



File ref: 15/3/10-15/Farm_158/5

Enquiries:
Mr AJ Burger

30 September 2025

Rodeplan
2 Brandwacht Street
STELLENBOSCH
7600

By Registered Mail

Dear Sir/Madam

PROPOSED OF CONSENT USE ON PORTION 5 OF FARM BOSCHJESMANS KLOOF NO 158, DIVISION MALMESBURY

Your application dated 17 December 2024, received by the municipality on 28 March 2025, on behalf of Department of Infrastructure, refers.

By virtue of the authority delegated to the Senior Manager: Development Management in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for a consent use on portion 5 of farm Boschjesmans Kloof no 158, Division Malmesbury, is approved in terms of section 70 of the By-Law, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The consent use authorises mining in the form of a borrow pit with a total footprint of 2ha in order to mine gravel for road maintenance purposes of divisional road DR1173, as presented in the application;
- b) The mining activity is limited to the extraction of gravel, as presented in the application;
- c) Should any human remains be found during the mining process, SAHRA and Heritage Western Cape must be notified immediately;
- d) Mining activities be conducted in accordance with the approved Environmental Management Programme and layout plan;

2. WATER

- a) No municipal drinking water can be provided;

3. GENERAL

- a) The owner/developer complies with the conditions of the Environmental Authorisation of the Department of Mineral Resources and Energy, reference number WC30/5/1/2/3/2/1(166)BP, dated September 2022;

- b) The owner/developer complies with the requirements issued by Eskom with their letter with reference 19153-25, dated 26 June 2025;
- c) The owner/developer complies with the requirements issued by Department of Agriculture with letter with reference 20/9/2/2/5/711, dated 19 June 2025;
- d) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- e) The approval is valid for a period of 5 years, in terms of Section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision. Should all conditions of approval be met within the prescribed period, the land use becomes permanent and the approval period will no longer be applicable;
- f) The applicant/objector be informed of the right to appeal against the decision of the Authorized Official in terms of Section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with Section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

Yours sincerely


MUNICIPAL MANAGER
per Department Development Services
AJB/ds

Copies: *Department: Financial Services*
 Department: Civil Engineering Services
 Building Control Officer
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