PORTION 9 OF THE FARM MODDER RIVIER NO. 654, DIVISION CALEDDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR TEMPORARY DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: RODEPLAN (PTY) LTD ON BEHALF OF WESTERN CAPE GOVERNMENT (DEPARTMENT OF INFRASTRUCTURE)

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for the following:

- **Temporary departure** in terms of Section 16(2)(c) of the By-Law in order to accommodate the stockpile and removal of excavated material for future use, and
- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning at 16 Paterson Street, Hermanus and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ . Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / landuse@overstrand.gov.za) on or before **18 December 2026**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. P. Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town & Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.

GEDEELTE 9 VAN DIE PLAAS MODDERRIVIER NR. 654, AFDELING CALEDON, OVERSTRAND MUNISIPALE AREA: AANSOEK OM TYDELIKE AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: RODEPLAN (PTY) LTD NAMENS DIE WES-KAAPSE REGERING (DEPARTEMENT VAN INFRASTRUKTUUR)

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek ontvang is vir die volgende:

- **Tydelike afwyking** ingevolge Artikel 16(2)(c) van die Verodening ten einde die opgaar en verwyder van uitgegrawe materiaal vir toekomstige gebruik te akkommodeer.
- **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verodening.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weeksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en Stanford Biblioteek, Queen Victoriastraat, Stanford. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) landuse@overstrand.gov.za) voor of op **18 Desember 2026,** met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mr. P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede en kommentaar(e) openbaar gemaak mag word.

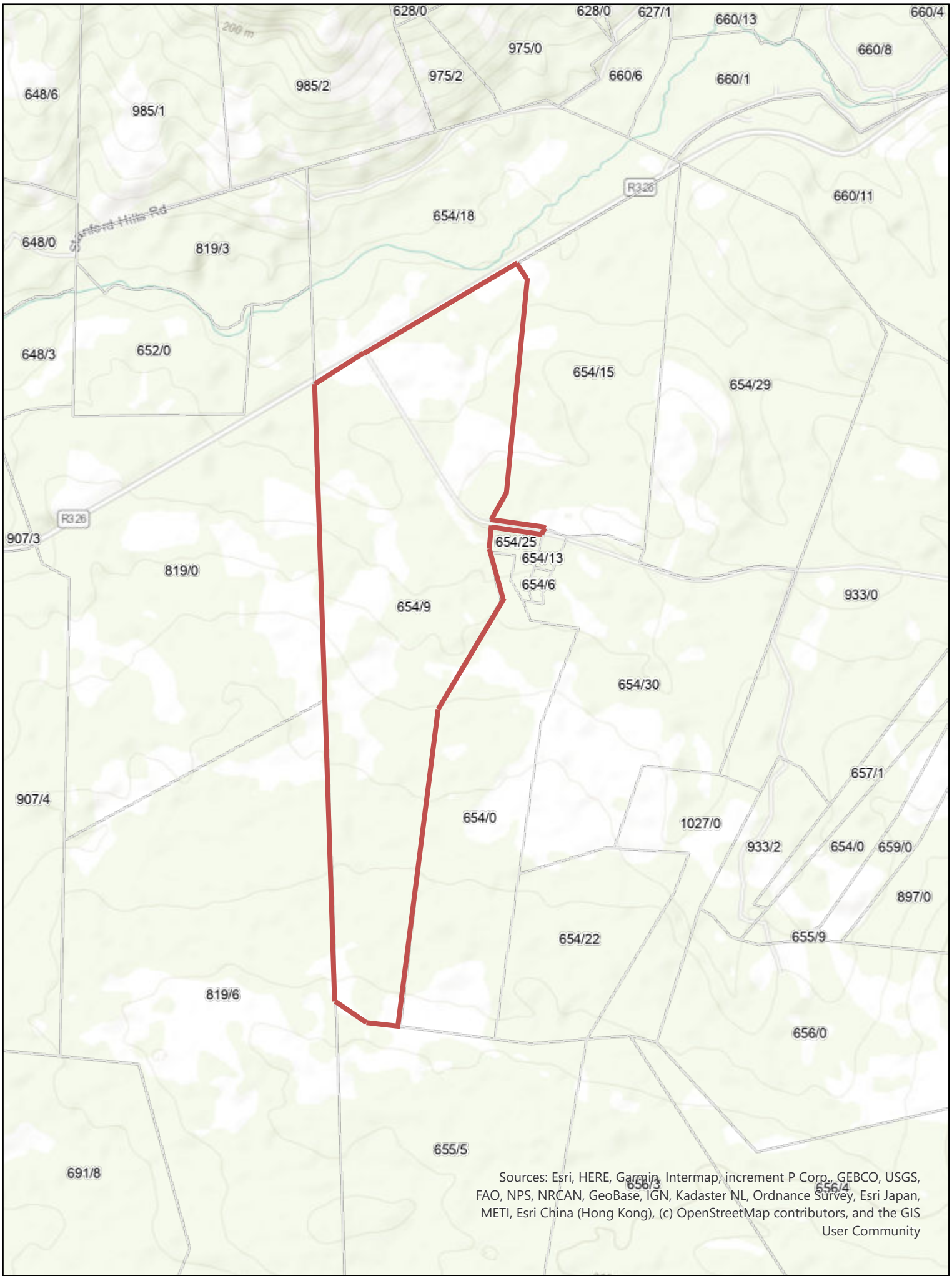
ISAHLULO 9 SEFAMA I-MODDER RIVIER ENGUNOMBOLO 654, KWICANDELO LASE-CALEDON, KUMMANDLA KAMASIPALA WASE-OVERSTRAND: ISICELO SOKUPHAMBUKA KWEXESHANA NOKUMISELWA KWESOHLWAYO SOLAWULO: I-RODEPLAN (PTY) LTD EGAMENI LORHULUMENTE WASE NTSHONA KOLONI (ISEBE LEZISEKO ZOPHUHLISO)

Isaziso ngoku sinikezelwe ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo wase-Overstrand woCwangciso lokuSetyenziswa koMhlaba kaMasipala, wango-2020, sokuba kufunyenwe isicelo sezi zinto zilandelayo:

- **Ukuphambuka kwexeshana** ngokwemiqathango yeCandelo 16(2)(c) loMthetho kaMasipala, ngenjongo yokuvumela ukufakwa kwemfumba kunye nokususwa kwezinto ezimbiweyo ukuze zisetyenziswe kwixesha elizayo, kunye
- **Nokumiselwa kwesohlwayo solawulo** ngokwemiqathango yeCandelo 16(2)(q) loMthetho kaMasipala.

Iinkcukacha ezipheleleyo malunga nesi siphakamiso ziyafumaneka ukuze zihlolwe ngeentsuku zeveki phakathi kwentsimbi ye-08:00 neye-16:30 kwiCandelo: UCwangciso lweDolophu kunye neNdawo elise-16 Paterson Street, Hermanus, nakwiphepha lewebhusayithi kamasipala kule linki ilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ . Naziphi na izimvo ezibhaliweyo zingangeniswa ngokungqinelana nemiqathango yamaCandelo 51 nama-52 alo Mthetho kaMasipala ukhankanyiweyo kuMasipala (16 Paterson Street, Hermanus / landuse@overstrand.gov.za) ngomhla okanye phambi komhla **we-18 kaDisemba 2026**, ufake igama lakho, idilesi, iinkcukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo zakho. Imibuzo ngomnxeba ingabhekiswa ku**Mnu. P. Roux** ku 028-313 8900. UMasipala unelungelo lokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Namphi na umntu ongakwaziyo ukufunda okanye ukubhala angaya kwiSebe loCwangciso lweDolophu kunye neNdawo, apho igosa likamasipala liza kumncedisa ukuba abhale izimvo zakhe ngokusemthethweni.

Nceda uqaphele ukuba, ngokwemiqathango yoMthetho woKhuseleko lweNkcukacha zoBuqu (POPIA), uza kungena kwinkqubo yoluntu; ngoko ke, uyavuma kwaye unika imvume yokuba igama lakho, ifani yakho, iinkcukacha zoqhagamshelwano kunye noluvo(nezimvo) zakho zingavezwa / zisetyenziswe kwinkqubo (kwisicelo).



