



Kantoor van die Munisipale Bestuurder
13 November 2025

Die Lede van die Munisipale Beplanningstribunaal, te wete –

Interne lede:

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

Tegniese Adviseur:

Snr Bestuurder: Ontwikkelingsbestuur, mnr A M Zaayman

Eksterne lede:

Me C Havenga
Mnr C Rabie

Kennis geskied hiermee ingevolge paragraaf 85 van die Swartland Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning dat 'n vergadering van die Munisipale Beplanningstribunaal gehou sal word in die **KOMITEEKAMER: KORPORATIEWE DIENSTE** op **WOENSDAG, 19 NOVEMBER 2025** 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 15 OKTOBER 2025 / MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD 15 OCTOBER 2025** bl 1-12
- 5. SAKE VOORTSPRUITEND UIT NOTULE VAN 'N VERGADERING VAN DIE MUNISIPALE BEPLANNINGSTRIBUNAAL GEHOU OP 15 OKTOBER 2025 / MATTERS ARISING FROM THE MINUTES OF A MUNICIPAL PLANNING TRIBUNAL HELD ON 15 OCTOBER 2025**
Geen/None
- 6. SAKE VIR OORWEGING / NUWE SAKE / MATTERS FOR CONSIDERATION / NEW MATTERS**
 - 6.1 VOORGESTELDE HERSONERING, ONDERVERDELING, KONSOLIDASIE EN SLUITING VAN OPENBARE PLEK VAN ERWE 326, 327, 2244, 2267 EN 2106, RIEBEEK-WES / PROPOSED REZONING, SUBDIVISION, CONSOLIDATION AND CLOSURE OF A PUBLIC PLACE OF ERVEN 326, 327, 224, 2267 EN 2106, RIEBEEK WES (15/3/3-12, 15/3/6-12, 15/3/7-12, 15/3/12-12) (WYK 3)** bl 13-152
 - 6.2 VOORGESTELDE HERSONERING, ONDERVERDELING EN KONSOLIDASIE VAN ERWE 3986 EN 7841, RIVERLANDS / PROPOSED REZONING, SUBDIVISION AND CONSOLIDATION OF ERVEN 3986 AND 7841, RIVERLANDS (15/3/3-13, 15/3/6-13, 15/3/12-13) (WYK 4)**..... bl 153-186
 - 6.3 VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 73, ABBOTSDALE / PROPOSED CONSENT USE ON ERF 73, ABBOTSDALE (15/3/10-1) (WYK 7)** bl 187-202

(get) J J SCHOLTZ
VOORSITTER



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 15 OCTOBER 2025 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
Town and Regional Planner, Ms A de Jager
Manager: Secretariat and Record Services (secretary)

1. OPENING

The chairperson opened the meeting and welcomed members.

1.1 TERM AND MEMBERS OF MUNICIPAL PLANNING TRIBUNAL: NOTICE IN PROVINCIAL GAZETTE

RESOLUTION

That cognisance be taken of the promulgation of the members of the Municipal Planning Tribunal and term (1 October 2025 to 30 September 2030) in the Provincial Gazette, PN 9147 dated 3 October 2025.

2. APOLOGY

No apologies were received.

3. DECLARATION OF INTEREST

No declarations were made.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 10 SEPTEMBER 2025

RESOLUTION

(proposed by Ms C Havenga, seconded by Ms M S Terblanche)

That the minutes of a Municipal Planning Tribunal Meeting held on 10 September 2025 are approved and signed by the chairperson.

5./...

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED CONSENT USE ON ERF 1903, MOORREESBURG (15/3/10-9) (WARD 1)

Application for a consent use on Erf 1903, Moorreesburg was received in order to operate a house shop from a portion of the dwelling structure on the property.

Ms A de Jager, the author of the item, confirmed that the location of the house shop on the corner of Blesbok- and Malva Streets is consistent with the Spatial Development Framework (2024). The area is central to Moorreesburg and allows for residential development of various densities, social amenities and secondary/neighbourhood businesses development.

RESOLUITION

- A. The application for a consent use on Erf 1903, Moorreesburg, be approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent authorises a house shop restricted to a floor area of maximum 25 m² in extent and a storage space of 15 m², in accordance with the site plan presented in the application;
- (b) Building plans, clearly indicating the house shop and storage 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 be positioned or affixed outside the house shop, including to any awning, stoep or shade structure;
- (i) The operation of the house shop not result in congestion/obstruction along Blesbok Street or Malva Street, therefore at least one parking bay be provided in front of the house shop, for clients and deliveries;
- (j) No loitering be permitted anywhere on Erf 1903, Moorreesburg whether it be inside or outside the buildings on the erf or around any entrance to the erf;
- (k) The house shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;
- (l) No more than three persons, including the occupant of the property, are permitted to be engaged in retail activities on the land unit;
- (m) Only pre-packaged food products 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 30 January 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 be supported for the following reasons:

- (a) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA.
- (b) The application complies with the land uses proposed for this area of Moorreesburg, 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 during retirement.
- (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 1903;
- (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 impact negatively on its surroundings.

6.2 PROPOSED REZONING, REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE ON ERF 1081, DARLING (15/3/3-3, 15/3/4-3, 15/3/5-3) (WARD 5)

The author, Mr H Olivier, explained that the current zoning of the property only permits a dwelling house and the restrictive title deed conditions only permits a single dwelling and buildings related thereto. Therefore, an application was received for the rezoning of Erf 1081, Darling to Business Zone 2, as well as to remove the restrictions in order to accommodate a shop and flat on the property.

Mr Olivier mentioned that the shop is not consistent with the provisions of a house shop and therefore application is made for rezoning and not consent use.

RESOLUTION

- A. The application for the removal of restrictive condition B.6.(a). of Title Deed T70537/2024 of Erf 1081, Darling be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Condition B.6.(a). of Title Deed T70537/2024, that reads as follows:
6. (a) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd, na oorleg 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."
be removed from the Title Deed in its totality;
- (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 1081, Darling from Residential Zone 2 to Business Zone 2, be approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. The application for the departure from side building line restriction (northern and southern boundary) be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- D. Decisions B and C above are subject to the following conditions:

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) The use of the property be restricted to a shop and flat;
- (b) The departure entails accommodating the existing buildings as well as the extension of the proposed shop up to 1,5m (northern and southern) side boundaries in lieu of the 3m restriction;
- (c) The structures be altered in such a manner as to comply with the provisions as contained in the development management scheme as well as the National Building Regulations;
- (d) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (e) Application be made to the Senior Manager: Development Management for the erection of any advertising signs;

6.2/D...

- (f) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- (g) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- (h) The operating hours of the shop be restricted between 6:00 and 21:00 daily;
- (i) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (j) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound be positioned or affixed outside the shop, including to any awning, stoep or shade structure;
- (k) The operation of the shop not result in congestion / obstruction along Durban Street,
- (l) No loitering be permitted anywhere on the subject property, whether it be inside or outside the buildings on the erf or around the entrance to the erf;
- (m) The shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;
- (n) The on-site parking bays be provided with a permanent dust free surface being concrete, paving or tar or a material pre-approved by Swartland Municipality and that the parking bays are clearly marked;
- (o) In accordance with par. 13.1.3(a) of the development management scheme the vehicular access be limited to 1 combined carriageway crossing per site per public street or road abutting the site;

D2 WATER

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

D3 SEWERAGE

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

D4 STREETS

- (a) Deliveries to the property only be made by delivery vehicles not exceeding 16 000kg gross vehicle mass;
- (b) The proposed parking spaces, including the sidewalk providing access, be provided with a permanent surface;
- (c) The layout be amended in order for parking spaces 3 and 4 not to have access across the intersection of 11th Avenue and Durban Street;

D5 REFUSE REMOVAL

- (a) A built refuse area be constructed and provided with clean running water as well as a catchment point for dirty water that is connected to the sewer network to the satisfaction of the Director: Civil Engineering Services. The refuse should be easily accessible to refuse removal workers but should not be accessible to animals / birds and unauthorised individuals;

D6 DEVELOPMENT CHARGES

- (a) The owner/developer be responsible for a development charge of R1 084,59 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 be responsible for the development charge of R659,78 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)/...

6.2/D...

- (c) The owner/developer be responsible for the development charge of R3 226,30 towards sewerage, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (d) The owner/developer be responsible for the development charge of R6 997,98 towards the wastewater treatment works at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (e) The owner/developer be responsible for the development charge of R30 748,52 towards roads, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (f) The Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and can be revised thereafter;

E. GENERAL

- (a) The letter of authorization from Swartland Municipality be displayed inside the shop;
- (b) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (c) Compliance with all conditions of approval (submission of relevant applications) be undertaken within a period of 3 months from the date of the decision, therefore before 15 January 2026;
- (d) Failure to comply with all conditions of approval, obtaining a completion certificate and concluding all other necessary processes will result in legal action to enforce compliance;
- (e) An occupancy certificate for building work completed in accordance with the approved building plan for the shop be obtained within 6 months after the approval of the building plan;
- (f) 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;

F. The application be supported for the following reasons:

- (a) The application complies with the Swartland Municipal Land Use Planning By-Law, SPLUMA, and LUPA;
- (b) The proposal aligns with the Swartland MSDP (2025), West Coast District SDF (2020), and the Provincial Spatial Development Framework (2014);
- (c) The property is located on Durban Street, an identified activity street, which supports mixed-use development;
- (d) The proposal is consistent with the land use proposal zone F, which allows for medium- to high-density residential and neighbourhood-oriented commercial services along activity streets/corridors;
- (e) The proposed development is low impact, consisting of a small shop and a single flat deemed compatible with the surrounding residential character and will not negatively affect the health, safety, or amenity of neighbouring properties;
- (f) There are no physical restrictions on the property that would hinder the proposed development;
- (g) The development promotes spatial sustainability by optimising existing infrastructure and avoiding urban sprawl;
- (h) The proposal contributes to spatial resilience by enabling flexible land use and economic adaptability;

6.2/F...

- (i) The proposal will not place significant strain on municipal engineering services; any required upgrades will be at the developer's cost;
- (j) The proposal supports walkable access to goods and services, especially for residents without transport;
- (k) Potential impacts (e.g. traffic, noise, privacy) are minimal and manageable through conditions of approval;
- (l) The removal of restriction enables legitimate development, adds value to the property, and supports job creation;
- (m) The proposed departure is deemed contextually appropriate. The scale and positioning of the buildings are such that they are not expected to infringe on neighbouring privacy. The design also does not include boundary-facing windows or doors, which mitigate overlooking and privacy intrusion;
- (n) The development remains subject to the applicable development management scheme as well as the National Building Regulations, any future extension that is not generally in accordance with the proposal may be subject to a new public participation.

6.3 PROPOSED REZONING AND SUBDIVISION OF ERF 373, ABBOTSDALE (15/3/3-1, 15/3/6-1) (WARD 7)

Mr A J Burger, as author, gave background to the application for the rezoning and subdivision of Erf 373, Abbotsdale received in April 2018 and mentioned that the decision-making was held back due to services capacity issues, environmental assessment processes and outstanding engineering reports.

Mr Burger elaborated on the public participation processes followed since the application was received, which included public meetings with the residents of Abbotsdale on two occasions.

RESOLUTION

- A. The application for the rezoning of erf 373, Abbotsdale, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. The application for the subdivision of Erf 373, Abbotsdale, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. The application for the subdivision of portion A of Erf 373, Abbotsdale, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- D. The application for the phasing of the subdivision plan, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- E. Points A to D are subject to the following conditions:

E1 TOWN PLANNING AND BUILDING CONTROL

- (a) A portion (47, 3893ha) of Erf 373 be rezoned from Agricultural Zone 1 to Subdivision Area in order to make provision for the following land uses: 53 Industrial Zone 1 erven and 1 Transport Zone 2 erf (road), as presented in the application;
- (b) Erf 373 be subdivided into a remainder (136,9214ha) and portion A (±47,3893ha), as presented in the application (Subdivision plan 1, reference ABB/9749/ZN_1, dated March 2018);
- (c) Portion A be subdivided into 53 light industrial erven (7200m² to 1,12ha in extent) and a road (±5,9682ha), as presented in the application (Amended site development plan – Portion A of Erf 373, Abbotsdale, reference ABB/9749/ZN_2, dated February 2020);

- (d) The subdivision plan be divided into 6 phases, as presented in the application (Amended phasing plan – Portion A of Erf 373, Abbotsdale, reference ABB/9749/ZN, dated February 2020);
- (e) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law will not be issued unless all the relevant conditions have been complied with;

E2 WATER

E2.1 Internal network

- (a) The development be provided with an internal water distribution network with connections for each subdivided portion. The internal water distribution network be taken over by the Municipality;
- (b) The owner/developer appoints an engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the water network. 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;

E2.2 Connection to the external water distribution network

- (a) The internal water distribution network connects to the existing water distribution network in Abbotsdale at a suitable location;
- (b) The owner/developer appoints an engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the connections to the existing water distribution network. 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;

E2.3 Fixed development charges

- (a) Fixed development charge have been calculated as follows:

External water supply: R825 897,43 (VAT included)

Bulk water supply: R1 470 254,31 (VAT included)

- (b) No external water services will be installed that can be charged against the fixed development charges;

E3 SEWERAGE

E3.1 Internal network

- (a) The development be provided with an internal sewerage distribution network with connections for each subdivided portion. The internal sewerage distribution network be taken over by the Municipality;
- (b) The owner/developer appoints an engineer suitably registered in terms of the provisions of Act 46 of 2000 to design the sewerage network. 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;

E3.2 Connection to the external sewerage distribution network

- (a) The internal sewerage distribution network connects to the existing sewerage distribution network in Abbotsdale at a suitable location;
- (b) The owner/developer appoints an engineer suitably registered in terms of the provisions of Act 46 of 2000 to design the connection to the existing network. 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;

E3.3 Fixed development charges

- (a) Fixed development charges have been calculated as follows:

Sewerage Distribution: R385 194,68 (VAT included)

Sewerage Treatment: R977 711,65 (VAT included)

- (b) No external sewerage services will be installed that can be charged against the fixed development charges;

E4 STREETS

- (a) The geometric improvements of the intersections as stipulated in the TIA be approved by the Provincial Department of Mobility and implemented by the owner/developer;
- (b) The owner/developer appoints an engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the streets and stormwater system. 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;
- (c) The internal streets of the development be constructed to a permanent surface standard;
- (d) The internal streets and stormwater are taken over by the Municipality;
- (e) The erven adjacent to DR 1111 not be allowed access from said road;
- (f) Fixed development charges have been calculated as follows:

Streets: R557 679,77

- (g) No external road constructions exist to be charged against the fixed development charges;

E5 LANDSCAPING

- (a) A landscaping plan for the area along DR 1111 be submitted to the Director Infrastructure and Civil Engineering Services for approval after which the landscaping plan be installed as phases are completed;

E6 ENGINEERING SERVICES CONTRACT

- (a) The detailed engineering services is subject to the drafting and signing of an engineering services contract in terms of the Swartland Development Charge Policy between the owner/developer and Swartland Municipality for all internal and external services, including the landscaping, before contractors be permitted access to the site;

F. GENERAL

- (a) The conditions at points 2, 3 and 4 apply only to phase 1 (designated as erven 1, 7, 8 and 53 in the application) of the proposed development. There is insufficient capacity in the external bulk sewerage and water services available for the subsequent phases. Further comments regarding civil services for the remaining phases of the proposed development will be provided when bulk sewerage and water services are available;
- (b) Development charges have been calculated according to 80% GLA of the respective erven sizes;
- (c) 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;
- (d) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal;
- (e) All conditions of approval be implemented before the new land uses come into operation 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;
- (f) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000,00 to be valid.

6.3/F(f)...

Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

G. The application be supported for the following reasons:

- (a) The proposed development complies with the principles of LUPA and SPLUMA;
- (b) The proposed development complies with the spatial planning of Abbotsdale;
- (c) Erf 373 has no physical restrictions which may impact negatively on the proposed development;
- (d) The proposed development will have a low impact on the character of Abbotsdale;
- (e) Sufficient services capacity exists for phase 1 of the proposed development;
- (f) An Environmental Authorization has been issued for the proposed development by the Department of Transport and Public Works;
- (g) The concerns raised by the community of Abbotsdale have been adequately addressed;
- (h) The proposed development will lead to job creation.

6.4 PROPOSED CONSENT USE ON ERF 4031, MALMESBURY (15/3/10-8) (WARD11)

Ms A de Jager gave background to the application for consent use on Erf 4031, Malmesbury in order to operate a house shop from a portion of the dwelling structure on the property.

Ms de Jager confirmed that the erf, situated on the corner of Gousblom- and Gardenia Streets, Malmesbury is highly accessible and ideally located for the purpose of operating a house shop.

RESOLUTION

A. The application for a consent use on Erf 4031, 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 and a storage space of 1m², in accordance with the site plan, dated 8 May 2025, presented in the application;
- (b) Building plans, clearly indicating the house shop and storage 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 be positioned or affixed outside the house shop, including to any awning, stoep or shade structure;
- (i) The operation of the house shop not result in congestion / obstruction along Gardenia Street, therefore at least one on-site parking bay be provided in front of the house shop, for clients and deliveries;
- (j) No loitering be permitted anywhere on Erf 4031, 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 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 30 January 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 be supported for the following reasons:

- (a) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA.
- (b) The application 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 during retirement.
- (g) The anticipated impact of the house shop on the surrounding community may be mitigated by specific conditions of approval;

6.4/C...

- (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 4031;
- (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 impact negatively on its surroundings.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**



Verslag Ingxelo Report

Kantoor van die Direkteur: Ontwikkelingsdienste
 Departement: Ontwikkelingsbestuur

10 November 2025

15/3/3-12/Erf_326,327,2244,2267,2106
 15/3/6-12/Erf_326,327,2244,2267,2106
 15/3/7-12/Erf_326,327,2244,2267,2106
 15/3/12-12/Erf_326,327,2244,2267,2106

WYK: 3

ITEM 6.1 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 19 NOVEMBER 2025

LAND USE PLANNING REPORT					
PROPOSED REZONING, SUBDIVISION, CONSOLIDATION AND CLOSURE OF A PUBLIC PLACE OF ERVEN 326, 327, 2244, 2267 AND 2106, RIEBEEK WEST					
<i>Reference number</i>	15/3/3-12/Erf_326,327,2244,2267,2106 15/3/6-12/Erf_326,327,2244,2267,2106 15/3/7-12/Erf_326,327,2244,2267,2106 15/3/12-12/Erf_326,327,2244,2267,2106	<i>Application submission date</i>	23 May 2024	<i>Date report finalised</i>	10 November 2025

PART A: APPLICATION DESCRIPTION

An application for rezoning of erven 326, 327, 2244 and 2267 in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The properties be rezoned from Open Space Zone 1 and Transport Zone 2 respectively to Subdivision Area to make provision for the following land uses:

- Erf 326 – Industrial Zone 1 (1948m² in extent) and Transport Zone 2 (28 836m² in extent)
- Erf 327 – Industrial Zone 1 (61m² in extent) and Transport Zone 2 (74 314m² in extent)
- Erf 2244 – Industrial Zone 1 (4528m² in extent) and Open Space Zone 1 (5512m² in extent)
- Erf 2267 – Industrial Zone 1 (3375m² in extent) and Open Space Zone 1 (7864m² in extent)

An application for the subdivision of erven 326, 327, 2244 and 2267, Riebeeck West in terms of section 25(2)(d) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), has been received. The subdivisions are proposed as follows:

- Erf 326 – (30 784m² in extent) into a remainder (28 836m² in extent) and portion C (1948m² in extent)
- Erf 327 – (74 375m² in extent) into a remainder (74 314m² in extent) and portion D (61m² in extent)
- Erf 2244 – (10 040m² in extent) into a remainder (5512m² in extent) and portion A (4528m² in extent)
- Erf 2267 – (11 239m² in extent) into a remainder (7864m² in extent) and portion B (3375m² in extent)

The application for consolidation of portions A, B, C & D with erf 2106, Riebeeck West, in terms of section 25(2)(e) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. A consolidated erf (21 154m² in extent) will be created.

An application for closure of public places portions A, B, C & D in terms of section 25(2)(n) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received.

The portions be closed as follows:

- Portion A (4528m² in extent) of erf 2244 (park)
- Portion B (3375m² in extent) of erf 2267 (park)
- Portion C (1948m² in extent) of erf 326 (street)
- Portion D (61m² in extent) of erf 327 (street)

The purpose of the application is to expand the land of Group 35 Foods in order to enlarge the facility

The applicant is CK Rumboll and Partners and the property owner of Erf 2106 is Group 35 (PTY) Ltd and the owner of erven 2244, 2267, 326 & 327 is Swartland Municipality.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 2106 Riebeek West in the Swartland Municipality, Division Malmesbury, Province of the Western Cape Erf 2244 Riebeek West in the Swartland Municipality, Division Malmesbury, Province of the Western Cape Erf 2267 Riebeek West in the Swartland Municipality, Division Malmesbury, Province of the Western Cape Erf 326 Riebeek West in the Swartland Municipality, Division Malmesbury, Province of the Western Cape Erf 327 Riebeek West in the Swartland Municipality, Division Malmesbury, Province of the Western Cape					
Physical address	The subject properties are situated on the northeastern part of Riebeek West (Please refer to the location plan attached as Annexure A)		Town	Riebeek West		
Current zoning	Industrial zone 1 Open Space Zone 1 Transport zone 2	Extent (m ² /ha)	11242m ² 10040m ² 11239m ² 30784m ² 74375m ²	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)					
Current land use	Flour mill and vacant		Title Deed number & date	2106 - T25778/2018 2244 - Unregistered 2267 - Unregistered 326 - T9097/1927 327 - T6037/1929		
Any restrictive title conditions applicable	Y	N	If yes, list condition number(s)			
Any third-party conditions applicable?	Y	N	If yes, specify			
Any unauthorised land use/building work	Y	N	If yes, explain			

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	<input checked="" type="checkbox"/>	Permanent departure	<input type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision	<input checked="" type="checkbox"/>
Extension of the validity period of an approval	<input type="checkbox"/>	Approval of an overlay zone	<input type="checkbox"/>	Consolidation	<input checked="" type="checkbox"/>	Removal, suspension, or amendment of restrictive conditions	<input 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	Occasional use	
Disestablish a homeowner's association	Rectify failure by homeowner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use	Phasing	

PART D: BACKGROUND

Swartland Municipality received a letter from Group 35 (PTY) Ltd on the 6th of December 2023 that they are planning on expanding their business in Riebeek West and would like to apply for the acquisition of land adjacent to their existing facility. The expansion included the building new silos for the existing flour mill, establishing an extrusion plant, constructing a storage warehouse as well as setting up a bakery.

The proposal was presented to council on the 30 January 2024 that decided to approve the request subject to the following conditions:

- (a) That approval be granted by Council in terms of the applicable By-law as well as Section 14 of the Municipal Finance Management Act, 2003 for portions of Erven 2244 and 2267, Riebeek West (± 0.9949 ha in extent) to be alienated and transferred out of hand to Group 35 (Pty) Ltd for consolidation with Erf 2106, at the amount of R100/m², excluding VAT, subject to the conditions hereinafter;
- (b) That cognizance be taken that the subject properties have at no stage been required for the provision of a minimum or any other level of basic municipal services;
- (c) That the following reasons be recorded for the out-of-hand alienation as above and for not undergoing a competitive process:
 - (i). The subject properties qualify as 'non-viable land' in that due to physical constraints they cannot be developed on their own and only becomes functional if alienated to an adjoining owner for usage in conjunction with his or her property, as proposed;
 - (ii). The proposed merging of the subject properties with Erf 2106 and the use of same for commercial purposes, links up with Strategic Goal 2 of the 2023 Integrated Development Plan, namely, to unlock economic transformation, and as such to strengthen mobility and economic links and to facilitate the economic potential of Swartland wards (in this instance ward 3);
 - (iii). The properties in their existing shape do not have any economic or other benefit for the Municipality, and only by consolidation with Erf 2106 will contribute to the economic benefit derived from the present use of the Erf 2106 by means of job opportunities created for the community, as motivated by the purchaser;
- (d) That the transaction shall be subject to the following conditions:
 - (i). The purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction, including advertisement costs, transfer costs and costs related to the relevant land use applications (including subdivision, rezoning) as well as the costs of consolidation and road closure;
 - (ii). Any improvements to the subject properties may only take place with the permission of the Municipality and by taking into account existing servitudes and service installations, amongst which the following, for which costs the purchaser shall be responsible:
 - The formalization of the municipal storm water system over Long Street that will be affected by the proposed consolidation, before discharging and connecting to the existing municipal earth channel, to be designed by a professional engineer and supervised/approved during construction and subject to these plans being submitted to the Civil Engineering Department for approval. Further, to ensure that this portion of the pipe remains functioning effectively in accordance with the storm water by-law;

- The submission of engineers' reports, which reports are to address the impact of the consolidation and extensions to the factory on the existing municipal services, i.e. access for municipal sewage tankers to the sewage storage tank located on Erf 2106;
- (iii). Compliance by the purchaser with all conditions that may be imposed as a result of the land use approval, if issued;
- (iv). Ownership of the land does not exempt the purchaser from any obligations towards other authorities, and it therefore does not deprive the latter or any other authorities from any rights pertaining to the specific portion of land;
- (e) That the proposed transaction be advertised in the media for public comments and/or potential objections, and the executive mayor (in consultation with his committee) be authorized to deal with any objections that may be forthcoming;
- (f) That before the intention is advertised, written confirmation first be obtained from the purchaser that they agree to the conditions as provided for in this report;
- (g) That the Director: Corporate Services be authorized to finalise the conditions of sale, and to sign the deed of sale on the Municipality's behalf.

Consequently, the municipality received the applicable land use application for consideration and approval.

During the preparation of the MPT report several concerns were raised by Division Town Planning as well as the Department Civil Engineering services. Please refer to the emails attached as Annexure B. These included the lack of an NID, possible environmental issues, request for engineering reports as well as Traffic Impact Assessment and lastly the inconsistency with the provisions of the Industrial Zone 1 zoning.

Since the email, dated 31 July 2024 numerous feedback and follow up was done to a point where the applicant have now finally responded to all the concerns, amended the application as well as acquired the positive feedback from the Department Civil Engineering Services. Please refer to the amended motivation report as well as site development plan attached as Annexure C respectively.

The Municipal Planning Tribunal should therefore take note of the following key points:

1. **The revised Motivational Report attached hereto replaces the initial Motivational Report that formed part of the original application;**
2. **The revised proposal is limited to the development of a new storage warehouse only;**
3. **Given the minimal engineering service requirements associated with the proposed warehouse, the submission of an Engineering Services Report is not necessary;**
4. **No access will be obtained to or from Lang or Conniffe January Streets, and the proposal will not result in any additional or increased trip generation to and from the property, therefore the submission of a Traffic Impact Assessment is not necessary;**
5. **Should Group 35 wish to proceed with the broader development proposal as outlined in the initial application, a new land use application will be submitted for the rezoning of the consolidated property to Industrial Zone 2, accompanied by the necessary Engineering Services Reports and a Traffic Impact Assessment (TIA).**

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 expansion includes:

New Silos for the flour mill:

Group 35 intends to construct new additional silos which is a direct response to their growing production demands. The expansion will enable them to store more raw materials, ensuring a steadier and more reliable supply chain. This

will result in the buying and storing of wheat directly from surrounding farmers during harvest time. By doing so, they not only solidify their businesses foundation but also offers more consistent business to local suppliers, particularly the farming community. The erection of new silos is expected to result in the creation of 3 more employment opportunities, further supporting the local economic stability.

Extrusion Plant:

The establishment of an extrusion plant is a step towards diversifying the businesses operations. This facility will allow Group 35 to venture into new markets, broadening their product range and enhancing competitive edge. As a result, they expect that the extrusion plant will create an additional 8 employment opportunities.

Storage Warehouse:

A new storage warehouse is critical for managing their increased inventory efficiently. This will not only streamline their operations but will also allow them to create temporary employment opportunities during construction period as well as 4 permanent employment opportunities.

Bakery:

Group 35 also intends to utilise the new addition to The Property as a bread bakery. This is considered more than just a new business venture. This opportunity will allow for community engagement and upliftment. By offering local bakery products made from local raw materials directly to locals. The lack of transport required in the supply chain will allow for lowest possible prices to the local community. The establishment of the bakery aims to provide an additional 60 employment opportunities.

According to the applicant the expansion will not only allow Group 35 to serve a wider region, but it is also a sign that they are grounded in practicality and a sincere commitment to the community. They are deepening their roots in Riebeek West which ensures not only their own growth, but the community's growth.

The proposed application for the closure of portions of public places aims to close the above-mentioned public place portions to allow for the expansion of the existing facility. The expansion of the facility will ultimately, as described above, lead to the creation of 75 new employment opportunities within the Riebeek West community. This aims to enhance and support the surrounding community. The closure of these public places, when implemented, will not have an adverse impact on the surrounding area. Instead, the closure of a portion of the Public Place will contribute to the overall improvement of the community and urban environment which will ensure the long-terms sustainability and wellbeing of the Riebeek West community. The proposed closure will still leave enough open space situated between the proposed development and the residential area, serving as a buffer.

Erf 2106 on which the existing facility and operations are situated on currently obtains access via Station Avenue. With the proposed development at hand, the portions of Remainder 326 & 327 Riebeek West, forming part of the application site could also be utilised for access purposes to and from the facility. On-site parking will be provided as per the parking requirements as set out in the Swartland Municipal Land Use Planning By-Law (PG 8226).

The applicant further motivates that the proposal is situated within the urban edge of Riebeek West and is consistent with the MSDF, 2023.

According to the applicant the proposal is also consistent with the parameters of the Industrial zone 1 zoning including the objective, floor factor, coverage, height building lines and sufficient space exist on the property for the required parking.

Access is proposed from the existing access in Station Avenue, however with the proposed application access will also be possible from Conniffe January Street.

The applicant confirms that the proposed development will connect to the existing services on erf 2106 and that where necessary it will connect to the bulk infrastructure located in Riebeek West.

The proposed development not only safeguards the integrity of the existing industrial node adjacent to the station but also advocates for the expansion of the current industrial area. Additionally, it introduces smaller-scale Agri-processing

activities aimed at enhancing the value of products at their source. This initiative offers residents of Riebeeck west access to certain foods or raw materials at a cost lower than the prevailing larger commercial market rates. Moreover, the development prioritises the protection of the existing stream traversing several of the application properties.

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

The applicant concludes that the application is considered desirable on the basis of the following:

- The proposed development adheres to and enhances the principles of **LUPA and SPLUMA**.
- The proposal complies with the **Swartland SDF** as the main forward planning document for the Swartland Municipal Area as a whole.
- The development proposal will **complement the character of the area** and not adversely affect any natural conservation areas or surrounding agricultural practices.
- The proposal will enhance the community as a whole and provide them with services and employment opportunities.
- Other Industrial Zone 1 land uses can be found in the surrounding area which supports the notion that the proposals are desired and conducive to the functioning of the land use for the town.
- The proposal will have minimal impact on the engineering services since the proposed development is an extension of the existing industrial operations.
- The new proposed expansion will be able to lawfully comply with development management schemes.
- The proposed development will provide the community with services and opportunities which could lead to the alleviation of unemployment.

SUMMARY OF AMENDED MOTIVATION REPORT

Purpose:

**Replace the original motivational report with a revised version.
 Focus solely on the development of a new storage warehouse.
 No need for a Traffic Impact Assessment or detailed Engineering Services Report due to minimal impact.
 Rezoning from Industrial Zone 1 to Industrial Zone 2 is no longer required.**

Development details:

**A storage warehouse of ±1320m² is proposed.
 The proposal will now only create 4 permanent jobs and temporary construction employment.
 No new access via Lang Street (*Conniffe January*); existing access via Station Road remains.
 Minimal impact on traffic and engineering services.**

The applicant motivates that the proposal is technically sound and compliant with zoning and planning regulations.

**Aligned with municipal policy and spatial development goals.
 Beneficial to the community, offering economic upliftment and minimal environmental impact.**

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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With reference to Section 56(2) of the By-Law, the application was published in the local newspapers, the Provincial Gazette and notices were sent to affected property owners. A total of 49 notices were sent, per hand and via registered mail to the owners of properties which are affected by the application. Although some letters were returned, it can be confirmed that the notices were also sent via email where the municipality has the necessary information to do so. Please refer to Annexure G.

Total valid comments	2	Total comments and petitions refused	0
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Valid petition(s)	Y	N	If yes, number of signatures	N/A			
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	The application was referred to the Ward Councillor and no comments have been received.
Total letters of support	0						

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

Name	Date received	Summary of comments	Recommendation	
Building Control	24 May 2024	Building plans to be submitted to Building Control for consideration and approval	Positive	Negative
Protection Services	3 June 2024	No comment	Positive	Negative
ESKOM	3 July 2024	Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.	Positive	Negative
Departement: Siviele Ingenieursdienste	25 June 2024	The application must indicate what the future demand for services will be and must include engineering services reports including water and sewer network analyses and traffic impact. Further comments will be provided when the aforementioned are received.	Positive	Negative
	31 July 2025	The information provided does not put the Municipality in a position to comment	Positive	Negative
	8 September 2025	<i>Volstaan by vorige kommentaar:</i> <i>Die aansoek moet aandui wat die toekomstige aanvraag na dienste gaan wees en moet ingenieursdiensteverslae met inbegrip van water- en rioolnetwerk analyses en verkeerpak insluit. Verdere kommentaar sal gelewer word wanneer voormelde ontvang is.</i> <i>Ek is ook nie ten gunste van die nuwe toegang vir 'n nywerheidsone wat vanaf 'n residensiele straat toegang verkry nie. Die pad is soos dit tans is nie geskik vir swaar verkeer nie.</i>	Positive	Negative
	6 November 2025	<i>Die gewysigde aansoek met verwysingsnommer RW/13808/RP van 05 November 2025 dui aan dat die voorgestelde produksieaanlegte soos voorgehou was in die aanvanklike aansoek nie meer geïmplementeer gaan word met die goedkeuring van die gewysigde aansoek nie. Dit dui verder aan dat slegs 'n pakstoor aangebring gaan word en dat daar geen verhoging in die aanvraag na dienste gaan wees nie. Kommentaar is derhalwe as volg:</i> 1. <i>Riool</i> <i>Dat die gekonsolideerde erf van 'n enkele aansluiting gebruik maak en dat geen addisionele aansluitings voorsien sal word nie.</i> 2. <i>Water</i> <i>Dat die gekonsolideerde erf van 'n enkele aansluiting gebruik maak en dat geen addisionele aansluitings voorsien sal word nie.</i>	Positive	Negative

		<p>3. <i>Strate & Stormwater</i> <i>Die straat (Adamsestraat) waarby die onderverdeelde gedeelte van erf RE/326 aansluit is nie tot 'n standaard gebou om verkeer van 'n nywerheidsperseel te akkommodeer nie en kan toegang tot die gekonsolideerde erf nie vanaf Adamsestraat voorsien word nie.</i></p> <p><i>Daar moet van die bestaande toegang gebruik gemaak word en 'n geskikte versperring moet aanbring word op die erfrens tussen die gekonsolideerde erf en die padreserwe van Adamsestraat sodat voertuigtoegang vanuit Adamsestraat beperk word.</i></p> <p>4. <i>Ander kommentaar</i> <i>Dat indien die uitbreiding van enige bestaande dienste benodig sou wees om diesaansluitings te kan voorsien, dit vir die koste van die eienaar/ontwikkelaar (Group 35) sal wees.</i></p>	
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PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS Please refer to Annexure I	MUNICIPAL ASSESSMENT OF COMMENTS
Email from Gailen Pietersen as well as riebeekwest information containing the following objections;	Subject: Objection to purchasing of land adjacent to the cemetery in Riebeek West.	As can be derived from the undersigned letters received during the public participation period, the main focus is on the alienation of the municipal owned land. Note that a notice was published in the Swartland Joernaal local newspaper on the 13th of March 2024, attached hereto as Annexure B, informing the public of the proposed out-of-and alienation of the applicable properties, and that the public had the opportunity to address their concerns and provide their comments and objections to the municipality.	The two emails received containing a total of 12 letters from Gailen Pietersen as well as riebeekwest information does however refer to the potential impact of the proposal on the residents living near the Group 35 Factory, with specific reference to noise. Secondly concerns were raised regarding the manner this has been handled.
Esmarelda Esser; Bridgette & Abraham Fredericks; Elize Adams; Miemie Markus; Adrè Alexander; Jacolene & Aubrey Couter; Moos Haase; Joseph Kock; Hayley Adams; Elizabeth April; S Swarts; and Rhana Erasmus.	1. The residents of the area feel aggrieved regarding the manner this has been handled. Reasons being that they were given letters which they do not understand, instead of first calling a meeting with the residents in that area to discuss the matter before just handing out letter.	1. The Public Participation process, including the serving of notices, followed standard procedure. The notices provided to the identified possibly interested and affected parties included instructions to direct inquiries to the town planning division, or alternatively visit their offices between certain times, Monday to Friday. This ensures that the Municipality is available to assist with any questions or clarifications.	1. The public participation was done in accordance with the applicable provisions of the By-Law. The notice clearly states, in Afrikaans and English, that enquiries can be made to the Division Town Planning. The application is also available for inspection during office hours. The purpose of the letter is to notify interested and affected parties of the application
Jacolene & Aubrey Couter; Moos Haase; Joseph Kock; Hayley Adams; Elizabeth April; S Swarts; and Rhana Erasmus.	2. The objectors state that they as property owners do not consent to the purchasing of the property adjacent to the cemetery by Group 35 foods (Pty) Ltd, in Riebeek West.	2. The notices served to the objectors related to the application for rezoning, subdivision, consolidation, and closure of a public space. A notice requesting comments and objections regarding the sale of the properties was published in the local newspaper and the opportunity to provide comments and objections has lapsed on the 29th of March 2024. Therefore, the comments regarding the purchasing of the properties, can be disregarded.	2. One of the conditions of the council resolution stated that the transaction be advertised in the local newspapers. Please find a copy of this notice attached as Annexure J. It is clear that the commenting period closed on the 29th of March 2024 already with no objections received. The subject application now deals with the subdivision and rezoning of the properties.
Please refer to Annexure H attached	3. The objectors are concerned that they will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.	3. Please note that a buffer zone of approximately 30 to 55 meters has been maintained between the proposed expansion of the existing facility / proposed development and the residential properties to the south. This buffer allows for the mitigation of potential noise pollution and any possible health hazards and disturbance from the development.	3. It is noted that the proposal allows for a buffer area between the existing residential development and the extension of the area earmarked for development. The amended proposal, only including a warehouse will not have a significant impact on any of the neighbouring properties. There is other legislation applicable specifically dealing with environmental health, air quality and noise and nuisances. The proposal will not

			have a substantial impact on the properties of the objectors.
		<p>Additionally, the development includes various facilities such as a warehouse for storing instruments and goods, a bakery, and an extrusion plant. All these facilities will be housed within buildings to further minimise any sound disturbances.</p> <p>The proposed development poses very low health hazards. The only concerns are for employees within the facility, who wears protective gear to ensure their safety.</p> <p>The expansion and additions of the proposed development aims to enhance the flour mill's capacity and efficiency while maintaining a commitment to minimising environmental impact and ensuring both the community and the workforce.</p> <p>The proposed development will have a positive impact on the community by creating numerous employment opportunities and producing more affordable products. This expansion not only aims to boost the local economy but also provide residents with job prospects, enhancing their livelihoods. Additionally, the production of cheaper products will benefit the community by making essential goods more accessible and affordable.</p>	Noted

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 23rd of May 2024. The public participation process commenced on the 30th of May 2024 and ended on the 1st of July 2024. Objections were received and referred to the applicant for comment on 4th of July 2024 and this municipality received the comments on the objection from the applicant on the 5th of July 2024.

