waste, there is now mention of how the fish and their waste is being handled, and if that is environmentally compliant in a residential area. Again, I am unaware of any inspection that has been carried out to assess this.</p> <p>I was in the process of having my attorney draft a letter of complaint and demand to the municipality to enforce compliance of applicable by-laws. I did not proceed however, as I learnt that the tents were to be removed, as per instruction of the municipality. As mentioned, having spoken to Mr Lang socially, he mentioned that he was planning to move the tunnels as he needed to 'scale up' for his business. That was further reason to no longer pursue at the time.</p> <p>It is clear that these structures are invasive within the rural residential context, are an eyesore, produce un acceptable levels of noise and disturbance, and can potentially negatively affect the value of the properties we have invested in. The municipality has the legal responsibility to protect the constitutional rights to the peaceful amenity of their homes of affected properties and ratepayers over and above a single owner's desire to grow herbs and vegetables for (as, frankly, misrepresented in the Motivation Report) "primarily personal use".</p>	<p>Refer to point 3.</p> <p>The following is an extract from the land owner of Erf 2116: <i>"Regarding your tunnels, I have no objection to your tunnels, I do not regard them as an eyesore at all and they do not create any other reason that I would object to. I think it is important to note that when they were erected our zoning allowed it. I don't hear anything from your operation either, the only 'noise' was during load shedding when your generator came on we sometimes heard a very low hum that was never any nuisance."</i></p> <p>The objector's comment is therefore subjective. The proposal can therefore be supported as the surrounding land owners support this.</p>
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Krisjan Rossouw	11. Despite what is submitted (and often misrepresented) in the application's motivation report, these tunnels are:	
CMU Itten	<p>1. Actually very large structures when compared to the surrounding residences. There are no other properties on the street with anything similar.</p> <p>2. Used for commercial purposes. You can buy the produce in a few places in Riebeek kasteel, and who knows where else.</p> <p>3. Noisy and do actually cause disturbance. I can hear the fans from the tunnels and the even louder generator from inside my house. The generator can even be heard when all windows and doors are closed. Has anyone ever actually checked this?</p>	<p>11.1 Noted. Refer to point 8 above.</p> <p>11.2 Noted. The statement is correct.</p> <p>11.3 Refer to point 2 above.</p>
	<p>12. It's hard to believe anything that is mentioned in the motivation report, when I know from personal experience that so many points have been mis-stated or misrepresented. Also, who is to believe the vague promises that a house will be built to shield the tunnels from view (from the front only, to add)? Who ensures that this will actually happen? There is no legal way to do that.</p> <p>What stops the property owner from adding more tunnels if the property is rezoned? Who has inspected these tunnels, even the existing ones, to ensure they are not creating issues for those of us directly affected? Has anyone been to the property to hear the fans and generator in action?</p> <p>Basically, as a directly affected neighbour with property rights protected by multiple by-laws, I strongly believe that these tunnels are totally inappropriate for our residential area and</p>	<p>12. Erf 1327 was subdivided to create unregistered Erf 2772 (o which the rezoning and departure application is submitted). The intent of the subdivision was to sell the portion of land. It would be highly unlikely that a new owner would purchase the property and not erect a dwelling house on the premises.</p> <p>See the extract from the land owner: <i>"Maybe due to Mr Redman only becoming a resident in the last 2 years he would not be aware of any inspections took place so to correct him the city council offices and the councillor with senior representatives did come and do an inspection which he can verify with them".</i></p>

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	negatively impact those rights. How do they not negatively affect surrounding property values? The municipality is obligated to protect the rights of the rate-paying residential community over and above a single property owner's attempt to continue the illegal use of residential land	
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In conclusion, the objections raised by the complainants appear to lack substantive grounds and are largely based on misinformation or personal bias rather than factual non-compliance. The tunnels were lawfully erected in 2019 under the zoning regulations applicable at the time, with no objections from original neighbours and full transparency regarding their purpose and operation. The tunnels consists of an environmentally friendly, closed-cycle process that produces no waste or pollution. The structure is temporary, with no concrete foundations, and occupies only a small portion of the property. Complaints from recent residents, including Mr Geldenhuis, Mr Redman, and their associates, were raised years after the project's establishment. Given the project's compliance, sustainability, and minimal impact on surrounding properties, these objections hold no material validity.

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

Kind regards



NJ de Kock
For *CK RUMBOLL AND PARTNERS*

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