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

OVERSTRAND MUNICIPALITY

Locality Plan, Ptn 9 of Farm Modder Rivier, No. 654

N

Date: 2026/08/11

SPLUMA inspired
RODEPLAN (Pty) Ltd
Land development, property research, land audit
Email: berchtwald@rodeplan.co.za • Cell: 082 658 7545 • Directors: Berchtwald P Rode and Erwin G Rode
Western Cape Government
FOR YOU

4 August 2026

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus
7200

For attention: Mr P Roux

Dear Sir

Land development application: temporary departure

Borrow pit No. DR1218/1.2/L/10
Portion 9 of Farm Modder Rivier, No. 654

We refer to the *compliance notice* issued on 20 July 2026 by the Overstrand Municipality on the Western Cape Government as the Road Authority. The notice pertains to the permitted land use rights for borrow pit DR1218/1.2/L/10 on the property known as Portion 9 of Farm Modder Rivier, No. 654. The Municipality claims that certain conditions of the approval were not adhered to before on-site mining commenced, i.e. contravention in exercising the permitted land use rights.

The land use rights to excavate, stockpile and remove material at this borrow pit were conditionally approved by the Municipality in 2016. These rights were granted for a ten-year period and the activities formed part of the provincial re-gravelling programme. The validity period of the approval ended on 18 July 2026 after material was excavated, but before the excavated material could be stockpiled or removed. The *compliance notice* instructs the following actions by the Road Authority, and within a specified timeframe:

1. The excavated material must be stockpiled, and road safety and dust control measurements must be implemented.
2. Apply for land use rights as a temporary departure to stockpile and remove the excavated material for future use.
3. Apply for the rectification of the contravention, and, if applicable, the determination of an administrative penalty.

If you have any questions or require any further information on any of the issues, please do not hesitate to contact me.



B P Rode Pr. Pln
Director / Town and Regional Planner @ RodePlan (Pty) Ltd

Municipal land use planning bylaw

Application: Temporary departure

Borrow Pit:

Supply of material for the regravelling and maintenance,

Overberg District

Subject property

Portion 9 of Farm Modder Rivier, No. 654

Registration Division Caledon, Western Cape

Applicant

Western Cape Government (Department of Infrastructure)

Assisted by:	Date:
RodePlan (Pty) Ltd	August 2026

Executive summary

Compliance notice

We refer to the *compliance notice* issued on 20 July 2026 by the Overstrand Municipality on the Western Cape Government (WCG) as the Road Authority. The notice pertains to the permitted land use rights for borrow pit DR1218/1.2/L/10 on the property known as Portion 9 of Farm Modder Rivier, No. 654.

These land use rights, which were conditionally approved by the Municipality in 2016, allowed 19 320 m³ of material to be excavated to a maximum depth of 6.0 m, and over an area of 1.2 hectares, stockpiled, and removed. Material at this borrow pit was not excavated or used for the re-gravelling of DR1218 during the 2019/2020 financial year. *The approval had a ten-year validity period, which ended on 18 July 2026 after material was excavated, but before the excavated material could be stockpiled or removed.* No further material excavation will take place at borrow pit DR1218/1.2/L/10.

The Municipality claims that certain conditions of the approval were not adhered to before on-site mining commenced in June 2026, i.e. contravention in exercising the permitted land use rights. On-site activities included erecting a fence on the northern side of the borrow pit, and earthworks by one D7 bulldozer to excavate 6000 m³ of material within an excavation area of 0.4 ha. Both these activities were completed before close of the ten-year approval period.

The *compliance notice* instructs the following actions by the Road Authority, and within a specified timeframe:

1. The excavated material must be stockpiled, and road safety and dust control measurements must be implemented.
2. Apply for land use rights as a temporary departure to stockpile and remove the excavated material for future use.
3. Apply for the rectification of the contravention, and, if applicable, the determination of an administrative penalty.

Application

The Western Cape Government is applying for (1) the land use rights as a temporary departure to stockpile and remove the excavated material, and (2) the rectification of the (possible) contravention.

Temporary departure

The aim is to obtain the land use rights to (1) stockpile already excavated material for a temporary stockpiling period on a land area of 0.4 ha, and (2) to, when required, remove such material for road maintenance and/or construction.

The activities to store and remove the material are part of the provincial regravelling programme using the excavated material, which is scheduled for the end of 2027, for maintenance of OP4017 (Wortelgat), DR1218 (Papiesvlei), DR1229, DR1228, or DR1225. As mentioned, material from this borrow pit was intended for the re-gravelling of DR1218, but laboratory test results found the material to have insufficient bearing capacity for such use. While a portion of the material can be utilised for routine maintenance activities on DR1218, such as pothole repairs, most of the material is more suitably applied to the re-gravelling of a lower order or minor road where the engineering requirements are less demanding.

Administrative penalty

The Western Cape Government is also applying for the rectification of the (possible) contravention as per the *compliance notice* issued by the Overstrand Municipality on 20 July 2026.

The notice stated that the permitted land use commenced in breach of Condition 2(e), (f), (h), (i), and (k) of the letter of approval of 18 July 2016. We note that these conditions of approval are applicable to various stages of exercising the land use rights, being to, as on-site activities, first excavate, then stockpile, and, when required, remove the stockpiled material before using the material as an off-site activity.[1]

The notice instructs certain actions to be taken by the Road Authority to rectify the (possible) contravention, and, if applicable, the determination of an administrative penalty. We contest that the conditions pertaining to the excavation of material, *as the only activity to have taken place*, have not been breached. Commenting on the desirability of the (then) planned mining activity, and before decision-making by the Municipality, several Interested and Affected Parties commented on the Environmental Management Programme Report (EMPR), which was approved in March 2020, i.e. before mining commenced.[2] This EMPR served as *the formal proposal* and listed the mitigating measures to address possible impacts, i.e. confirming compliance with **Condition 2(e) and (i)**.

We deny any non-compliance with **Condition 2(h) and (k)** because fencing has been installed on the northern side of the borrow pit, while the southern side abutting the road reserve, will be properly fenced and secured after the excavated material has been stockpiled. Regarding traffic control measures, advanced warning signage, speed reduction, and temporary delineators had been installed when the material was excavated.

We acknowledge that a formal operation schedule was not submitted to the Municipality before mining commenced — see **Condition 2(f)**, *but argue that the scale, and duration of the completed earthworks were insignificant in the context of the planned mining activity*. In addition, dust was generated only by working one machine during normal operating hours and further reduced by excavation during winter when the material has a higher natural moisture content.

Ownership

The 2016 approval by the Municipality confirmed the desirability of the borrow pit, and in effecting this approval the WCG expropriated said area and obtained the right to raise and remove material for road purposes.

Land use right

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), requires the use of land to be in accordance with the zoning of such

[1] On-site activities are all quarrying/mining and related activities that occur within the land extent of the borrow pit. Off-site activities are all activities related to the re-gravelling of any road, except activities regarded as on-site activities.
[2] See Cape Nature (see letter of 23 March 2015) and the Breede-Gouritz Catchment Management Agency (see letter of 2 March 2015) commented on the EMPR.

land, *irrespective of the user*. Complying with SPLUMA, the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA), states that 'no person may utilise or develop land unless the utilisation or land development is permitted in terms of a (zoning) scheme or an approval consistent with this Act and applicable by-laws'.

The borrow pit is zoned Agriculture Zone 1, with the stockpiling and removal of excavated material being non-conforming land uses. Hence, as provided for in the relevant bylaw, an application is made to obtain the land use rights to (1) stockpile already excavated material within a land area of about 0.4 ha, and (2) remove such material for future road maintenance and/or construction.