During the evaluation of the application a number of concerns were raised regarding the lack of information provided in the application. Please refer to email dated 31 July 2024. The issues raised included, Heritage Western Cape comment / approval, possible listed activity being triggered in terms of NEMA regulations due to the extent of the proposal. The Western Cape Biodiversity Spatial Plan, 2017, demarcate a portion of the subject properties as an ecological support area that the application does not deal with or provide any supporting documentation to prove otherwise. Thirdly, insufficient information is provided regarding the impact of the proposed development on municipal services. The applicant was requested to provide the municipality with the required engineering reports as well as traffic impact statement. The last point of concern was not only due to the lack of a site development plan but also that the proposed expansion does not fall within the ambit of the Industrial Zone 1 zoning. Except for the warehouse the proposed uses can only be accommodated under the Industrial Zone 2 zoning. The applicant was therefore advised to either withdraw the application or alternatively, to amend the proposal.

On the 11th of February 2025 the applicant responded, stating that at that point they are still awaiting the SDP and that the amendment will follow. On the 28th of May 2025 the applicant confirmed that their client intends to proceed with the process and that, at this stage the focus will be on creating additional storage space to support existing operations although they remain committed to implementing the full scope of the original application at a later stage.

The applicant responded to the above concerns as follows:

1. Amended site development plan

“Please note that once the initially requested information and documentation have been finalised, a formal amended application will be resubmitted to the Swartland Municipality. This submission will include the proposed zoning amendment to Industrial Zone 2.”

“At this stage, our client wishes to proceed only with the application for the construction of a new store and silos. While the ultimate vision remains aligned with the original application—which includes establishing an extrusion plant and bakery—these components will be pursued at a later stage. It is anticipated that future building plans may be supported by separate engineering reports tailored to each specific use.”

2. Heritage Western Cape (HWC):

“HWC has confirmed that the proposed development does not impact any heritage resources. Therefore, no further action is required under Section 38 of the National Heritage Resources Act (Act 25 of 1999). Please refer to the attached HWC correspondence.” Please refer to Annexure L attached

3. Environmental Approval (EA):

“The attached EA confirms (Please refer to Annexure K) that approval was previously granted for developments on portions of Erven 326 and 327 within 32 meters of two streams. This EA specifically references the upgrading and formalisation of stormwater channels.”

“It is important to note that the area in question, although designated as “Ecological Support Area 2” in your previous communication, holds no current conservation value. This is evidenced by the prior approval of formal stormwater infrastructure and the area's existing residential development, which has compromised its ecological functions. Furthermore, as shown in the attached photos, significant earthworks have already been undertaken, indicating that the land has been previously disturbed.”

4. Engineering Report:

“Based on the attached Site Development Plan, kindly advise whether an additional engineering report—beyond the existing stormwater plans—would be required to support the proposed application.”

Stormwater Management:

Condition d(ii) of the land acquisition approval (attached as Annexure M) states:

“The formalisation of the municipal stormwater system over Long Street, which will be affected by the proposed consolidation, must be designed by a professional engineer and approved during construction. These plans must be submitted to the Civil Engineering Department for approval. Furthermore, this section of piping must continue to function effectively in accordance with the stormwater by-law.”

The attached engineering plan outlines the proposed formalisation of the stormwater system in compliance with the above requirement. Please refer to Annexure P.

The concerns raised during the evaluation of the application in 2024 have now been addressed and therefore 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

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

Spatial Justice

Spatial justice is defined as the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services, and land. The principle of spatial justice seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities.

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 therefore complies with the principle of spatial justice.

Spatial Sustainability

The above-mentioned principle refers to land development being spatially compact, resource-frugal, and compatible with cultural and scenic landscapes. It should also not involve the conversion of high potential agricultural land or compromise ecosystems.

The proposed development is within the urban edge of Riebeeck West and in accordance with the Swartland MSDF, 2025.

The proposed development promotes spatial compactness and sustainable resource use within the urban edge. The proposed development is consistent with the development proposals of the MSDF and will not have an adverse impact on high potential agricultural land or compromise ecosystems. The existing infrastructure as well as vacant underutilised land will be optimally used, and the site will be developed to its full potential. The development will connect to the Municipal services and will not have a financial burden on the Municipality. Any upgrading of services will be for the developer’s account.

The application therefore complies with the principle of spatial sustainability.

Spatial Efficiency

Efficiency, in terms of the PSDF (Provincial Spatial Development Framework), relates to the form of settlements and use of resources. It also relates to the compaction as opposed to sprawl; mixed-use, as opposed to mono-functional land uses; residential areas close to work opportunities as opposed to dormitory settlement, and the prioritisation of public transport over private car use.

The development will optimise the use of existing services and spaces. The expansion of the existing industrial use as well as the potential creation of numerous job opportunities ensures that the development contributes to the socio-economic environment of the Riebeeck Valley. The development will also promote densification of the town within the urban edge. Sufficient services capacity exists to accommodate the proposed development.

Spatial resilience

The principle of Spatial resilience refers to the capacity to withstand shocks and disturbances such as climate change or economic crises and to use such events to catalyse renewal, novelty, and innovation. The proposed development includes the expansion of an existing successful business within Riebeeck West.

Good Administration

The application was published in the local newspapers, the Provincial Gazette and notices were sent to affected property owners. The comments from the relevant municipal departments as well as ESKOM were also obtained. Consideration is given to all correspondence received and the application was dealt with in a timeously manner. It is therefore argued that the principles of good administration were complied with by the Municipality.

2.2 Provincial Spatial Development Framework (PSDF)

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

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

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:

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

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

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

The development proposal is therefore deemed consistent with the PSDF as the proposal will result in the optimum use of land / space within the urban edge, will complement the character of the area as well as not adversely affect the sense of place. Lastly, it could be argued that not only will the development result in the creation of numerous job opportunities within walking distance from the community, result in improved accessibility.

The proposed development is therefore deemed consistent with the spatial development principles of the PSDF, 2014.

2.3 West Coast District SDF, 2020

The WCDSDF, 2020 stated that the functional classification for Riebeeck West is Agricultural Service Centre and according to the growth potential study Riebeeck West is a small service town that has a high growth potential.

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

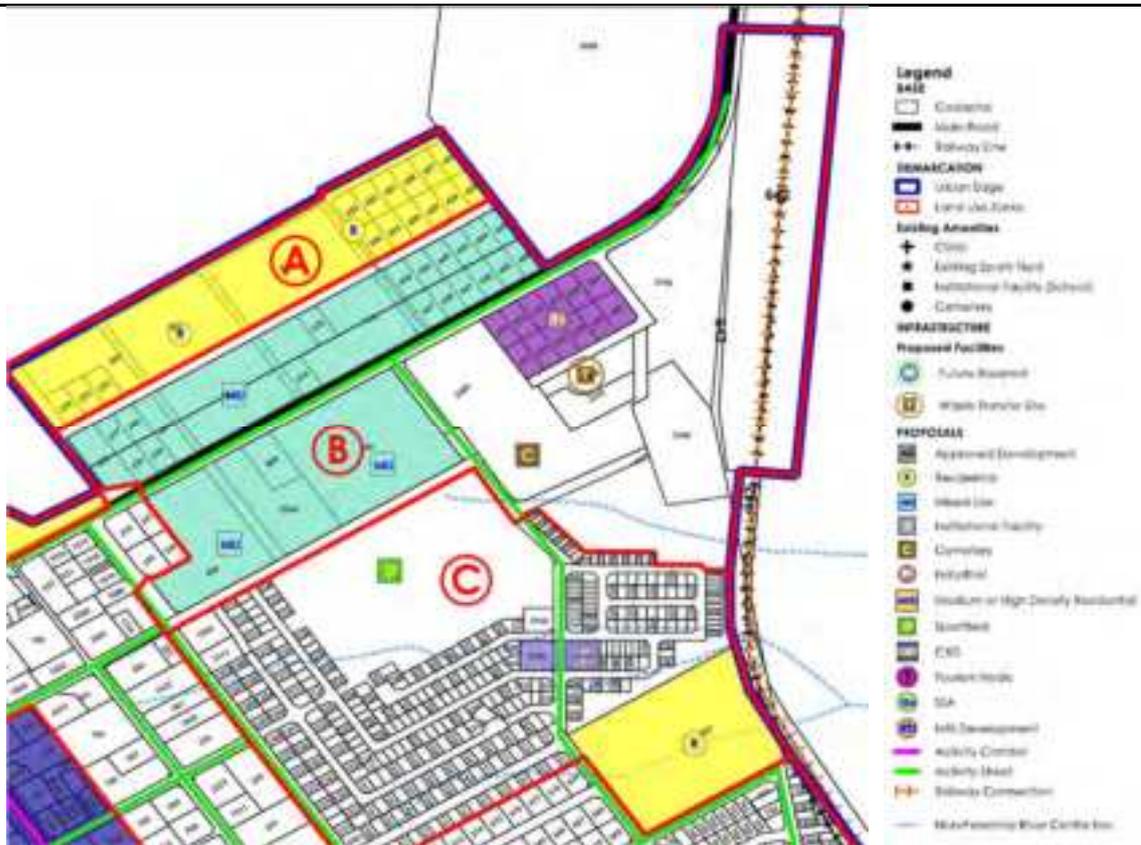
The WCDSDF rightfully looks at spatial development on a district level. However, it does promote the approach that local municipalities in the WCDM should focus on spatial integration, efficiency, equal access, sustainability, and related planning principles, to inform planning decisions (as required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

The proposal is deemed consistent with the WCDSDF, 2020.

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

The proposed development is aligned with the strategic goals of the Swartland IDP, 2025 though the fact that it stimulates growth, attract investment and create jobs. The improved use of vacant land within the urban edge contributes to the effective use of existing infrastructures within the urban edge. Job creation contributes to social upliftment and reduces economic vulnerability. The expansion of the mill will also contribute to food security and possibly affordability to the local community. The proposal retains the open space buffer between the residential area and will not have a negative impact on the environment or the sense of place of the area.

The MSDF, 2025 indicates that the proposed development is situated within land use proposal Zone B. Please refer to the extract below. Land use proposal Zone B according to the MSDF, 2025 has a light industrial character and allows the development of industrial uses.



The proposal is therefore deemed consistent with the MSDF, 2025.

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

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

3. The desirability of the proposed development

The subject properties are situated within the urban edge of Riebeeck West

The title deeds of the subject properties have no restrictions prohibiting the proposal.

Physically there are no restrictions that negatively impact the proposal. The existing storm water channel is proposed to be upgraded.

The proposed development is deemed appropriate given its location next to the existing industrial area.

The development proposal is expected to have a positive impact on the economic development of Riebeeck West.

The proposal retains the open space buffer between the residential area and will not have a negative impact on the environment or the sense of place of the area.

Engineering services capacity exists to support the proposed amended development proposal, however, the developer will be responsible for the provision and development of the internal services networks, if required.

The proposed development is consistent with the prevailing legislation and town planning policies, such as LUPA and SPLUMA. Any future upgrading or extension will be subject to the necessary land use application as well as the required public participation processes.

4. Impact on municipal engineering services

The amended proposal only includes a warehouse that will function in conjunction with the existing mill. The impact on municipal engineering services will therefore be minimal.

5. **Response by applicant**

Refer to Annexure C & I.

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

ESKOM confirmed that they, in principle do not object to the proposed development. The developer should note the provisions as contained in the letter as well as that re-application be made seeing that the approval has unfortunately lapsed already. Please refer to Annexure N.

7. **Public interest**

The proposed development does not detract from or damage the rights of existing landowners, it poses a negligible risk, and all legislative requirements have been met.

The proposal, if approved, will result in the optimal use of space within the urban edge.

Both the short-term gains (through the construction phase) and the long-term gains (increased tax base and employment opportunities) will be to the benefit of the developer, as well as the larger community.

In conclusion, it will be in the interest of the public for the amended development proposal to continue as proposed.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

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

N/A

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

N/A

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

N/A

PART L: RECOMMENDATION WITH CONDITIONS

- A. The application for rezoning of erven 326, 327, 2244 and 2267 from Open Space Zone 1 and Transport Zone 2 respectively to Sub divisional Area 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 the subdivision of erven 326, 327, 2244 and 2267, Riebeek West 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 consolidation of portions A, B, C & D with erf 2106, Riebeek West, be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- D. The application for closure of public places portions A, B, C & D be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):

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

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The subdivisional area allows for the following zoning categories:
 - (i). Erf 326 – Industrial Zone 1 (1948m² in extent) and Transport Zone 2 (28 836m² in extent);

- (ii). Erf 327 – Industrial Zone 1 (61m² in extent) and Transport Zone 2 (74 314m² in extent);
- (iii). Erf 2244 – Industrial Zone 1 (4528m² in extent) and Open Space Zone 1 (5512m² in extent);
- (iv). Erf 2267 – Industrial Zone 1 (3375m² in extent) and Open Space Zone 1 (7864m² in extent);
- (b) The subject properties be subdivided as follows:
 - (i). Erf 2244 – (10 040m² in extent) into a remainder (5512m² in extent) and portion A (4528m² in extent);
 - (ii). Erf 2267 – (11 239m² in extent) into a remainder (7864m² in extent) and portion B (3375m² in extent);
 - (iii). Erf 326 – (30 784m² in extent) into a remainder (28 836m² in extent) and portion C (1948m² in extent);
 - (iv). Erf 327 – (74 375m² in extent) into a remainder (74 314m² in extent) and portion D (61m² in extent);
- (c) The portions of public place be closed as follows:
 - (i). • Portion A (4528m² in extent) of erf 2244 (park);
 - (ii). • Portion B (3375m² in extent) of erf 2267 (park);
 - (iii). • Portion C (1948m² in extent) of erf 326 (street);
 - (iv). • Portion D (61m² in extent) of erf 327 (street);
- (d) Portions A, B, C and D be consolidated with erf 2106 to create one large erf ±21 154m² in extent;
- (e) Building plans to be submitted to the Senior Management Development Manager for consideration and approval

2. WATER

- (a) The consolidated erf be provided with a single water connection and no additional water connections be provided;

3. SEWERAGE

- (a) The consolidated erf be provided with a single sewer connection and no additional sewer connections be provided;

4. STREETS AND STORMWATER

- (a) Access may not be taken to or from Conniffe January Street, therefore access to the consolidated erf may only be taken to and from the existing access of Rudie du Plooy Street via Station Road. It is therefore required that the applicant install a barricade, to the satisfaction of the Director Civil Engineering Services, between the road reserve of Conniffe January Street and the consolidated property.
- (b) The parking areas be built to a permanent surface standard. An engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the parking areas. 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;
- (c) The development be provided with an internal storm water network which ensures that the runoff, after the development is completed, is the same as before the development. An engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the storm water network. 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;
- (d) As contained in the land acquisition requirements the storm water network via Long Street be formalised. An engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the necessary upgrade. 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;

8. DEVELOPMENT CHARGES

- (a) The relevant development charges be calculated on building plan stage;

9. GENERAL

- (a) Cognisance be taken of the contents of the letter from ESKOM dated 3 July 2024 with reference no. 15140-24. The applicant therefore should apply for the applicable working permit before any construction commence;

- (b) 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;
- (c) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (d) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (e) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval 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.
- (f) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

1. The proposed development is consistent with the Swartland MSDF, 2025;
2. The development is located within the urban edge and aligns with the land use proposal Zone B designated for industrial use.
3. The application supports the matters referred to in SPLUMA as well as the land development principles contained in LUPA.
4. The proposal supports the strategic goals for economic transformation, the optimisation of space and infrastructure within the urban edge, as well as community upliftment through job creation. It is therefore aligned with the Swartland IDP, 2025.
5. The proposal aligns with local, district as well as Provincial Spatial Development Frameworks, promoting a compact, integrated, and economically vibrant settlement.
6. The proposal will contribute to local economic development through job creation in the short and long term.
7. It supports agriculture and agri-processing enhancing the economic resilience of Riebeeck West contributing not only to the character of the town but also to food security and affordability.
8. The expansion and future plans deepens the applicant’s commitment to Riebeeck West and contributes to long term socio economic development.
9. Vacant municipal land is proposed to be consolidated with an existing industrial erf, maximizing functionality as well as contributing to the value of land.
10. As proposed development will have a minimal impact on existing infrastructure and any potential upgrading will be for the developers account.
11. The proposal still ensures a buffer of between 30m and 55m between residential areas and the proposed expansion mitigating potential noise and environmental impacts.
12. The amended proposal complies with the objective and parameters of the Industrial Zone 1 zoning, future phases will be subject to its own land use and public participation processes.
13. Access to Conniffe January Street is prohibited as contained in the conditions of approval the amended proposal will have a minimal impact on the neighbouring residential area.

PART N: ANNEXURES

Annexure A	Locality plan
Annexure B	Email correspondence
Annexure C	Amended motivation and SDP
Annexure D	Subdivision plan
Annexure E	Consolidation plan
Annexure F	Memo Civil Services received 6 November 2025

Annexure G	Public Participation Plan
Annexure H	Objections
Annexure I	Comments on the objections
Annexure J	Advert Newspapers
Annexure K	EA Housing development
Annexure L	Heritage Western Cape Approval
Annexure M	Land Acquisition letter
Annexure N	ESKOM comment
Annexure O	Photos
Annexure P	Storm water Detail

PART O: APPLICANT DETAILS

Name	CK Rumboll & Partners			
Registered owner(s)	Group 35 PTY Ltd & Swartland Municipality	Is the applicant authorised to submit this application:	Yes	N

PART P: SIGNATURES

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010			Date: 10 November 2025	
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: A/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	<input type="checkbox"/>
			Date: 11 November 2025	

ANNEXURE A

RIEBEEK WEST

REF:
RW/13808/RP



NOTE:

ALL SIZES AND DISTANCES ARE SUBJECT TO SURVEY

LEGEND

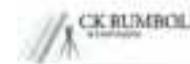
 Subject Properties

SCALE : 1:1500

Date:
November 2023

AUTHORITY:
SWARTLAND MUNICIPALITY

COMPILED BY: 16 Rainier Street
Malmesbury
Tel: 0224821845
Fax: 0224871661
planning9@rumboll.co.za



Herman Olivier

From: planning9@rumboll.co.za
Sent: 05 November 2025 11:27
To: Herman Olivier
Cc: Alwyn Burger; Alwyn Zaayman; Ulynn Julies
Subject: RE: Proposed rezoning, subdivision, consolidation and closure of public place of erven 326, 327, 2244, 2267, 2106, Riebeek West
Attachments: 2025-10-05_Addendum- Revised Land Use Application_Group 35 RW.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good day Herman,

I trust you are well.

Following a brief discussion with Mr. Louis Zikman earlier this morning, please find attached an addendum to our land use application for your attention.

Kindly take note of the following key points:

- The revised Motivational Report attached hereto replaces the initial Motivational Report that formed part of the original application;
- The revised proposal is limited to the development of a new storage warehouse only;
- Given the minimal engineering service requirements associated with the proposed warehouse, the submission of an Engineering Services Report is not necessary;
- No access will be obtained to or from Lang Street, and the proposal will not result in any additional or increased trip generation to and from the property, therefore the submission of a traffic impact assessment is not necessary;
- Should Group 35 wish to proceed with the broader development proposal as outlined in the initial application, a new land use application will be submitted for the rezoning of the consolidated property to Industrial Zone 2, accompanied by the necessary Engineering Services Reports and a Traffic Impact Assessment (TIA).

Kindly confirm receipt of this email and the attached documentation. Please also advise whether a hard copy submission of the addendum will be required.

I trust the above is in order, and I look forward to your confirmation.



Roeben Pienaar
Professional Town Planner
Reg. No.: (A/3045/2021)

18 Baines Street, Malindiway,
Western Cape, 7259
022 462 1843
planning9@rumboll.co.za
www.rumboll.co.za

From: Herman Olivier <OlivierH@swartland.org.za>

Sent: Monday, November 3, 2025 4:55 PM

To: planning9@rumboll.co.za

Cc: Alwyn Burger <alwynburger@swartland.org.za>; Alwyn Zaayman <zaaymana@swartland.org.za>; Ulynn Julies <JuliesU@swartland.org.za>

Subject: RE: Proposed rezoning, subdivision, consolidation and closure of public place of erven 326, 327, 2244, 2267, 2106, Riebeek West

Roeben

My email dated 8 September 2025 refers;

Herewith we wish to follow up with regards to the water and sewer network analyses and traffic impact assessment as requested.

The requested information is critical for the consideration of the proposed application.

Kind regards

Herman Olivier (Pr.Prn. A/204/2010)

Snr Town and Regional Planner &
GIS Administrator

☎ 022 487 9400 / 082 696 3755

✉ olivierh@swartland.org.za



📍 Church Street, Malmesbury, 7299 ☎ Tel (022) 487 9400 🌐 www.swartland.org.co.za 📱 @SwartlandMunicipality

Swartland forward-thinking 2040 - where people can live their dreams!



From: Herman Olivier

Sent: 08 September 2025 15:04

To: 'planning9@rumboll.co.za' <planning9@rumboll.co.za>

Cc: Alwyn Burger <alwynburger@swartland.org.za>; Alwyn Zaayman <zaaymana@swartland.org.za>; Ulynn Julies <JuliesU@swartland.org.za>

Subject: RE: Proposed rezoning, subdivision, consolidation and closure of public place of erven 326, 327, 2244, 2267, 2106, Riebeek West

Roeben

We were waiting on the comments from the Department Civil Engineering services in order to finalise the report for the MPT.

The Director Civil Engineering Services has confirmed today that the comments provided previously remains unchanged. He also confirmed that the new access for the industrial use from a residential street is not supported as it currently is. The road was not constructed to accommodate heavy vehicles. This is an issue that should be dealt with in the traffic impact assessment / statement.

As previously requested, the application must indicate what the future demand for services will be and **must include engineering services reports including water and sewer network analyses and traffic impact**. Further comments will be provided when the aforementioned are received.

Kind regards

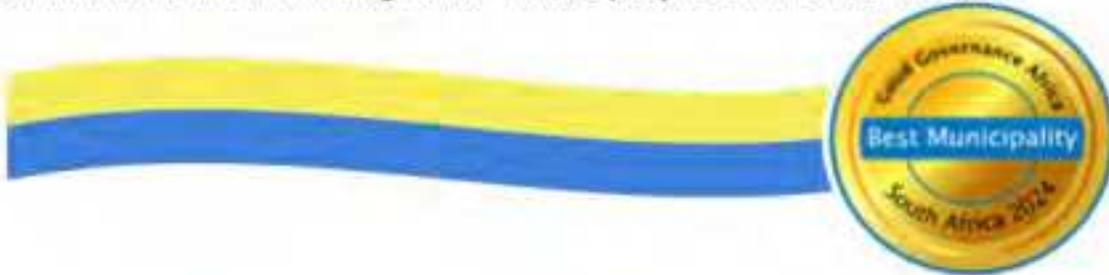
Herman Olivier (Pr. Pln. A/204/2010)
Snr Town and Regional Planner &
GIS Administrator

📞 022 487 9400 / 082 696 3755
✉ olivierh@swartland.org.za



📍 Church Street, Malmesbury, 7299 📞 Tel (022) 487 9400 🌐 www.swartland.org.co.za 📱 @SwartlandMunicipality

Swartland forward-thinking 2040 - where people can live their dreams!



From: planning9@rumboll.co.za <planning9@rumboll.co.za>

Sent: 08 September 2025 08:21

To: Herman Olivier <OlivierH@swartland.org.za>

Subject: RE: Proposed rezoning, subdivision, consolidation and closure of public place of erven 326, 327, 2244, 2267, 2106, Riebeek West

Good day Herman,

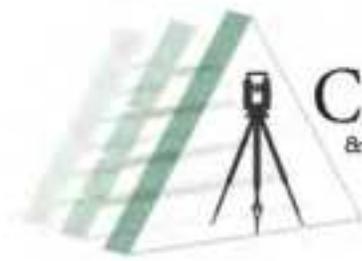
I trust you are well.

I am kindly following up on our previous correspondence.

Could you kindly provide me with the status of our application.

I look forward to hearing from you.

Kind regards,



CK RUMBOLL
& PARTNERS

Roeben Pienaar
Professional Town Planner
Reg. No.: (A/3045/2021)

18 Baines Street, Malindiway,
Western Cape, 7299
022 482 1845
planning9@rumboll.co.za
www.rumboll.co.za

From: planning9@rumboll.co.za <planning9@rumboll.co.za>

Sent: Wednesday, August 6, 2025 10:02 AM

To: 'Herman Olivier' <OlivierH@swartland.org.za>

Cc: 'Alwyn Burger' <alwynburger@swartland.org.za>; 'Alwyn Zaayman' <zaaymana@swartland.org.za>; 'Ulynn Julies' <JuliesU@swartland.org.za>

Subject: RE: Proposed rezoning, subdivision, consolidation and closure of public place of erven 326, 327, 2244, 2267, 2106, Riebeeck West

Good day Herman,

I trust you are well.

Following our conversation this morning, please refer to the below correspondence as received from our client.

“Terugvoering rondom ons telefoniese gesprek vroeër rakende uitgang van voertuie in Conniffe January Straat.

Geen voertuie met ‘n massa hoër as 10ton sal die pad gebruik om by Stasie weg uit te kom nie.

Maksimum 4 x 8 tonners en moontlike bakkies en privaat voertuie.

Ek stel voor dat daar ‘n verkeers teken op gesit word Mak 10ton of geen toegang vir voertuie hoër as 10ton

Alle swaar voertuie gaan nog steeds die huidige toegang tot die meule gebruik tussen Wes Graan silo’s en skougronde.

Vir enige verdere navrae sal ek met graagte help.”

Please confirm if the above would suffice.

I look forward to hearing from you.

Kind regards,



CK RUMBOLL
& PARTNERS

Roeben Pienaar
Professional Town Planner
Reg. No.: (A/3045/2021)

18 Baiser Street, Malmsbury,
Western Cape, 7299
022 482 1845
planning9@rumboll.co.za
www.rumboll.co.za

From: Herman Olivier <OlivierH@swartland.org.za>

Sent: Thursday, July 31, 2025 12:40 PM

To: planning9@rumboll.co.za

Cc: Alwyn Burger <alwynburger@swartland.org.za>; Alwyn Zaayman <zaaymana@swartland.org.za>; Ulynn Julies <JuliesU@swartland.org.za>

Subject: RE: Proposed rezoning, subdivision, consolidation and closure of public place of erven 326, 327, 2244, 2267, 2106, Riebeeck West

Roeben

I have discussed the application as well as the amendment with the Director Civil Engineering services whom confirmed that with the limited information provided, they are not in a position to comment.

It is noted that you state that “no additional services will be required, nor will there be any increase in traffic generation”. With the new access, the proposal will certainly impact Conniffe January Street.

Can you provide us with any documentation from your client, supporting the above statement?

Kind regards



From: planning9@rumboll.co.za <planning9@rumboll.co.za>

Sent: 09 July 2025 13:20

To: Herman Olivier <OlivierH@swartland.org.za>

Cc: Alwyn Burger <alwynburger@swartland.org.za>; Alwyn Zaayman <zaaymana@swartland.org.za>; Ulynn Julies <JuliesU@swartland.org.za>

Subject: RE: Proposed rezoning, subdivision, consolidation and closure of public place of erven 326, 327, 2244, 2267, 2106, Riebeek West

Good day Herman,

I trust you are well.

I am kindly following up with regards to my previous emails pertaining to the proposed development on the subject properties.

I look forward to hearing from you.

Kind regards,



Roeben Pienaar
Professional Town Planner
Reg. No.: (A/3045/2021)

18 Baser Street, Malmsbury,
Western Cape, 7299
022 462 1845
planning9@rumboll.co.za
www.rumboll.co.za

From: planning9@rumboll.co.za <planning9@rumboll.co.za>

Sent: Wednesday, May 28, 2025 12:01 PM

To: 'Herman Olivier' <OlivierH@swartland.org.za>

Cc: 'Alwyn Burger' <alwynburger@swartland.org.za>; 'Alwyn Zaayman' <zaaymana@swartland.org.za>; 'Ulynn Julies' <JuliesU@swartland.org.za>

Subject: RE: Proposed rezoning, subdivision, consolidation and closure of public place of erven 326, 327, 2244, 2267, 2106, Riebeek West

Dear Herman,

I trust you are well.

Following a brief discussion with Alwyn regarding this application, I would like to confirm that our client intends to proceed with the process.

At this stage, the focus is solely on creating additional storage space to support the existing operations on Erf 2106, Riebeek West. As such, the other proposed land uses included in the initial application will not be pursued at this time. This means that no additional services will be required, nor will there be any increase in traffic generation.

Our client remains committed to implementing the full scope of the original application—such as the additional land uses—at a later stage, once the necessary information has been gathered and a comprehensive engineering report can be prepared.

Based on the above and pending your comments on this matter and the email below, we will be submitting an amended motivation report in due course.

I look forward to your feedback.

Kind regards,



From: planning9@rumboll.co.za <planning9@rumboll.co.za>

Sent: Friday, May 23, 2025 11:42 AM

To: 'Herman Olivier' <OlivierH@swartland.org.za>

Cc: 'Alwyn Burger' <alwynburger@swartland.org.za>; 'Alwyn Zaayman' <zaaymana@swartland.org.za>; 'Ulynn Julies' <JuliesU@swartland.org.za>

Subject: RE: Proposed rezoning, subdivision, consolidation and closure of public place of erven 326, 327, 2244, 2267, 2106, Riebeek West

Dear Herman,

I hope this message finds you well.

Further to our previous correspondence, please find attached the current Site Development Plan as received from our client for your reference.

Please note that once the initially requested information and documentation have been finalised, a formal amended application will be resubmitted to the Swartland Municipality. This submission will include the proposed zoning amendment to *Industrial Zone 2*.

At this stage, our client wishes to proceed only with the application for the construction of a new store and silos. While the ultimate vision remains aligned with the original application—which includes establishing an extrusion plant and bakery—these components will be pursued at a later stage. It is anticipated that future building plans may be supported by separate engineering reports tailored to each specific use.

Kindly refer to the information below regarding the proposed development on Erven 326, 327, 2244, 2267, and 2106, Riebeek Wes:

Heritage Western Cape (HWC):

HWC has confirmed that the proposed development does not impact any heritage resources. Therefore, no further

action is required under Section 38 of the National Heritage Resources Act (Act 25 of 1999). Please refer to the attached HWC correspondence.

Environmental Approval (EA):

The attached EA confirms that approval was previously granted for developments on portions of Erven 326 and 327 within 32 meters of two streams. This EA specifically references the upgrading and formalisation of stormwater channels.

It is important to note that the area in question, although designated as “Ecological Support Area 2” in your previous communication, holds no current conservation value. This is evidenced by the prior approval of formal stormwater infrastructure and the area's existing residential development, which has compromised its ecological functions. Furthermore, as shown in the attached photos, significant earthworks have already been undertaken, indicating that the land has been previously disturbed.

Engineering Report:

Based on the attached Site Development Plan, kindly advise whether an additional engineering report—beyond the existing stormwater plans—would be required to support the proposed application.

Stormwater Management:

Condition d(ii) of the land acquisition approval (attached) states:

“The formalisation of the municipal stormwater system over Long Street, which will be affected by the proposed consolidation, must be designed by a professional engineer and approved during construction. These plans must be submitted to the Civil Engineering Department for approval. Furthermore, this section of piping must continue to function effectively in accordance with the stormwater by-law.”

The attached engineering plan outlines the proposed formalisation of the stormwater system in compliance with the above requirement.

Please do not hesitate to contact me should you require any further information or clarification.

Kind regards,



From: planning9@rumboll.co.za <planning9@rumboll.co.za>
Sent: Tuesday, February 11, 2025 1:00 PM
To: 'Herman Olivier' <OlivierH@swartland.org.za>
Cc: 'Alwyn Burger' <alwynburger@swartland.org.za>; 'Alwyn Zaayman' <zaaymana@swartland.org.za>; 'Ulynn Julies' <JuliesU@swartland.org.za>
Subject: RE: Proposed rezoning, subdivision, consolidation and closure of public place of erven 326, 327, 2244, 2267, 2106, Riebeeck West

Good day Herman,

I trust you are well.

I would just like to provide you with an update on your E-mail below.

We are currently still awaiting the Site Development Plan (SDP) for the proposed development on the Application Properties. Once the SDP has been obtained, we will be able to continue with your previous requests dated 31 July 2024.

Once we can provide you with sufficient feedback on the below, we will amend our application accordingly and provide you with an addendum to our application.

I hope the above are in order.

Kind regards,



From: Herman Olivier <OlivierH@swartland.org.za>

Sent: Wednesday, July 31, 2024 7:53 AM

To: planning9@rumboll.co.za

Cc: Alwyn Burger <alwynburger@swartland.org.za>; Alwyn Zaayman <zaaymana@swartland.org.za>; Ulynn Julies <JuliesU@swartland.org.za>

Subject: RE: Proposed rezoning, subdivision, consolidation and closure of public place of erven 326, 327, 2244, 2267, 2106, Riebeeck West

Roeben

With the evaluation of the above mentioned application it was found that other legislation applicable to the proposed development have not been attended to, these include:

1. Section 38(1)(c) of the National Heritage Act, Act 25 of 1999 requires that:
“Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as—
(c) any development or other activity which will change the character of a site—
(i) exceeding 5 000m² in extent; or
(ii) involving three or more existing erven or subdivisions thereof; or
(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
(iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;

must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.”

Please provide the Municipality with the comments/approval from Heritage Western Cape in this regard.

2. Listing notice 3 of the EIA regulations GN R985 of 2014 states that

(15) “The transformation of land bigger than 1 000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.”

(f) Western Cape

(ii) Inside urban areas:

(aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;

(bb) A protected area identified in terms of NEMPAA, excluding conservancies; or

(cc) Sensitive areas as identified in an environmental management framework as contemplated in Chapter 5 of the Act as adopted by the competent authority.

The Western Cape Biodiversity Spatial Plan, 2017 indicate a large portion of the subject development as an Ecological Support Area 2. Per definition these areas are not essential for meeting biodiversity targets but have an important role in supporting the functioning of Protected Areas or Critical Biodiversity Areas and are often vital for delivering ecosystem services. It is proposed that these area should be restored and / or managed to minimise impact on ecological infrastructure functioning; especially soil and water related service.



In principle the expansion of the industrial area is supported from a spatial planning point of view and the development proposal does make provision for a natural buffer accommodating the water course. However, the Municipality requires, in order to take into consideration the possible environmental impact, the comments / consent from the Western Cape Department of Environmental Affairs.

3. We have received the following comments from the Department Civil Engineering Services with regards to the proposed application:

Die aansoek moet aandui wat die toekomstige aanvraag na dienste gaan wees en moet ingenieursdiensteverslae met inbegrip van water- en rioolnetwerk analyses en verkeerimpak insluit. Verdere kommentaar sal gelwer word wanneer voormelde ontvang is.

Please provide the required engineering reports in order for the municipality to evaluate the potential impact on Municipal Engineering Services.

4. The proposal does not include a site development plan however the motivation report does indicate that the owner / developer propose to expand the existing mill with new silos, an extrusion plant, storage warehouse and bakery.

The current zoning of the property is Industrial Zone 1. Industrial zone 1 provides for service trade, industrial hive, warehouse, car wash, service station, public parking, transmission tower, rooftop base station as well as filming as primary use rights.

In terms of the applicable development management scheme the following definitions are noted;

Industry, means premises which in the municipality's opinion, are used as a factory and in which:

- (a) *an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage;*

Service trade, means an enterprise which:

- (a) *is primarily involved in the rendering of a service to the local community such as the repair of household appliances or the supply of household services;*
- (b) *is not likely to be a source of disturbance to surrounding land units; and employs at most ten people;*
- (c) *is not liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions;*
- (d) *includes a builder's yard and allied trades and a laundry, bakery, dairy depot and similar types of uses, but does not include an abattoir, a brick-making site, sewage works, a service station or a motor repair garage;*

It is argued that the proposed expansion does not fall within the ambit of the Industrial Zone 1 zoning and the property as well as the portions proposed to be included should be zoned Industrial Zone 2 which does make provision for all the proposed uses. The application, in its current form can therefore not be considered favourably as it is in contradiction with the applicable development management scheme.

Kind regards

Herman Olivier (Pr.Pln. A/204/2010)

Stadsbeplanner en GIS Administrateur | Town Planner & GIS Administrator

Departement Ontwikkelingsbestuur / Department Development Management

Direktoraat Ontwikkelingsdienste / Directorate Development Services

T: 022 487 9400 M: 082 696 3755 E: olivierh@swartland.org.za



From: planning9@rumboll.co.za <planning9@rumboll.co.za>

Sent: 29 July 2024 12:54

To: Herman Olivier <OlivierH@swartland.org.za>

Subject: Hersonerig, onderverdeling, konsolidasie en sluiting van publieke plek op erwe 326,327,2244,2267,2106, Riebeeck Wes

Goeie dag Herman,

Ek vertrou dit gaan goed.

Ek volg graag op aangaande jou terugvoering op die betrokke aansoek.

Hoor graag van jou.

Vriendelike groete,



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CK RUMBOLL & PARTNERS INC.



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

DATUM / DATE: 05 November 2025

ONS VERW / OUR REF: RW/13808/RP

BY E-MAIL AND PER HAND

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

TOWN PLANNING APPLICATION FOR THE CLOSURE OF PORTIONS OF A PUBLIC PLACES, REZONING, SUBDIVISION, AND CONSOLIDATION ERVEN RE/326, RE/327, 2244, 2267 & 2106, RIEBEEK WEST

Following a discussion with Mr. Louis Zikman, Director: Civil Engineering Services, regarding the above-mentioned application, this office hereby submits an addendum to the initial land use application.

The purpose of this addendum is to replace the original Motivational Report submitted as part of the initial land use application with the revised Motivational Report attached hereto. The following key aspects are highlighted for clarity:

- The revised Motivational Report pertains exclusively to the proposed development of a new storage warehouse on the consolidated property;
- The proposed warehouse will require only minimal engineering services, and as such, the preparation of a detailed Engineering Services Report is not deemed necessary;
- No vehicular access to or from the consolidated property will be obtained via Lang Street. Furthermore, the proposed development will not result in any significant increase in traffic volumes or trip generation to and from the site; therefore, a Traffic Impact Assessment (TIA) is not required.

In addition to the above, and as confirmed in correspondence received from Mr. Herman Olivier on 31 July 2024, it is noted that the initial development proposal would have required the affected properties to be rezoned from Industrial Zone 1 to Industrial Zone 2 in order to accommodate the broader range of proposed land uses. However, given that the revised Motivational Report now limits the proposal to the development of a single storage warehouse for the purpose of increasing on-site storage capacity, the current application does not trigger the need for rezoning.

Should Group 35 wish to proceed with any of the additional developments previously contemplated in the original Motivational Report, a separate land use application will need to be submitted for the Municipality's consideration at a later stage.

DIREKTEURE / DIRECTORS:

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

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

CK RUMBOLL & PARTNERS INC.



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

In support of this addendum, please find the following documents attached for your consideration:

1. Revised Motivational report
2. Site Development Plan

We trust you find the above to be in order.

Kind regards



.....
Roeben Pienaar

For *CK RUMBOLL AND PARTNERS*

DIREKTEURE / DIRECTORS:

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

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

MOTIVATIONAL REPORT

Proposed Closure of Portions of a Public Places, Rezoning, Subdivision and Consolidation of Erven 326, 327, 2244, 2267, & 2106, Riebeek West

Application in terms of
the Swartland
Municipality Land Use
Planning By-Law (2020)

Authority:

Swartland Municipality

Date:

November 2025

Reference:

RW/13808/RP

Compiled By:

R Pienaar for
CK Rumboll & Partners
Town Planners
Professional Surveyors
16 Rainier Street, Malmesbury
Tel: 022-4821845
Fax: 022-4871661
Email:
planning9@rumboll.co.za





Addendum: Closure of a Public Place, Rezoning, Subdivision, Consolidation	Erf: 327, 2244, 2267, & 2106	Town:	Riebeeck West
Ref no: RW/13808/RP	By: RP	Edit Date:	5-Nov-25
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- | | |
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| Annexure A | Power of Attorney’s and Resolution |
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| Annexure D | Locality Map |
| Annexure E | Surrounding Land Uses |
| Annexure F | Closure of Public Places / Status Report |
| Annexure G | Rezoning Plan |
| Annexure H | Subdivision Plan |
| Annexure I | Consolidation <i>Plan</i> |



Addendum: Closure of a Public Place, Rezoning, Subdivision, Consolidation	Erf: 327, 2244, 2267, & 2106	Town:	Riebeeck West
Ref no: RW/13808/RP	By: RP	Edit Date:	5-Nov-25
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1. Introduction

CK Rumboll and Partners have been appointed by Scott Keith Milalar, duly appointed representative of Group 35 Foods (Pty) Ltd, hereinafter referred to as Group 35, registered owners of Erf 2106, Riebeeck West, hereinafter referred to as The Property, to attend to all town planning actions regarding the expansion of the existing operations taking place on Erf 2106, Riebeeck West. This includes a closure of a portion of a Public Place, Rezoning, Subdivision and Consolidation of the newly created erven with Erf 2106, Riebeeck West.

Group 35 has been in communication with Swartland Municipality with regards to the alienating and ceding of municipal owned land situated adjacent to Erf 2106 in Riebeeck West in order to expand and improve the existing facility situated on The Property. Swartland Municipality has agreed to alienate and cede the identified portions of land, subject to the obtaining of a land use approval in order to seamlessly facilitate the ceding of the identified portions.

Figure 1 below indicates the areas identified for alienation and ceding, resulting in portions which are to be closed as public places, rezoned and subdivided and consolidated to The Property for the purpose of expanding and improving the existing operations on The Property.

The coloured areas depicted on Figure 1 indicated the areas demarcated for closure of a public place. Both Portions A & B are to be closed as public open spaces and both Portions C & D are to be closed as a public street. All four portions of the proposed closure and subdivision are to be rezoned to subdivisinal area in order to accommodate the existing uses along with Industrial zone allowing for the expansion of the existing operations situated on The Property.

The indicated area will serve the purpose of the expansion of the facility.



Figure 1: Portions Identified to be alienated and Ceded

Addendum: Closure of a Public Place, Rezoning, Subdivision, Consolidation	Erf:	327, 2244, 2267, & 2106	Town:	Riebeeck West
Ref no: RW/13808/RP	By:	RP	Edit Date:	5-Nov-25
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Copy of the undersigned Power of Attorney's and resolutions is attached as **Annexure A**.

2. Purpose

The purpose of this application is to apply for the closure of public places, Subdivision of the properties, rezoning of the properties and consolidation of the newly subdivided portions of the properties with The Property.

► **Closure of Public Places**

- It is the purpose of this report to apply in terms of Section 25(2)(n) of the Swartland Municipal Land Use Planning By-Law (PG 8226) for the closure of the following public places:
 - A Portion ($\pm 4528\text{m}^2$) of Erf 2244, Riebeeck West (Park)
 - A Portion ($\pm 3375\text{m}^2$) of Erf 2267, Riebeeck West (Park)
 - A Portion ($\pm 1948\text{m}^2$) of Remainder Erf 326, Riebeeck West (Street)
 - A Portion ($\pm 61\text{m}^2$) of Remainder Erf 327, Riebeeck West (Street)

► **Rezoning**

- It is the purpose of this report to apply in terms of Section 25(2)(a) of the Swartland Municipal Land Use Planning By-Law (PG 8226) for the rezoning of the following properties to Subdivisional Area:
 - Erf 2244, Riebeeck West
 - **Industrial Zone 1:** $\pm 4528\text{m}^2$
 - **Open Space Zone 1:** $\pm 5512\text{m}^2$
 - Erf 2267, Riebeeck West
 - **Industrial Zone 1:** $\pm 3375\text{m}^2$
 - **Open Space Zone 1:** $\pm 7864\text{m}^2$
 - Remainder Erf 326, Riebeeck West
 - **Industrial Zone 1:** $\pm 1948\text{m}^2$
 - **Commonage:** $\pm 28\,836\text{m}^2$
 - Remainder Erf 327, Riebeeck West
 - **Industrial Zone 1:** $\pm 61\text{m}^2$
 - **Commonage:** $\pm 74\,314\text{m}^2$

► **Subdivision**

It is important to note that since the application entails the subdivision and consolidation of the subdivided portions with The Property, the Portions which are subdivided from the properties, will be named differently in order to avoid confusion.

- It is the purpose of this report to apply in terms of Section 25(2)(d) of the Swartland Municipal Land Use Planning By-Law (PG 8226) for the subdivision of the following properties into two portions:
 - Erf 2244, Riebeeck West
 - **Portion A:** $\pm 4528\text{m}^2$
 - **Remainder:** $\pm 5512\text{m}^2$
 - Erf 2267, Riebeeck West
 - **Portion B:** $\pm 3375\text{m}^2$
 - **Remainder:** $\pm 7864\text{m}^2$
 - Remainder Erf 326, Riebeeck West

Addendum: Closure of a Public Place, Rezoning, Subdivision, Consolidation	Erf:	327, 2244, 2267, & 2106	Town:	Riebeeck West
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- **Portion C:** ±1948m²
- **Remainder:** ±28 836m²
- Remainder Erf 327, Riebeeck West
 - **Portion D:** ±61m²
 - **Remainder:** ±74 314m²

► **Consolidation**

- It is the purpose of this report to apply in terms of Section 25(2)(e) of the Swartland Municipal Land Use Planning By-Law (PG 8226) for the consolidation of the newly subdivided portions (Portions A – D) with Erf 2106, Riebeeck West, in order to create consolidated erf measuring ±21 154m².

See Application Form Attached as **Annexure B**.

3. Property Description

Table 1: Property details

	Erf 2106, Riebeeck West	Erf 2244, Riebeeck West	Erf 2267, Riebeeck West	Erf RE/326, Riebeeck West	Erf RE/327, Riebeeck West
Extent	11242 m ²	10040 m ²	11239 m ²	30784 m ²	74375 m ²
Owner	Group 35 Foods (Pty) Ltd	Swartland Municipality	Swartland Municipality	Swartland Municipality	Swartland Municipality
Local Authority	Swartland Municipality	Swartland Municipality	Swartland Municipality	Swartland Municipality	Swartland Municipality
Zoning	Industrial Zone 1	Open Space Zone 1	Open Space Zone 1	Transport Zone 2	Transport Zone 2
Land Use	Industrial	Public Open Space	Public Open Space	Public Open Space	Public Open Space
Title Deed	T25778/2018	Unregistered	Unregistered	T9097/1927	T6037/1929
Borders:					
North	Erf 2105, Riebeeck West	Erf 2106, Riebeeck West	Erf 2106, Riebeeck West	Erf 2385, Riebeeck West	Erf 2106, Riebeeck West
East	Portion 2 of farm 642, Riebeeck West	Erf 2267, Riebeeck West	Portion 1 of farm 642, Riebeeck West	Erf 2244, Riebeeck West	Erf 2244, Riebeeck West
South	Erf 2244, Riebeeck west	Several residential erven	Several residential erven	Residential erven and long street	Erf 2244, Riebeeck West
West	Erf 2385, Riebeeck West (Cemetery)	Remainder Erf 326 & 327, Riebeeck West	Erf 2244, Riebeeck West	Erf 2385, Riebeeck West (Cemetery)	Remainder Erf 326, Riebeeck West

A copy of the Title Deed and SG Diagrams of the registered erven are attached as **Annexure C** along with the title deed inquiries of unregistered erven accompanied by the General Plan.

4. Locality

The subject properties are situated in the north eastern part of Riebeeck West. The properties forms part of the existing industrial area, within the demarcated urban edge of Riebeeck West. The subject properties fall within an area identified

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as Zone B within the Swartland SDF which is categorised as a light industrial character.



Figure 2: Locality of The Property

See **Locality Map** is attached as **Annexure D**.

5. Existing Zoning and Surrounding Uses

As mentioned above, The Property are situated within an existing Industrial area and is separated from residential uses located to the south of the application properties through the means of an existing communal open space. The proposed application entails the subdivision of the application properties allowing for large portions of the communal open spaces to retain their zoning of open space. The proposed development is also separated from the residential neighbourhood situated to the south by means of an existing watercourse traversing through the application properties.

The Property, zoned as industrial zone 1, is situated on the edge of Riebeeck West within the urban edge with a railway line separating The Property from agricultural uses. Refer to figure 3 below for the surrounding land uses

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Figure 3: Surrounding Land Uses

See the Surrounding Land Uses attached as **Annexure E**.

6. Proposed Development

Background:

Group 35 Food is an existing mill situated in Riebeeck West. Our client, Group 35 has been in communication with Swartland Municipality with regards to the alienating and ceding of municipal owned land situated adjacent to The Property on which the existing facility is based on. The alienating and ceding will allow for the expansion of the existing facility resulting in new employment opportunities within Riebeeck West and Swartland Municipality.

Proposed Expansion:

The alienating and ceding of the municipal owned land situated adjacent to the property, namely erven Re/326, Re/327, 2244, & 2267, Riebeeck West will allow the existing facility located on The Property to expand not only their productivity but also the services provided to the Swartland Region, especially Riebeeck West. The proposed expansion will entail the following:

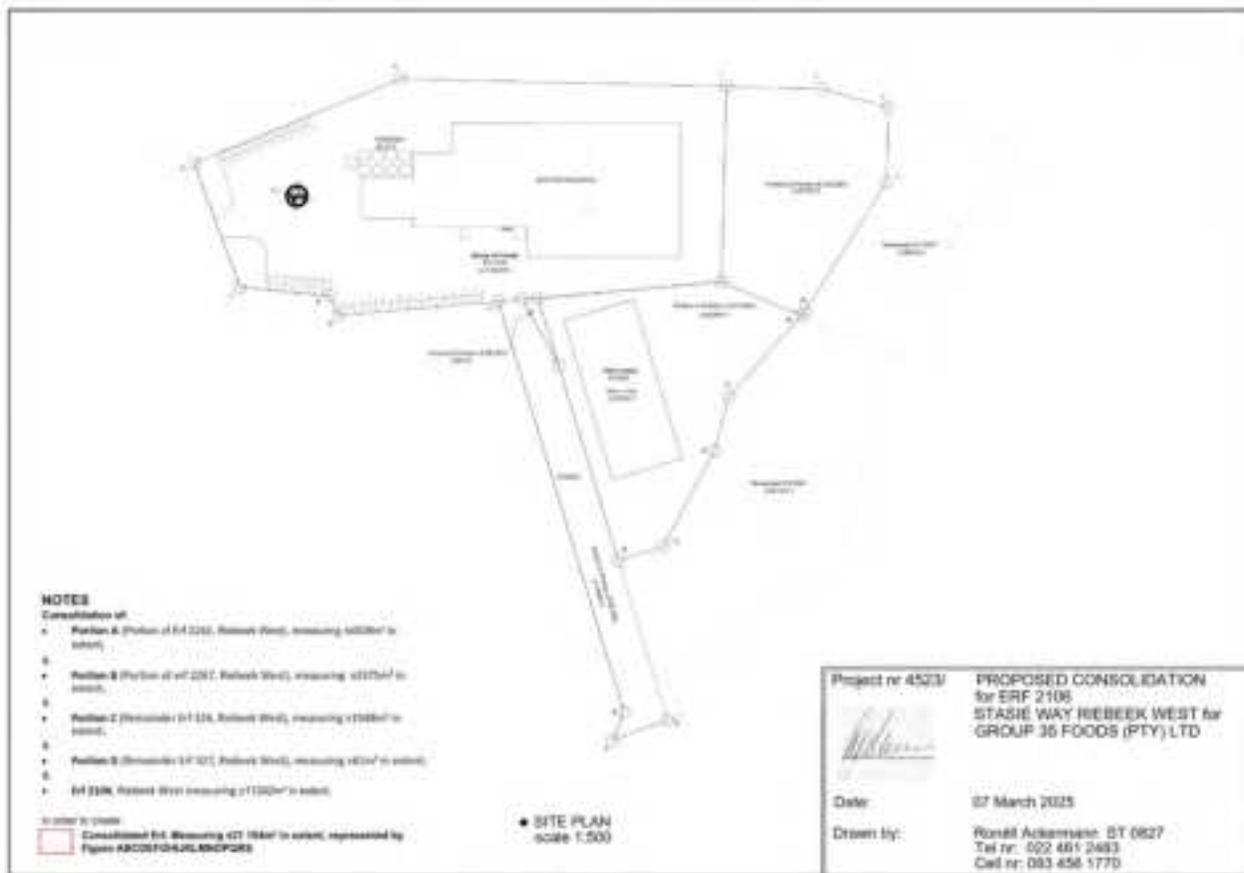
Addendum: Closure of a Public Place, Rezoning, Subdivision, Consolidation	Erf:	327, 2244, 2267, & 2106	Town:	Riebeeck West
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Storage Warehouse:

A new storage warehouse is critical for managing their increased inventory efficiently. This will not only streamline their operations but will also allow them to create temporary employment opportunities during construction period as well as 4 permanent employment opportunities.

The expansion will not only allow Group 35 to serve a wider region, it is sign that they are grounded in practicality and a sincere commitment to the community. They are deepening their roots in Riebeeck West which ensures not only their own growth, but the community’s growth as a whole.

Kindly refer to the Site Development Plan attached hereto as **Annexure J**.



i. Closure of a Public Place

Application is hereby made in terms of Section 25(2)(n) of the Swartland Municipal Land Use Planning By-Law (PG 8226) for the closure of the following public places:

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- ▶ A Portion ($\pm 4528\text{m}^2$) of Erf 2244, Riebeek West (Park)
- ▶ A Portion ($\pm 3375\text{m}^2$) of Erf 2267, Riebeek West (Park)
- ▶ A Portion ($\pm 1948\text{m}^2$) of Remainder Erf 326, Riebeek West (Street)
- ▶ A Portion ($\pm 61\text{m}^2$) of Remainder Erf 327, Riebeek West (Street)

The proposed application for the closure of portions of public places aims to close the above-mentioned public place portions in order to allow for the expansion of the existing facility on The Property. The expansion of the facility will ultimately, as described above, lead to the creation of new employment opportunities within the Riebeek West community. This aims to enhance and support the surrounding community. The closure of these public places, when implemented, will not have an adverse impact on the surrounding area. Instead, the closure of a portion of the Public Place will contribute to the overall improvement of the community and urban environment which will ensure the long-term sustainability and wellbeing of the Riebeek West community. The proposed closure will still leave enough open space situated between the proposed development and the residential area, serving as a buffer.

See indicated below on figure 4 the proposed Closure of the Public Places plan accompanied by both the status report for the Public Road and Public Open Space attached as **Annexure F**.



Figure 4: Closure of a portion of a Public Place

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ii. Rezoning

It is the purpose of this report to apply in terms of Section 25(2)(a) of the Swartland Municipal Land Use Planning By-Law (PG 8226) for the rezoning of the following properties to Subdivisional Area:

- Erf 2244, Riebeeck West
 - **Industrial Zone 1:** ±4528m²
 - **Open Space Zone 1:** ±5512m²
- Erf 2267, Riebeeck West
 - **Industrial Zone 1:** ±3375m²
 - **Open Space Zone 1:** ±7864m²
- Remainder Erf 326, Riebeeck West
 - **Industrial Zone 1:** ±1948m²
 - **Commonage:** ±28 836m²
- Remainder Erf 327, Riebeeck West
 - **Industrial Zone 1:** ±61m²
 - **Commonage:** ±74 314m²

All four portions of the application properties that has been closed as public places, will be rezoned to Industrial zone 1 in order to accommodate the proposed development of a storage warehouse thereon, which is considered as ancillary use to the existing land uses situated on The Property. See figure 5 below for and **Annexure G** for Rezoning Plan.



Figure 5: Rezoning Plan

Addendum: Closure of a Public Place, Rezoning, Subdivision, Consolidation	Erf: 327, 2244, 2267, & 2106	Town:	Riebeeck West
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The following table indicates the compliance of the proposed development with the requirements specified in the Swartland Municipal Land Use Planning By-Law (PG 8226) for a place zoned as Industrial Zone 1: Light industrial (IZ1).

Table 2: Development Parameters applicable to Industrial Zone 1 properties.

Industrial Zone 1 – Light Industrial		
Land Use Determination	Proposal	Compliance
<p>Objective: The objective of this zone is to accommodate industrial uses and service trade that may be exercised without nuisance to other land or general public. Such uses may be located next to business uses and near residential areas, and do not present a potentially negative impact on the character or amenity of such areas.</p>		
<p>Primary use: Service trade, industrial hive, warehouse, car wash, service station, public parking, transmission tower, rooftop base station, filming.</p> <p>Consent Use: Industry, Public Garage, shop, restaurant, place of entertainment, place of worship, bottle store, offices, office park, adult entertainment enterprise.</p>		
<p>Floor Factor The floor factor on the land unit shall not exceed 1.5</p>	The proposal will adhere to this development parameter.	
<p>Coverage: The maximum coverage: 75%</p>	The proposal will adhere to this development parameter.	
<p>Height:</p> <p>(i) No height restriction applies to an industry, service trade, warehouse or transport usage;</p> <p>(ii) Other buildings shall not exceed 10m in height measured from a point halfway on the grade-line, provided that where a greater height is shown to be important for the function of a building, the municipality may grant permission for such greater height.</p>	The building will adhere to this development parameter.	
<p>Building lines: Street: 5m Side: (i) where an external wall is constructed of brick, cement bricks or concrete and there are no openings in such</p>	All buildings will adhere to the applicable building lines.	

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<p>external wall, and the land unit abuts another industrial zone, a zero building line is permitted.</p> <p>(ii) Where the land unit abuts a zone that is not an industrial zone, a 3m side building line or the building line as applicable in that specific zone, whichever is the largest, shall apply;</p> <p>(iii) In all other cases a 3m side building line shall apply.</p> <p>Rear: (i) A rear building line is 0m provided that the Municipality may require building lines of up to 3m if it is considered to be in the interest of public health and safety.</p> <p>(ii) In cases where a building extends to both side building lines, and there is no other means of obtaining access to the rear of the land unit, other than through the building, at least one opening in the external wall of the building shall be provided to the rear boundary, and such opening shall be protected by automatic fire shutters at the satisfaction of the Municipality.</p>	
--	--

As displayed in the table above, the proposed development will comply with all of the regulations and development parameters set out by the Swartland Municipal Land Use Planning By-Law (PG 8226).

iii. Subdivision

Application is hereby made in terms of Section 25(2)(d) of the Swartland Municipal Land Use Planning By-Law (PG 8226) for the subdivision of the following properties into two portions each:

It is important to note that since the application entails the subdivision and consolidation of the subdivided portions with The Property, the Portions which are subdivided from the properties, will be named differently in order to avoid confusion.

- Erf 2244, Riebeeck West
 - **Portion A:** ±4528m²
 - **Remainder:** ±5512m²
- Erf 2267, Riebeeck West
 - **Portion B:** ±3375m²
 - **Remainder:** ±7864m²
- Remainder Erf 326, Riebeeck West
 - **Portion C:** ±1948m²
 - **Remainder:** ±28 836m²
- Remainder Erf 327, Riebeeck West
 - **Portion D:** ±61m²

Addendum: Closure of a Public Place, Rezoning, Subdivision, Consolidation	Erf:	327, 2244, 2267, & 2106	Town:	Riebeeck West
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- **Remainder:** ±74 314m²

As previously discussed, Group 35 foods have been in communication with Swartland Municipality in order to obtain underutilised land for alienating and ceding thereof in order to accommodate the proposed expansion of the existing facility situated on Erf 2106, Riebeeck West, allowing them to increase their storage capacity.

This application entails the closure of public open spaces forming part of the identified properties, rezoning thereof to subdivisional area to accommodate the retaining of existing zoning and to accommodate the new proposed zoning of Industrial Zone 1. Furthermore, this application entails the subdivision of the identified properties which are to be consolidated to The Property. See figure 6 below and **Annexure H** for the Subdivision Plan.

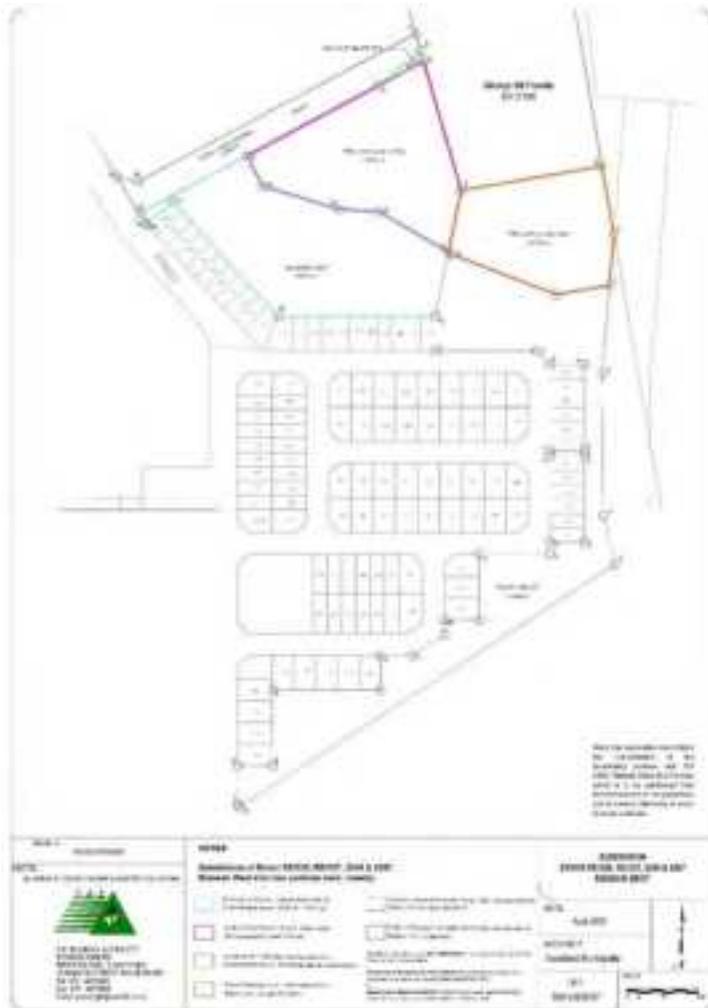


Figure 6: Subdivision Plan

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The subdivision of the application properties allows for the consolidation thereof with The Property, as further discussed in Section 6) (iv) below, which ultimately leads to the expansion of the storage capacity of the existing facility situated on The Property.

iv. Consolidation

Application is hereby made in terms of Section 25(2)(e) of the Swartland Municipal Land Use Planning By-Law (PG 8226) for the consolidation of the newly subdivided portions (Portions A-D) with Erf 2106, Riebeeck West, in order to create consolidated erf measuring ±21 154m².

As presented within this application, specifically under Section 6 (Proposed development), Group 35, the owners of The Property, have been in communication with Swartland Municipality with regards to the alienating and ceding of council land bordering The Property, in order to facilitate the expansion of the existing operations on The Property, specifically their storage capacity.

The expansion of the existing facility will ultimately lead to the creation of new permanent employment opportunities and several temporary employment opportunities during construction period. See figure 7 below and **Annexure I** for the Consolidation Plan.



Figure 7: Consolidation Plan

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In light of the above the proposed development should thus be considered as favourable.

7. Services

IT IS IMPORTANT TO NOTE THAT THE PROPOSED STORAGE WAREHOUSE WILL REQUIRE MINIMUM SERVICES, THEREFORE SERVICES TO THE APPLICATION PROPERTIES WILL BE OBTAINED FROM THE EXISTING ERF 2106, RIEBEEK WEST.

8. Access and Parking

The Property on which the existing facility and operations are situated on currently obtains access vi Station Avenue. With the proposed development at hand, the portions of Remainder 326 & 327 Riebeeck West, forming part of the application site borders Lang Street. It is important to note that the possible access to Lang Street will not be utilised. The proposed erection of the new storage warehouse will not result in any new trip generations as it will merely be utilised for the storing of products currently being manufactured on The Property.

CONSIDERING THE ABOVE, IT IS CLEAR THAT THE PORTIONS OF REMAINDER 326 & 327, RIEBEEK WEST WILL NOT BE USED FOR ANY FORM OF ACCESS TO OR FROM THE CONSOLIDATED PROEPRTY, AND NO ADDITIONAL TRIP GENERATION TO AND FROM THE PROEPRTY FROM STATION AVENUE IS EXPECTED.

On site parking will be provided as per the parking requirements as set out in the Swartland Municipal Land Use Planning By-Law (PG 8226).

9. Planning Policy

i. Municipal Spatial Development Framework

The Swartland Spatial Development Framework (SDF) (2023 – 2027) determines the strategic policy guidelines for future development in the Swartland Region and in this case, Riebeeck West.

With regards to the land use proposals applicable to Riebeeck West, the SDF identifies the area in which the application properties are located in, as Zone B, which consist out of a light industrial character. Zone B allows for mixed uses including light and service industries, commercial and tourism related uses. Furthermore, the SDF supports and encourages the creation of employment opportunities alleviating the unemployment level in the Municipal area.

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RIEBEEK WEST 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	Sports/Recreational Facilities	Industries & Service Trade
A	Zone A has a low to medium density character. Allow for low and medium density residential uses.	X	X	X 1,3	X		X	X 1,3	X 1,3	X	X	X	X	X	
B	Zone B has a high industrial character. Allows for mixed uses including light and service industries, commercial and tourism related uses.	X	X	X	X	X	X	X	X	X	X	X	X	X	X



Application Properties

<u>Industrial:</u>	
Protect	Change

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<p>52. Industrial node is adjacent to station (north-eastern precinct)</p>	<p>71. Support the expansion of the industrial area.</p> <p>72. Consider smaller scale agri-processing industries to allow value adding of products close to source.</p>
Space, Natural:	
Protect	
<p>109. Several river/ streams cross through Riebeeck West</p> <p>111. it has a rural character, scenic environment and a rich cultural heritage.</p>	

The proposed development not only safeguards the integrity of the existing industrial node adjacent to the station but also advocates for the expansion of the current industrial area. Additionally, it introduces smaller-scale Agri-processing activities aimed at enhancing the value of products at their source. This initiative offers residents of Riebeeck west access to certain foods or raw materials at a cost lower than the prevailing larger commercial market rates. Moreover, the development prioritises the protection of the existing stream traversing several of the application properties. Furthermore, the application promotes and capitalises on the rural character of the area, fostering its preservation and leveraging its unique attributes.

With the above in mind, it can be considered that the development proposal is satisfying the expectation of the development vision and objectives as set out in the Swartland Municipality Spatial Development Framework.

ii. Principles of Land Use Planning

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

- **Spatial justice**

Seeks to redress past spatial and other development imbalances through improved access to and use of land; spatial development frameworks and policies must address the inclusion of areas that were previously excluded including areas characterised by widespread poverty and deprivation.

The Closure of the Public Open Spaces, Subdivision, rezoning and consolidation thereof with The Property will have no adverse effect on the marginalised or areas of widespread poverty and deprivation not does it prevent anyone access to land. If anything, the proposed development will provide employment opportunities allowing the community better opportunities. Due to the access afforded to employment opportunities for the previously disadvantaged, spatial justice is achieved and ultimately past spatial and other development imbalances are redressed through the proposal.

- **Spatial sustainability**

This principle must promote land development that is within the fiscal, institutional and administrative means of the Republic and uphold consistency of land use measures in accordance with environmental management instruments. It also seeks to promote and stimulate the effective and equitable functioning of land markets while also promoting land development in locations that are sustainable and limit urban sprawl.

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The proposed development is considered as supported by the SDF and furthermore allows to meet Riebeeck West current and future needs. Considering that the application properties is located within the urban edge along existing streets and infrastructure, it is determined that the proposed use is in line with the sustainable desires of the areas as set out by the SDF.

- **Efficiency**

This principle has the goal of optimising the use of existing resources and infrastructure with regards to land development whilst decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.

As presented in this application, the proposed development will ensure the expansion of the existing operations on The Property, new infrastructures will be implemented on the consolidated property. the principle of efficiency will be adhered to considering that portions of the application properties, previously earmarked for open space, will be better utilised serving a function within the Riebeeck West community, whilst still retaining a large portion for open space.

- **Spatial resilience**

This principle calls on spatial planning approaches and systems to be flexible in order to accommodate sustainable livelihoods in communities most likely to suffer impacts of economic (and environmental) shocks.

Good town planning calls for clustering of similar land uses. There are a number of industrial zone 1 properties in the surrounding area and the proposed development is considered an expansion of the already existing industrial area of Group 35. Considering the Developments location is to be situated in an area where the livelihoods in communities most likely to suffer impacts of economic (and environmental) shocks, the proposal will surely uplift and enhance the blight of the Riebeeck West Community.

Furthermore, given that the proposal is aligned with the surrounding land uses, it will continue to be spatially resilient as it is complimentary to the use of the area and also the vision for the area as set out in the developmental policies such as the Municipal SDF.

- **Good administration**

The proposed application will be positively considered by the Swartland municipality and will be taken through the public participation process as administered by the Swartland Municipality and all relevant departments will be afforded opportunity to comment. All interested and affected parties will be afforded the opportunity to comment and the principle of good administration will be adhered to in this regard.

10. Summary

The proposed closure of Portions of a Public Places, Rezoning, Subdivision and Consolidation is considered desirable on the basis of the following:

- The proposed development adheres to and enhances the principles of **LUPA and SPLUMA**.

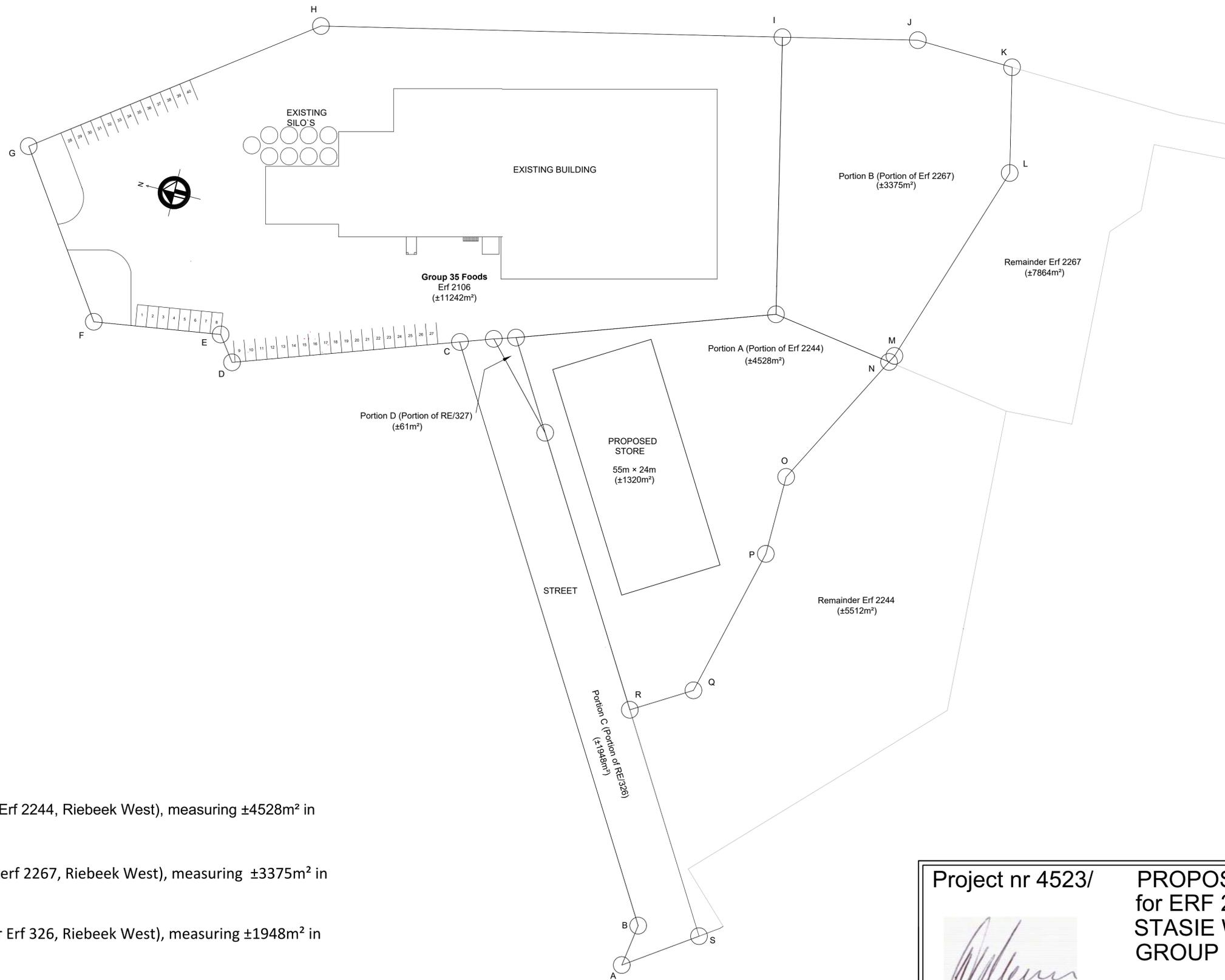
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- The proposal complies with the **Swartland SDF** as the main forward planning document for the Swartland Municipal Area as a whole.
- The development proposal will **complement the character of the area** and not adversely affect any natural conservation areas or surrounding agricultural practices.
- The proposal will enhance the community as a whole and provide them with services and employment opportunities.
- Other Industrial Zone 1 land uses can be found in the surrounding area which supports the notion that the proposals are desired and conducive to the functioning of the land use for the town.
- The proposal will have minimal impact on the engineering services since the proposed development is an extension of the existing industrial operations.
- The new proposed expansion will be able to lawfully comply with development management schemes.
- The proposed development will provide the community with services and opportunities which could lead to the alleviation of unemployment.

It is clear that in terms of the above, the application ultimately resulting in the establishment of DEVELOPMENT OF A NEW STORAGE WAREHOUSE can be adequately supported. It is therefore requested that the application be considered favourably.