Development site and proposal

This land development application is for a temporary departure to stockpile and remove already excavated material at an existing borrow pit with the following attributes:

Closest town:	Stanford
Local Municipality:	Overstrand Municipality
District Municipality:	Overberg District Municipality
Mining footprint (ha):	about 0.4
Surrounding land use:	Cultivated land and road reserve
Expropriated area (ha):	1.58
Lifespan of land use (years):	until end 2027
Current use status of mine:	Mined

Other rights

As per the requirements of the Minerals and Petroleum Resources Development Act, 2002 (No 28 of 2002), all mining activities, require authorisation by the Department of Mineral Resources (DMR). However, the relevant Minister has exempted various organs of state (including Provincial Governments) from the provisions of Sections 16, 20, 22 and 27 of the Act in respect of any activity to remove any mineral for the construction and maintenance of dams, harbours, roads and railway lines, and for purposes incidental thereto. In terms of this exemption, where the WCG is undertaking the maintenance/ upgrading of roads under its control, no application needs to be submitted for a mining right or permit. The WCG is, however, required to submit an EMPR to DMR for its approval, prior to the extraction of any material from a proposed borrow pit or quarry. *The DMR approved the EMPR for mining at borrow pit DR1218/1.2/L/10 in March 2020, with the excavation of material in June/July 2026.*

Rights status re borrow pits number DR1218/1.2/L/10

- National Environmental Management Act (NEMA) (No. 107 of 1998): See **Annexures 9** and **10**.
- Municipal land use planning bylaw: The subject of this application.

Site selection

Various criteria were used in the identification and selection of the mined site. Those included, *inter alia*, the availability and type of road building material, current land use, the type and condition of the vegetation on site, potential impacts including visual, erosion, and dust, watercourse sedimentation, failure of rehabilitation, the ability to stockpile, the proximity to farm dwellings, and the potential dust and noise nuisance to these, as well as the potential operational

and post-closure risks to people/animals in the vicinity. The 2016 approval of the land use right confirmed the desirability to excavate, stockpile and remove material at the borrow pit.

In the selection and development of the specific site, cognisance was also taken of the quantity and quality of road building material needed for the regravelling and/or maintenance of the entire length or section(s) of a particular road or roads, as a one-off intervention and/or in terms of future requirements.

Benefits of the development

The main benefit of stockpiling the excavated material on location is a better road network through cost-effective road maintenance and construction. The subsequent road works would benefit road users by ensuring greater road safety, lower vehicle operating cost, minimising maintenance-related disruptions, and supporting the local economy by ensuring continual access to markets.

Development parameters

At the time of writing, the applicant was not aware of any documented set of land use parameters pertaining to (specifically) stockpile and remove material for road maintenance and/or construction. We propose that the Municipality considers development parameters as conditions of approval in accordance with the municipal Land Use Scheme and as set out in this land development application.

Desirability

The proposed stockpiling and removal of the excavated material will ensure cost-effective road maintenance and construction, and have minimal impact on adjacent farming activities. Any possible impact on road users, will be significantly reduced by the implementation of on-site dust control measures, advanced warning signage, speed reduction and temporary delineators.

When applying the principles of economies of scale and highest and best use of land, the rationale for the stockpiling and removal of material on the site becomes clear. In this regard, the proposed land use promotes the (better) economic use of land, cost-effective road maintenance and construction, and conforms to the outcome of socio-political interaction.

We believe the temporary change of the land use on Portion 9 of Farm Modder Rivier, No. 654, (1) will not have a significant effect on the health and well-being of people in the surrounding areas, (2) the environment or cultural heritage, and (3) the subject land can, with rehabilitation, revert to its previous lawful use upon the expiry of the use right.

Section I – Preamble

1. Introduction

The road infrastructure in the Western Cape, excluding the urban areas and the national roads, is owned and managed by the Department of Infrastructure of the Western Cape Government (WCG). In a provincial study it was stated that almost 61% of trunk, main and divisional roads are unsurfaced. The WCG manages the major portion of this unsurfaced road network, with the assistance of the District Municipalities. In this regard, a District Municipality is responsible for routine road maintenance and the bulk of periodic road maintenance (regravelling) in its jurisdiction area.

The WCG, as the Road Authority, submits this land development application for the land use rights as temporary departure to stockpile already excavated material at borrow pit DR1218/1.2/L/10, and, when required, to remove such material for road maintenance and/or construction. The Overstrand Municipality, in 2016, conditionally approved the land use rights to excavate, stockpile and remove material at this borrow pit. *The approval had a ten-year validity period, which ended on 18 July 2026 after material was excavated, but before the excavated material could be stockpiled or removed.* No further material excavation will take place at borrow pit DR1218/1.2/L/10.

We are also applying for the rectification of the (possible) contravention as per the *compliance notice* issued by the Overstrand Municipality on 20 July 2026.

2. Programme context

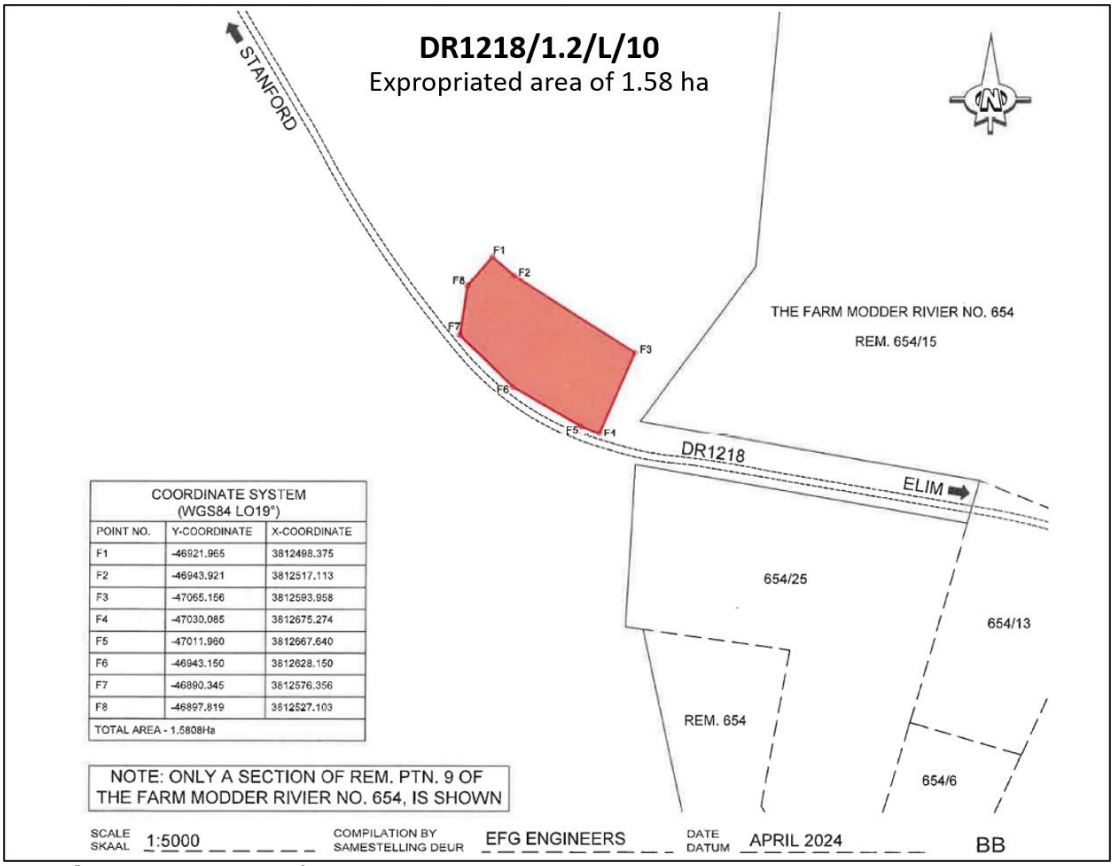
Land ownership

The source of road building material would normally be a borrow pit located on rural farmland. Hence, there are many operational borrow pits across the province on privately owned land. The subject property is privately-owned, but the WCG has given notice of expropriating the land area of the borrow pit, and obtained the right to raise and remove material for road purposes (see **Annexure 1**).

Where a proposed borrow pit is situated on private property one of the following scenarios will be relevant:

- The Power of Attorney of the landowner will be obtained.
- The land will be expropriated by the WCG.
- A formal agreement will be entered into between the landowner and the WCG.