Roeben Pienaar
 For CK RUMBOLL AND PARTNERS



NOTES

Consolidation of:

- **Portion A** (Portion of Erf 2244, Riebeek West), measuring ±4528m² in extent;
- &
- **Portion B** (Portion of erf 2267, Riebeek West), measuring ±3375m² in extent;
- &
- **Portion C** (Remainder Erf 326, Riebeek West), measuring ±1948m² in extent;
- &
- **Portion D** (Remainder Erf 327, Riebeek West), measuring ±61m² in extent;
- &
- **Erf 2106**, Riebeek West measuring ±11242m² in extent,

in order to create

Consolidated Erf, Measuring ±21 154m² in extent, represented by Figure ABCDEFGHIJKLMNOPQRS

● **SITE PLAN**
scale 1:500

Project nr 4523/

Date:

Drawn by:

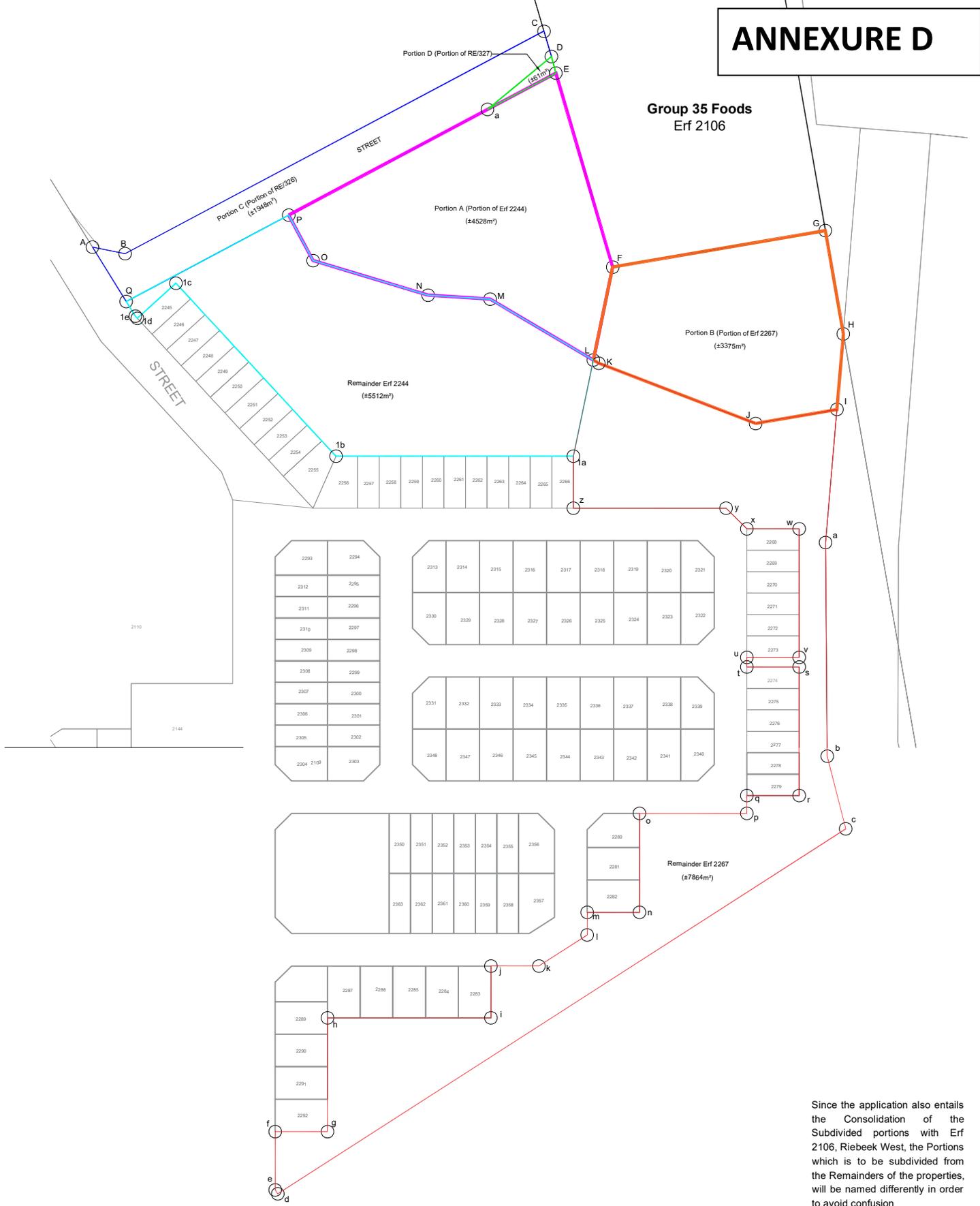
PROPOSED CONSOLIDATION
for ERF 2106
STASIE WAY RIEBEEK WEST for
GROUP 35 FOODS (PTY) LTD

07 March 2025

Ronell Ackermann ST 0827
Tel nr: 022 461 2483
Cell nr: 083 456 1770

ANNEXURE D

Group 35 Foods
Erf 2106



Since the application also entails the Consolidation of the Subdivided portions with Erf 2106, Riebeeck West, the Portions which is to be subdivided from the Remainders of the properties, will be named differently in order to avoid confusion

Drawing by:
Roeben Pienaar

NOTE:
ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING



C.K. RUMBOLL & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS
16 RAINIER STREET, MALMESBURY
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NOTES

Subdivision of Erven RE/326, RE/327, 2244 & 2267, Riebeeck West into two portions each, namely:

- Remainder of Erf 2244, Riebeeck West (±7864m²) (Represented by Figure PONML1a1b1c1d1e1f)
- Portion A (±4528m²) of Erf 2244, Riebeeck West (Represented by Figure EFLMNOP)
- Remainder of Erf 2267, Riebeeck West (±5512m²) (Represented by Figure LKJlabodeefghijklmnopqrstuvwxyza)
- Portion B (±3375m²) of Erf 2267, Riebeeck West (Represented by Figure FGHUJKL)
- Portion C (portion of Remainder Erf 326), Riebeeck West (±1948m²) (Represented by Figure ABCDaPQ)
- Portion D (Portion of Remainder Erf 327), Riebeeck West (±61m²) (Represented by Figure DEa)

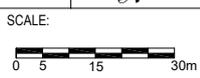
The following remainders are **NOT INDICATED** on the diagram due to portions of the remainder being scattered:
Remainder of Remainder Erf 326, Riebeeck West measuring ±28 836 m² as calculated in accordance with the Title Deed (T9097/1927);
&
Remainder of Remainder Erf 327, Riebeeck West measuring ±74 314 m² as calculated in accordance with the Title Deed (T6037/1929).

SUBDIVISION
ERVEN RE/326, RE/327, 2244 & 2267
RIEBEEK WEST

DATE:
April 2024

AUTHORITY:
Swartland Municipality

REF:
RW/13808/RP





Drawing by:
Roeben Pienaar

NOTE:
ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING



C.K. RUMBOLL & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS
16 RAINIER STREET, MALMESBURY
Tel: 022 - 4821845
Fax: 022 - 4871661
Email: planning9@rumboll.co.za

NOTES

- Consolidation of:**
- **Portion A** (Portion of Erf 2244, Riebeeck West), measuring ±4528m² in extent;
 - &
 - **Portion B** (Portion of erf 2267, Riebeeck West), measuring ±3375m² in extent;
 - &
 - **Portion C** (Remainder Erf 326, Riebeeck West), measuring ±1948m² in extent;
 - &
 - **Portion D** (Remainder Erf 327, Riebeeck West), measuring ±61m² in extent;
 - &
 - **Erf 2103**, Riebeeck West measuring ±11242m² in extent,

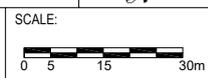
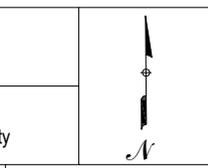
in order to create
 Consolidated Erf, Measuring ±21 154m² in extent, represented by Figure ABCDEFGHIJKLMNOPQRS

**CONSOLIDATION OF
Portion A, B, C & D with Erf 2106, Riebeeck West**

DATE:
April 2024

AUTHORITY:
Swartland Municipality

REF:
RW/13808/RP





Departement van die Direkteur : Siviele Ingenieursdienste
6 November 2025

15/3/3-12/Erf_326,327,2244,2267,2106

AAN: DIREKTEUR : ONTWIKKELINGSDIENSTE

VOORGESTELDE ONDERVERDELING, HERSONERING EN KONSOLIDASIE VAN ERWE 326, 327, 2244, 2267, EN 2106 RIEBEEK WES

Die gewysigde aansoek met verwysingsnommer RW/13808/RP van 05 November 2025 dui aan dat die voorgestelde produksieaanlegte soos voorgelê was in die aanvanklike aansoek nie meer geïmplementeer gaan word met die goedkeuring van die gewysigde aansoek nie. Dit dui verder aan dat slegs 'n pakstoor aangebring gaan word en dat daar geen verhoging in die aanvraag na dienste gaan wees nie. Kommentaar is derhalwe as volg:

1. Riool

Dat die gekonsolideerde erf van 'n enkele aansluiting gebruik maak en dat geen addisionele aansluitings voorsien sal word nie.

2. Water

Dat die gekonsolideerde erf van 'n enkele aansluiting gebruik maak en dat geen addisionele aansluitings voorsien sal word nie.

3. Strate & Stormwater

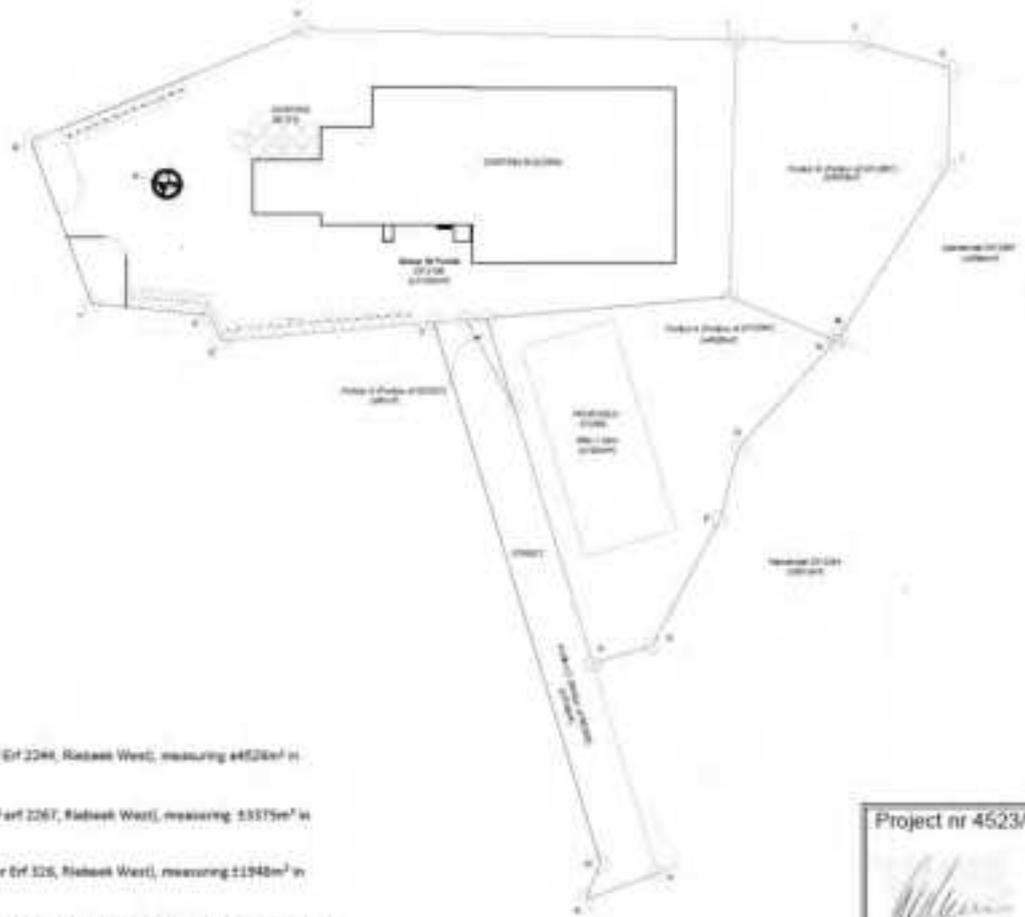
Die straat (Adamsstraat) waarby die onderverdeelde gedeelte van erf RE/326 aansluit is nie tot 'n standaard gebou om verkeer van 'n nywerheidspersoneel te akkommodeer nie en kan toegang tot die gekonsolideerde erf nie vanaf Adamsstraat voorsien word nie.

Daar moet van die bestaande toegang gebruik gemaak word en 'n geskikte versperring moet aanbring word op die erfgrens tussen die gekonsolideerde erf en die padreserwe van Adamsstraat sodat voertuigtoegang vanuit Adamsstraat beperk word.

4. Ander kommentaar

Dat indien die uitbreiding van enige bestaande dienste nodig sou wees om diesaansluitings te kan voorsien, dit vir die koste van die aansoeker sal wees.

DIREKTEUR : SIVIELE INGENIEURSDIENSTE
LDZ/ldz



NOTES

Consolidation of:

- Portion A (Portion of Erf 2046, Rabatak West), measuring 44528m² in extent;
- Portion B (Portion of erf 2267, Rabatak West), measuring 53375m² in extent;
- Portion C (Remainder of Erf 328, Rabatak West), measuring 11948m² in extent;
- Portion D (Remainder of Erf 327, Rabatak West), measuring 365m² in extent;
- Erf 2286, Rabatak West measuring 11242m² in extent.

In order to create:

- Consolidated Erf, Measuring 121 154m² in extent, represented by Figure ABCDEFGHIJKLMNOPQRS

● **SITE PLAN**
scale 1:500

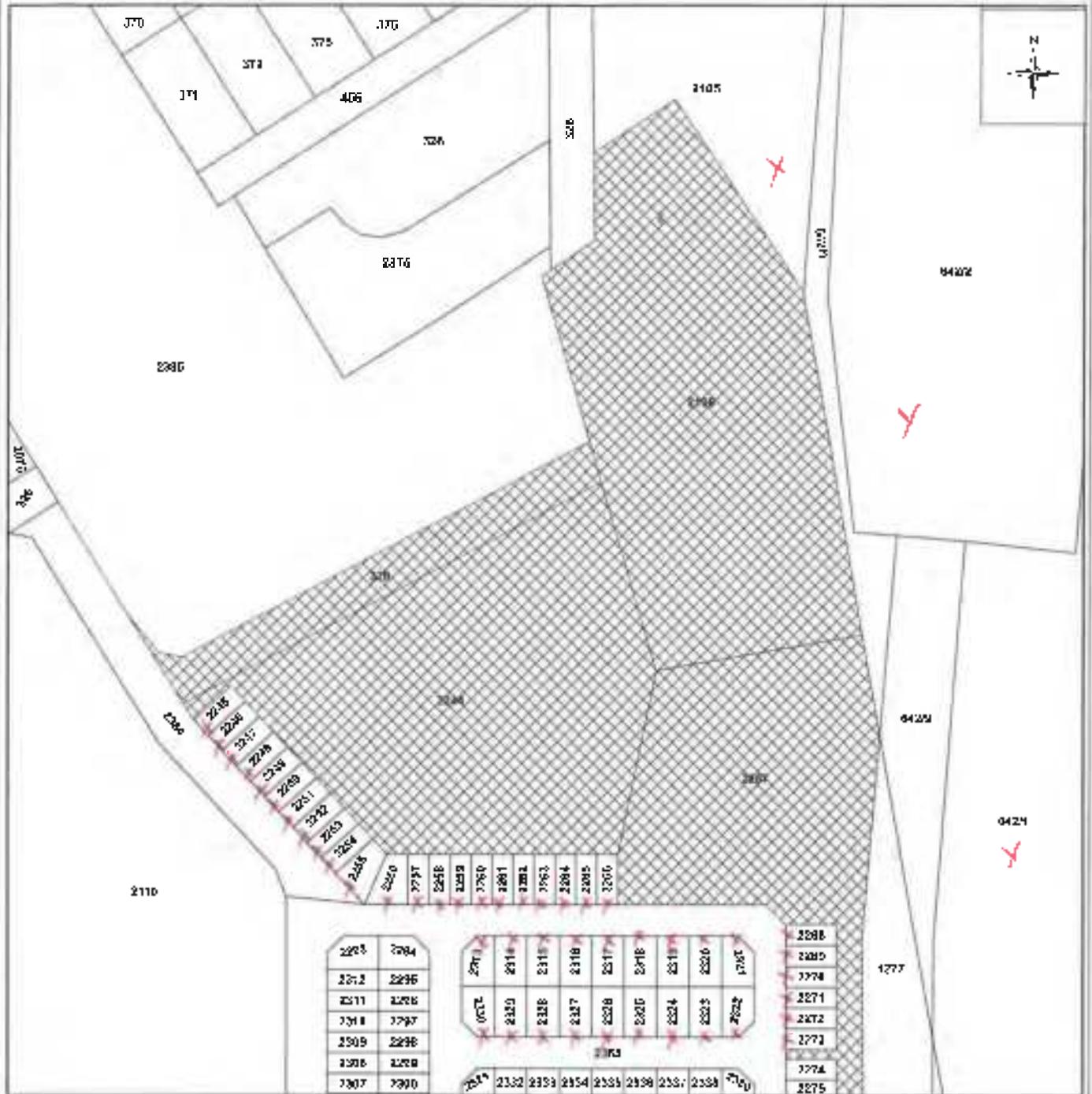
Project nr 4523/

Date:

Drawn by:



Liggingsplan

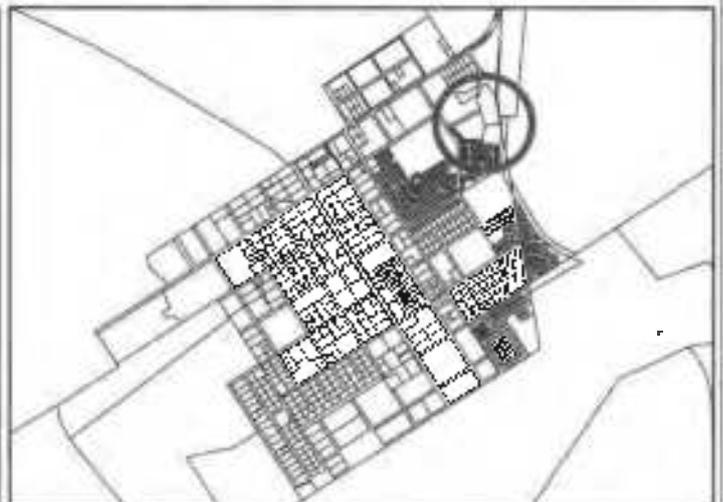


Voorgestelde herseniging, onderverdeling, konsolidasie en sluiting

Erwe 326, 327, 2244, 2267, Riebeek Wes

Publike deelname

Skaal : NVT



From: gailen pietersen <pietersen.g@gmail.com>
Sent: Monday, 01 July 2024 12:31
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Proposed Rezoning Respons

Good day

Please find attached a pdf document containing seven (7) letters against the sale of the vacant plot of land in Riebeeck-Wes to Group 35 Foods.

The residents of the area feel aggrieved regarding the manner this has been handled. Reasons being that they were given letters which they do not understand, instead of first calling a meeting with the residents in that area to discuss the matter before just handing out letters.

Regards

Gailen Pietersen

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeck West.

I live at 2328 Annie Fransman Street, RW and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Esmarelda ESSER
Name

29 June 2024
Date

E. ESSER
Signature

076 888 3755
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeek West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeek West.

I live at 2327 Annie Fransmanstraat - R.W. and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Bridgette Abraham Fredericks
Name

29 June 2024
Date

B. Fredericks
Signature

0643381587 of 0643559289
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeek West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeek West.

I live at 2247 conniffe Januarie and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Elize Adams
Name

30/6/2024
Date

[Signature]
Signature

0737131967
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeek West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeek West.

I live at 2205 Conniffe Januarie and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Miemie Matus
Name

29 Junie 2024
Date

M. Matus
Signature

0714103307
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeek West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeek West.

I live at 2245 CONNIFFE JANUARY STREET, RIEBEEK WEST and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Adri Alexander
Name

29 June 2024
Date

Alexander
Signature

079 397 4694
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeek West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeek West.

I live at 2324 Annie Fransman str Riebeeek West and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Jacodene Aubrey Couter

Name

29 June 2024

Date

 A. Couter

Signature

0640840645

Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeck West.

I live at CONNIFFE JUNCTION STREET 2249 and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Msos Moore

Name

30/06/24

Date

Moore

Signature

0768540225

Contact Number

From: riebeeckwest information <riebeeckwest.info01@gmail.com>
Sent: Monday, 01 July 2024 15:08
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: They will have an impact our the who live near the Group 35 Factory

Good Day

To who it will concern

Please the attach file of people who object against the noise they will create. Thank you in advance.

Kind Regards

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeck West.

I live at 2329 Orlie Fransman Street and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Joseph Koek
Name

1 July 2024
Date

J. Koek
Signature

076 271 5768
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeck West.

I live at 2258 Takkies Brand St and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Hayley Adams
Name

30 June 2024
Date

H Adams
Signature

0714 432 5784
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeck West.

I live at Takkies Brander Ave 2261 and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

S. Simons
Name

30/06/2024
Date

[Signature]
Signature

079 979 2846
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeek West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeek West.

I live at Tobacco Branch, 2259 Kalkb. 713 land will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Dona Eason
Name

30 June 2024
Date

R. Eason
Signature

0634017953
Contact Number

CK RUMBOLL &
VENNOTE / PARTNERS

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

DATE: 05 July 2024

ONS VERW / OUR REF: RW/13808/RP

PER E-MAIL

ATTENTION: Mr. A. Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir,

**APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION AND CLOSURE OF PUBLIC PLACE OF
ERVEN 326, 327, 2244, 2267, 2106, RIEBEEK WEST**

With reference to the Comments received during the public participation period in your letter dated 4 July 2024:

As can be derived from the undersigned letters received during the public participation period, the main focus is on the alienation of the municipal owned land. Note that a notice was published in the Swartland Joernaal local newspaper on the 13th of March 2024, attached hereto as Annexure B, informing the public of the proposed out-of-hand alienation of the applicable properties, and that the public had the opportunity to address their concerns and provide their comments and objections to the municipality.

The following table sets out the summarised comments that were received from the parties below along with the response from CK Rumboll and Partners on behalf of our client Group 35 Foods (Pty) Ltd.

Comments, attached hereto as Annexure A, were received from the following parties:

- Gailen Pietersen;
- Esmarelda Esser;
- Bridgette & Abraham Fredericks;
- Elize Adams;
- Miemie Markus;
- Adrè Alexander;
- Jacolene & Audorey Couter;
- Moos Haase;
- Joseph Kock;
- Hayley Adams;
- Elizabeth April;
- S Swarts; and
- Rhana Erasmus.

VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: planning3@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661

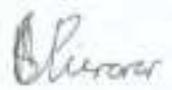
Objector	Objection/Comments	Comments on objections
	<p>Subject: Objection to purchasing of land adjacent to the cemetery in Riebeek West.</p> <p>1. The residents of the area feel aggrieved regarding the manner this has been handled. Reasons being that they were given letters which they do not understand, instead of first calling a meeting with the residents in that area to discuss the matter before just handing out letter.</p> <p>2. The objectors state that they as property owners do not consent to the purchasing of the property adjacent to the cemetery by Group 35 foods (Pty) Ltd, in Riebeek West.</p> <p>3. The objectors are concerned that they will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.</p>	<p>1. The Public Participation was administered and facilitated by the Swartland Municipality in accordance with Section 55(1) of the By-Law on Municipal Land Use Planning.</p> <p>The Public Participation process, including the serving of notices, followed standard procedure. The notices provided to the identified possibly interested and affected parties included instructions to direct inquiries to the town planning division, or alternatively visit their offices between certain times, Monday to Friday. This ensures that the Municipality is available to assist with any questions or clarifications.</p> <p>2. The notices served to the objectors related to the application for rezoning, subdivision, consolidation, and closure of a public space. A notice requesting comments and objections regarding the sale of the properties was published in the local newspaper and the opportunity to provide comments and objections has lapsed on the 29th of March 2024. Therefore, the comments regarding the purchasing of the properties, can be disregarded.</p> <p>3. Please note that a buffer zone of approximately 30 to 55 meters has been maintained between the proposed expansion of the existing facility / proposed development and the residential properties to the south. This buffer allows for the mitigation of potential noise pollution and any possible health hazards</p>

VENNOTE / PARTNERS:

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

		<p>and disturbance from the development.</p> <p>Additionally, the development includes various facilities such as a warehouse for storing instruments and goods, a bakery, and an extrusion plant. All these facilities will be housed within buildings to further minimise any sound disturbances.</p> <p>The proposed development poses very low health hazards. The only concerns are for employees within the facility, who wears protective gear to ensure their safety.</p> <p>The expansion and additions of the proposed development aims to enhance the flour mill's capacity and efficiency while maintaining a commitment to minimising environmental impact and ensuring both the community and the workforce.</p> <p>The proposed development will have a positive impact on the community by creating numerous employment opportunities and producing more affordable products. This expansion not only aims to boost the local economy but also provide residents with job prospects, enhancing their livelihoods. Additionally, the production of cheaper products will benefit the community by making essential goods more accessible and affordable.</p>
--	--	---

We trust you will take the above into account when considering the application.



Roeben Pienaar

On behalf of CK Rumboll and Partners

VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: planning3@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661



CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11



Swartland forward-thinking 2040 -
where people can live their dreams!

Swartland vooruitdenkend 2040 -
waer mense hul drome kan leef!

File ref: 15/3/3-12/Erf_326,327,2244,2267,2106
15/3/6-12/Erf_326,327,2244,2267,2106
15/3/12-12/Erf_326,327,2244,2267,2106
15/3/7-12/Erf_326,327,2244,2267,2106

Enquiries:
Ms D N Stellenberg

4 July 2024

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

OBJECTIONS: PROPOSED REZONING, SUBDIVISION, CONSOLIDATION AND CLOSURE OF PUBLIC PLACE OF ERVEN 326,327,2244,2267,2106, RIEBEEK WEST

Your application with reference RW/13808/RP dated on 14 May 2024 refers.

Kindly find attached the objections received by Gailen Pietersen and Riebeeck West information on behalf of several residents during the commenting period.

In terms of Section 65 of the Swartland Municipality: Municipal Land Use Planning By Law (PG 6226 of 25 March 2020) you are hereby requested to submit comments on the objections within 30 days from the date of this letter.

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services

/ds

Rig asatbil alle korrespondensie aan:
Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299
Darling Tel: 022 492 2237

Tel: 022 487 9400
Faks/Fax: 022 487 9440
Epos/Email: swartlandmun@swartland.org.za

Moorreesburg Tel: 022 433 2748

Kindly address all correspondence to:
The Municipal Manager
Private Bag X52
Malmesbury 7299

Yzerfontein Tel: 022 451 2386

From: gailen pieterse <pieterse.g@gmail.com>
Sent: Monday, 01 July 2024 12:31
To: Registrasie Ema . <RegistrasieEmail@swartland.org.za>
Subject: Proposed Rezoning Response

Good day

Please find attached a pdf document containing seven (7) letters against the sale of the vacant plot of land in Riebeck-Wes to Group 35 Foods.

The residents of the area feel aggrieved regarding the manner this has been handled. Reasons being that they were given offers which they do not understand, instead of first calling a meeting with the residents in that area to discuss the matter before just handing out letters

Regards

Gailen Pieterse

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeck West.

I live at 2328 Annie Fransman Street, RW and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Esmarelda Esser
Name

29 June 2024
Date

E. Esser
Signature

076 888 3155
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeck West.

I live at 2327 Annie Fransmanstraat, R. W. and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Bridgette Abraham Fredericks
Name

29 June 2024
Date

B. Fredericks
Signature

0643381587 / 0643859289
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeck West.

I live at 2247 Corniffe Inuarie and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Elize Adams
Name

30/6/2024
Date

[Signature]
Signature

0737131967
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeck West.

I live at 2205 Conniffe Januarie and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Miemie Moku
Name

29 June 2024
Date

M. Moku
Signature

0714703307
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Ricbeek West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) : TD. in Riebeek West.

I live at 2245 CONNIFFE JANUARY STREET, RIEBEEK-WEST and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

André Alexander
Name

29 June 2024
Date

A Alexander
Signature

079 397 4694
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 36 Foods (PTY) LTD, in Riebeeck West.

I live at 2324 Anouie Fransman str Riebeeck West and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Therese & Audrey Couiter
Name

29 June 2024
Date

 A. Couiter
Signature

064 084 2645
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeck West.

I live at CONNIFFE JANUARY STREET 22-49 and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Moss Arose
Name

30/06/24
Date

Moss
Signature

076 8540 225
Contact Number

From: rebeckwest information <rebeckwest.in'001@gmail.com>
Sent: Monday, 01 July 2024 15:08
To: Registrasie Email <RegistrasieEmail@awerland.org.za>
Subject: They will have an impact on the who live near the Group 35 Factory

Good Day

To who it will concern

Please the attach file of people who object against the noise they will create. Thank you in advance.

Kind Regards

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD in Riebeck West.

I live at 2329 Chris Pienaar Street and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing . am against the proposal and I do not consent.

Kind Regards

Joseph Kock
Name

1 July 2024
Date

J. Kock
Signature

076 277 8909
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeck West.

I live at 2258 Tafelberg Boulevard 510 and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

Kyle Adams
Name

30 June 2024
Date

Adams
Signature

0714 432 5784
Contact Number

To whom it may concern

Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD, in Riebeeck West.

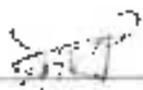
I live at Takkies Brander Ave 2261 and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards

S. Sumanadasa
Name

30/06/2024
Date


Signature

079 979 2846
Contact Number

To whom it may concern

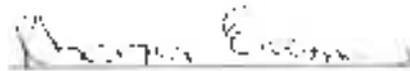
Subject: Objection to purchasing of land adjacent to the cemetery in Riebeeck West

I as property owner do not consent to the purchasing of the property adjacent to the cemetery, by Group 35 Foods (PTY) LTD. in Riebeeck West

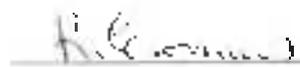
I live at Tellin Brook, 254 Kerkstraat and will be negatively impacted with all the noise, disturbance and potential health hazards of this factory.

I want to put in writing I am against the proposal and I do not consent.

Kind Regards


Name

30 June 2024
Date


Signature

0634017973
Contact Number

Joemaal

SELFWERWING
Congratulations



11 Maart – "Happy Birthday" AIDEN. Hoop jy geniet jou daag. Bate lief vir jou van: Kiethe, Ma en Pa



13 Maart – GOSIENA BARENDSE – Bate geluk met jou verjaardag. Mag die goedheid en gunst van die Here jou porsie wees. Liefde – jou susters, broers, kinders en kleinkinders



24 Maart – SOPHIA PETERSEN – Geluk met Mamme se verjaardag. Mag jy 'n Felise dag hê, vol liefde en vrede. Ons is baie lief vir jou van: deinkinders, Rolene, Doesies, Dominique en jou suster Pellië



17 Maart – BRADLEY PIETERSEN – Bate geluk my klein kind met jou verjaardag. Emmers vol liefde en knaiweens vol seënings se ons gebed vir jou. Lekker verjaars – of na Branda, Carl Bro en Elh



19 Maart – TRISTAN WITBOOI – Gelukkige verjaardag my liefste kind. Mag Jesus jou bewaar en gee elke begeerte van jou hart na Sy wil. Geniet elke oomblik. Bate liefde – Mamme, Zenobia en Kesuan. Gelukkige verjaardag my kleinseun. Mag

Jesus alles vir jou uitwerk en lekker verjaars. Ons is baie lief vir jou – Mamma, Jahnir en Leona



13 Maart – HERMAN SEPTEMBER – vandag vier jy jou verjaardag met die engels. Jou

nagedagtenis sal vir altyd in ons harte wees. Jou vrouliet Sarah en famiRe



DU TOIT TRAILERS
BICCARD STREET
MALMESBURY

072 237 2349

Trading Hours
Mon - Fri: 07:30 - 17:00
Sat: 07:30 - 12:00 & 16:00 - 18:00
Sun: 11:00 - 12:00 & 16:00 - 18:00

Geleenthede by Swartland Munisipaliteit

Beoog die volgende advertensies, posreklames en die aanwysing van werke by www.swartland.co.za of skakel Rochelle van Zyl by 022 487 9980.

Senior Administratiewe Beampte: Administrasie, Verlof en Voordele

Beoogde Korporatiewe Sluitings
• Ynvoeringsnommer: Y1624
• Salarieskaal: R219 629 – R415 290 p.j. (T11)

Hoof: Finansie State

Beoogde Korporatiewe Sluitings
• Ynvoeringsnommer: Y11724
• Salarieskaal: R479 764 – R621 272 p.j. (T14)

Sluitingsdatum: 22 Maart 2024 om 12:00

NOTICE 63/2023/2024

WITHDRAWAL OF PUBLIC PARTICIPATION PROCESS: PROPOSED REZONING, SUBDIVISION, PHASING AND CONSENT USE 001 BRF 873, RIEBEEK KASTEEL

Notice is hereby given that the public participation process for rezoning, subdivision, phasing and consent use on erf 873, Riebeeck Kasteel is withdrawn and further notice.

Municipal Offices
1 Church Street
MALMESBURY
7300

13 March 2024

J.J. SCHOLTZ
Municipal Manager

NOTICE 62/2023/2024

PROPOSED OUT-OF-HAND ALIENATION OF PORTIONS OF ERVEN 2244 AND 2267, RIEBEEK WES

Notice is hereby given in terms of the Council's By-law and Policy relating to the Management and Administration of Immovable Property (FN 4257 of 2018) that the Council has granted approval for portions of Erven 2244 and 2267, Riebeeck West (L. 00049) in relation to be alienated and transferred out-of-hand to Group 'B' (Fy) 'In' in consolidation with Erf 2106, Riebeeck West, where a flour mill is in operation. The property concerned is regarded a freehold asset in that it cannot be developed on its own or function as a separate entity. The purchaser wants to incorporate 'In' into Erf 2106, Riebeeck West, to inter alia construct additional silos for the flour mill, to establish an extension unit, and to erect storage facilities, in addition to the purchase price of R1007m (VAT excluded) the purchaser shall also be responsible for all costs ancillary and incidental to this transaction, including advertisement costs, transfer costs and costs related to the relevant land use applications (including budgets on and rezoning) as well as the costs of consultation.

Any comments and/or objections to the proposed alienation of the said portions of Erven 2244 and 2267, Riebeeck West must be put in writing and directed to the Municipal Manager, Swartland Municipality, Private Bag 352, Malmesbury 7350 by no later than 16:00 on 29 March 2024. Enquiries in this regard may be directed to Ms Madeline Te Blanche at 022-487-9100.

J.J. SCHOLTZ
MUNICIPAL MANAGER
13 March 2024

MUNICIPAL OFFICES
MALMESBURY

LOST DEED

Notice is hereby given in terms of Regulation 68 of the Deeds Registries Act, 1937 of the Intention to apply for the issue of a certified copy of Deed of Transfer No 74507/2020 passed by the Finance Law Board (F.L.B.) Number 30161/2018 in favour of ERVEN 170XIE OCTOBER (Identity Number: 730920 07 53 08 2) Unmarried, in respect of:

- ERF 2537 Darling, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape; Measuring 263 (Two Hundred and Sixty) square metres;
- ERF 4178 Darling, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape; Measuring 167 (One Hundred and Sixty Seven) square metres;
- ERF 3150 Darling, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape; Measuring 260 (Two Hundred and Sixty) square metres;
- 3 x One Half share in ERF 3119 Darling, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape; Measuring 272 (Two Hundred and Seventy Two) square metres;
- ERF 1890 Darling, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape; Measuring 413 (Four Hundred and Thirteen) square metres;
- ERF 1829 Darling, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape; Measuring 307 (Three Hundred and Seventeen) square metres;
- ERF 1857 Darling, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape; Measuring 395 (Four Hundred and Ninety Five) square metres;
- Erf 1874 Darling, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape; Measuring 324 (Three Hundred and Twenty Four) square metres;

which deed has been lost or destroyed.

All interested persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds at Cape Town, within two weeks from the date of publication of this notice.

Dated at BRACKENFELL the 13th day of March 2024

Applicant:
ROUEN VAN DYK
5 Sunset Crescent
Brackenfell
Tel: 021 982 2274 • email: Martha@ruouendyk.co.za

Kontak my vir jou Joemaal advertensies

064 557 9183 | karin@swartlandjoernaal.co.za

Karin Neethling

kontak ons vir jou Joemaal advertensies

071 734 2120 | accounts@swartlandjoernaal.co.za

Chrizaan Witbooi

small storage solutions
MALMESBURY
STOORPLEK
TE HUUR

022 487 3267
smallstoragept.co.za

NOTICE 62/2023/2024

PROPOSED OUT-OF-HAND ALIENATION OF PORTIONS OF ERVEN 2244 AND 2267, RIEBEEK WEST

Notice is hereby given in terms of the Council's By-law and Policy relating to the Management and Administration of Immovable Property (PN 6067 of 2003) that the Council has granted approval for portions of Erven 2244 and 2267, Riebeek West (± 0.9949 ha in extent) to be alienated and transferred out-of-hand to Group 35 (Pty) Ltd, for consolidation with Erf 2106, Riebeek West, where a flour mill is in operation.

The property concerned is regarded a 'non viable asset' in that it cannot be developed on its own or function as a separate entity. The purchaser wants to incorporate it into Erf 2106, Riebeek West to inter alia construct additional silos for the flour mill, to establish an extrusion plant, and to erect storage facilities.

In addition to the purchase price of R100/m² (VAT excluded) the purchaser shall also be responsible for all costs ancillary and incidental to this transaction, including advertisement costs, transfer costs and costs related to the relevant land use applications (including subdivision and rezoning) as well as the costs of consolidation.

Any comments and/or objections to the proposed alienation of the said portions of Erven 2244 and 2267, Riebeek West must be put in writing and directed to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury 7299 by no later than 16:45 on 29 March 2024. Enquiries in this regard may be directed to Ms Madelaine Terblanche at 022-487 9400.

J J SCHOLTZ
MUNICIPAL MANAGER
12 March 2024

MUNICIPAL OFFICES
MALMESBURY



NOTICE 62/2023/2024

PROPOSED OUT-OF-HAND ALIENATION OF PORTIONS OF ERVEN 2244 AND 2267, RIEBEEK WEST

Notice is hereby given in terms of the Council's By-law and Policy relating to the Management and Administration of Immovable Property (PN 6067 of 2003) that the Council has granted approval for portions of Erven 2244 and 2267, Riebeek West (± 0.9949 ha in extent) to be alienated and transferred out-of-hand to Group 35 (Pty) Ltd, for consolidation with Erf 2106, Riebeek West, where a flour mill is in operation.

The property concerned is regarded a 'non-viable asset' in that it cannot be developed on its own or function as a separate entity. The purchaser wants to incorporate it into Erf 2106, Riebeek West to inter alia construct additional silos for the flour mill, to establish an extrusion plant, and to erect storage facilities.