When land is expropriated, the WCG would not take transfer of the property, and the relevant District Municipality would manage the site until decommissioning and closure. Pursuant to achieving closure in terms of the Minerals and Petroleum Resources Development Act, 2002 (No 28 of 2002) (MPRDA) the land would return to the landowner.



Graph 1: Expropriated area

Mining and other rights

As per the requirements of the Minerals and Petroleum Resources Development Act, 2002, all mining activities, including the extraction of material from borrow pits and quarries, require authorisation from the Department of Mineral Resources (DMR). As per the provision of Section 106(1) of the Act, on 25 June 2004, and by notice in Government Gazette No. 26501, various organs of state (including Provincial Governments) were exempted from the provisions of sections 16, 20, 22 and 27 of the Act in respect of any activity to remove any mineral for the construction and maintenance of dams, harbours, roads and railway lines and for purposes incidental thereto. In terms of this exemption, where the WCG is undertaking the maintenance/ upgrading of roads under its control, no application needs to be submitted for a mining right or permit. The WCG is, however, required to submit an Environmental Management Programme Report (EMPR) to DMR for its approval, prior to the extraction of any material from a proposed borrow pit or quarry. *The EMPR was approved by DMR in March 2020 before the excavation of material commenced.*

Since December 2014, this department is now also the decision-making authority regarding the National Environmental Management Act (NEMA) (No. 107 of 1998) and its listed activities, promulgated in June 2010, in GN 544, 545, and 564. We confirm that this site does not require a Basic Assessment in terms of NEMA (see **Annexure 6**).

Service providers

MPAMOT has been appointed by the WCG to obtain the required use rights to operate suitable sources of gravel for the regravelling and maintenance of certain gravel roads in the Western Cape Province. This work is governed by the MPRDA, NEMA and the suite of land use legislation that includes the municipal land use planning bylaw for Overstrand Municipality and the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA). In this regard, RodePlan has been appointed to obtain the relevant land use rights to stockpile and, when required, to remove already excavated material at borrow pit DR1218/1.2/L/10.

Standard operating procedures

On- and off-site activities will be according to standard operating procedures, which will be audited according to industry norms, and health and safety standards.[3]

We argue that, in determining the desirability of stockpiling and the removal of stockpiled material at any borrow pit, the decision maker must differentiate between possible impacts as a result of on-site activities and those activities associated with the re-gravelling of any gravel road which will occur irrespective of the location of the source of material. Such re-gravelling is normally associated with safety-, dust- and noise-related impacts occurring where (1) the material is sourced, (2) those sections of the road under repair (off-site) and (3) the road sections inbetween (off-site).

3. Rationale for borrow pits

The steady rate of decline in the condition of gravel roads over recent years is attributed to the rapid gravel-loss experienced owing to increased traffic volumes and flood damage. In addition, limited maintenance funding and non-availability of material results in an ever-increasing road maintenance backlog and impact negatively on the delivery of infrastructure projects. For the re-gravelling of roads a road building material source should be available within a short distance from the worksite, thereby reducing haul distances and wear and tear on the surrounding road network. It would also not make financial sense to source material from localities that are some distance from the work site.

The WCG, as Road Authority, is responsible for the construction and maintenance of DR1218 and, to ensure cost-effective maintenance, submits this application to obtain the land use rights to stockpile already excavated material at borrow pit DR1218/1.2/L/10, and, when required, to remove such material for road maintenance and/or construction. The borrow pit is on Portion 9 of Farm Modder Rivier, No. 654.

Previous approval of land use rights

The land use rights to excavate, stockpile and remove material at this borrow pit were conditionally approved by the Overstrand Municipality in 2016. The approval

[3] On-site activities are all quarrying/mining and related activities that occur within the land extent of the borrow pit. Off-site activities are all activities related to the re-gravelling of any road, except activities regarded as on-site activities.

allowed the excavation of approximately 19 320 m³ of material to a maximum depth of 6.0 m, and over an area of 1.2 hectares. These rights were granted for a ten-year period and the activities formed part of the provincial regravelling programme. In effecting this approval, and in 2024, the WCG expropriated the land extent of the borrow pit and obtained the right to raise and remove material for road purposes.



Graph 2: Excavated area

Re-gravelling of a gravel road

For a gravel road to be able to carry traffic safely and effectively, an upper layer of gravel, known as a wearing course, which meets specific technical requirements, must be placed on the prepared roadbed. With time, the wearing course is eroded away by both traffic and the elements, and this needs to be replaced to continue to deliver a safe and functional surface to the road user. During re-gravelling, the existing road surface is shaped (if the density of the layer complies with the specification) or ripped, and re-compacted to ensure easy drainage of surface water. Side drains are reshaped to further facilitate drainage and increase the longevity of the road. Target thickness for the new wearing course is 150 mm for Divisional Roads and 140 mm for Main Roads. Borrow pits serve as sources of road building material to be used or stockpiled on site for routine and emergency maintenance or repairs in future.

The proposed mining timetable, duration and sequence for a borrow pit depend on the extent of work required at the time, the nature and extent of planned re-gravelling and upgrade projects, and the likelihood of events such as floods and landslides that could necessitate emergency repairs at short notice. Larger borrow pits are divided into several zones which will be mined in phases as the need for more material arises. Where mining will take place in more than one phase, earlier zones will be rehabilitated and designated as no-go areas.

Re-gravelling of DR1218

The re-gravelling of DR1218 was completed during the 2019/2020 financial year, and by using material of a higher quality that was sourced from another borrow pit located further along DR1218. Although the excavated material at borrow pit DR1218/1.2/L/10 was intended for the re-gravelling of DR1218, laboratory test results found the material to have insufficient bearing capacity for such use. While a

portion of the material can be utilised for routine maintenance activities on DR1218, such as pothole repairs, most of the material is more suitably applied to the re-gravelling of a lower order or minor road where the engineering requirements are less demanding.

On-site activities at borrow pit DR1218/1.2/L/10

On-site activities commenced in June 2026 and ended before the validity of the municipal approval lapsed on 18 July 2026. These activities included erecting a fence on the northern side of the borrow pit, and earthworks by one D7 bulldozer to excavate 6000 m³ of material within an excavation area of 0.4 ha. The excavated material was not stockpiled or removed before the municipal approval lapsed.

The scale and duration of the completed earthworks, which was performed during normal working hours, were insignificant in the context of the planned mining activity. Dust was generated only by working that one machine and was further reduced by excavation during winter when the material has a higher natural moisture content. The implementation of traffic control measures during earthworks, included the placement of advanced warning signage, speed reduction, and temporary delineators. The excavated material consists predominantly of coarse natural gravel (shale), which is considerably less prone to generating dust than finer silty or sandy materials. Once stockpiled, the material readily settles and compacts under its own weight, thereby significantly reducing the potential for dust generation.



Graph 3: On-site excavations next to DR1218

No further material excavation will take place at borrow pit DR1218/1.2/L/10. *The already excavated material will be stockpiled and, when required, removed for road maintenance and/or construction.*

Off-site activities at borrow pit DR1218/1.2/L/10

The use of the stockpiled material for road maintenance and/or construction, *as an off-site activity*, has not occurred.