In addition to the purchase price of R100/m² (VAT excluded) the purchaser shall also be responsible for all costs ancillary and incidental to this transaction, including advertisement costs, transfer costs and costs related to the relevant land use applications (including subdivision and rezoning) as well as the costs of consolidation.

Any comments and/or objections to the proposed alienation of the said portions of Erven 2244 and 2267, Riebeek West must be put in writing and directed to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury 7299 by no later than 16:45 on 29 March 2024. Enquiries in this regard may be directed to Ms Madelaine Terblanche at 022-487 9400.

J J SCHOLTZ
MUNICIPAL MANAGER
12 March 2024

MUNICIPAL OFFICES
MALMESBURY



**DIRECTORATE: LAND MANAGEMENT
REGION 2**

EIA REFERENCE NUMBER: 16/3/1/1/F5/21/3004/14
ENQUIRIES: Mr. M. Lamoour
DATE OF ISSUE: 13 NOV 2014

The Municipal Manager
 Swarland Municipality
 Private Bag X 52
 MALMESBURY
 7300

For attention: Mr. A. Zogvman

Tel: (022) 487 9400
 Fax: (022) 487 9440

Dear Sir

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 12 JULY 2013 (REF. NO. 16/3/1/1/F5/21/3035/12) FOR THE PROPOSED MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERVEN 362 TO 381 AND A PORTION OF ERVEN 326 AND 327, RIEBEEK WEST.

With reference to your application, find below the decision in respect of the application.

AMENDED ENVIRONMENTAL AUTHORISATION

A. DECISION

With reference to this application, the Directorate in terms of Regulation 39 of the National Environmental Management Act, 1998 (Act No. 107 of 1998; Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") hereby amends the original EA issued on 12 July 2013 (EIA Reference Number: 16/3/1/1/F5/21/3035/12) attached as Appendix A as follows:

The activity description part of the Section B) of the EA reads as follows:

"The proposed development entails the transformation of undeveloped land and land zoned as open space for the construction of a mixed-use development and associated infrastructure on Erven 362 to 381 and a Portion of Erven 326 and 327, Riebeeck West. The proposed development will occur within 32 metres of two streams located on the proposed site. The proposed development will include the following:

- A Gap housing area, consisting of 17 units, covering an area of approximately 0,56ha;
- A Low Income housing area, consisting of 218 units, covering an area of approximately 4,24ha;
- One (1) Group housing area (1 erf), covering an area of approximately 0,56ha;
- A crèche, covering an area of approximately 0,07ha;
- Two (2) Churches, covering an area of approximately 0,19ha;
- A Business area, covering an area of approximately 0,08ha;

- A light Industrial area (19 even), covering an area of 2,96ha;
- Three (3) Public Open Spaces, covering an area of approximately 2,27ha;
- A sporting facility, covering an area of approximately 5,26ha;
- Roads covering an area of approximately 3,55ha; and
- Associated infrastructure.

All services (i.e. potable water, sewage disposal, solid waste disposal and storm water) will connect to existing municipal infrastructure, whereas electricity will be supplied by Eskom.

The existing storm water channels on the property will be formalised into a series of storm water culverts, pipes and formal storm water channels and discharged into the existing culverts underneath the railway lines. A detention pond will be constructed on the lowest point of the property before the storm water is discharged into the existing culverts.

Isolated streams which resulted in wetland areas on site (currently in a disturbed state due to previous excavation activities) will need to be filled as part of the development.

The development will also result in the rehabilitation of the on-site land filling areas.

Access to the site will be gained from Port Jackson Street to the west, Station Street on the northern side and Adams Street on the southern side of the proposed development. Long Street will be closed off at the Kachelhof Street intersection. The proposed development will also allow for the future expansion of the cemetery.

Existing sporting facilities will also be upgraded.

The total development footprint will be approximately 19,72 ha².

This is herewith replaced with the following:

The proposed development entails the transformation of undeveloped land and land zoned as open space for the construction of a mixed-use development and associated infrastructure on Even 362 to 381 and a Portion of Even 326 and 327, Riobee West. The proposed development will occur within 32 metres of two streams located on the proposed site. The proposed development will include the following:

The proposed development will include the following:

- 244 subsidised housing even covering an area of approximately 3,60 ha;
- A Crèche covering area of approximately 0,07 ha;
- A Church covering area of approximately 0,18 ha;
- A Business area which will be approximately 0,08 ha;
- 3 Open space even covering an area of approximately 2,37 ha;
- 18 industrial even which will be approximately 2,50 ha;
- Roads covering an area of approximately 3,28 ha; and
- Future sports fields covering an area of approximately 4,44 ha.

The existing storm water channels on the property will be formalised into a series of storm water culverts, pipes and formal storm water channels and discharged into the existing culverts underneath the railway lines. A detention pond will be constructed on the lowest point of the property before the storm water is discharged into the existing culverts.

Isolated streams which resulted in wetland areas on site (currently in a disturbed state due to previous excavation activities) will need to be filled as part of the development.

The development will also result in the rehabilitation of the on-site land filling areas.

A 13 meter main collector road will provide a link between Adams Street and Station Avenue through the development, as well as a connection between Port Jackson Road in the west, through the development, to link with the collector road in the east. An internal

road link will also be provided with Lang Street. The internal road network provides effective access to individual owner and links to the existing surrounding road network.

The total development footprint will be approximately 16.47 ha.

B. REASONS FOR THE DECISION TO AMEND THE EA:

In reaching its decision, the Department took into account the following into consideration:

1. The information contained in the application for amendment of the afore-mentioned EA dated 26 March 2014 and received by this Directorate on 28 March 2014 and the final public participation information dated and received by this Directorate on 01 October 2014.
2. The amendment was for a substantive amendment and a Public Participation Process ("PPP") was followed.
3. Concerns were raised by interested and affected parties ("I&AP's") with regard to the use of Long Street as a thoroughfare. The proposed layout supports the closure of Long Street and no thoroughfare via Long Street will be accommodated to the development.
4. Further concerns were raised by I&AP's with regard to an increase in traffic as a result of the proposed new the layout, it is however noted that the proposed layout is designed to route most of the traffic in a southern direction towards the town's central business district, therefore reducing traffic within the residential area.
5. The impacts associated with the proposed development were assessed as part of the previous EIA process.
6. The conditions contained in the original EA issued on the 12 July 2013 (Ref. No. 16/3/1/1/F5/21/3035/12) remain unchanged and valid.

C. APPEAL:

1. Your attention is drawn to Chapter 7 of the NEMA EIA Regulations, 2010, which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, in terms of Regulation 60(1), lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision. You must then submit the appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in Regulation 60(1), for the lodging of the notice of intention to appeal.
2. Should any other person, or an interested and affected party, decide to appeal, they must, in terms of Regulation 60(1), lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision. An appeal must be submitted within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in Regulation 60(1).
3. The appellant must provide the applicant, within 10 days of having lodged the notice contemplated in Regulation 60(1), with a copy of the notice referred to in Regulation 60(1), and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant. A responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister.
4. A Notice of Intention to Appeal and Appeal forms must be submitted by means of one of the following methods:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9166
CAPE TOWN

8:00

or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. Jaap de Villiers (Tel: (021) 483 3721)
Room 809
8th Floor
Utilitas Building
1 Dorp Street
CAPE TOWN
8001

PLEASE NOTE: No appeal, responding and answering statement may be lodged by email.

5. The prescribed Notice of Intention to Appeal form and Appeal form are obtainable from the Minister's office, as well as assistance regarding the appeal processes, at telephone number (021) 483 3721 or email Jaap.Devilliers@westerncape.gov.za or via the URL <http://www.westerncape.gov.za>.

The Western Cape Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction being temporarily or permanently stopped for reasons of non-compliance with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation by the developer.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



ZAAHIR TOEFY
DIRECTOR: LAND MANAGEMENT (REGION 2)

DATE OF DECISION: 13/11/2014

Copy to: Ms. E. Kühn (Fleter Sachverhalt Professional Services)

Fax: (086) 672 1916

Appendix A

ORIGINAL EA, (REF. NO. 16/3/1/1/F5/21/3035/12) ISSUED ON 12 July 2013:



**DIRECTORATE: LAND MANAGEMENT
REGION 2**

EIA REFERENCE NUMBER: 16/3/1/1/P5/21/3035/12
EXEMPTION REFERENCE NUMBER: 16/3/1/4/P5/21/3018/12
ENQUIRIES: Mr. M. Lamour

DATE OF ISSUE: 12 JUL 2013

The Municipal Manager
 Swartland Municipality
 Private Bag X62
MALMESBURY
 7600

Attention: Mr. A. Zayman

Tel: (022) 487 9400
 Fax: (022) 487 9440

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND EXEMPTION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: THE PROPOSED MIXED USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERVEN 362 TO 381 AND A PORTION OF ERVEN 326 AND 327, RIEBEEK WEST.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

ENVIRONMENTAL AUTHORISATION AND EXEMPTION

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation and exemption** to the applicant to undertake the list of activities specified in section B below with respect to Alternative 3 described in the scoping Assessment Report ("BAR") dated April 2013.

The applicant is herewith exempted from the following provisions of the NEMA EIA Regulations: Regulation 10(2)(d) of Government Notice No. R.543, which reads as follows:

- 10(2) The applicant must, in writing, within 12 days of the date of the decision of the application
- (a) publish a notice –
 - (b) informing interested and affected parties of the decision;
 - (c) informing interested and affected parties where the decision can be accessed; and

(iii) drawing the attention of interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of these Regulations, if such appeal is allowable under the circumstances of the decision.

In the newspapers contemplated in regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

The granting of this environmental authorisation and exemption (hereinafter referred to as the "environmental authorisation") is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Swartland Municipality
C/o Mr. A. Zadyman
Private Bag X52
MALMESBURY
7300

Tel: (022) 487 9400

Fax: (022) 487 9440

The abovementioned juristic person is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010 –

Activity Number: 9

Activity Description:

The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water –

(i) with an internal diameter of 0.36 metres or more; or

(ii) with a peak throughput of 120 litres per second or more,

excluding wharves

a) such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or

b) where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse;

Activity Number: 11

Activity Description:

The construction of:

(i) canals;

(ii) channels;

(iii) bridges;

(iv) dams;

(v) weirs;

(vi) bulk storm water outlet structures;

(vii) madras;

(viii) jetties exceeding 50 square metres in size;

(ix) slipways exceeding 50 square metres in size;

(x) buildings exceeding 50 square metres in size; or

(xi) infrastructure or structures covering 50 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line;

Activity Number: 18

Activity Description:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:

- (i) a watercourse;
- (ii) the sea;
- (iii) the seashore;
- (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater.

but excluding where such infilling, depositing, dredging, excavation, removal or moving:

- (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
- (b) occurs behind the development setback line;

Activity Number: 22

Activity Description:

The transformation of undeveloped, vacant or derelict land to –

- (i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares; or
- (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; -

except where such transformation takes place –

- (i) for linear activities; or
- (ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies;

Activity Number: 24

Activity Description:

"The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule or thereafter such land was zoned open space, conservation or had an equivalent zoning".

The above-mentioned list is hereinafter referred to as "the listed activities".

The applicant is herein authorised to undertake the following alternative related to the listed activities:

The proposed development entails the transformation of undeveloped land and land zoned as open space for the construction of a mixed-use development and associated infrastructure on Even 362 to 381 and a portion of Even 326 and 327, Riebeeck West. The

proposed development will occur within 32 metres of two streams located on the proposed site. The proposed development will include the following:

- A Group housing area, consisting of 17 units, covering an area of approximately 0.55ha;
- A Low income housing area, consisting of 215 units, covering an area of approximately 4.24ha;
- One (1) Group housing area (1 unit), covering an area of approximately 0.56ha;
- A crèche, covering an area of approximately 0.07ha;
- Two (2) Churches, covering an area of approximately 0.18ha;
- A Business area, covering an area of approximately 0.08ha;
- A Light Industrial area (19 erven), covering an area of 2.96ha;
- Three (3) Public Open Spaces, covering an area of approximately 2.27ha;
- A sporting facility, covering an area of approximately 5.26ha;
- Roads covering an area of approximately 3.55ha; and
- Associated infrastructure.

All services (i.e. potable water, sewage disposal, solid waste disposal and storm water) will connect to existing municipal infrastructure, whereas electricity will be supplied by Eskom.

The existing storm water channels on the property will be formalised into a series of storm water culverts, pipes and formal storm water channels and discharged into the existing culverts underneath the railway lines. A detention pond will be constructed on the lowest point of the property before the storm water is discharged into the existing culverts.

Isolated streams which resulted in wetland areas on site (currently in a disturbed state due to previous excavation activities) will need to be filled as part of the development.

The development will also result in the rehabilitation of the on-site land filling areas.

Access to the site will be gained from Fort Jackson Street to the west, Station Street on the northern side and Adams Street on the southern side of the proposed development. Long Street will be closed off at the Kachelhoff Street intersection. The proposed development will also allow for the future expansion of the cemetery.

Existing sporting facilities will also be upgraded.

The total development footprint will be approximately 19.72 ha.

C. PROPERTY DESCRIPTION AND LOCATION

The town of Riebeek West is located within the Riebeek Valley in the Swartland Municipal District. The listed activities will take place on Erven 362 to 387 and portions of erven 326 and 327 which is in the north-eastern quadrant of the town Riebeek West. The property is mainly surrounded by the low income housing to the south and to the industrial area to the west.

The SG 21 digit codes are:

C046001100000812 (Erv 362)

C046001100000812 (Erv 382)

C046001100000826 (Erv 326)

C046001100000827 (Erv 327)



Approximate center of aforementioned area Co-ordinates: 33° 50' 44.44" South
18° 52' 27.33" East

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Peter Bordenhorst Professional Services cc
C/o Ms. E Köhn/ Mr. P. Bordenhorst
P.O. Box 1058
WELLINGTON
7654

Tel: [021] 973 7228
Fax: [086] 672 1916

E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with all the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)-
 - 3.1. notify all registered interested and affected parties of -
 - 3.1.1. the outcome of the application;
 - 3.1.2. the reasons for the decision as included in Annexure 1);
 - 3.1.3. the date of the decision; and
 - 3.1.4. the date of issue of the decision;
 - 3.2. draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the NEMA PIA Regulations, detailed in section F below; and
 - 3.3. draw the attention of all registered interested and affected parties to the manner in which they may access the decision.



4. A minimum of seven calendar days notice, in writing, must be given to the competent authority before commencement of construction activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 3, and 13.
5. The holder is responsible for ensuring compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the description set out in section 3 above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.
7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved on condition that the following amendments are made and are implemented:
 - 8.1. Dust suppression methods must be used to mitigate dust during the construction phase. No water is to be used to mitigate dust in this regard (as far as is practically possible). Alternative dust suppression methods (such as shade netting screens and/or straw stabilisation, etc.) may be implemented instead.
 - 8.2. The following noise mitigation measures must be implemented during the construction phase:
 - 8.2.1. All noise and sounds generated during all phases of the proposed development must comply with the relevant SANS codes and standards;
 - 8.2.2. No pure tone sirens or sounds must be used unless in emergency situations, or when required with respect to relevant health and safety regulations;
 - 8.2.3. Silencers must be installed and maintained on machinery and earth moving equipment; and
 - 8.2.4. Working hours during the construction phase must be restricted to the following times:
 - 8.2.4.1 07h00 – 18h00.
 - 8.3. The following fuel mitigation measures must be implemented:

- 8.3.1 All fuel stored on site during construction must be contained to specific, secured, and bonded areas and must be below 30m³ at any given time; and
- 8.3.2 Drip trays must be provided for all vehicles, construction equipment and generators that may require re-fuelling on site to avoid the possible spillage of fuel/oil.
- 8.4 The manner and frequency for updating the EMP must be done as follows:
- 8.4.1 An application for amendment to the EMP must be submitted to the competent authority if any amendments are to be made to the EMP and this may only be implemented once the amended EMP has been authorised by the competent authority; and
- 8.5 The filling of the wetland areas on site, must not result in the pollution of the on-site streams.
- 8.6 The EMP must be included in all contract documentation for all phases of implementation.
9. A copy of the environmental authorisation and the EMP must be kept at the municipal offices of the applicants. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
10. The applicant must submit an application for amendment of the environmental authorisation to the competent authority where any detail with respect to the environmental authorisation must be amended, added, substituted, corrected, removed or updated. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activities authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
- 10.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activities were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he/she has the ability to implement the mitigation and management measures used to comply with the stipulated conditions.
- 10.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.

11. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
12. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") or site agent where appropriate, for the construction phase of implementation before commencement of any land clearing or construction activities to ensure compliance with the EMP and the conditions contained herein.
14. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
15. The following conditions regarding storm water must be implemented:
 - 15.1 A storm water management plan that complies with the requirements of the Department of Water Affairs must be compiled and implemented for the proposed development during the operational phase;
 - 15.2 No runoff from the construction activities must enter the onsite streams. Runoff must therefore be diverted into the retention pond before discharging into the existing storm water culverts;
 - 15.3 Storm water with high sediment loads must be discharged into detention ponds before being discharged into the existing storm water culverts during operational phase; and
 - 15.4 Litter traps must be installed along sections of the onsite streams to prevent potential pollution during the construction and operational phases of the proposed development.
16. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (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 Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; 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.



F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations.

1. An appellant must –

- 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
- 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
- 1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
 - 1.3.1. a copy of the notice of intention to appeal form; and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.

2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.

3. If the person, organ of state or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, organ of state or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.

4. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr J. de Villiers
Room 209
8th Floor Utilities Building 1 Corp Street, Cape Town, 8001

5. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister of; Tel: (021) 483 3721, E-mail: Jaco.DeVilliers@westerncape.gov.za or URL: <http://www.westerncape.gov.za/ea/ep/>.

G. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed 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.

Your interest in the future of our environment is appreciated.

Yours faithfully

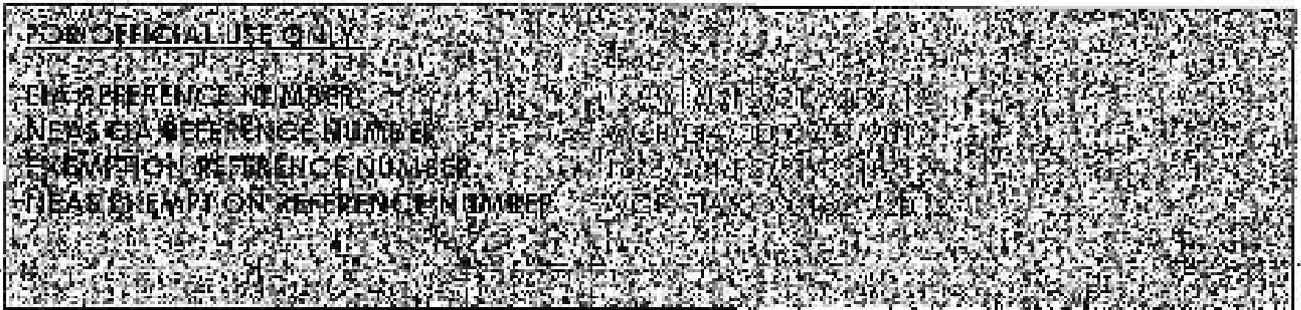


MR. ZAAHIR TOEFY
DIRECTOR: LAND MANAGEMENT (REGION 2)

DATE OF DECISION: 12/01/2013

Copied to: (1) Ms. E. Ochi (Prestar/Brookharts Professional Services)
(2) Mr. D. Danks (Department of Water Affairs, Berg WMA)

Fax: (056) 672 1910
Fax: (021) 950 7224



ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated September 2011 and received by the competent authority on 17 May 2012, the Final Basic Assessment Report received by the competent authority on 29 April 2013 and the EMP submitted together with the Basic Assessment report and the additional information received by the competent authority on 03 June 2013;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated October 2011);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the Basic Assessment Report dated April 2013;
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Exemption

Exemption from Regulation 10(2)(d) was granted and all registered interested and affected parties (I&AP's) were notified of the exemption application, as required.

The exemption application was regarded as appropriate by the competent authority in this instance based on the adequate public participation process.

2. Deviation

The applicant has requested to deviate from the provisions of Regulation 54 (2)(c)(i) of the NEMA EIA Regulations, which states "The person conducting a public participation process must take into account any guidelines applicable to public participation as contemplated in section 24J of the Act and must give notice to all potential interested and affected parties of the application which is subjected to public participation by—

- (i) one local newspaper; or
- (ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations".

The deviation was deemed appropriate since all the registered I&AP's will be notified via registered mail. The rights and interests of I&AP's were also not adversely affected.

3. Public Participation

The public participation process included:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the site where the listed activities are to be undertaken on 31 July 2012; and

- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 31 July 2012.

The key concerns raised through the Public Participation Process ("PPP") included the following:

- Concerns relating to the proposed impacts the development may have on on-site water courses;
- Concerns relating to the magnitude of the proposed development and the associated social impacts; and
- Traffic related impacts, [i.e. concerns regarding whether the capacity of the existing road network can accommodate additional traffic generated by the proposed development].

All the concerns raised by I & AP's were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address the concerns raised.

The Department is satisfied that the public participation process that was followed met the minimum legal requirements. Furthermore, all the comments raised were responded to and included in the final BAR.

3. Alternatives

The following layout alternatives were identified and assessed.

Layout Alternative 1

Layout alternative 1 includes the following:

- A Residential area, consisting of 946 units, covering an area of approximately 5.70ha;
- A GAP Housing area consisting of 48 units, covering an area of approximately 1.34ha;
- A crèche, covering an area of approximately 0.67ha;
- 2 Churches, covering an area of approximately 0.17ha;
- 10 Business areas, covering an area of approximately 0.28ha;
- 4 Public Open Spaces, covering an area of approximately 4.41 ha;
- Roads covering an area of approximately 3.77ha; and
- Associated infrastructure.

This alternative is not preferred as it does not include the industrial component of the bigger development proposal. In addition, the on-site physical features are not taken into account, as it fails to address the findings of the specialist input (i.e. the Fresh Water Assessment, Geotechnical Investigations and engineering inputs). This alternative would result in negative impacts with a significance rating of medium to high negative. As such, it is not deemed preferred.

Layout Alternative 2

Layout alternative 2 includes the following:

- A Gap housing area, consisting of 55 units, covering an area of approximately 1.74ha;
- A Low cost housing area, consisting of 189 units, covering an area of approximately 3.11ha;
- 1 General Residential area (94 units), covering an area of approximately 0.1ha;

- A crèche, covering an area of approximately 0.1ha;
- 2 Churches, covering an area of approximately 0.18ha;
- 2 Public Open Spaces, covering an area of approximately 2.07ha;
- A sporting facility, covering an area of approximately 5.20ha;
- A cemetery, covering an area of approximately 0.59ha;
- Roads covering an area of approximately 3.35ha; and
- Associated infrastructure.

This alternative is not preferred as it does not cater for the future expansion of the cemetery. The proposed development would therefore limit the expansion of the cemetery. The alternative was finalised prior to the findings and conclusions of the Geotechnical Report, as such the proposed alternative did not take into account the onsite geotechnical constraints. As a result this alternative will occupy additional land, which will result in less residential development.

Layout Alternative 3 (the preferred alternative and hereby authorised)

Layout alternative 3 includes the following:

- A Gap housing area, consisting of 17 units, covering an area of approximately 0.55ha;
- A Low cost housing area, consisting of 219 units, covering an area of approximately 4.24 ha;
- One (1) Group housing area (1 erf), covering an area of approximately 0.56ha;
- A crèche, covering an area of approximately 0.07ha;
- Two (2) Churches, covering an area of 0.18ha;
- A Business area, covering an area of approximately 0.08ha;
- A Industrial area (17 erfes), for light industrial purposes, covering an area of 2.96ha;
- Three (3) Public Open Spaces, covering an area of approximately 2.27ha;
- A sporting facility, covering an area of approximately 5.26ha;
- Roads covering an area of 3.55ha; and
- Associated infrastructure.

This alternative is considered as preferred as it will provide additional space in the public open space outside and will therefore accommodate the storm water retention facility as recommended in the services report compiled by SKOM Consulting Engineers (dated 25 October 2012). The layout also allows for institutional functions to be shifted away from the land fill area. Furthermore, the layout allows for a medium density development of 25 units per hectare. The layout alternative is also based on specialist findings and therefore enhances the positive impacts while minimising the potential negative impacts associated the proposed development. It also allows for the future expansion of the existing cemetery. Layout alternative 3 is therefore regarded as the preferred alternative.

"No-Go" Alternative

This option has been considered but is not regarded as a viable option as no additional employment opportunities will be created. The rehabilitation of the land filling areas will also not take place. Furthermore the much needed housing for local residents will not become available. As such the "no-go" alternative was not deemed appropriate in this regard.

4. Impact Assessment and Mitigation measures

4.1. Activity Need and Desirability

The proposed development will help to meet the local and regional needs of the town by providing much needed housing opportunities for the local community as it will help to address the housing backlog, which is estimated at approximately 1011. The proposed development will also provide some job opportunities upon completion of the construction phase due to the industrial area that forms part of development proposal. Furthermore, the proposed development is in line with the relevant spatial planning policies for the Riebeeck West area, as it is consistent with the Swartland Integrated Development Plan (May 2009).

4.2. Regional/ Planning Context

The current zonings of the erven in question are Industrial zone 1, Open space zone 2 and Undetermined. The proposed site is located within the urban edge, applicable to the area and constitutes infill development. The proposed development is in accordance with the Provincial Spatial Development Framework (2009).

4.3. Services/ Bulk Infrastructure

The Swartland Municipality confirmed (in their correspondence dated 12 October 2012) that it has sufficient spare unallocated capacity to supply sewerage infrastructure, solid waste, potable water and storm water for the proposed development. Electricity will be provided by Eskom as confirmed in their correspondence dated 03 June 2013.

4.4. Freshwater

The proposed development will result in the loss of freshwater ecosystems located on the site as the wetland areas (present on the site) will require infilling and the streams will be canalised within the open areas. However, the Freshwater Ecology Report dated July 2012, (compiled by Ms. A. Batcher) confirmed that due to the fact that these streams and wetland areas are already in a largely to severely modified state, the modification of these ecosystems would therefore not have a significant negative impact, provided that the loss of ecosystem goods and services in terms of mitigation of stormwater runoff is mitigated. The Department of Water Affairs stated that it has no objection to the proposal. Cope Nature, in a letter dated 31 July 2009, also confirmed that it has no objection to the proposed development on condition that the onsite streams still perform an ecological function. Conditions have been incorporated in this environmental authorisation and the EMP in order to minimise potential negative freshwater impacts.

4.5. Biodiversity

According to the Botanical Assessment Report as compiled by Bergwind Botanical Surveys & Tours (dated June 2009), the original natural vegetation on Erven 362 to 381 and Portions of Erven 326 and 327 would have been Swartland Shale Renosterveld, a Critically Endangered vegetation type. None of this vegetation type however exists on the site. The site has been extensively disturbed over time and based on the highly disturbed history of the site, there is a very low probability of finding any significant indigenous plant species on site. The site is also not located in an area mapped as Endangered or Critically Endangered in terms of the List of Threatened Ecosystems in terms of section 57 of the National Environmental Management, Biodiversity Act (Act No. 10 of 2004). Cope Nature in a letter dated 31 July 2009 confirmed that the proposed development would not have a significant negative impact on the biodiversity of the area.



4.6. Visual / Sense of Place

The proposed development will be in keeping with the surrounding residential area. It will therefore not alter the visual character of the area as the proposed development will be designed to blend in with the visual character of the area. Furthermore, the proposed development will provide optimised open spaces which have been incorporated as part of the site development plan.

4.7. Traffic

Access to the proposed development will be gained from the existing road network via three access routes. These will be from Port Jackson Street to the west, Station Street on the northern side and Adams Street on the southern side of the proposed development. Long Street will also be closed at the Kachelhoff Street intersection. Furthermore, no significant traffic impacts are anticipated as the development will not result in significant increased traffic loads in the area.

4.8. Heritage / Archaeological Impacts

An Archaeological Impact Assessment was conducted by the Agency for Cultural Resource Management (dated 26 May 2009). The study found that no Archaeological remains existed on the site. The study also concluded that it is highly improbable that any Archaeological remains would be found during the implementation of the proposed development. Heritage Western Cape issued decisions (dated 01 June 2009) indicating that they have no objection to the proposed development and that no further studies will need to be conducted in this regard.

4.9. Socio-economic Impacts

The proposed development will assist to meet the local and regions needs by providing housing and some new job opportunities during the construction and operational phases of the proposed development. Existing sporting facilities will be upgraded, which will lead to positive social impacts.

4.10. Noise Impacts

Noise impacts may be associated with the proposed development during the construction phase of the proposed development. However, conditions have been incorporated in this environmental authorisation and mitigation measures of the EMP. As such, no significant noise impacts are anticipated in this regard. Concerns have been raised with respect to noise impacts during the operational phase of the proposed development as a result of the proposed upgrades to the sports facility and the industrial development. These potential impacts are however not anticipated to be significant as the proposed industrial development (light industrial) will be required to conform to the relevant SANS codes and standards.

4.11. Impact Assessment and Significance

The potential impacts on streams and wetland areas on the site would have a significance rating of medium negative prior to mitigation. However, with implementation of the mitigation measures included in the EMP and conditions of environmental authorisation, the significance rating will be low negative.



The impacts on the vegetation on site would have a significance rating of low to very low prior to mitigation. However, with implementation of the mitigation measures included in the EMP, the significance rating will be reduced to very low negative.

Noise impacts during the construction phase, would have a significance rating of medium negative prior to mitigation. However, with the implementation of the mitigation measures included in the EMP and the conditions of this environmental authorisation, the significance rating will be reduced to low negative.

National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the 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*, provide 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.

The development will result in both negative and positive impacts.

Negative impacts include:

- Impacts on streams and wetlands;
- Botanical impacts;
- Traffic impacts, (i.e. congested roads during construction);
- Noise during construction; and
- Visual impacts.

The Department is satisfied that all the negative impacts above of significance will be addressed by the conditions contained in the environmental authorisation and the mitigation measures contained in the EMP.

Positive impacts include:

- Some temporary and permanent job opportunities for the local community;
- Additional housing opportunities;
- Enhancement of the ecological integrity of the watercourses on site;
- Additional open spaces and recreation areas.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP, 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 the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels. The application is accordingly granted.

-----END-----

Our Ref: HM / WEST COAST/ SWARTLAND/ RIEBEEK WEST/ ERVEN 326-RE, 327-RE, 2244, 2267, 2106
Case No.: HWC25040209CS0304
Enquiries: Chiara Singh
E-mail: Chiara.Singh@westerncape.gov.za
Tel: 021 829 3325

Roeben Pienaar | Group 35 Foods (Pty) Ltd
Applicant | Owner
Planning9@rumboll.co.za | 071 889 6051

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

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED REZONING OF ERVEN 326-RE, 327-RE, 2244, 2267. REZONING OF THE PROPERTIES TO SUBDIVISIONAL AREAS IN ORDER TO FACILITATE THE DESIGNATION OF THE CLOSED PORTIONS AS INDUSTRIAL ZONING, SUBDIVISION OF THE PROPERTIES IN ORDER TO FACILITATE THE CONSOLIDATION OF THE SUBDIVIDED PORTIONS WITH ERF 2106, RIEBEEK WEST, SWARTLAND. SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received. This matter was discussed at the Heritage Officers Meeting held on 14 April 2025.

You are hereby notified that, since there is no reason to believe that the proposed rezoning of Erven 326-RE, 327-RE, 2244, 2267. Rezoning of the properties to subdivisional areas in order to facilitate the designation of the closed portions as industrial zoning, subdivision of the properties in order to facilitate the consolidation of the subdivided portions with Erf 2106, Riebeeck West, Swartland, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

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

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

HWC reserves the right to request additional information as required.

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


.....
Wasefa Dhansay
Assistant Director: Professional Services





CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11



Swartland forward-thinking 2040 -
where people can live their dreams!

Swartland vooruitdenkend 2040 -
waar mense hul drome kan uitleef

Lêer verw/
File ref: 12/2/5/2-12/1

Navrae/Enquiries:

Ms M S Terblanche

2 February 2024

Director
Group 35 (Pty) Ltd
Station Road
RIEBEEK WEST

By Email: scottm@afreshbrands.co.za

Dear Mr Millar

APPLICATION FOR LAND ACQUISITION: PORTIONS ERF 2267 AND 2244 RIEBEEK WEST

Your letter in the above regard dated 6 December 2023 refers.

The proposed out-of-hand alienation of the abovesaid portions of land was considered at a Council meeting held on 30 January 2024, and it was resolved as follows:

- (a) *That approval be granted by Council in terms of the applicable By-law as well as Section 14 of the Municipal Finance Management Act, 2003 for portions of Erven 2244 and 2267, Riebeeck West (± 0.9949 ha in extent) to be alienated and transferred out of hand to Group 35 (Pty) Ltd for consolidation with Erf 2106, at the amount of R100/m², excluding VAT, subject to the conditions hereinafter;*
- (b) *That cognizance be taken that the subject properties have at no stage been required for the provision of a minimum or any other level of basic municipal services;*
- (c) *That the following reasons be recorded for the out-of-hand alienation as above and for not undergoing a competitive process:*
 - (i) *The subject properties qualify as 'non-viable land' in that due to physical constraints they cannot be developed on their own and only becomes functional if alienated to an adjoining owner for usage in conjunction with his or her property, as proposed;*
 - (ii) *The proposed merging of the subject properties with Erf 2106 and the use of same for commercial purposes, links up with Strategic Goal 2 of the 2023 Integrated Development Plan, namely to unlock economic transformation, and as such to strengthen mobility and economic links and to facilitate the economic potential of Swartland wards (in this instance ward 3);*
 - (iii) *The properties in their existing shape do not have any economic or other benefit for the Municipality, and only by consolidation with Erf 2106 will contribute to the economic benefit derived from the present use of the Erf 2106 by means of job opportunities created for the community, as motivated by the purchaser;*

(d)/...

Rig asseblief alle korrespondensie aan:
Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299
Darling Tel: 022 492 2237

Tel: 022 487 9400
Faks/Fax: 022 487 9440
Epos/Email: swartlandmun@swartland.org.za

Moorreesburg Tel: 022 433 2246

Kindly address all correspondence to:
The Municipal Manager
Private Bag X52
Malmesbury 7299

Yzerfontein Tel: 022 451 2366

- (d) *That the transaction shall be subject to the following conditions:*
- (i) *The purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction, including advertisement costs, transfer costs and costs related to the relevant land use applications (including subdivision, rezoning) as well as the costs of consolidation and road closure;*
 - (ii) *Any improvements to the subject properties may only take place with the permission of the Municipality and by taking into account existing servitudes and service installations, amongst which the following, for which costs the purchaser shall be responsible:*
 - *The formalization of the municipal storm water system over Long Street that will be affected by the proposed consolidation, before discharging and connecting to the existing municipal earth channel, to be designed by a professional engineer and supervised/approved during construction and subject to these plans being submitted to the Civil Engineering Department for approval. Further, to ensure that this portion of the pipe remains functioning effectively in accordance with the storm water by-law;*
 - *The submission of engineers' reports, which reports are to address the impact of the consolidation and extensions to the factory on the existing municipal services, i.e. access for municipal sewage tankers to the sewage storage tank located on Erf 2106*
 - (iii) *Compliance by the purchaser with all conditions that may be imposed as a result of the land use approval, if issued;*
 - (iv) *Ownership of the land does not exempt the purchaser from any obligations towards other authorities, and it therefore does not deprive the latter or any other authorities from any rights pertaining to the specific portion of land;*
- (e) *That the proposed transaction be advertised in the media for public comments and/or potential objections, and the executive mayor (in consultation with his committee) be authorized to deal with any objections that may be forthcoming;*
- (f) *That before the intention is advertised, written confirmation first be obtained from the purchaser that they agree to the conditions as provided for in this report;*
- (g) *That the Director: Corporate Services be authorized to finalise the conditions of sale, and to sign the deed of sale on the Municipality's behalf.*

Further to paragraph (f) above, we await your written confirmation that you agree to the conditions as per the Council resolution, whereafter we will proceed to advertise the proposed disposal for public comment, the costs of which advertisement will be for your account.

Should you wish to obtain clarity first regarding any of the conditions, you are welcome to contact the undersigned. Regarding the more technical issues, you are welcome to contact our Civil Services Directorate, i.e. Mr Jonhill Spies or Mr Esias de Jager.

We trust you will find the above in order.

Kind regards



7 **MUNICIPAL MANAGER**
Corporate Services Directorate



C.K. Rumboll and Partners

Date: 2024/07/03

planning9@rumboll.co.za

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Rezoning, subdivision, consolidation and closure of a public place to accommodate the expansion of the plant. : north-eastern portion of Station Road next to the cemetery : Riebeeck West

YOUR REF: 15/3/3-12/Erf 326, 327, 2244, 2267, 2106

ESKOM REF: 15140-24

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

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

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

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

Application for Working Permit must be made to:

Customer Network Centre: Malmesbury

Clive Strauss

022 482 6252

StrausC@eskom.co.za

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

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

2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Nancy Piliso from the Land Development Office to be contacted at PilisoN@eskom.co.za, to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of **300mm** with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch- pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.
- k) **No work can take place within the servitude of a 66kV Cable or 132kV Cable if indicated.** Should you need to undertake any work within the proximity of our 66kV or 132kV Cables please contact Nancy Piliso at PilisoN@eskom.co.za to arrange a site visit.