4. Mining objectives

In committing to the responsible and sustainable utilisation of materials for the maintenance of gravel roads, the WCG articulated the following strategic vision in the Operational Manual:

> "*Extract suitable quality material from proven, authorised borrow areas for the maintenance of gravel roads on a sustainable basis".*

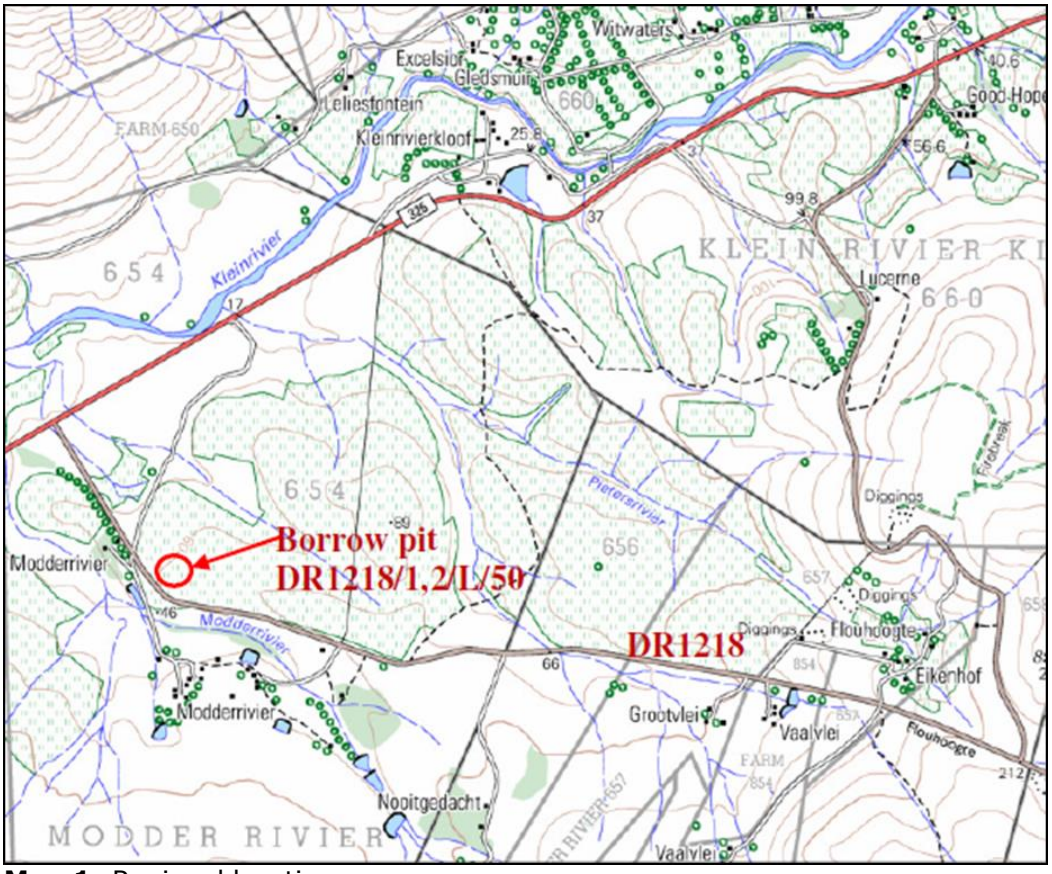
In responding to this vision, the WGC have further articulated the following mining objectives for all of the material sources under their control:

- Optimising the yield and economic viability.
- Enhancing the technical efficiency of extraction.
- Optimising the operational efficiency.
- Minimizing adverse environmental impacts.
- Promoting health and safety.
- Maintaining legal and technical compliance at the highest level.
- Mitigating risks to all stakeholders, including landowners, affected parties and local and provincial authorities.
- Meeting budget constraints.
- Honouring conditions of agreement with landowners.
- Assuring that the land is restored to beneficial use thereafter.

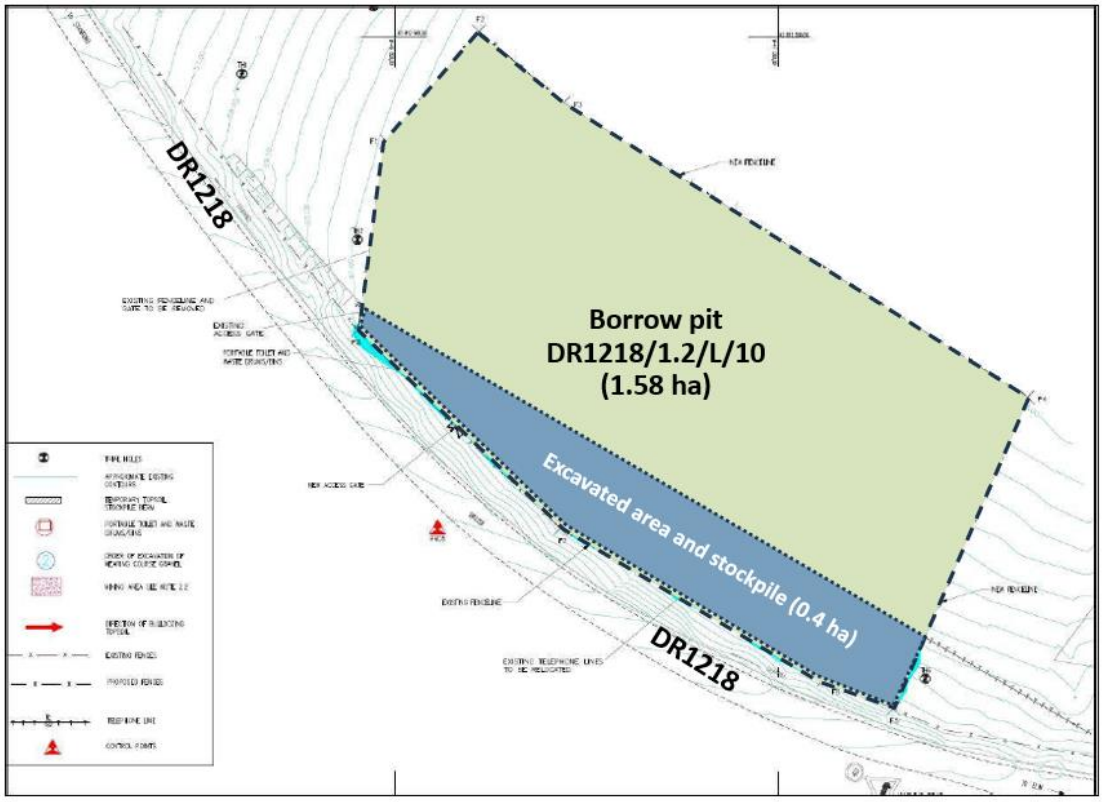
These mining objectives, which are encapsulated in the phrase "*Mine with the end in mind*", have become a fundamental informant of the WCG's approach to the identification, operation and closure of material sources used in the maintenance of the gravel road network under their control.

5. Development proposal

Borrow pit DR1218/1.2/L/10 is located next to Divisional Road 1218 in the Overstrand municipal area and on the property known as Portion 9 of Farm Modder Rivier, No. 654 (see maps below). This location is about 1.2 km east of the intersection between DR1218 and the tar road, P267 at the following coordinates: 34°26'23.73"S and 19°30'38.72"E.



Map 1: Regional location



Map 2: Stockpile area

Closest town:	Stanford
Local Municipality:	Overstrand Municipality
District Municipality:	Overberg District Municipality
Mining footprint (ha):	about 0.4
Surrounding land use:	Cultivated land and road reserve
Expropriated area (ha):	1.58
Lifespan of land use (years):	until end 2027
Current use status of mine:	Mined

Material type: The excavated material consists predominantly of coarse natural gravel (shale), which is considerably less prone to generating dust than finer silty or sandy materials.

Mining volume required (m^3): 6000

Lifespan of mine (years): until the end of 2027.

Future pit development:
No further material excavation will take place at borrow pit DR1218/1.2/L/10.

Stockpiling:
The excavated material will be spread and stockpiled within the mined area to a height of approximately 2 to 3 m. These measures are intended to minimise dust generation and reduce the potential safety risks associated with the stockpile. All reasonable measures necessary to prevent and mitigate dust emissions will be implemented to ensure that the operation does not create unacceptable health and safety hazards.

Rehabilitation:
- Rehabilitation will be completed in accordance with the Environmental Management Programme Report.
- Prepare the site to accept vegetation before replacing overburden, topsoil and vegetation.
- The aesthetic appearance of the landscape will be improved after excavation, with the "cut face" to be sloped/trimmed and the entire area covered with topsoil to allow the natural vegetation to re-establish.
- The appointed Environmental Control Officer and DMR will conduct a final inspection and determine whether any additional rehabilitation measures are required.

Current operational status: To be stockpiled.

6. Objectives of this application

The Western Cape Government is applying for (1) the land use rights as temporary departure to stockpile and use already excavated material, and for (2) the rectification of the (possible) contravention. This application is submitted in terms of Section 16(2)(c) and (q) of the amended bylaw on municipal land use planning, read together with Schedule 2 of the Overstrand Municipality Land Use Scheme.