3. O.H. Line Services:

- a) The following building and tree restriction on either side of centre line of overhead power line must be observed:

Voltage	Building restriction either side of centre line
11 / 22kV	9.0 m
66kV	11.0 m
132kV	15.5 m

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.
- c) No work or no machinery nearer than the following distances from the conductors:

Voltage	Not closer than:
11 / 22kV	3.0 m
66kV	3.2 m
132kV	3.8 m

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- e) That a minimum ground clearance of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11 / 22kV	6.3 m
66kV	6.9 m
132kV	7.5 m

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

4. **NOTE**

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

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)



LEGEND

- ESKOM 11kV OVERHEAD LINE
- ESKOM MV UNDERGROUND CABLE
- ESKOM LV UNDERGROUND CABLE
- CADASTRAL BOUNDARY
- AREA OF INTEREST

95m² 11kV - MINI ZONING12 - MINI ZONING11 = 368.0M
 2470m² LV(CO) - MINI ZONING12 - P.E. BOX = 18.0M
 70m² LV(CO) - MINI ZONING12 - P.E. BOX = 20.0M

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

Eskom Distribution

MALMESBURY CNC
 RIEBEEK WEST
 ERF 326, ERF 327, ERF 2244, ERF 2267 &
 ERF 2106, STATION ROAD
 REZONING, SUBDIVISION, CONSOLIDATION &
 CLOSURE OF PUBLIC PLACE
 SWARTLAND MUNICIPALITY

SCALE 1: 500
 DATE: 04/06/2024
 DRAWN: A. ROMAN
 TEL: 051 880 3129 FAX: 051 880 3053

WAYLEAVE 15140-24

**LV ELECTRIFICATION
 TO BE CONFIRMED
 ON SITE**

SET	SHEET	REVISION
00	00	00

ALL CABLE POSITIONS ARE APPROXIMATE
 AND SHOULD BE VERIFIED ON SITE

LAND DEVELOPMENT SECTION

STATION ROAD

CONVILLE STREET

PORTLAND STREET

ONGEING 11KV OVERHEAD LINE

RAILWAY LINE

RE/326

RE/327

RE/642

2106

1700

2244

2267

2245

2246

2247

2248

2249

2250

2251

2252

2253

2254

2255

2256

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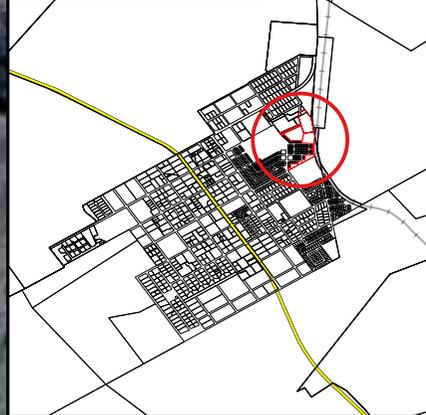
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ANNEXURE O

RIEBEEK WEST

REF:
RW/13808/RP



NOTE:
ALL SIZES AND DISTANCES ARE SUBJECT TO SURVEY

LEGEND

 Subject Area

SCALE : 1:750

Date:
November 2023

AUTHORITY:
SWARTLAND MUNICIPALITY

COMPILED BY:

16 Rainier Street
Malmesbury
Tel: 0224821845
Fax: 0224871661
planning9@rumboll.co.za



The following photos depicts the area applicable to the proposed development.

1



Photo taken in a southern direction of the existing land uses on Erf 2106, Riebeeck West.



Photo taken in a western direction, indicating the existing Garden Refuse Transfer Station.

2



Photo taken in a southern direction, indicating the existing land uses on Erf 2106, Riebeeck West.



Photo taken in a northern-eastern direction of the existing land uses on Erf 2106, Riebeeck West.



Photo taken in a south-western direction, indicating the vacant land adjacent to Erf 2106, Riebeeck west.



Photo taken in a south-western direction indicating the proposed access point which will be utilised as a dedicated exit.



Photo taken in an eastern direction, indicating the underutilised adjacent land next to Erf 2106, Riebeek West.



Photo taken in a southern direction indicating underutilised disturbed vacant land.

4



Photo taken in a western direction towards the existing cemetery and high-density residential development.



Photo taken in a southern direction, indicating the underutilised, previously disturbed, vacant land adjacent to Erf 2106, Riebeeck west.



Photo taken in an eastern direction, indicating the underutilised vacant land adjacent Erf 2106, Riebeeck west.



Photo taken in a northern direction, indicating the previously disturbed and underutilised land adjacent to Erf 2106, Riebeeck West.



Photo taken in a south-eastern direction, indicating vacant, previously disturbed, underutilised land adjacent to Erf 2106, Riebeeek West.



Photo taken in a southern direction, indicating vacant, previously disturbed, underutilised land adjacent to Erf 2106, Riebeeek West.

6

Photos below are taken in a northern direction, indicating that the concerned land has already previously been disturbed. The vacant land is currently underutilised and ideally situated adjacent a thriving economic activity, ready to take control, develop and beautify the concerned area.



7



The photo is taken in a north-western direction, indicating signs that the concerned land has already previously been disturbed. The land as it lay is currently underutilised.



The photo taken in a northern direction clearly indicates signs of previously disturbed land adjacent to Erf 2106, Riebeeek Kasteel.



The photo taken in an eastern direction indicates that the land has been previously disturbed and holds no heritage value.



The photo taken in a northwestern direction, indicated signs that the land has previously been disturbed and holds no heritage value.



Photo taken in a souther direction, indicating signs of previously disturbed land.



Photo taken in a northeastern direction, indicating the road leading toward the existing facility.



Photo taken in a western direction away from the existing facility.



Photo taken in a southern direction. Indicating the high density residential development situated to the south of the existing facility. The residential development was constructed in 2019/2020.



Photo was taken in an eastern direction, indicating both the existing facility and the high-density residential development south thereof.



Photo taken in a northeastern direction towards the existing facility on Erf 2106, Riebeek west.



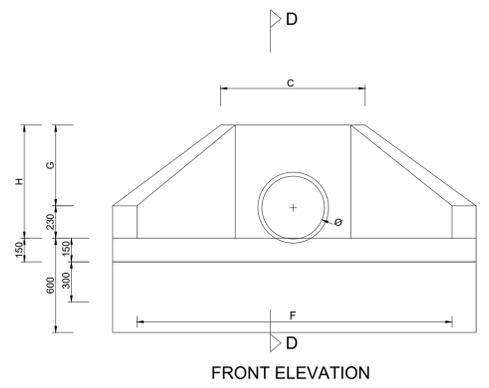
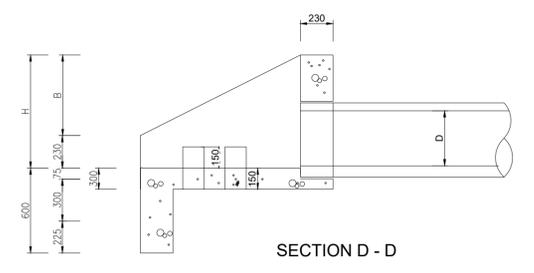
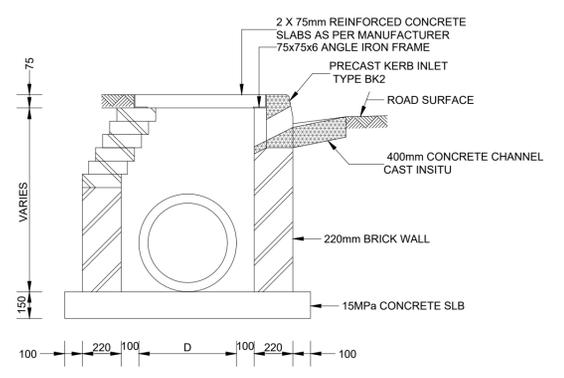
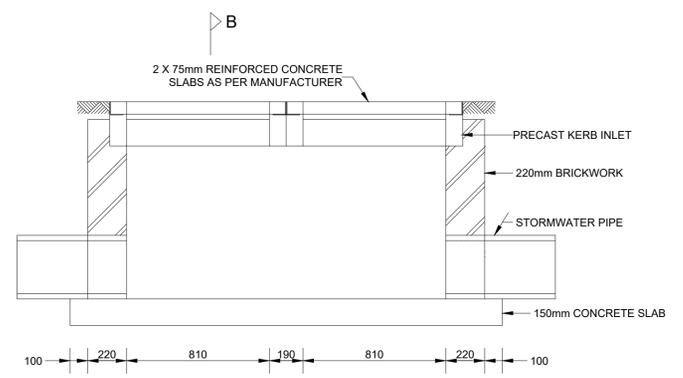
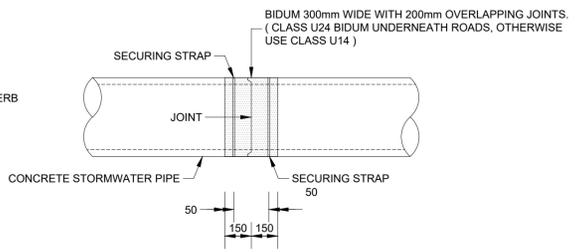
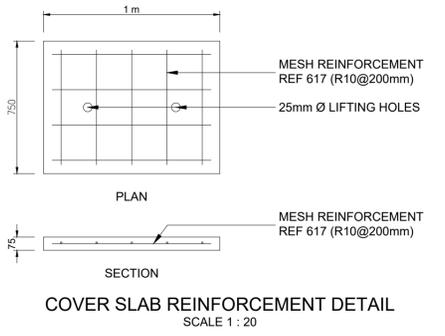
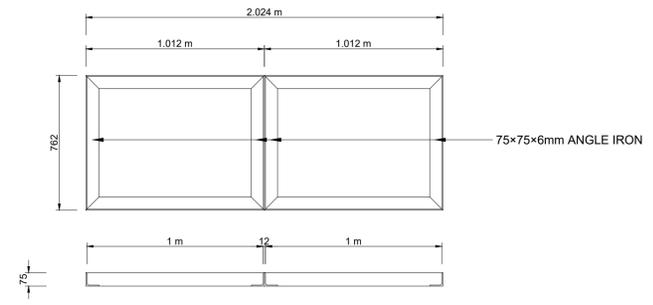
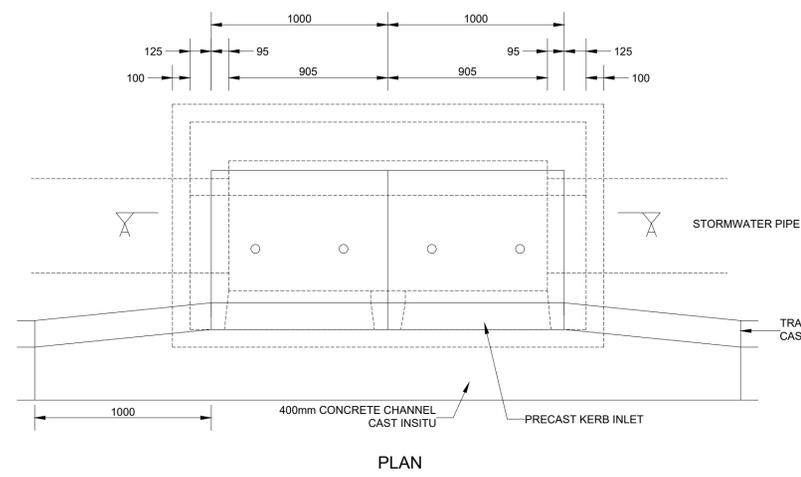
Photo taken in a north-western direction, indicating the road which is proposed for utilisation for vehicles exiting the existing and proposed expansion of the facility.



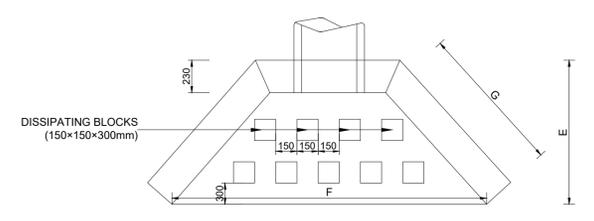
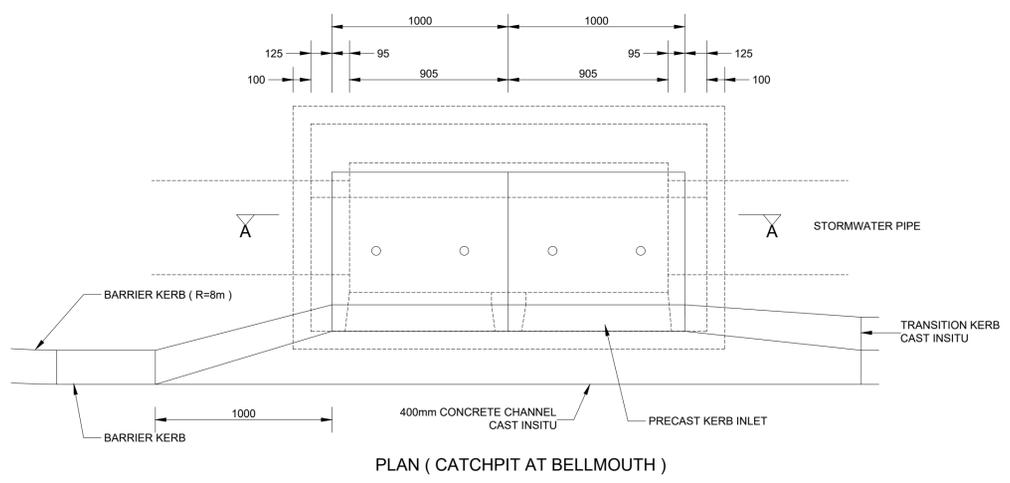
Photo taken in a western direction, indicating that vacant land.

The following Google Earth screenshot image indicates the progress of the existing high-density residential development in 2019





DIMENSIONS						
NOMINAL ø D	B	C	E	F	G	H
450	570	950	1020	2230	1120	800
600	720	1100	1245	2830	1435	950
750	870	1250	1470	3430	1755	1100
900	1020	1400	1695	4030	2070	1250
1050	1170	1550	1920	4630	2390	1380
1200	1220	1700	2145	5230	2710	1550



2024/09/06 M00 FOR DISCUSSION G.D

DATE REVISION BY

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CLIENT

PROJECT
CONSOLIDATION OF PORTION A, B, C & D WITH ERF 2106, RIEBEEK WEST

TITLE
STORMWATER DETAIL



SKCMasakhizwe Engineers
CONSULTING ENGINEERS TO BUILD THE NATION
13 PASTORIE AVENUE P.O. BOX 229
PAARL 7620 PAARL
EMAIL: skcmsouth@skcm.co.za TEL: (021) 871 1422
WWW.SKCM.CO.ZA FAX: (021) 872 7740

ARCHITECTS

DESIGNED G.D DRAWN G.D APPROVED

DATE 2024/09/06 SCALE AS SHOWN (A1)

DRAWING NUMBER W2305-D3 REVISION M00

CLIENT'S DRAWING NUMBER

LEGEND:

	NEW SEWER PIPE
	NEW SEWER MANHOLE
	EXISTING SEWER PIPE
	EXISTING SEWER MANHOLE
	NEW STORMWATER PIPE
	NEW STORMWATER MANHOLE
	EXISTING STORMWATER PIPE
	EXISTING STORMWATER MANHOLE

2023/09/09	M00 FOR DISCUSSION	G.D
DATE	REVISION	BY

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CLIENT
SWARTLAND MUNICIPALITY

PROJECT
CONSOLIDATION OF PORTION A, B, C & D WITH ERF 2106, RIEBEEK WEST

TITLE
PROPOSED NEW STORMWATER LINE



SKCMasakhizwe Engineers
CONSULTING ENGINEERS TO BUILD THE NATION
13 PASTORIE AVENUE
PAARL
7620
EMAIL: skcmsouth@skcm.co.za
WWW.SKCM.CO.ZA

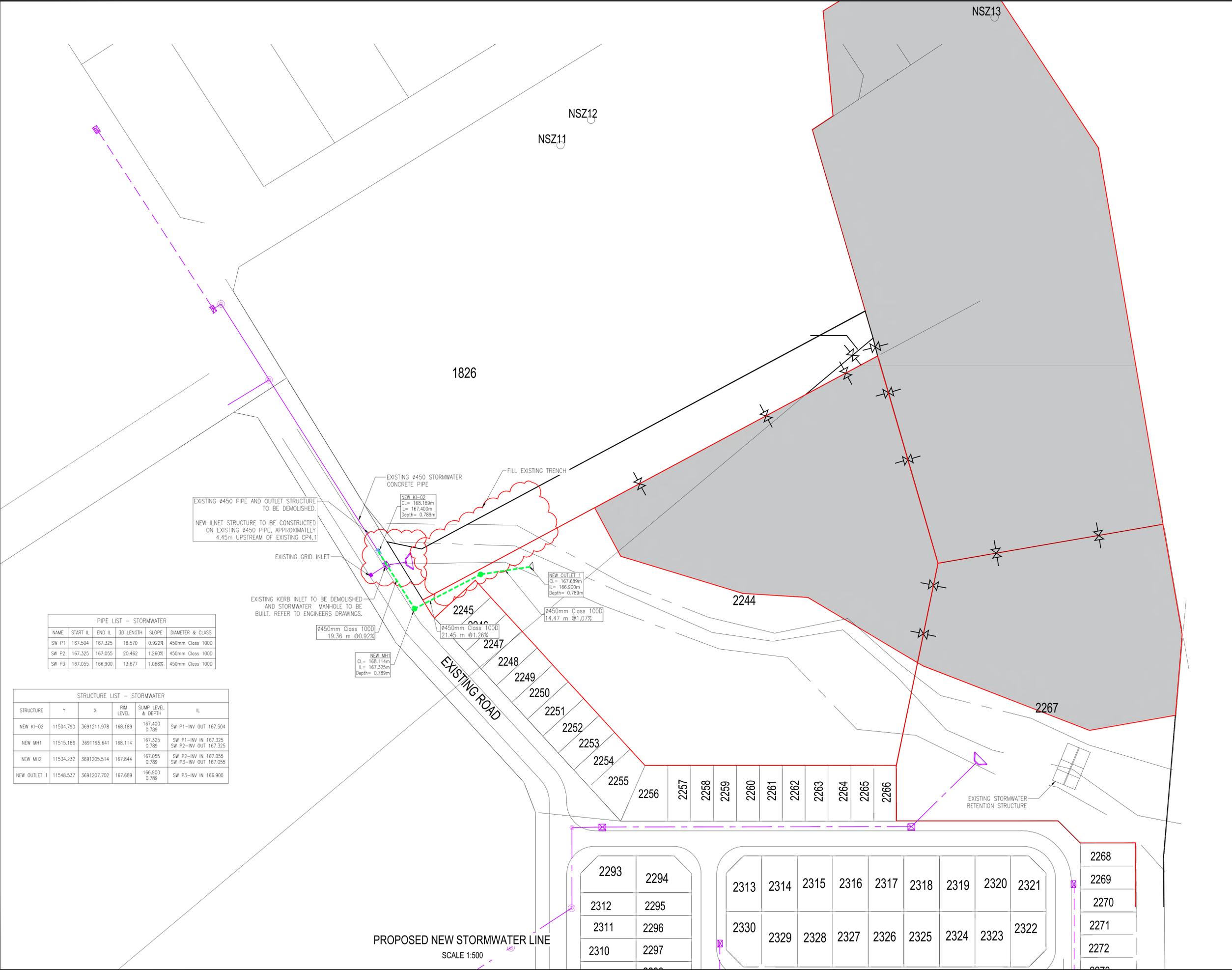
P.O. BOX 229
PAARL
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DESIGNED G.D	DRAWN G.D	APPROVED MPJ LOUBSER PRENG 880632
DATE 2024/09/09	SCALE AS SHOWN (A1)	

DRAWING NUMBER W2305-400	REVISION M00
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CLIENT'S DRAWING NUMBER



PIPE LIST - STORMWATER

NAME	START I.L.	END I.L.	3D LENGTH	SLOPE	DIAMETER & CLASS
SW P1	167.504	167.325	18.570	0.922%	450mm Class 1000
SW P2	167.325	167.055	20.462	1.260%	450mm Class 1000
SW P3	167.055	166.900	13.677	1.068%	450mm Class 1000

STRUCTURE LIST - STORMWATER

STRUCTURE	Y	X	RIM LEVEL	SUMP LEVEL & DEPTH	I.L.
NEW KI-02	11504.790	3691211.978	168.189	167.400 0.789	SW P1-INV OUT 167.504
NEW MH1	11515.186	3691195.641	168.114	167.325 0.789	SW P1-INV IN 167.325 SW P2-INV OUT 167.325
NEW MH2	11534.232	3691205.514	167.844	167.055 0.789	SW P2-INV IN 167.055 SW P3-INV OUT 167.055
NEW OUTLET 1	11548.537	3691207.702	167.689	166.900 0.789	SW P3-INV IN 166.900



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Departement: Ontwikkelingsbestuur

6 November 2025

15/3/3-13/Erf_3986, 7841
15/3/6-13/Erf_3986, 7841
15/3/12-13/Erf_3986, 7841

WYK: 4

ITEM 6.2 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 19 NOVEMBER 2025

LAND USE PLANNING REPORT					
PROPOSED REZONING, SUBDIVISION AND CONSOLIDATION OF ERVEN 3986 & 7841, RIVERLANDS					
<i>Reference number</i>	15/3/3-13/Erf_3986, 7841 15/3/6-13/Erf_3986, 7841 15/3/12-13/Erf_3986, 7841	<i>Application submission date</i>	22 July 2025	<i>Date report finalised</i>	7 November 2025

PART A: APPLICATION DESCRIPTION

Swartland Municipality received an application for rezoning of erven 3986 and 7841, Riverlands in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). It is proposed that erf 3986 (1983m² in extent) and erf 7841 (3062m² extent) be rezoned from Open Space Zone 1 to subdivisional area in order to provide for the following land uses, namely: Community Zone 3 (2632m² extent) and Business Zone 2 (2422m² extent).

The application included the subdivision of erven 3986 and 7841, Riverlands in terms of section 25(2)(d) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). The following subdivisions are proposed:

- Erf 3986 (1983m² extent) subdivided into a remainder (1104m² extent) and portion A (879m² extent)
- Erf 7841 (3062m² extent) subdivided into a remainder (1744m² extent) and potion A (1318m² extent)

Lastly application is also made for the consolidation of the subdivided portions, in terms of section 25(2)(e) of Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020) has been received. The consolidations entail the following:

- Consolidation of portion A (erf 3986) with the remainder of erf 7841 (2623m² in extent, zoned as Community Zone 3)
- Consolidation of portion A (erf 7841) with the remainder of erf 3986 (2422m² in extent, zoned as Business Zone 2).

The applicant is CK Rumboll and Partners and the owner of the properties are Swartland Municipality and Momelezi Leon Sam, respectively.

PART B: PROPERTY DETAILS

Property description (In accordance with Title Deed)	Erven 3986 and 7841, Greater Chatsworth, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape
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Physical address	Kelkiewyn Street, Greater Chatsworth. Please refer to the location plan attached as Annexure A		Town	Greater Chatsworth (Riverlands)		
Current zoning	Open Space Zone 1	Extent (m ² /ha)	1983m ² (Erf 3986) & 3062m ² (Erf 7841)	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)					
Current land use	Vacant		Title Deed number & date	3986: T13834/2025 7841: T10710/1998		
Any restrictive title conditions applicable	Y	N	If yes, list condition number(s)			
Any third-party conditions applicable?	Y	N	If yes, specify			
Any unauthorised land use/building work	Y	N	If yes, explain			

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

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

PART D: BACKGROUND

Erf 3986 was originally registered to Sydney Dawndale Jacobs in 1926 but was never occupied. It forms part of the so-called "black dot" erven in Chatsworth, which the municipality has been reclaiming ownership of since the early 2000s.

The property is completely surrounded by Erf 7841, which is zoned as Open Space Zone 1 and owned by the municipality.

The original intention was for the Municipality to acquire Erf 3986 once it becomes available on a public auction to enable consolidated management of both erven as public open space. However, when the property was auctioned in 2024, the Municipality was unsuccessful in the acquisition, and the erf was sold into private ownership.

These erven were initially designated as public open space due to the area's perceived botanical sensitivity. Since then, the area has been substantially disturbed and no longer holds ecological or botanical significance. Furthermore, a status report from the Surveyor-General confirms that these erven are classified as ordinary erven. This change in circumstances creates an opportunity to unlock their development potential, thereby contributing to local economic growth.

Mr. Leon, through CK Rumboll & Partners, approached the municipality to register a servitude over Erf 7841 to access his property. Given the above as well as the impractical layout of Erf 3986 within Erf 7841, the municipality proposed a realignment of erf boundaries to create two functional properties:

Property 1 (±2623 m²): To be rezoned to Community Zone 3 and allocated to the municipality for community facilities.
Property 2 (±2422 m²): To be rezoned to Business Zone 2 and allocated to Mr. Leon to accommodate shops.

This application, therefore submitted by CK Rumboll & Partners on behalf of Mr. Momelezi Leon Sam and Swartland Municipality, seeks approval for the rezoning, subdivision, and consolidation of Erven 3986 and 7841 in Greater

Chatsworth (Riverlands). The proposal aims to rectify the irregular cadastral layout and unlock the development potential of two underutilised erven currently zoned as Open Space Zone 1.

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)

Both application properties are currently zoned as Open Space Zone 1, intended for public open space use. This application seeks to unlock the development potential of the erven through, among other components, the rezoning to suitable community and business zoning classifications. No closure of a public place application is necessary as the Surveyor-General confirmed these erven as ordinary erven.

The original purpose for which these properties were designated, namely, the protection of an area of ecological sensitivity, has become obsolete. The ecological value that once justified the public open space designation has been lost due to extensive and irreversible disturbance of the area over time.

The continued reservation of these erven as public open space no longer serves a meaningful environmental, recreational, or spatial planning purpose. As such, the urban land remains underutilised in the context of the surrounding residential neighbourhood, which would benefit more from the development potential these properties offer.

From a town planning perspective, the rezoning is a necessary step to unlock the full development potential of the erven and to ensure that land use aligns with current spatial realities rather than outdated planning designations. The reconfiguration and integration of the erven into the surrounding urban fabric will promote coherent spatial development, enhance accessibility, and strengthen urban connectivity. This will enable the land to be optimally utilised through appropriate redevelopment that responds to the needs of the local community. The proposed rezoning is therefore in the public interest and consistent with sound spatial planning principles.

The title deeds of the application properties do not contain any restrictive conditions. Furthermore, no servitudes or bonds are registered over the properties.

Property 1, which is proposed to be zoned as Community Zone 3 and transferred to Municipal ownership, is intended for the development of an institutional / community facility. Although a Site Development Plan is not yet available, the property's location is well-suited to serve the general community of Riverlands. Its central and accessible position makes it ideal for community-focused facilities such as health or social services.

It is anticipated that the proposed development will not have any negative impact on the surrounding area. On the contrary, the provision of a public institutional facility is expected to enhance local access to services, improve quality of life, and contribute positively to the social infrastructure of the neighbourhood.

Property 2 is proposed to be zoned as Business Zone 2 and will be developed with low-intensity business premises that align with the objective of the zoning category. The proposed development entails the construction of a double-storey building with a coverage of 200m², designed to accommodate three small-scale shops.

The ground floor will contain one shop unit (200m² floor area), while the first floor will offer two additional shop units (100m² floor area each). Each unit will be equipped with a basic workspace, a sink, and a private toilet facility to support independent operation. Provision is made for a dedicated parking area in front of the building to ensure convenient access for both customers and business operators.

The scale and design of the development are consistent with the objective of Business Zone 2, which aims to provide for low-intensity commercial activity that meets local demand without detracting from the amenity of adjacent residential areas. The proposed land use is intended to serve the immediate community by offering goods and personal services in a manner that is accessible, contextually appropriate, and spatially integrated.

Moreover, the proposed development supports local economic development objectives by creating small business opportunities, promoting job creation, and activating an underutilised site within the urban fabric of Riverlands. The building's orientation and layout ensure visual integration with the streetscape and maintain compatibility with surrounding land uses.

The application properties are located within an established urban area that is already serviced by existing Municipal and Eskom infrastructure. Sufficient capacity in terms of water supply, sanitation, electricity, and stormwater infrastructure to accommodate the proposed institutional and business developments is available. As such, no upgrades to bulk services are anticipated, and the development can be supported without placing adverse strain on existing infrastructure networks.

Both proposed properties will gain vehicular access from Kelkiewyn Street, a formal municipal road. Property 1 will have a single access point along its northern boundary and Property 2 will include a single access point on its northeastern boundary, both functioning as ingress and egress. These access points will be gated for security purposes.

The application is considered desirable and is supported for the following reasons:

1. The proposal aligns with the 2025 Amendment of the Swartland MSDF, 2023–2027, which promotes mixed-use development and institutional facilities along identified activity streets within Riverlands;
2. The proposed development complies with the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226) in terms of zoning parameters, building lines, coverage, height, and parking requirements.;
3. The application promotes and supports the spatial planning principles set out in SPLUMA and LUPA;
4. The proposed land uses are contextually appropriate, complement the surrounding residential character, and will serve as a transitional buffer between the CBD and lower-intensity residential development;
5. The development is compatible with surrounding land uses and will not negatively affect agricultural activities, environmentally sensitive areas, or heritage resources;
6. The properties are located within the urban edge, where Municipal infrastructure and services are already available, ensuring cost-effective development without placing undue pressure on existing service networks;
7. The proposed development will contribute to local economic development, encourage entrepreneurship, and provide improved access to services for the local community;
8. The layout ensures efficient land use, improves accessibility, and contributes to the creation of a cohesive and integrated urban fabric.

The applicant concludes that the proposal aligns with applicable statutory planning frameworks and are considered to be in the public and municipal interest. The development responds to current spatial needs, supports inclusive economic growth, and promotes efficient use of urban land and infrastructure. The proposal is considered appropriate and desirable.

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 15th of August 2025, in terms of Section 55 of the By-law. The commenting period, for or against the application, closed on 15th of September 2025.

In addition to the publication, a total of 22 written notices were sent by hand to the owners of affected properties, in term of Section 56(1) & (2) of the By-Law (refer to Annexure C). Only two (2) notices were returned undeliverable, however the Municipality was able to email the letter to one of these affected persons via e-mail.

Total valid comments	1			Total comments and petitions refused	0		
Valid petition(s)	Y	N	If yes, number of signatures	67			
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	A copy of the notice was sent to Cllr R Jooste. No response was received
Total letters of support	0						

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

Name	Date received	Summary of comments	Recommendation	
Development Services: Building Control	12 August 2025	No comments	Positive	Negative
Protection Services	19 August 2025	No comments	Positive	Negative

Cleaning services	5 August 2025	No comments		
Department: Civil Engineering Services	5 August 2025	<p>Water Each subdivided portion be provided with its own water connection. The condition is applicable on building plan stage.</p> <p>Sewerage Each subdivided portion be provided with its own sewer connection. The condition is applicable on building plan stage.</p> <p>Streets and storm water The proposed parking spaces be provided with a permanent surface.</p> <p>That if the extension of existing services should be necessary in order to provide the subdivided portion of service connections it will be at the cost of the owner/developer.</p> <p>The application indicates that the property will accommodate 2 shops with a total surface area of 492m². Fixed development charges have been calculated accordingly:</p> <p>Water: R 15 252,14 Bulk Water: R 27 151,71 Sewer: R 8 299,12 WWTW: R 8 996,88 Roads: R 61 221,08</p>	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
<p>A petition submitted by Mr Ralph Burger on behalf of the Riverlands Community</p>	<p>Residents and community stakeholders of Riverlands petition the municipality to withdraw and reject the proposed rezoning application for the following reasons:</p> <p>Environmental Concerns</p> <p>Alleged threat to indigenous, scarce, and endangered plant species. Absence of a biodiversity or environmental assessment.</p> <p>Community Benefit</p> <p>The proposed Community Zone 3 portion is described as fragmented and of limited benefit to the broader community. Perception that the Municipality stands to benefit financially, while the community gains little.</p>	<p>Environmental Concerns</p> <p>The site was part of a township extension approved in 1998 and designated as Public Open Space.</p> <p>The area has since been heavily disturbed, with no remaining natural habitat.</p> <p>A desktop biodiversity review and site inspection confirmed the absence of indigenous or endangered vegetation.</p> <p>The proposal does not trigger any listed activities under the Environmental Impact Assessment (EIA) Regulations and therefore does not require environmental authorisation under NEMA.</p> <p>Community Benefit</p> <p>The existing layout is irregular and limits development. The proposed reconfiguration creates functional parcels for coordinated development. The intent is to optimise underutilised land for both public and economic benefit, not solely financial gain.</p>	<p>Environmental Concerns</p> <p>The property is located within the town and although in close proximity to the Riverlands Nature Reserve, its ecological integrity has been significantly compromised due to prolonged fragmentation and the absence of formal protection measures. As a result, the site no longer holds meaningful conservation value. Sustainable development is underpinned by three core dimensions: environmental, economic, and social sustainability. In this particular case, the property's isolation from other ecologically sensitive areas, combined with extensive disturbance over the past 27 years, has diminished its environmental significance. Consequently, the potential economic and social benefits derived from the proposed development are considered to outweigh any residual environmental value.</p> <p>Community Benefit</p> <p>The proposed Community Zone 3 site is specifically created to accommodate functional space within the urban edge for the benefit of the community. According to the land use proposal plan of the 2025 MSDF, the property was earmarked to accommodate an institutional facility. The proposed application is consistent with the MSDF.</p>

	<p>Procedural and Legal Compliance</p> <p>Alleged lack of transparency in the process. Potential non-compliance with Section 14 of the Municipal Finance Management Act (MFMA) regarding the disposal of municipal land.</p> <p>Section 75 of the By-law requires consideration of other laws (e.g., environmental and heritage legislation), which the objectors claim has not occurred.</p> <p>Public participation requirements under Sections 45 and 55–61 of the By-law are alleged to be inadequately met.</p> <p>Demands:</p> <ol style="list-style-type: none"> 1. A moratorium on the application until environmental assessments and NEMA compliance are confirmed. 2. Disclosure of all relevant documentation (application file, council resolutions, valuations, MFMA compliance). 3. Community consultation and workshops to explore alternative development options. 	<p>Procedural and Legal Compliance</p> <p>Erf 3986 was sold via public auction after a debt recovery process; the Municipality participated but was unsuccessful.</p> <p>The current application does not involve disposal of municipal land, so MFMA Section 14 does not apply. The process followed prescribed public participation procedures under the By-law</p> <p>The applicant reiterates that no EIA or heritage authorisation is required. Refer to the Swartland Heritage Survey, confirming no heritage significance on site.</p> <p>The application was advertised in two local newspapers and the Provincial Gazette. Individual notices were sent to surrounding neighbours. The proposal aligns with the Swartland SDF, which was informed by extensive public participation</p> <p>The applicant concludes that the proposal represents a rational and policy-aligned reconfiguration of irregular cadastral parcels to enable functional development that benefits the Riverlands community. The revised layout supports appropriate land uses, aligns with the MSDF and promotes local economic development while maintaining environmental compliance.</p>	<p>Procedural and Legal Compliance</p> <p>The application as well as public participation process were and still is administered consistent with the legislative framework.</p> <p>Mr Leon legally purchased erf 3986 through public auction. Circumstances resulted in the municipality proposing that the properties be realigned to unlock the development potential, thereby contributing to local economic growth. This is deemed in-line with the MFMA.</p> <p>Demands:</p> <ol style="list-style-type: none"> 1. Deemed unreasonable. 2. All information is available on file and the objectors can apply in terms of PAIA to obtain access to council resolutions regarding the sale of the land. 3. The objectors are encouraged to participate at ward committee meetings. The fact that there is no site development plan available for Property 1 is recognised, however, neighbouring affected property owners can be assured that should any development depart from the restrictions applicable to Community Zone 3, it will warrant a new land use application and public participation process.
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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 22nd of July 2025. The public participation process commenced on the 15th of August 2025 and ended on the 15th of September 2025. Objections were received and referred to the applicant for comment on 23rd of September 2025 and this municipality received the comments on the objection from the applicant on the 13th of October 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 proposal also promotes equitable access to land and services by creating an opportunity for the land to be used for public benefit as well as enabling local economic development.

Spatial Sustainability: The proposed development will result in a more spatially compact and resource-efficient settlement and will optimise the use of existing infrastructure. Seeing that the existing services will be used and that no upgrades to existing services / infrastructure is required to accommodate the business premises. The proposal will also 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 Riverlands through the improvement of the property as well as through job creation.

Efficiency: The development proposal will promote the optimal utilisation of land and services within the urban edge. The proposed mixed use development along a designated activity street is supported.

The subject property is near the demarcated CBD for Malmesbury as well as the Swartland Highschool. Therefore, the proposed use is deemed an appropriate as it might also strengthen the current mixed-use character of the area. The application complies with the principle of efficiency.

Spatial Resilience: The proposal introduces flexible land uses that can adapt to changing social and economic needs. The use of the property other than it remaining vacant will in the long term support sustainable development in Riverlands.

Should the place of education for any reason not be sustainable in the long term, the building can easily be converted back into a dwelling house. The use of the property as a small scale place of education is justified in the long term and is therefore deemed spatial resilient.

Good Administration: Ensuring transparency and accountability, the application and public participation are administrated by Swartland Municipality and public and departmental comments were obtained. The decision making is guided by several considerations as required by the relevant By-law and Municipal Spatial Development Framework.

Public Interest

The proposal serves the public interest by allocating land for a community-oriented institutional facility (Property 1), enhancing access to services in Riverlands.

The development of Property 2 for small-scale business supports local economic development and job creation.

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 PSDF (2014), indicates 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 clear 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 decentralization through densification and infill development.
3. Locate and package integrated land development packages, infrastructure, and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.
4. Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining, and tourism remain important economic underpinnings of rural settlements.
5. Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.
6. Delineate Integration Zones within settlements within which there are opportunities for spatially targeting public intervention to promote more inclusive, efficient, and sustainable forms of urban development.
7. Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.
8. Municipal SDFs (Spatial Development Framework) to include growth management tools to achieve SPLUMA's spatial principles. These could include a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities, and appropriate development typologies.

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:

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

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

1. Higher densities
2. A shift from a suburban to an urban development model

3. More compact settlement footprints to minimise environmental impacts, reduce the costs, time impacts of travel, and enhance provincial and municipal financial sustainability in relation to the provision and maintenance of infrastructure, facilities, and services.
4. Address apartheid spatial legacies by targeting investment in areas of high population concentration and socio-economic exclusion.

The development proposal is therefore deemed consistent with the PSDF.

West Coast District SDF (WCDSDF, 2020)

The WCDSDF, 2020 indicates the rural landscape of the West Coast District is generally defined by scattered and isolated residential settlements located within agricultural areas. While some of these settlements have experienced more growth than others—evidenced by the presence of schools, shops, and sports facilities—they typically lack the diversity of land use found in urban environments. These rural nodes are predominantly residential in nature, with minimal inclusion of other land use categories such as commercial or community facilities. Furthermore, most rural settlements face significant challenges in terms of access to employment opportunities and basic services.