Temporary departure

The aim is to obtain the land use rights to (1) stockpile 6000 m³ of already excavated material for a temporary stockpiling period on a land area of 0.4 ha, and (2) to, when required, remove such material for road maintenance and/or construction.

The land concerned is zoned Agriculture Zone 1, with the stockpiling and removal of excavated material being non-conforming land uses. Hence, as provided for in the relevant bylaw, an application is made to obtain the land use rights to stockpile and, when required, to remove already excavated material. These activities are part of the provincial regravelling programme using the excavated material, which is scheduled for the end of 2027, for maintenance of OP4017 (Wortelgat), DR1218 (Papiesvlei), DR1229, DR1228, or DR1225. As mentioned, material from this borrow pit was intended for the re-gravelling of DR1218, but laboratory test results found the material to have insufficient bearing capacity for such use. While a portion of the material can be utilised for routine maintenance activities on DR1218, such as pothole repairs, most of the material is more suitably applied to the re-gravelling of a lower order or minor road where the engineering requirements are less demanding.

Please note that all other authorisations (e.g. licences, permits) to stockpile and, when required, remove excavate material at the borrow pit, have been obtained and are in place.

Administrative penalty

The Western Cape Government is also applying for the rectification of the (possible) contravention as per the *compliance notice* issued by the Overstrand Municipality on 20 July 2026.

This response is submitted in opposition to any proposed penalties.

The notice stated that the permitted land use commenced in breach of Condition 2(e), (f), (h), (i), and (k) of the letter of approval of 18 July 2016. We note that these conditions of approval are applicable to various stages of exercising the land use rights, being to, as on-site activities, first excavate, then stockpile, and, when required, remove the stockpiled material before using the material as an off-site activity.[4]

The notice instructs certain actions to be taken by the Road Authority to rectify the (possible) contravention, and, if applicable, the determination of an administrative penalty. We contest that the conditions pertaining to the excavation of material, *as the only activity to have taken place*, have not been breached. Commenting on the desirability of the (then) planned mining activity, and before decision-making by the Municipality, several Interested and Affected Parties commented on the Environmental Management Programme Report (EMPR), which was approved in March 2020, i.e. before mining commenced.[5] This EMPR served as *the formal proposal* and listed the mitigating measures to address possible impacts, i.e. confirming compliance with **Condition 2(e)** and **(i)**.

[4] On-site activities are all quarrying/mining and related activities that occur within the land extent of the borrow pit. Off-site activities are all activities related to the re-gravelling of any road, except activities regarded as on-site activities.
[5] See Cape Nature (see letter of 23 March 2015) and the Breede-Gouritz Catchment Management Agency (see letter of 2 March 2015) commented on the EMPR.

We deny any non-compliance with **Condition 2(h)** and **(k)** because fencing has been installed on the northern side of the borrow pit, while the southern side abutting the road reserve, will be properly fenced and secured after the excavated material has been stockpiled. Regarding traffic control measures, advanced warning signage, speed reduction, and temporary delineators had been installed when the material was excavated.



Graph 4: Traffic control measures

We acknowledge that a formal operation schedule was not submitted to the Municipality before mining commenced — see **Condition 2(f)**, *but argue that the scale, and duration of the completed earthworks were insignificant in the context of the planned mining activity*. In addition, dust was generated only by working one machine during normal operating hours and further reduced by excavation during winter when the material has a higher natural moisture content.

7. Preparatory work

RodePlan was appointed to compile and submit this application to the relevant authority in terms of the applicable municipal bylaw.

RodePlan (in person Mr B Rode), together with Mr H Uys (official at the Overberg District Municipality), met with Mr P Roux (official at the Overstrand Municipality) regarding the application, with a summary of the discussion below:

1. An application must be submitted in terms of Section 16(2)(c) and (q) of the amended bylaw on municipal land use planning, read together with Schedule 2 of the Overstrand Municipality Land Use Scheme.
2. Apply for a temporary departure to stockpile already excavated material on land zoned as Agriculture Zone I and, when required, to remove such

material. The land use rights to be valid until the end of 2027 and to be exercised in accordance with the provincial re-gravelling programme.
3. Apply for the rectification of the contravention, and, if applicable, the determination of an administrative penalty.
4. The application must be submitted electronically and in hard copy.
5. Application fee to be paid as part of the submission.

8. Fees

The application fee will be paid as part of the submission.

9. Advertising process

From experience, the public participation could entail the following and of which the Municipality will inform the applicant of any responsibility in this regard:

- Obtain comment from Interested and Affected Parties.
- Place advertisements in the local media.
- Notify adjacent property owners of the application received.

10. Report structure

This report is structured to firstly introduce the application process as well as the development proposal in the context of a rationale for stockpiling already excavated material for road maintenance and/or construction. Section II then describes the legal framework and Section III the spatial directives as parameters for the applicable land use rights. Section IV refers to the NEMA application. Sections V and VI interpret the receiving environment and provide detailed specifics of the development proposal.

Section VII provides information about the public participation process and we conclude, in Section VIII, by providing clarity on the wording of the land use change and desirability. Section IX includes reference to the annexures.

11. List of table and maps

Table 1: Details about the farm parcel and owner of the property concerned

Map 1: Regional location
Map 2: Stockpile area

Graph 1: Expropriation area
Graph 2: Excavated area
Graph 3: On-site excavations next to DR1218
Graph 4: Traffic control measures

Section II – Legislative and development framework

12. Land use legislation
12.1 Municipal Land Use Planning Bylaw

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) are the governing framework for spatial planning and land use management in the province. The former is effective, countrywide, since 1 July 2015 and the Provincial Act has been implemented in the Overstrand municipal area since 1 February 2016.[6]

SPLUMA requires the use of land to be in accordance with the zoning of such land, *irrespective of the user*. Complying with SPLUMA, the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA), states that 'no person may utilise or develop land unless the utilisation or land development is permitted in terms of a (zoning) scheme or an approval consistent with this Act and applicable by-laws'.

The land area concerned is zoned Agriculture Zone 1, with the stockpiling and removal of excavated material being non-conforming land uses. Hence, as provided for in the amended bylaw on municipal land use planning, an application is made to obtain the land use rights to (1) stockpile already excavated material within a land area of about 0.4 ha, and (2) remove such material for future road maintenance and/or construction.

According to the municipal land use planning bylaw, decision-making authority resides with the relevant municipal planning tribunal or the authorised official.

12. Land use legislation (continued)
12.2 Land Use Scheme

The Overstrand Municipality Land Use Scheme regulates the way in which land is used. It confers and controls land use rights.

12. Land use legislation (continued)
12.3 Other relevant legislation (in the context of this application)

Spatial Planning and Land Use Management Act, 2013

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) aims to develop a new framework to govern planning permissions and approvals, sets parameters for new developments and provides for different lawful land uses in South Africa. SPLUMA is a framework law, which means that the law provides broad principles for a set of provincial laws that will regulate planning – the Western Cape does have a provincial law in this respect. SPLUMA also provides clarity on how planning law interacts with other laws and policies.

[6] As published in Provincial Gazette No. 7558.

The Act emerged through the Green Paper and White Paper processes to replace (mainly) the Development Facilitation Act as the legislative instrument to regulate spatial planning and land use management in the country. As can be expected, the Act is all-encompassing and, amongst others, addresses the issue of putting in place a uniform, recognisable and comprehensive system of land use management to ensure economic unity and equal opportunity or equal access to government services. In this regard, the development principles as described in Section 7 of the Act is a key outcome. However, SPLUMA nor any other legislation determine or translate the legislated development principles into quantifiable outcomes.

National Environmental Management Act, 1998 (Act 107 of 1998)

See **Section IV**.

13. Policy guidelines

The writer of this report is not aware of any set of regulatory guidelines that specifically regulate or direct the siting of borrow pits. Note that the 2016 approval of the land use right confirmed the desirability to excavate, stockpile and remove material at the borrow pit.

We acknowledge that land is a finite resource and the way it is used is one of the principal drivers of environmental change, with significant impacts on quality of human life and ecosystems as well as on the management of infrastructure. In this regard, there are national legislative and policy directives that guide the use of land — as is discussed in this section of the report.

The use of land is influenced by a number of important drivers, *inter alia*, demography, economic development, resource availability, environmental conditions, development costs, transport infrastructure and regional and local planning policies. These drivers are influenced by, *inter alia*, Government's goals and regulatory mechanisms, i.e target-setting for biodiversity conservation, infrastructure programmes, land reform, renewable energy generation, economic growth and poverty alleviation. In this regard, land users and/or owners, continually decide on the quantum, quality and location of product (and space) required to meet, *inter alia*, specific objectives — ***as highest and best use of land***. The highest and best use of land is viewed as what is physically possible, appropriately justified and legally permissible.

When applying the principles of economies of scale and highest and best use of land, the rationale for the stockpiling and removal of material on the site becomes clear. In this regard, the proposed land use promotes the (better) economic use of land, cost-effective road maintenance and construction, and conforms to the outcome of socio-political interaction.

13. Policy guidelines (continued)
13.1 Local

Integrated Development Plan Overstrand Municipality, 2026/2027

The Integrated Development Plan (IDP) provides an overview of the municipality's policies, activities and budget allocations.

The IDP states that the Overstrand Municipality is responsible for 609km municipal roads, and of which 178km are gravel roads. Reference to the Overstrand Sustainable Transport Plan indicates that efficient road management is key to ensuring an effective transport system in the municipal area. *However, the IDP does not include any information about the maintenance of provincial roads.*

13. Policy guidelines (continued)
13.2 Issue-specific

Western Cape Land Use Planning: Rural Guidelines

This set of guidelines has the following objectives:

- To promote sustainable development in appropriate rural locations and to ensure that the poor share in the growth of the rural economy.
- To safeguard priority biodiversity areas and the functionality of the Province's life supporting ecosystem services (i.e. environmental goods and services).
- To maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, cultural and scenic rural landscapes, and natural resources.
- To assist Western Cape municipalities to plan and manage their rural areas more effectively, and to inform the principles of their zoning schemes.
- To provide clarity to the provincial government's social partners on what kind of development is appropriate beyond the urban edge, suitable locations where it could take place, and the desirable form and scale of such development.

The following principles underpin the Western Cape's Land Use Planning: Rural Guidelines in the context of this application:

- Decisions on rural development applications should be based on the spatial principles in the Provincial Spatial Development Framework.
- Accessibility should be a key consideration in all development decisions.
- No development should be permitted below the 1:100 flood line.
- Priority should be given to the re-use of previously developed sites in preference to greenfield sites.
- All development in rural areas should be in keeping and in scale with its location, and sensitive to the character of the rural landscape and local distinctiveness.
- Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate is supported.
- The cumulative effect of all ancillary and non-agricultural land uses should not detract from the rural character of the landscape and the primary agricultural activities.

The provincial approach to managing development pressures for the rural land uses is covered in 9 categories of which we only list and discuss the application-specific category of 'industry in rural areas' – extracting minerals is identified as a rural industrial activity and we add thereto the land use of stockpiling.

This category (and activity) is critical towards strengthening the rural economy through the development of rural industrial activity in suitable locations and at appropriate scale. The municipal Integrated Development Plan is consistent with this objective in advancing the upgrading of gravel roads to ensure an effective transport system in the municipal area. The provincial policy places the activity in three spatial planning categories, viz. settlement, agriculture and buffer 2. In this regard, it is stated that 'Extractive industry (i.e. quarrying and mining)' have to take place at the mineral or material source.

14. Programme response

We structure our response to the section on the regulatory environment by considering the provincial objectives regarding road maintenance and safety and secondly the land use management issue. In **§18** we deal with the site selection criteria.

We believe that the proposed on-site stockpiling of already excavated material promotes and supports all policy guidelines and development objectives/targets as formulated by the government in respect of road maintenance and safety. We already mentioned that the use of land is influenced by a number of important drivers and these drivers are influenced by Government's goals. In this regard, we believe that the stockpiling on about 0.4 ha of Portion 9 of Farm Modder Rivier, No. 654, concurs with road maintenance and construction targets in a cost-effective and sustainable way. This is also as a result of the approach to source road building material as close as possible to the worksite thereby reducing haul distances and wear and tear on the surrounding road network.

Furthermore, we believe that this particular activity is permissible in terms of the relevant bylaw.

Section III – Spatial directives

15. Spatial rationale

What determines the optimum location of a borrow pit?

As with the extraction of any mineral, the optimum location of the mining activity is at the mineral or material source. This notwithstanding, the following criteria were used to determine the location of the borrow pit, which was assessed as desirable:

- The availability and type of material.
- The current land use and sites deemed favourable for the expansion/creation of a borrow pit by the landowner.
- The type and condition of the vegetation on site, and the proximity to protected areas.
- The presence of any cultural or archaeological artefacts or structures.
- The potential impacts of creating a borrow pit including visual, erosion, dust, watercourse sedimentation, failure of rehabilitation.
- The proximity to services such as power and telephone lines and farm infrastructure such as water pipes, and the potential disruption to these.
- The proximity to farm or other dwellings and the potential dust and noise nuisance to these.
- The ability to stockpile.
- The potential operational and post-closure risks to people/animals in the vicinity.

In the selection and development of a specific site, cognizance is also taken of the quantity and quality of road building material needed for the regravelling and/or maintenance of the entire length or section(s) of a particular road; as a one-off intervention and/or in terms of future requirements.

16. Spatial Development Frameworks

Western Cape Provincial Spatial Development Framework (PSDF)

The methodology and procedure used to draft the PSDF, were based on a review of the 2009 provincial SDF and replacing it with a *transversal* Provincial framework. In this regard, three interrelated themes were used, i.e. sustainable use of spatial assets, opening up opportunities in the space-economy and developing integrated and sustainable settlements.

In taking the national and provincial agendas forward, the PSDF applies the following five spatial principles:

1. Spatial justice
2. Sustainability and resilience
3. Spatial efficiency
4. Accessibility

5. Quality and liveability.

Are these principles in line with the development principles in the Spatial Planning and Land Use Management Act as the 'rule' of how spatial planning (and land use management) should be done henceforth? *Yes*. However, there are slight nuanced differences in name and content. Note that, in SPLUMA, there are some additional principles and sub-principles as directives for, specifically, land use management. Basically, the same results should be achieved if the SPLUMA and PSDF principles are 'considered' as concerns in decision-making, and by using the means provided in SPLUMA.

In the context of this application, the current provincial road network is experiencing maintenance and, occasionally in certain areas, capacity and safety problems at current utility levels. This hinders accessibility for many users (and would-be users) to (economic and growth) opportunities.

We refrain from any further interpretation and discussion of the PSDF based on the assumption that the provincial Rural Guidelines provides detailed guidelines for rural land use management in the spatial context ordered by the PSDF (see **§13.2**).

Overberg District Spatial Development Framework (SDF)

The district SDF divides the jurisdiction area into functional areas based on Spatial Planning Categories (SPCs) of the Bioregional Planning Framework for the Western Cape. Basic guidelines for land use management for the SPCs are used in the District SDF as this supports alignment with the Western Cape Bioregional Planning Framework and PSDF.

The Overberg is structured into functional areas as follows:

- Core 1a: Formally protected areas
- Core 1b: Critical Biodiversity Areas (CBAs) outside of Core 1 Areas
- Core 2: River and Wetland Corridors and Estuaries
- Buffer: Extensive Agriculture
- Urban settlements

It is particularly important to note the following conditions for agricultural areas, given the dominance of the sector in the Overberg: (1) All existing and potential land suitable for intensive agriculture shall be protected from conversion to other uses including conservation and (2) promote the conservation of Renosterveld by encouraging conservancies on those areas too marginal for Intensive Agriculture.

Overstrand Municipality Spatial Development Framework

The municipal SDF states that the desirability of designating mining areas should take into account the worth of the material to be extracted against the long-term costs to the visual quality of the area, the potential loss in agricultural production, as well as the impacts on existing rights of neighbouring property owners. We argue that these elements have been considered in the 2016 approval of borrow pit DR1218/1.2/L/10.