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.

It is thus clear that the proposed development is not in conflict with the principles as set out in the WCDSDF, 2020.

Municipal Spatial Development Framework (SDF), 2025

The subject properties are in Land Use Proposal Zone C as contained in the MSDF, 2025. Please refer to the extract below:



Zone C has a high-density residential character with limited supporting commercial uses. Allow for supporting social infrastructure. Business use as well as institutional use are supported within this zone. The proposal is therefore consistent with the MSDF, 2025.

2.4 Zoning Scheme Provisions

The proposal is consistent with the parameters of the development management scheme.

Application is made for the departure of the 10m street building line restriction in terms of the existing garages which is currently situated only 5.25m from the street boundary as well as the 5m side building line restriction up to 3.51m. Please refer to the Departure plan attached as Annexure C as well as the extract below.

3. Desirability of the proposed utilisation

There are no physical restrictions on the property that will have a negative impact on this application. Erf 3986, a private property was not included in the development of the town and Erf 7841, which surrounds the latter property was earmarked as Open Space Zone 1 due to possible botanical value. Being situated within the town it is clear that, although the property is in close proximity to the Riverlands Nature Reserve due to fragmentation as well as lack of proper protection the property is now of little to no conservation value. Sustainable development is based on 3 key concepts incl. Environmental, Economic and Social sustainability. In this specific case and due to the fragmented location of the property from any other area that is of conservation value as well as the fact that it has been heavily disrupted over the past 27years, the economic and social benefit far outweighs any environmental benefit that may be left.

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 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.

The development proposal is considered desirable.

4. Impact on municipal engineering services

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

ESKOM was requested to comment on the application, however after the 60days commenting period no feedback was received.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

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

N/A

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

N/A

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

N/A

PART L: RECOMMENDATION WITH CONDITIONS

- A. The application for rezoning of Erven 3986 & 7841, Riverlands from Open Space Zone 1 to Subdivisional area 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 subdivision of Erven 3986 & 7841 be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- C. The application for consolidation of Erven 3986 & 7841, Riverlands be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):

The decisions A, B & C above are subject to the conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The rezoning be restricted to make provision for the following land uses namely;
 - (i). Community zone 3 (2632m²)
 - (ii). Business zone 2 (2422m²)
- (b) The subdivision be restricted to erf 3986 (1983m² in extent) being subdivided in a remainder (1104m² in extent) and a Portion A (879m² in extent) as well as erf 7841 (3062m² in extent) being subdivided in a remainder (1744m² in extent) and Portion A (1318m² in extent);
- (c) The consolidation be restricted to the consolidation of portion A (portion of Erf 3986) with the remainder of Erf 7841 (2623m² in extent) zoned as community zone 3 as well as portion A (portion of Erf 7841) being consolidated with the remainder of Erf 3986 (2422m² in extent) zoned as Business Zone 2;
- (d) The proposed Business Zone 2 property be developed in accordance with the site development plan presented in the application;

2. WATER

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

3. SEWERAGE

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

4. STREETS AND STORM WATER

- (a) The proposed parking spaces as well as the area between the sidewalk and the surface of the road, be provided with a permanent surface.

5. DEVELOPMENT CHARGES

- (a) Development charges for the proposed shops be calculated at building plan stage;

6. GENERAL

- (a) If the extension of existing services should be necessary in order to provide the subdivided portion of service connections it will be at the cost of the applicant.
- (b) The approval is, in terms of section 76(2) (w) of the By-Law, valid for a period of 5 years. All conditions of approval be complied with before occupancy certificate be issued and failing to do so may result in administrative action.
- (c) The approval does not exempt the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (d) The applicant/objectors be informed of the right to appeal against this decision of the Municipal Planning Tribunal, within 21 days of this notice, in terms of section 89(2) of the By-Law;

PART M: REASONS FOR RECOMMENDATION

1. There are no physical restrictions on the property that will have a negative impact on this application.
2. There are no restrictions registered against the title deeds of the properties that prohibits the proposed application.
3. The surveyor general confirmed that both properties are ordinary properties and therefore not deemed public open space.
4. Being situated within the town it is clear that although the property is in close proximity to the Riverlands Nature Reserve, due to fragmentation as well as lack of proper protection the property is now of little to no conservation value. Sustainable development is based on 3 key concepts incl. Environmental, Economic and Social sustainability. In this specific case and due to the fragmented location of the property from any other area that is of conservation value as well as the fact that it has been heavily disrupted over the past 27 years, the economic and social benefit far outweighs any environmental benefit that may be left.
5. 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.
6. The proposed application will not have a negative impact on the character of the area.
7. Mixed use is supported along activity streets;
8. The proposed development 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.

PART N: ANNEXURES

Annexure A	Locality Map
Annexure B	Rezoning and Subdivision plan
Annexure C	Site plan for Property 2
Annexure D	SG status report
Annexure E	Public Participation Plan
Annexure F	Petition against the proposal
Annexure G	Applicants comment on the objections

PART O: APPLICANT DETAILS

Name	CK Rumboll and Partners			
Registered owner(s)	Swartland Municipality and Momelezi Leon Sam, respectively	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: 7 November 2025	
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: B/8001/2001	Recommended		Not recommended	
			Date: 10 November 2025	



ANNEXURE A

LEG

Existing Cadastre

Application Property



DRAWING:

LOCALITY MAP

ERVEN 3986 AND 7841, GREATER CHATSWORTH

NOTE:

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

AREA:

SWARTLAND MUNICIPALITY

DATE:

JULY 2025

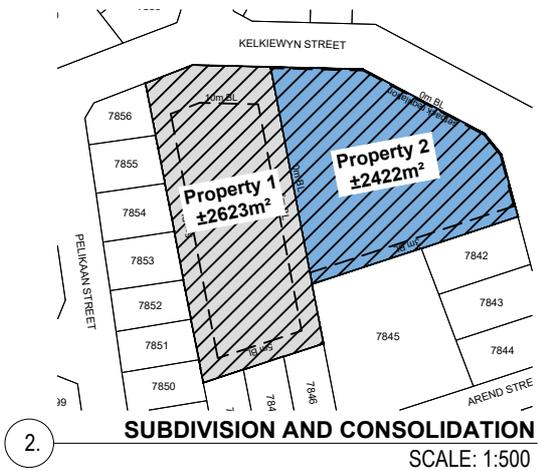
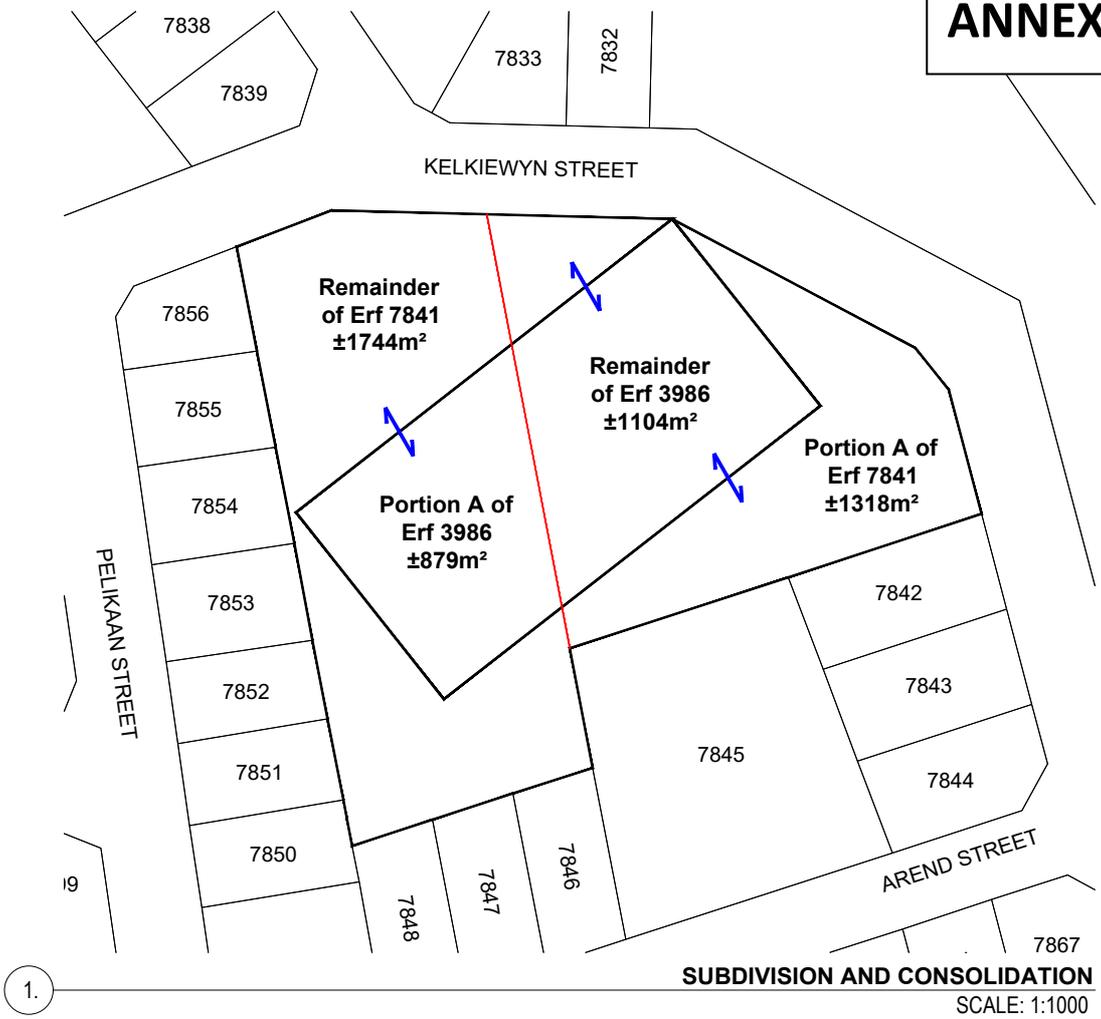
PREPARED BY:

CK RUMBOLL & PARTNERS
TOWN PLANNERS
PROFESSIONAL SURVEYORS

16 RAINIER STREET, MALMESBURY
TEL: 022 482 1845
EMAIL: reception@rumboll.co.za



ANNEXURE B



LEGEND:

-  Cadastral Boundaries
-  Subject Property
-  Proposed Subdivision Lines
-  Proposed Consolidation

PROPOSED ZONING CLASSIFICATIONS:

-  Community Zone 3
-  Business Zone 2

NOTES:

Erf 7841: 3062m², zoned Open Space Zone 1
 Erf 3986: 1983m², zoned Open Space Zone 1



CK RUMBOLL & PARTNERS
 16 Rainier Street Malmesbury
 T: 022 482 1845
 E: planning1@rumboll.co.za

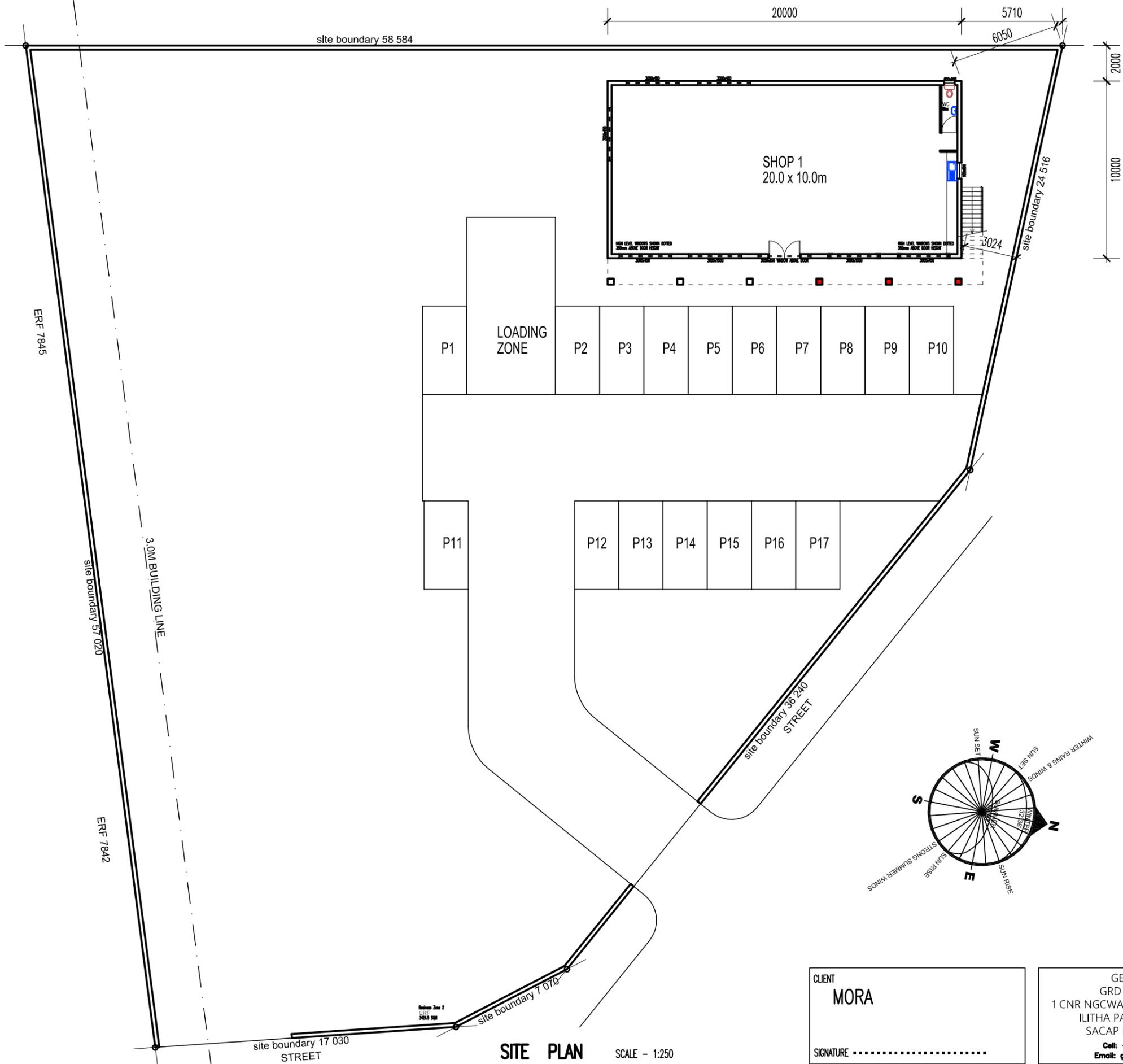
ALL DISTANCES AND AREAS ARE SUBJECT TO SURVEYING

SUBDIVISION AND CONSOLIDATION PLAN - ERVEN 3986 AND 7841, GREATER CHATSWORTH

PAPER SIZE: A4

REF: #14504/MC DATE: MAY 2025

ANNEXURE C

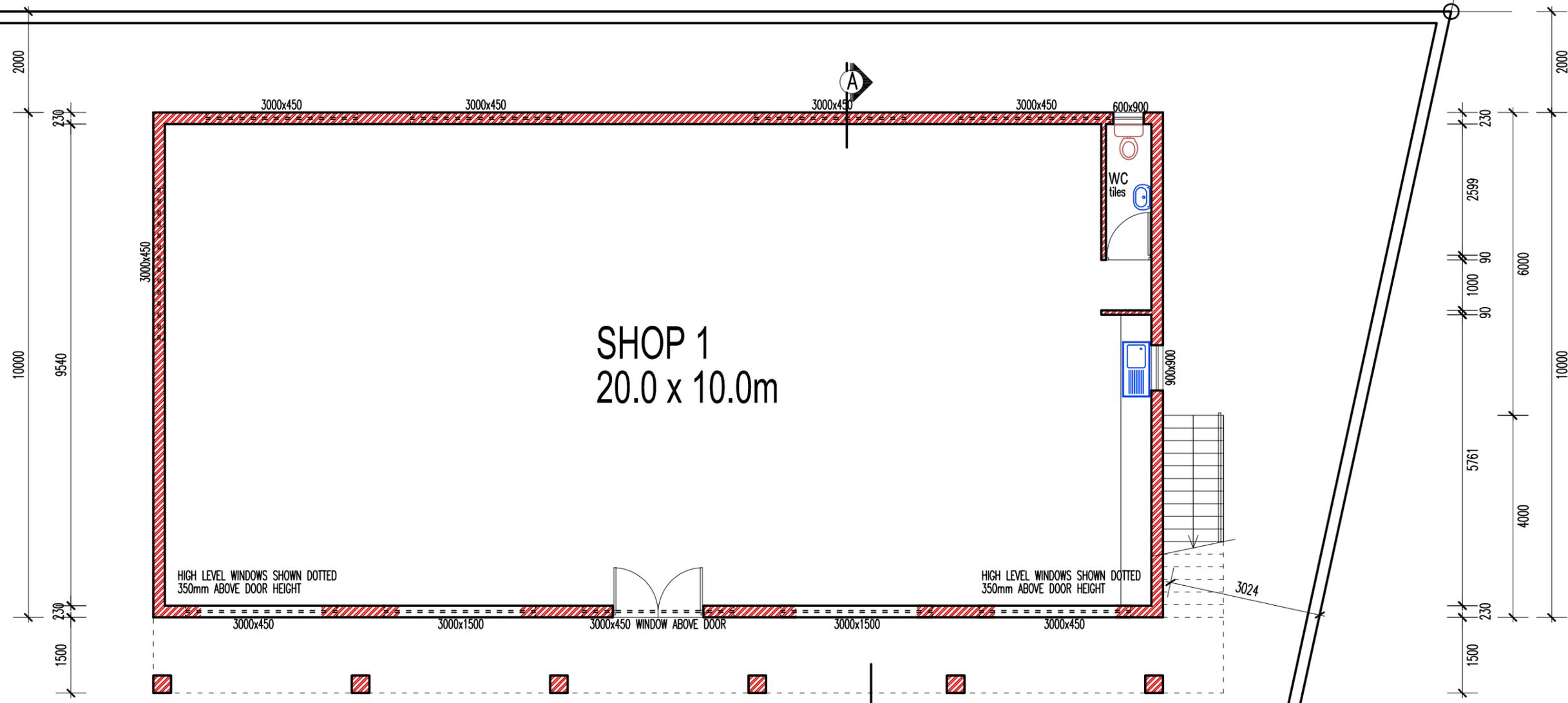
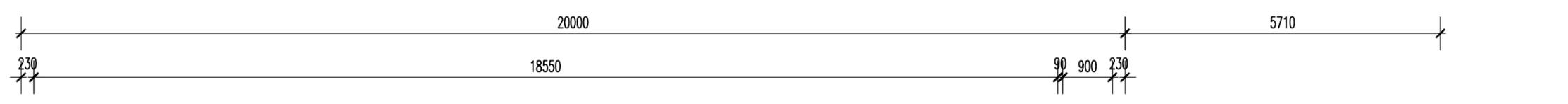


SITE PLAN SCALE - 1:250

CLIENT
MORA
SIGNATURE

GERALD KULITI
GRD HOUSE PLANS
1 CNR NGCWALAZI DR. & SPINE ROAD,
ILITHA PARK, KHAYELITSHA
SACAP No. PAT68083403
Cell: +27 78 376 4174
Email: geraldkuliti@gmail.com

DATE	28 JUNE 2025
DRAWN	GERALD
SCALE	1 : 100
DRAWING NO.	7841 / 01



SHOP 1
20.0 x 10.0m

HIGH LEVEL WINDOWS SHOWN DOTTED
350mm ABOVE DOOR HEIGHT

HIGH LEVEL WINDOWS SHOWN DOTTED
350mm ABOVE DOOR HEIGHT

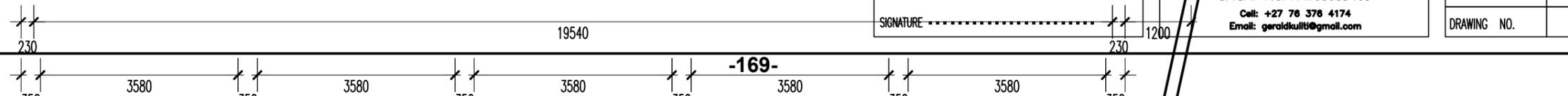
P4 P5 P6 P7 P8 P9 P10 P11 P12

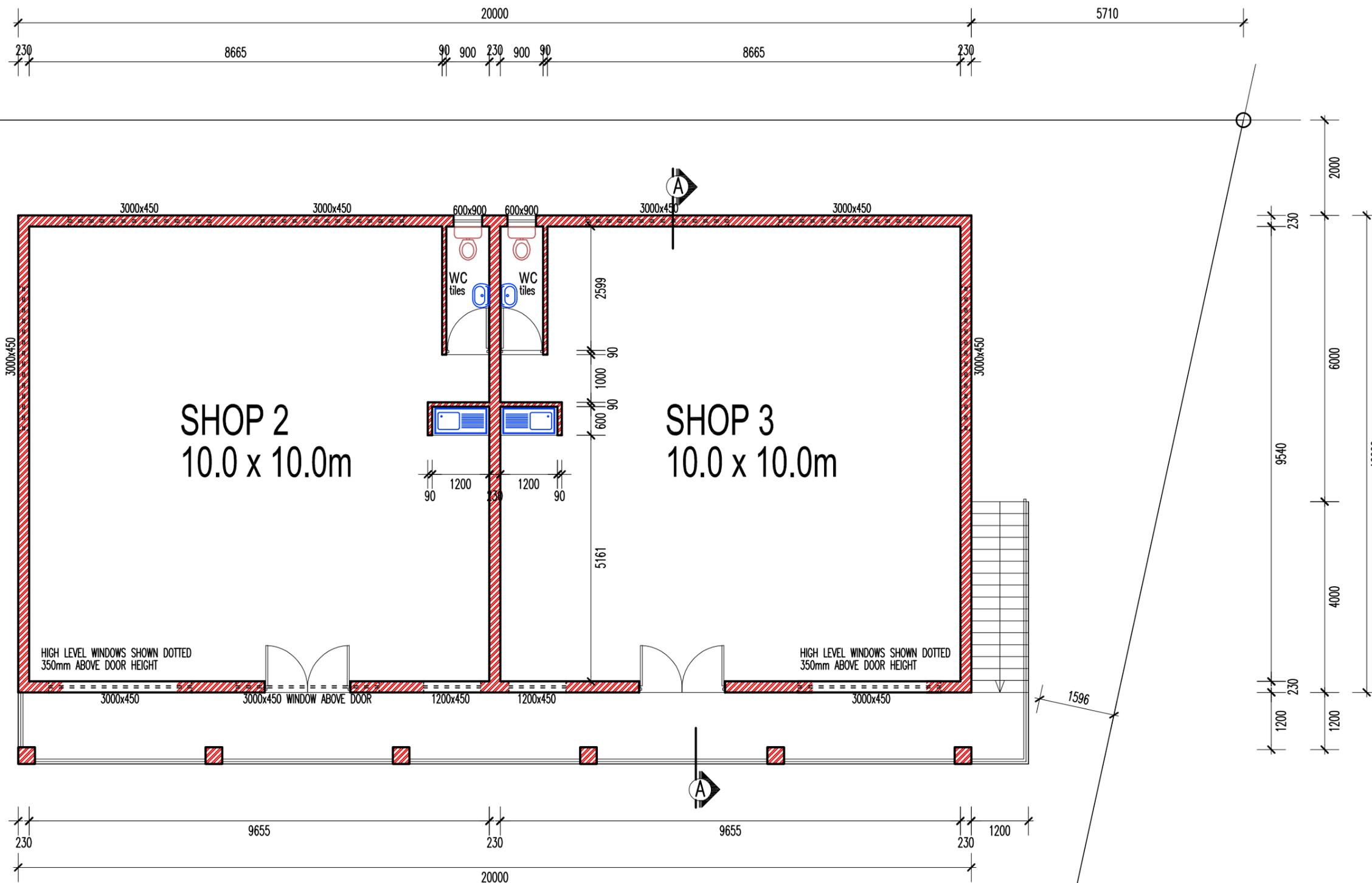
CLIENT
MORA

SIGNATURE

GERALD KULITI
GRD HOUSE PLANS
1 ONR NGCWALAZI DR. & SPINE ROAD,
ILITHA PARK, KHAYELITSHA
SACAP No. PAT68083403
Cell: +27 78 376 4174
Email: geraldkuliti@gmail.com

DATE	28 JUNE 2025
DRAWN	GERALD
SCALE	1 : 100
DRAWING NO.	7841 / 02





FIRST FLOOR PLAN SCALE - 1:100

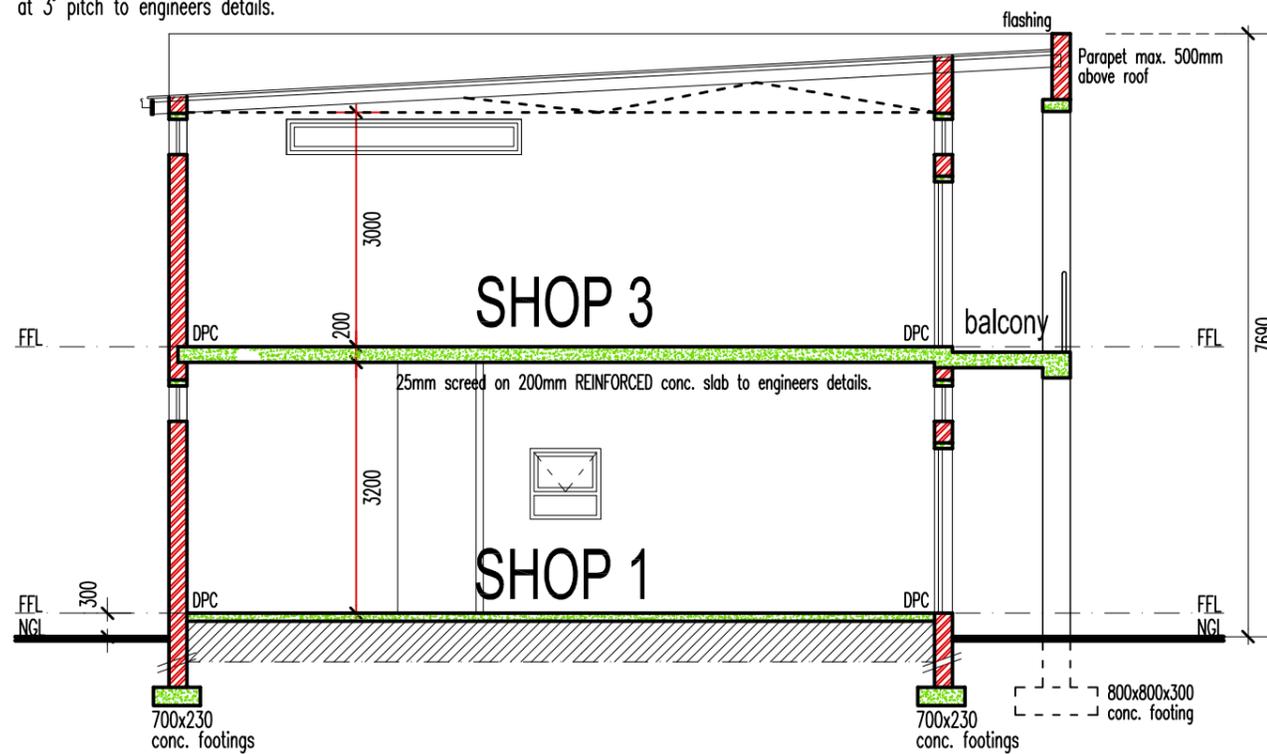
CLIENT
MORA
SIGNATURE

GERALD KULITI
GRD HOUSE PLANS
1 CNR NGCWALAZI DR. & SPINE ROAD,
ILITHA PARK, KHAYELITSHA
SACAP No. PAT68083403
Cell: +27 78 376 4174
Email: geraldkuliti@gmail.com

DATE	28 JUNE 2025
DRAWN	GERALD
SCALE	1 : 100
DRAWING NO.	7841 / 02



ROOF 3° - SINGLE LENGTH IBR sheeting
at 3° pitch to engineers details.



CLIENT
MORA

SIGNATURE

GERALD KULITI
GRD HOUSE PLANS
1 CNR NGCWALAZI DR. & SPINE ROAD,
ILITHA PARK, KHAYELITSHA
SACAP No. PAT68083403
Cell: +27 78 376 4174
Email: geraldkuliti@gmail.com

DATE	28 JUNE 2025
DRAWN	GERALD
SCALE	1 : 100
DRAWING NO.	7841 / 03



land reform &
rural development

Department:
Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

SURVEYOR-GENERAL'S OFFICE: WESTERN CAPE

90 Pico Street / Private Bag 79020, CAPE TOWN, 8000; Tel: 021 465 7358; Fax: 021 4628035; Email: sgdatawc@dalind.gov.za

IAN HOFFMAN
PROFESSIONAL LAND SURVEYOR
P.O. BOX 211
MALMESBURY
7298

Enquiries : TJ HEATH
My Reference: Malm. 755 V2
Your Reference: Email dt 2025-07-04

2025-07-10

Dear Sir/Madam

STATUS REPORT: Erven 3986 and 7841 Greater Chatsworth

I refer to your request dated 2025-07-03

According to my records, the land shown on the attached plan:

Bordered blue represents Erf 3986 Greater Chatsworth vide General Plan SG No.1268/1998

It is shown as Ordinary Erf in our records

Bordered pink represents Erf 7841 Greater Chatsworth vide General Plan SG No.1268/1998

It is shown as Ordinary Erf in our records

Yours faithfully

TJ HEATH
for Surveyor-General: Cape Town

U.S. No. 1066/1328
 20. 2. 10. 1. 1011
 1066/1328
 1066/1328
 1066/1328

1066/1328
 ALGERIA - PLAN No. 206/1998
 1066/1328
 DIRECTION DES TRAVAUX PUBLICS
 1066/1328
 1066/1328

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 1066/1328

C

96



Voorgestelde hersonering, onderverdeling en konsolidasie

Erwe 3986 & 7641, Riverlands

Publieke deelname

Skaal: NVT



PETITION AGAINST PROPOSED REZONING, CONSOLIDATION & SALE OF MUNICIPAL COMMUNITY LAND

(In terms of Section 59 of the Swartland Municipal Land Use Planning By-law, 2020)

To:

The Municipal Manager / The Mayor,
Swartland Municipality

Date: 14/09/2025

We, the undersigned residents and community stakeholders of _____

RIVERLANDS, Ward 4 hereby petition the Municipality to withdraw and reject the proposed rezoning and consolidation application affecting **Erf 3986 & 7841 , Riverlands (Notice 09/2025/2026)**, as published under **section 25(2)(a)** and **section 25(2)(e)** of the Swartland Municipal Land Use Planning By-law (PG 8226, 25 March 2020).

Grounds of Objection:

- The proposal threatens indigenous, scarce and endangered plant species, with no proof of biodiversity or environmental assessment.
- The proposed "community-zoned portion" will be fragmented and of little or no benefit to the community at large, while the Municipality stands to benefit financially.
- The process lacks transparency and may not comply with the By-law and with Section 14 of the Municipal Finance Management Act regarding disposal of municipal land.
- Section 75 of the By-law requires consideration of *other laws* (including environmental and heritage laws) and investigations; these appear absent.
- Public participation and notice requirements (sections 45, 55–61 of the By-law) have not been adequately met.

We therefore demand:

1. A moratorium on rezoning and consolidation until a full environmental/biodiversity assessment and NEMA compliance are confirmed.
2. Full disclosure of the application file, council resolutions, valuations, and MFMA compliance.
3. Proper community consultation and workshop to explore alternatives that preserve biodiversity and serve the community.

We submit this petition in terms of **section 59 of the By-law**, duly signed by affected community members.

Signed at: RIVERLANDS

Date: 14/09/2025

Petisie - Handtekeninge Lys

	Volle Naam en Van	ID nommer/ Huis Adres	Kontak Nommer/ Epos adres	Handtekening
26.	MARIELE Dicks		0731336694	
27.	Adrie Buisson		066368017	
28.	Sarah Buiters		0737446334	
29.	Johanon Carolus		0833471158	
30.	FISHLEN CAROLUS	19 TARENFAAL STR. Rivierland	0674099276	
31.	Anvor Gajka	888 Landbou	0674099276 0969382007	
32.	Cashy Leigh Damonse	19 Tarenfaal STR Rivier	0128565576	
33.	SHANE MOSES	02 Landbou	0791034496	
34.	GRENDA BURGER	44 PELIKAAN STR. KwaZulu	0661760592	
35.	RALPH BURGER	44 PELIKAAN STR. KwaZulu	0847653274	
36.	Janine KunderMene	40 Pelikaan Str.	0729436520	
37.	Burnelee Welton	40 Pelikaanstr.	0842248941	
38.	Anthony van Rooijen	42 PELIKAAN STR.	0743874767	
39.	Cheryl Alexander	42 PELIKAAN STR	0628218186	
40.	Donald Mosala	14 Arend Street	0653927114	
41.	YVONNE - MOOS	4 Kerk Straat	0688785719	
42.	Furnel RUTES	2 Kerkstraat		
43.	MARIA FRANS	2 Kerkstraat		
44.	Wigged Moos	4 Kerkstraat	0725385091	
45.				
46.				
47.				
48.				
49.				
50.				

Petisie - Handtekeninge Lys

	Volle Naam en Van	ID nommer/ Huis Adres	Kontak Nommer/ Epos adres	Handtekening
1.	PIET DAVIDS	7403195170088	0723320228	
2.	MICHELLE DAVIDS	7603220775081	0718763879	
3.	ROBERTO FELIX	9510015131088	0604761682	
4.	REUBEN BRAAF	8404015046085	0625634046	
5.	LABIRON BOOYSEN			
6.	PETRUS RUITERS		0818547241	
7.	Joey Brink			
8.	Pamela Dicks		0609511242	
9.	Caroline Gaila		0737769067	
10.	Caroline Gaila	Landbou 5b	0848044724	
11.	Megan Cardus	19 Tarentaalstr. Riverlands	0783274556	
12.	KARL CRABBA	56 Landbou	0645981345	
13.	AUSIN OCKENS	00 Suidkroon 6	0651434920	
14.	Edwina Daniels	46 Pelicane Street		
15.	Deslyn Geduld	48 Pelikaan straat	0766665765	
16.	Samantha Carolus	10 Arend straat		
17.	Kirsty Lewis	21 Waterblommestjie		
18.	Johanna Solomons	2 Gousblomstr Riverlands	0035987162	
19.	A. Solomons	" " " "	" " " "	
20.	Evelyn Solomons	Waterblommestjestr 2b	0631532183	
21.	KOOS Solomons	" " " "	" " " "	
22.	Mebany vd Merwe	40 Pelikaan str		
23.	Tracy vd Merwe			
24.	Lenere Ruiters	38 Pelicanstr. 2		
25.	GAVIN ADAMS		0780966554	

Petisie - Handtekeninge Lys

	Volle Naam en Van	ID nommer/ Huis Adres	Kontak Nommer/ Epos adres	Handtekening
51.	Lea Carolus		0839696425	R Carolus
52.	Martha Damons	Protea str. 5	07 2374 0594	M. Damons
53.	Padia Moses	patrys 7		P. Moses
54.	Alice Moses	Landbou 22.	0794505159	Alice
55.	Lucretia Taft	landbou 33	0783637128	L Taft
56.	Filecety Carolus	Arend str 6	065 562 8809	F. Carolus
57.	Sergo Brysen	Klein d. street		S. Brysen
58.	Anuscka Davids	Tarentaal str. 14	-	A. Davids
59.	Wayne Taft	Landbou 33	0780521709	W. Taft
60.	Shereen Moses	Landbou 02 Riverlands		S. Moses
61.	NABEELAH Jacobs	AREND STREET 14	0634400869	N. Jacobs
62.	Quaamodien Jacobs	AREND STREET 14		Q. Jacobs
63.	Annelie Groepes	Arendstreet 13		A. Groepes
64.	marco Groepes	Arendstreet 14	0691000780	M. Groepes
65.	Russel Mouton	Sandpypie str. 28	0769005672	R. Mouton
66.	Allister Groepes	Arendstreet 13		A. Groepes
67.	José. Klaseen	Kelkewynstraat 3	0711860247	J. Klaseen
68.	CAVIN GROEPIES	AREND STRAAT 10	0621389392	C. Groepies
69.	Cornay Geduld	6 Sandpypie straat	060 416 3551	C. Geduld
70.	BRAD-LEE MOSES	10 Protea	071 088 1281	B. Moses
71.	W. HANNA SOLOMONS	6 ARENDSTR.	-	W. Solomons
72.	Phrusco Solomons	8 Arendstr		P. Solomons
73.	ANASTACHA SOLOMONS	8 ARENDSTR.	078 2170852	A. Solomons
74.	Peter Solomons	"	-	P. Solomons
75.				

Scanned with

CK RUMBOLL & PARTNERS INC.



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

DATE: 10 October 2025

OUR REF: RIV/14504/MC

YOUR REF: 15/3/3-13/Erf_3986,7841;

15/3/6-13/Erf_3986,7841

15/3/12-13/Erf_3986,7841

BY HAND

ATTENTION: Mr A. Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

MUNISIPALITEIT SWARTLAND					REG.
ERVEN N ^o	Streeks	Streeks	Streeks	Streeks	Streeks
15/3/3-13	Erf	3986,7841			
15/3/6-13	Erf	3986,7841			
15/3/12-13	Erf	3986,7841			

Mr,

COMMENTS ON OBJECTIONS: PROPOSED REZONING, SUBDIVISION, AND CONSOLIDATION ON ERVEN 7841 AND 3986, RIVERLANDS (GREATER CHATSWORTH)

1. Introduction

The land use application regarding the subject dated 14 July 2025 and your letter dated 23 September 2025, refer.

During the public participation period, an objection was received from the following individual on behalf of the Riverlands community:

- A. Ralph Burger (44 Pelikaan Street, Riverlands);

This document provides a formal response to the objection received.

2. Comments on Objections

See the following table for our office's response to the objections.



DIREKTEURE / DIRECTORS:

IHJ Rumboll GPr LS0737 | AP Steyl GPr LS0761 | J Linneeman Pr Pln A206/2010 | WA Hoffman GPr LS1223 | CR Taljaard GPr ES2672

ADDRESS/ ADRES: info@ckrumboll.co.za / PO Box 211 / 16 Rainierstr. Malmesbury, 7209
MALMESBURY (T) 022 482 1845 WEBSITE www.ckrumboll.co.za

Table 1: Comments on Objections

Objector	Objections	Response from CK Rumboll & Partners
A	<p>1. The proposal threatens indigenous, scarce, and endangered plant species, with no proof of biodiversity or environmental assessment. We demand a moratorium on rezoning and consolidation until a full environmental/biodiversity assessment and NEMA compliance are confirmed.</p>	<p>1. The subject properties formed part of a township extension approved by the Surveyor-General on 17 August 1998. Both erven were initially designated as Public Open Space but have since been heavily disturbed and no longer retain botanical or ecological value.</p> <p>A desktop biodiversity review and site inspection confirmed the absence of any indigenous or endangered vegetation. The following figures shows a complete transformation of the site with no remaining natural habitat.</p>  <p>Figure 1 (2003): Natural vegetation visible on Erven 7841 and 3986.</p>



Figure 2 (2025): No natural vegetation present, reflecting substantial disturbance.



Figure 3 (3 October 2025): No critical biodiversity plant species present, reflecting substantial disturbance.

		<p>The proposal does not trigger any listed activities in terms of the Environmental Impact Assessment Regulations (2014, as amended). Therefore, no environmental authorisation is required in terms of the National Environmental Management Act, 1998 (Act 107 of 1998).</p> <p>The application is compliant with applicable environmental legislation, and the objection does not warrant a moratorium.</p>
A	<p>2. The proposed "community-zoned portion" will be fragmented and of little or no benefit to the community at large, while the Municipality stands to benefit financially.</p>	<p>2. The existing cadastral layout of Erven 3986 and 7841 is irregular and limits functional development. The proposed rezoning, subdivision, and consolidation will create a more practical and integrated configuration, improving land usability and enabling development that supports community needs.</p> <p>The revised layout is not fragmented. It rather facilitates coordinated development of secondary business and community facilities consistent with municipal planning objectives. The intent is to optimise underutilised land for both public and local economic benefit, not financial gain alone.</p>
A	<p>3. The process lacks transparency and may not comply with the By-law and with Section 14 of the Municipal Finance Management Act regarding disposal of municipal land. We demand a full disclosure of the application file, council resolutions, valuations, and MFMA compliance.</p>	<p>3. Erf 7841 was historically municipal property, while Erf 3986 became available through a debt recovery process and was sold at a public auction on 29 November 2024. Swartland Municipality participated in the auction but was unsuccessful; ownership was transferred to Mr. Sam Momelezi Leon on 17 March 2025.</p>

		<p>The current application does not involve the disposal of municipal land, and therefore Section 14 of the MFMA does not apply. The auction and related municipal actions complied fully with relevant policies and legislative procedures.</p> <p>The land use application followed the prescribed public participation process in terms of the Municipal Land Use Planning By-law. The process has been transparent and procedurally compliant.</p>
A	4. Section 75 of the By-law requires consideration of other laws (including environmental and heritage laws) and investigations; these appear absent.	<p>4. As mentioned in Point 1, the application does not trigger any of the activities of the Environmental Impact Assessment Regulations. Accordingly, no environmental authorisation is required in terms of the National Environmental Management Act (Act 107 of 1998).</p> <p>Likewise, the application does not trigger any provisions of the National Heritage Resources Act (Act 25 of 1999). The site is currently vacant and, according to the Swartland Heritage Survey, does not contain any structures, features, or other elements of heritage significance.</p> <p>In summary, all relevant environmental and heritage legislation has been considered, and the application is fully compliant with the Swartland Municipality By-law on Municipal Land Use Planning (PG 8226).</p>
A	5. Public participation and notice requirements (sections 45, 55-61 of the By-law) have not been adequately met. We	5. A fully compliant public participation process was undertaken by the Swartland Municipality. The application was advertised in two

	<p>demand a proper community consultation and workshop to explore alternatives that preserve biodiversity and serve the community.</p>	<p>local newspapers, "Swartland Joernaal" and "Swartland Gazette", as well as in the Provincial Gazette, to invite comment. Individual notices were also sent to identified surrounding neighbours, and the application was circulated to all relevant internal and external departments for review and comment.</p> <p>The proposal aligns with the Swartland Spatial Development Framework (2023-2027, amended 2025), which was itself informed by extensive public participation, including ward-based open days.</p> <p>The statutory consultation requirements have, therefore, been met in full, and no further workshops or consultations are required for this application.</p>
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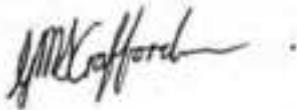
3. Conclusion

The objections raised have been carefully reviewed and addressed in accordance with the Swartland Municipality Land Use Planning By-law (PG 8226) and all applicable legislation. The responses demonstrate that the application fully complies with procedural, environmental, and heritage requirements. No listed activities are triggered under the Environmental Impact Assessment Regulations, and no heritage resources are present on the site. Furthermore, the public participation process was conducted in full compliance with the By-law and has provided sufficient opportunity for input from interested and affected parties.

The proposal represents a rational and policy-aligned reconfiguration of irregular cadastral parcels to enable functional development that benefits the Riverlands community. The revised layout supports appropriate land uses, aligns with the Swartland Spatial Development Framework (2023-2027, amended 2025), and promotes local economic activity while maintaining environmental compliance.

In conclusion, the application meets all statutory and planning requirements. This office fully supports the application and respectfully requests Council's favourable consideration.

Kind regards,



Mandri Crafford

For *CK RUMBOLL & PARTNERS*



31 October 2025

15/3/10-1/Erf_73

WYK: 7

ITEM 6.3 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 19 NOVEMBER 2025

LAND USE PLANNING REPORT PROPOSED CONSENT USE ON ERF 73, ABBOTSDALE					
Reference number	15/3/10-1/Erf_73	Application submission date	14 July 2025	Date report finalised	3 November 2025

PART A: APPLICATION DESCRIPTION

The application for consent use for a house shop on Erf 73, Abbottsdale, 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 aim of the application is to accommodate a house shop of 25m² in extent in a new building on the northern portion of the property.

The applicant and property owner is NE & LJ Fortune and the applicant is F Omar.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 73 Abbottsdale, in die Munisipaliteit Swartland, Afdeling Malmesbury, Provinsie Wes-Kaap				
Physical address	Between Spoorweg Street and 5 th Avenue	Town	Abbottsdale		
Current zoning	Residential Zone 1	Extent (m ² /ha)	2152m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)				
Current land use	Dwelling and outbuildings		Title Deed number & date	T23560/11	
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)		
Any third party conditions applicable?	Y	N	If Yes, specify		
Any unauthorised land use/building work	Y	N	If Yes, explain		

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

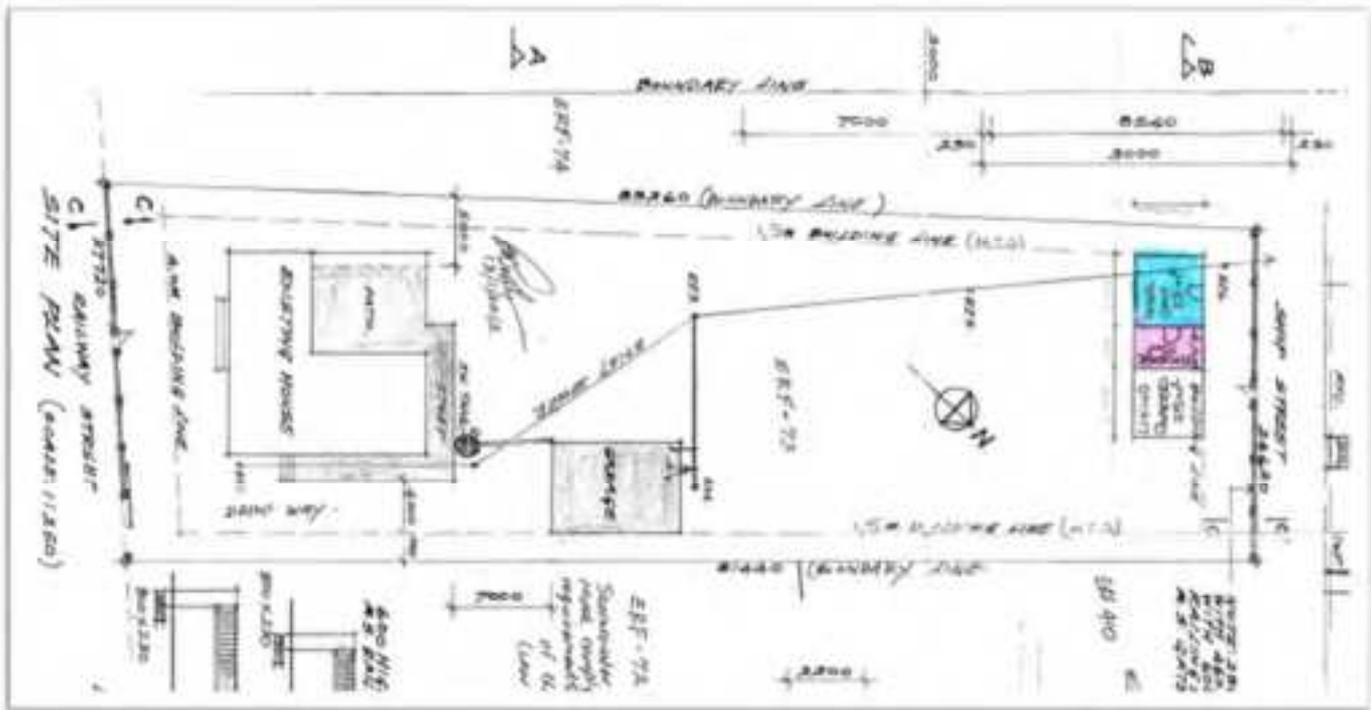
Rezoning	<input type="checkbox"/>	Permanent departure	<input type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Extension of the validity period of an approval	<input type="checkbox"/>	Approval of an overlay zone	<input type="checkbox"/>	Consolidation	<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 in respect of existing approval	<input type="checkbox"/>	Amendment or cancellation of an approved subdivision plan	<input type="checkbox"/>	Permission in terms of a condition of approval	<input type="checkbox"/>
Determination of zoning	<input type="checkbox"/>	Closure of public place	<input type="checkbox"/>	Consent use	<input checked="" type="checkbox"/>	Occasional use	<input type="checkbox"/>

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 73, Abbotsdale is zoned Residential Zone 1 and is developed with a dwelling and outbuildings.

The proposed house shop will be situated on the vacant portion of the erf next to 5th Avenue. The existing dwelling and outbuildings are situated on Spoorweg Street. See the site plan below.



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

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1. Application

Application is made for a consent use for a house shop on Erf 73..., in the town of ABBOTSDALE..... in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). It is proposed that the house shop will be operated from a portion that ism² in extent and is [part of the existing buildings / in a separate building] on the property (underline the applicable option)

2. Locality of the property

The erf is located on S⁷^H AVENUE.....(street address) . Access to the erf is obtained from the municipal street.

3. Physical characteristics of the property

The property is zoned Residential Zone ... in terms of Schedule 2 of the By-Law.

The erf is developed with a dwelling house and ~~.....~~ NA.....

The proposed house shop will be operated from:

A SEPARATE BUILDING OF 5m X 5m ON THE NORTHERN PORTION OF THE PROPERTY.....

In the title deed of the erf there are no restrictions which will impact negatively on this application.

4. Existing Planning of the area

According to the Spatial Development Framework of Swartland Municipality, the erf is situated in an area that includes a high-density residential character. Social and neighbourhood orientated commercial services are supported in this area. This application is therefore in compliance with the spatial planning for the town.

5. Character of the surrounding area

The surrounding area is predominantly characterised by residential dwellings and amenities. The proposed house shop, that adheres to the development parameters, will not impact negatively on the character of the area.

6. Provision of services

All services to the erf are existing and no additional services will be required.

7. Construction phase

The proposed house shop will be operated from [the existing outbuilding / an outbuilding / a building or portion that must still be constructed] (underline the applicable option).

PART G: SUMMARY OF PUBLIC PARTICIPATION

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

Y N

The applicant obtained the written consent of 10 of the affected parties. A total of 4 letters were also send to affected parties which was delivered by hand. At erf 71 nobody was home at the time. The notice was placed in the post box on the property.

The public participation process started on 24 July 2025 and ended on 29 August 2025. External departments (West Coast District Municipality and Eskom) were requested for comments. Their commenting period started on 24 July 2025 and ended on 25 September 2025. No comments were received from the external departments.

One objection was received.

The objection was send to the applicant for comments on 8 September 2025. No comments were received from the applicant.

Total valid comments	1		Total comments and petitions refused	0	
Valid petition(s)	Y	N	If yes, number of signatures		
Community organisation(s) response	Y	N	Ward councillor response	Y	N
Total letters of support	0				

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				Recommendation	
Name	Date received	Summary of comments	Pos	Neg	
Department: Civil Engineering Services	23 July 2025	<u>Water:</u> 1. Die bestaande wateraansluiting gebruik word en dat geen addisionele aansluitings voorsien word nie; <u>Riolering:</u> 2. Die bestaande wateraansluiting gebruik word en dat geen bykomende aansluitings voorsien word nie; <u>Strate en stormwater:</u> 3. Aflewering beperk word tot ligte afleweringvoertuie, wat nie 16 000kg oorskry nie;	✓		
Building Control	18 July 2025	Building plans to be submitted to Building Control for consideration and approval.	✓		
West Coast District Municipality	30 July 2025	1. The building structure of the food premises must comply with the requirements of the National Building Regulations and the Building Standards Act. 1977 (Act No. 103 of 1977) with regards to lighting and ventilation. 2. Suitable and effective means of drainage and sewerage disposal shall be provided on the premises, in compliance to the relevant By-laws of the local authority. 3. Approved methods of solid waste collection, storage and disposal shall be adopted and in compliance with the relevant By-laws of the local authority. 4. All facilities used in connection with the handling, preparation, storage and serving of foodstuffs must comply with the relevant Regulation 638, published in terms of the Foodstuffs, Cosmetic and Disinfectants Act 1972 (Act 54 of 1972). 5. The owner or person in charge must apply for a Certificate of Acceptability for the food premises in writing on the form that will be provided to him/her by the WCDM. 6. A rodent/pest control programme must be in place to minimize the risk of rodents and pests on the premises.	✓		

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

SUMMARY OF OBJECTION	SUMMARY OF APPLICANT'S RESPONSE	MUNICIPAL ASSESSMENT OF COMMENTS
<p>J Barlow, owner of erf 103</p> <p>1. Gronde vir beswaar</p> <p>Inkonsekwent met die residensiële aard van die buurt.</p> <p>Die bestaande dorpserfsonering is uitsluitlik residensieel en die vestiging van 'n kommersiële huiswinkel is in stryd met die oorwegend residensiële karakter.</p> <p>Dit skep 'n gevaarlike presedent wat kan lei tot verdere kommersiële indringing in 'n woongebied wat duidelik bedoel is vir gesinsbewoning.</p> <p>2. Verkeersveiligheid en onvoldoende infrastruktuur</p> <p>Die voorgestelde ligging is op 'n smal straat met beperkte sigbaarheid.</p> <p>'n Huiswinkel sal ongetwyfeld ekstra verkeersvloei en besoekersvoertuie lok, waarvoor daar geen voorsiening in veilige parkeerareas gemaak word nie.</p>	<p>No comments were received.</p>	<p>1. Within a 100m radius from erf 73 there are 2 Business zone 2 properties – one erf accommodates a shop and the other a transmission tower. However, the dominant use of the surrounding area to erf 73 is single residential. It is not fair to say that the surrounding area to erf 73 has a mixed use character. The proposed house shop will impact negatively on the character of the area.</p> <p>According to the SDF erf 73 is situated in zone F. Zone F has a low-density residential character with infill development opportunities on the northern periphery.</p> <p>Secondary Business Uses e.g. neighbourhood bussines uses such as house shops, small offices and home occupations can be accommodated along activity streets/corridors.</p> <p>5th Avenue is not an activity street which makes this application in contradiction with the spatial planning of Abbotsdale. This point will be discussed further at Part J – point 2.2.</p> <p>2. In general traffic generated by a house shop is deemed to be low. It is common that house shops are mostly visited by pedestrians.</p> <p>5th Avenue has a 10m wide road reserve which is deemed sufficient to accommodate any traffic generated by the proposed house shop. Sight distances are deemed sufficient in both directions as this portion of 5th Avenue is flat and it accommodates a speed hump ±10m erf 73.</p> <p>The proposed house shop poses no traffic safety issue and the existing road infrastructure is</p>

	<p>Dit verhoog die risiko vir voetgangers, veral kinders wat in die straat speel en na skole/stasie beweeg.</p> <p>3. Geraas- en omgewingshinder</p> <p>Die beoogde bedryf sal noodwendig veroorsaak dat daar voortdurend mense en voertuie in en uit beweeg.</p> <p>Dit gaan lei tot verhoogde geraasvlakke, onrus en ontwrigting in 'n buurt waar inwoners op 'n rustige leefomgewing geregtig is.</p> <p>4. Veiligheids- en ordelikhedsrisiko's</p> <p>'n Toename in beweging en besoekers skep groter geleenthede vir veiligheidsrisiko's en ordelikhedsprobleme.</p> <p>Dit bedreig die gemoedsrus van inwoners en die veiligheid van gesinne, veral omdat die ligging direk teenoor my woning is.</p> <p>5. Afwyking van beplanningsbeginsels en regverdige administrasie</p> <p>Die Munisipale Grondgebruik Beplanning Verordening vereis dat grondgebruik slegs verander moet word indien dit in die breër publieke belang is.</p> <p>'n Huiswinkel op 'n enkele erf in 'n gevestigde woonbuurt bevorder nie die breër publieke belang nie, maar bevoordeel 'n individu ten koste van die gemeenskap se leefbaarheid en veiligheid.</p>		<p>sufficient to accommodate the anticipated increase in traffic.</p> <p>3. House shops are generally accommodated in residential areas due to its low disturbance potential. The spatial planning proposals of the municipality reflects this as well as the use is accommodated as a consent use under the Residential zone 1 zoning. It is anticipated that this house shop will be no different. However, in this case the proposed house shop is in contradiction with the spatial planning of Abbotsdale as business uses are restricted to activity streets/corridors.</p> <p>4. This objection is speculative and is noted. As already argued, the anticipated impact of the proposed house shop on the surrounding area is deemed to be low. However, the proposed house shop is out of character with the surrounding area and the land use is in contradiction with the spatial planning of Abbotsdale.</p> <p>5. As argued at point 1 above, the proposed house shop is a land use, which is in this case, in contradiction with the spatial planning of zone F of the spatial planning of Abbotsdale.</p> <p>Section 22(1) of SPLUMA states the following: <i>"...A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework..."</i></p> <p>The application can therefore not be supported.</p>
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	<p>6. Gevolgtrekking en Versoek</p> <p>Op grond van bogenoemde redes versoek ek dat die aansoek van die hand gewys word, aangesien dit:</p> <p>nie versoenbaar is met die bestaande ruimtelike beplanning en sonering van die gebied nie,</p> <p>'n direkte negatiewe impak op verkeersveiligheid, leefkwaliteit en veiligheid van inwoners sal hê, en</p> <p>'n gevaarlike presedent skep vir die toekoms van Abbotsdale se residensiële karakter.</p>		<p>6. The application is in contradiction with the spatial planning of Abbotsdale and cannot be supported.</p> <p>The proposed house shop is out of character with the surrounding residential area and will have a negative impact and may create a precedent is supported.</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 a house shop on Erf 73, Abbotsdale, 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 aim of the application is to accommodate a house shop of 25m² in extent in a new building on the northern portion of the property.

The applicant obtained the written consent of 10 of the affected parties. A total of 4 letters were sent to affected parties which was delivered by hand. At erf 71 nobody was home at the time. The notice was placed in the post box on the property.

The public participation process started on 24 July 2025 and ended on 29 August 2025. External departments (West Coast District Municipality and Eskom) were requested for comments. Their commenting period started on 24 July 2025 and ended on 25 September 2025. No comments were received from the external departments.

The objection was sent to the applicant for comments on 8 September 2025. No comments were received from the applicant.

The application is now in a position to be presented to the MPT for decision making.

2. Legislation and policy frameworks

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

- a) Spatial Justice: The proposed land use is deemed to be in conflict with the spatial planning of Abbotsdale. The application does not comply with the principle of Spatial Justice.
- b) Spatial Sustainability: Sufficient services capacity exist to accommodate the proposed house shop which results in the optimal use of existing infrastructure. However, the proposed house shop is out of character with the surrounding residential area and will have a negative impact and may create a precedent is supported. The application does not comply with the principle of Spatial Sustainability.
- c) Efficiency: The spatial planning of the specific zone of Abbotsdale is clear that the proposed house shop can only be accommodated on an activity street which is not the case with this application. A mix of land uses for professional uses e.g. offices like doctors, dentists, attorneys, architects, engineers and town planners are supported as home occupations. The application does not comply with the principle of Efficiency.
- a) Good Administration: The applicant obtained written consent from affected property owners and written notices were hand-delivered to other affected parties. The application was also circulated to the relevant municipal departments and West Coast District Municipality and Eskom for comment. Consideration was given to all correspondence received. It is therefore argued that the principles of good administration were complied with by the Municipality.
- b) Spatial Resilience: The relevant portion of 5th Avenue cannot accommodate the proposed house shop as it is in conflict with the spatial planning of the area. The dominant residential area is not resilient enough to accommodate the proposed house shop. The application does not comply with the principle of Spatial Resilience.

2.2 Spatial Development Framework (SDF 2023)

The SDF indicates that erf 73 is situated in zone F. Zone F has a low-density residential character with infill development opportunities on the northern periphery.

Secondary Business Uses e.g. neighbourhood business uses such as house shops, small offices and home occupations can be accommodated along activity streets/corridors only.

Professional uses e.g. offices like doctors, dentists, attorneys, architects, engineers and town planners can be accommodated anywhere in the zone.

It is the intention of the SDF to restrict business uses in this zone to Winkel Street.

The proposed house shop on erf 73 is in contradiction with the spatial planning of Abbotsdale.

2.3 Land Use Planning By-Law: Schedule 2

The Zoning Scheme, contained as Schedule 2 of the By-Law, makes provision for house shops as a consent use within the Residential Zone 1 zoning.

The house shop adheres to the development parameters of a Residential Zone 1 property, as well as the specific requirements for house shops, as stipulated in the scheme.

3. **Desirability of the proposed utilisation**

The application is deemed undesirable as the proposes use of a house shop is in contradiction with the spatial planning of Abbotsdale.

4. **Impact on municipal engineering services**

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

5. **Response by applicant**

None forthcoming.

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

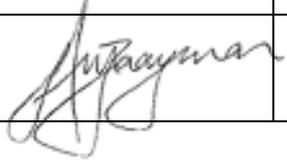
A. The application for a consent use on Erf 73, Abbotsdale, be refused in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

B. GENERAL

1. 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.
2. The objector be notified accordingly of the outcome of this decision.

PART M: REASONS FOR RECOMMENDATION

1. The proposed house shop is not complimentary to the residential character of the area and will have a negative impact.
2. The proposes use is in contradiction with the spatial planning of Abbotsdale.
3. The application does not comply with the principles of SPLUMA and LUPA.

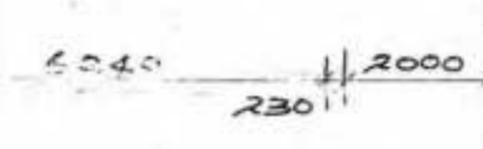
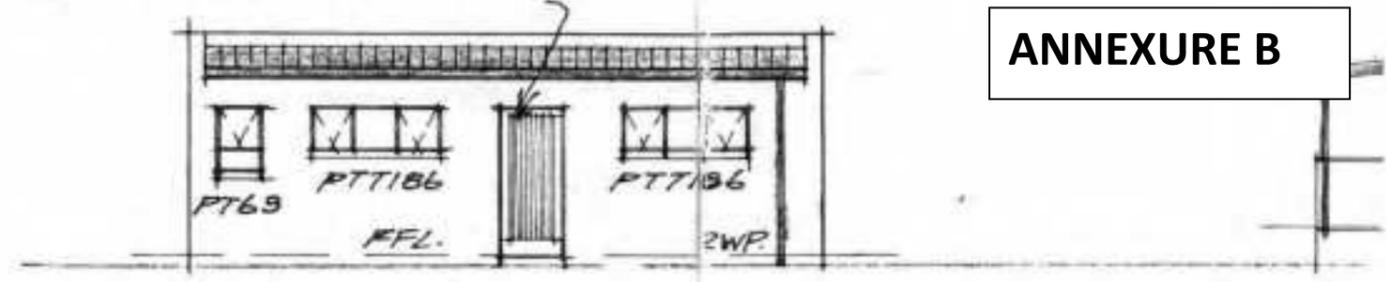
PART N: ANNEXURES				
Annexure A	Locality Plan			
Annexure B	Site Development Plan			
Annexure C	Public participation map			
Annexure D	Objection by J Barlow			
Annexure E	Comments from the West Coast District Municipality			
PART O: APPLICANT DETAILS				
First name(s)	F Omar			
Registered owner(s)	NE & LJ Fortune	Is the applicant authorised to submit this application:	Y	N
PART P: SIGNATURES				
Author details: AJ Burger Manager Town & Regional Planner SACPLAN: B/8429/2020			Date: 3 November 2025	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN:B/8001/2001		Recommended	Not recommended 	
			Date: 6 November 2025	



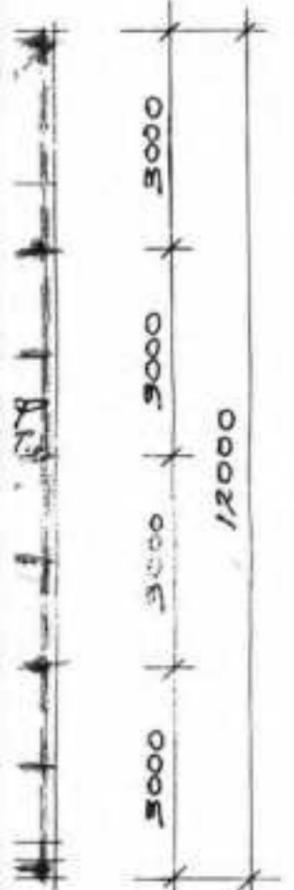
Proposed consent use
Erf 73, Abbotsdale
Locality plan
Scale: N/A



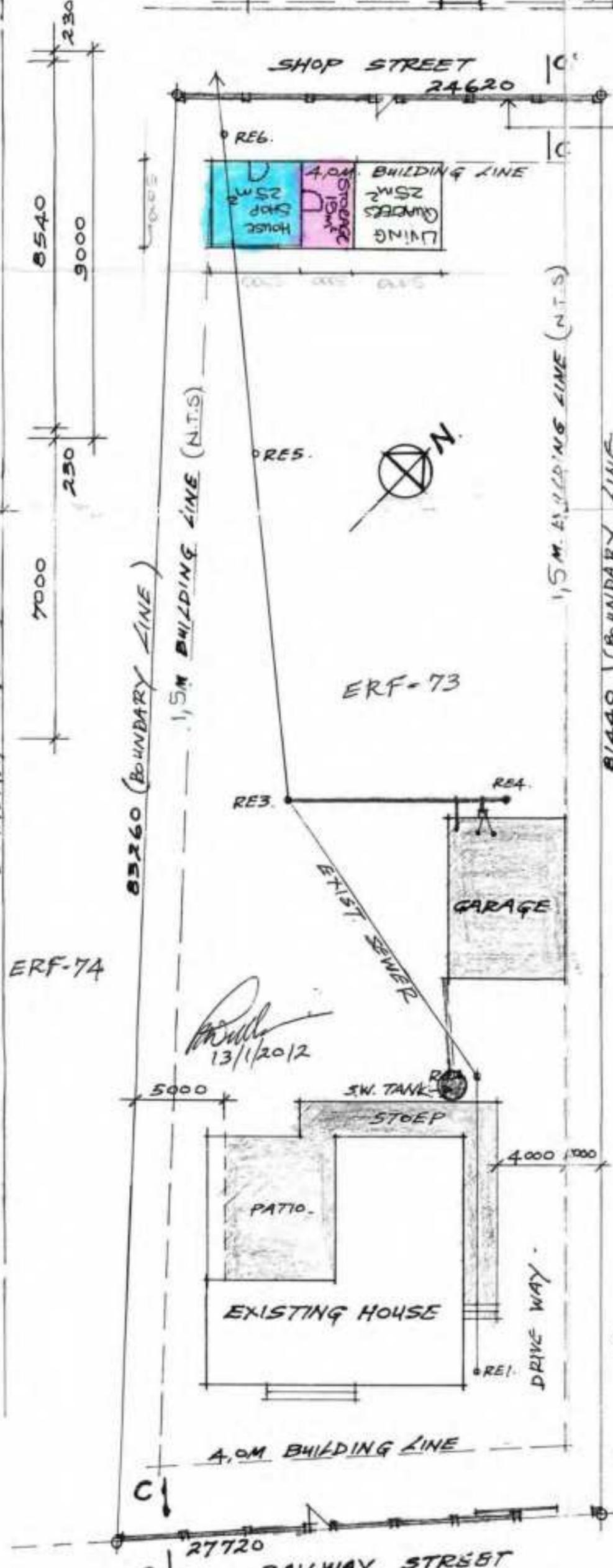
INAGE



13/1/2012
RE. 2.

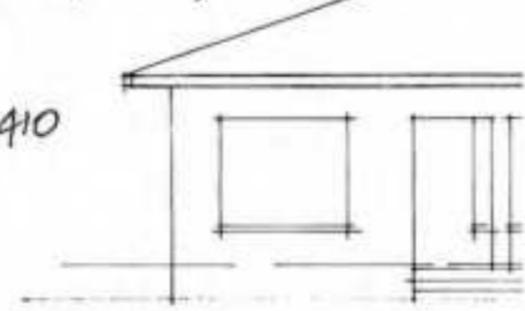


RE. 1.

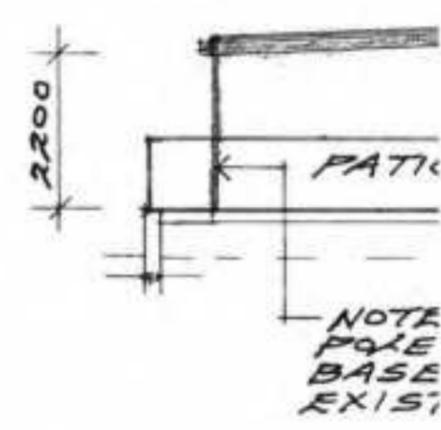


S-WEST

NOTE: 230MM. WALL. 1200MM. HIGH WITH 460X460 PIERS 180 WITH 600MM. HIGH GALV'D RAILINGS BETWEEN (900, M.S. GATE.)

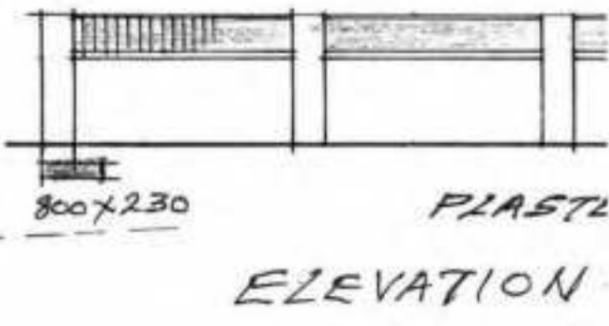
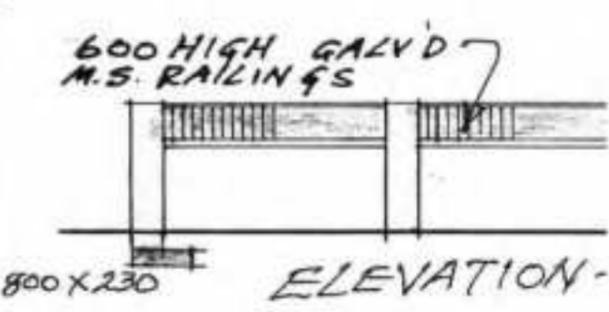


S-EAST



ERF-72

Stormwater disposal must comply to the requirements of PART R of the SANS10400 (LAW 103 of 1977).



SITE PLAN (SCALE: 1:250)

ZONING AND LOCALITY ERF 73, ABBOTSDALE

-  COMMUNITY ZONE 2
-  COMMUNITY ZONE 3
-  GENERAL RESIDENTIAL ZONE 1
-  GENERAL RESIDENTIAL ZONE 2
-  GENERAL RESIDENTIAL ZONE 3
-  INDUSTRIAL ZONE 1
-  INDUSTRIAL ZONE 2
-  INDUSTRIAL ZONE 3
-  OPEN SPACE ZONE 1
-  OPEN SPACE ZONE 2
-  OPEN SPACE ZONE 3
-  OPEN SPACE ZONE 4
-  RESIDENTIAL ZONE 1
-  RESIDENTIAL ZONE 2



ANNEXURE C

BESWAARSKRIF TEEN VERGUNNINGSGEBRUIK OP ERF 73, ABBOTSDALE

Aan:
 Die Munisipale Bestuurder
 Swartland Munisipaliteit
 Privaatsak X52
 Malmesbury
 7299
 E-pos: swartlandmun@swartland.org.za

Item No.	Insigting	Verreig	Afstand	Form/Taar
SSSB				
Del.				
Ander Opmerking				
Munisipaliteit				getyds

Faks: 022 487 9440

Datum: 28 Augustus 2025

Betreklik: Formele beswaar teen aansoek om vergunningsgebruik vir 'n huiswinkel op Erf 73, Abbotsdale

Ek, ondergetekende John Barlow, eienaar van Erf 103, Abbotsdale, wens hiermee formeel beswaar aan te teken teen die voorgestelde vergunningsgebruik vir 'n huiswinkel (25 m²) op Erf 73, Abbotsdale.

Gronde vir beswaar

- Inkonsekwent met die residensiële aard van die buurt
- Die bestaande dorpsersonering is uitsluitlik residensieel en die vestiging van 'n kommersiële huiswinkel is in stryd met die oorwegend residensiële karakter.
- Dit skep 'n gevaarlike presedent wat kan lei tot verdere kommersiële indringing in 'n woongebied wat duidelik bedoel is vir gesinsbewoning.

Verkeersveiligheid en onvoldoende infrastruktuur

- Die voorgestelde ligging is op 'n smal straat met beperkte sigbaarheid.
- 'n Huiswinkel sal ongetwyfeld ekstra verkeersvloei en besoekersvoertuie lok, waarvoor daar geen voorsiening in veilige parkeerareas gemaak word nie.
- Dit verhoog die risiko vir voetgangers, veral kinders wat in die straat speel en na skole/stasie beweeg.

Geraas- en omgewingshinder

- Die beoogde bedryf sal noodwendig veroorsaak dat daar voortdurend mense en voertuie in en uit beweeg.



- Dit gaan lei tot verhoogde geraasvlakke, onrus en ontwrigting in 'n buurt waar inwoners op 'n rustige leefomgewing geregtig is.

Veiligheids- en ordelikheidsrisiko's

- 'n Toename in beweging en besoekers skep groter geleentehede vir veiligheidsrisiko's en ordelikheidsprobleme.
- Dit bedreig die gemoedsrus van inwoners en die veiligheid van gesinne, veral omdat die ligging direk teenoor my woning is.

Afwyking van beplanningsbeginsels en regverdige administrasie

- Die Munisipale Grondgebruiksbeplanningverordening vereis dat grondgebruik slegs verander moet word indien dit in die breër publieke belang is.
- 'n Huiswinkel op 'n enkele erf in 'n gevestigde woonbuurt bevorder nie die breër publieke belang nie, maar bevoordeel 'n individu ten koste van die gemeenskap se leefbaarheid en veiligheid.

Gevolgtrekking en Versoek

Op grond van bogenoemde redes versoek ek dat die aansoek van die hand gewys word, aangesien dit:

- nie versoenbaar is met die bestaande ruimtelike beplanning en sonering van die gebied nie,
- 'n direkte negatiewe impak op verkeersveiligheid, leefkwaliteit en veiligheid van inwoners sal hê, en
- 'n gevaarlike presedent skep vir die toekoms van Abbotsdale se residensiële karakter.

Ek behou my reg voor om verdere insette te lewer en om by enige raadpleging of verhore teenwoordig te wees.



 J Barlow
 Datum :

**WESKUS
DISTRICKSMUNISIPALITEIT
WEST COAST DISTRICT
MUNICIPALITY**

Rg alle korrespondensie aart:
Address all correspondence to:

**MUNISIPALE BESTUURDER/
MUNICIPAL MANAGER**

Navrse/Enquiries : L Howburg
Voor Nr./Ref. No.: 132/12/1/4



Postbus / P.O. Box 242
MOORREESBURG 7310

Telefoon/Phone (022)
4338400
Faks/Fax Nr. 0866028113

E-Mail Adres/Address :
lknowburg@wcdm.co.za

30 July 2025

MEMORANDUM

TO

FROM

D STALLENBERG
Division: Town Planning

L HOWBURG
Division: Environmental Health

Dear Madam

COMMENTS: PROPOSED CONSENT USE ON ERF 73, ABBOTSDAL

1. The building structure of the food premises must comply with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977) with regards to lighting and ventilation.
2. Suitable and effective means of drainage and sewage disposal shall be provided on the premises, in compliance to the relevant By-Laws of the local authority.
3. Approved methods of solid waste collection, storage, and disposal shall be adopted, and in compliance with the relevant By-laws of the local authority.
4. All facilities used in connection with the handling, preparation, storage and serving of foodstuffs must comply with the relevant Regulation 638, published in terms of the Foodstuffs, Cosmetic and Disinfectants Act 1972, (Act 54 of 1972).
5. The owner or person in charge must apply for a Certificate of Acceptability for the food premises in writing, on a form that will be provided to him/her by this department.
6. A rodent/pest control programme must be in place to minimize the risk of rodents and pests on the premises.

Yours faithfully

Letitia Howburg
ENVIRONMENTAL HEALTH PRACTITIONER