Section IV – NEMA application

17. Environmental impact assessment

As per the requirements of the Minerals and Petroleum Resources Development Act, 2002 (No 28 of 2002), all mining activities, require authorisation by the Department of Mineral Resources (DMR). However, the relevant Minister has exempted various organs of state (including Provincial Governments) from the provisions of Sections 16, 20, 22 and 27 of the Act in respect of any activity to remove any mineral for the construction and maintenance of dams, harbours, roads and railway lines, and for purposes incidental thereto. In terms of this exemption, where the WCG is undertaking the maintenance/ upgrading of roads under its control, no application needs to be submitted for a mining right or permit. The WCG is, however, required to submit an EMPR to DMR for its approval, prior to the extraction of any material from a proposed borrow pit or quarry.

The DMR approved the EMPR for mining at borrow pit DR1218/1.2/L/10 in March 2020, with the excavation of material in June/July 2026.

Section V – Development context

18. Development specifics
18.1. Site information

Borrow pit DR1218/1.2/L/10 is located next to Divisional Road 1218 in the Overstrand municipal area and on the property known as Portion 9 of Farm Modder Rivier, No. 654. This location is about 1.2 km east of the intersection between DR1218 and the tar road, P267 at the following coordinates: 34°26'23.73"S and 19°30'38.72"E.

Approval was granted for mining on 1.2 hectares, with material excavated only on 0.4 ha or 30% of the approved footprint, which will serve as the stockpiling area (see **Annexure 8**).

18. Development specifics (continued)
18.2. Ownership

The prime site for the borrow pit involves one property. The details of the land parcel, farm name and owner are tabled below. The SG diagram is attached as **Annexure 3**.

Table 1: Details about the farm parcel and owner of the property concerned

Farm	Parcel number	Title deed doc no.	Farm size (ha)	Owner's name
654	9	66896/92	458	Modderrivier Boerdery CC

18. Development specifics (continued)
18.3 Mine plan

The site development (mine) plan is attached as **Annexure 7**.

18. Development specifics (continued)
18.4 Infrastructure

The key components of the temporary departure includes, *inter alia*, the following, which are discussed in more detail below:

- Site access.
- Additional project infrastructure.

Site access

No roads will be constructed to provide access to the site or to remove material from source. Access will be obtained from DR1218.

Additional project infrastructure

No permanent structure will be erected on the site. Construction equipment, vehicles and other amenities, e.g. portable toilets and waste bins would be used and stored on-site and removed when operations stop.

18. Development specifics (continued)
18.5. Development impacts

We include in **Annexure 9**, the Environmental Management Programme Report that was approved in March 2020.

The Environmental Management Programme includes a summary of the post-mitigation impact assessment for the borrow pit for which a mining right is applied. Impacts during gravel mining will include removal of topsoil and alteration of soil structure. The risk of veld fires resulting from mining operations was also assessed. Similar to other mining associated risks such as public traffic hazards and visual aesthetic impacts, these impacts are identified as of medium significance because they are of local scale, high intensity and long duration. Mitigation of these impacts is to be achieved primarily through developmental measures as well as through post-closure rehabilitation measures.

The following mitigation measures were proposed:

None of the borrow pit footprint areas needs to be regarded as "no-go" areas, but mining, stockpiling and associated activities should be restricted to the selected area. Environmental management recommended for the duration of development of this gravel mine is as follows:

- Fence the gravel mine operating area with secured stock-proof fencing.
- Install signage re heavy vehicle crossings and 40km/h speed restrictions.
- Clear the site of all alien vegetation.
- A minimum of 300mm topsoil must be removed and stored in berms that will not be driven on during the mining operation. Gaps must be left between stockpiles to facilitate drainage. Suitable positions for topsoil storage are indicated on the borrow pit development plan
- Supply a field toilet or direct workers to a public toilet and provide waste bins at the entrance of the site – to be removed on a weekly basis.
- Do not permit collection of plants or firewood from undamaged vegetation
- Remove any soil contaminated by fuel or oil spills, and
- Upon completion of gravel mining, reshape the surface to match the landscape, spread topsoil over the entire site, and sow seeds of locally indigenous pioneer grass that will help to control later temporary invasions of annual alien weeds.

18. Development specifics (continued)
18.6 Title deed

The title deed of the property is attached as **Annexure 4**. A detailed deeds search was not completed as part of this land development application.

18. Development specifics (continued)
18.7 Benefits of the programme

The main benefit of stockpiling the excavated material on location is a better road network through cost-effective road maintenance and construction. The subsequent road works would benefit road users by ensuring greater road safety, lower vehicle operating cost, minimising maintenance-related disruptions, and supporting the local economy by ensuring continual access to markets.

Section VI – Development parameters

19. Land use parameters

At the time of writing, the applicant was not aware of any documented set of land use parameters, pertaining to the stockpiling of excavated material, and, when required, the removal thereof. We propose that the Municipality considers development parameters as conditions of approval in accordance with the municipal Land Use Planning Bylaw and Land Use Scheme and as set out below.

The following section includes some (proposed) parameters in the context of the temporary departure.

<u>Parameter 1: Modification</u>

The local authority will be informed of any substantial changes to the stockpiling area after approval of the temporary departure.

Parameter 2: Existing servitudes

Observe existing servitudes.

Parameter 3: Visual and environmental impact

Visual and environmental impacts must be addressed according to DMR requirements.

Parameter 4: Noise, air quality and nuisance

Noise, air quality and nuisance must be addressed according to DMR requirements.

Parameter 5: Project infrastructure

No permanent structure can be erected on the mine site.

Parameter 6: Decommissioning

Decommissioning (including rehabilitation) must be addressed according to DMR requirements.

Section VII – Communication and participation

20. Interested and Affected Parties

We believe the municipality will inform the applicant of any responsibility regarding the notification process, i.e. notifying Interested and Affected Parties and to advertise the application.

Section VIII – Conclusion

21. Wording of land use change

It is recommended that consideration be given to the following:

Temporary departure

An application in terms of Section 16(2)(c) for the **approval of a temporary departure** to stockpile already excavated material and, when required, to remove the material, which is scheduled for the end of 2027, for maintenance of OP4017 (Wortelgat), DR1218 (Papiesvlei), DR1229, DR1228, or DR1225.

Administrative penalty

An application in terms of Section 16(2)(q) for the rectification of the (possible) contravention as per the *compliance notice* issued by the Overstrand Municipality on 20 July 2026, ***with no penalty imposed.***

22. Desirability

The proposed stockpiling and removal of the excavated material will ensure cost-effective road maintenance and construction, and have minimal impact on adjacent farming activities. Any possible impact on road users, will be significantly reduced by the implementation of on-site dust control measures, advanced warning signage, speed reduction and temporary delineators.

When applying the principles of economies of scale and highest and best use of land, the rationale for the stockpiling and removal of material on the site becomes clear. In this regard, the proposed land use promotes the (better) economic use of land, cost-effective road maintenance and construction, and conforms to the outcome of socio-political interaction.

We believe the temporary change of the land use on Portion 9 of Farm Modder Rivier, No. 654, (1) will not have a significant effect on the health and well-being of people in the surrounding areas, (2) the environment or cultural heritage, and (3) the subject land can, with rehabilitation, revert to its previous lawful use upon the expiry of the use right.

It is also clear that the proposal conforms to the intention of the development principles listed in section 7 and section 58 of the Spatial Planning and Land Use Management Act, 2016 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), respectively.

We also believe that this motivation report (as referenced in the following section) includes sufficient information regarding (1) the criteria as listed in section 66 of the municipal bylaw, which must be considered in decision making on an application. The relevant response is given after each of the numbered criteria.

(1) When the Municipality considers an application, it must have regard to the following:

(a) the application submitted in terms of this Bylaw

- This land development application is submitted in terms of Section 16(2)(c) of the municipal land use planning bylaw (as amended).

(b) the procedure followed in processing the application

- The Overstrand Municipality is to inform the applicant of any responsibility for the processing and notification of the application.

(c) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses

- The desirability of the proposed land use is explained in this report.

(d) the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act

- The Overstrand Municipality is to inform the applicant of any responsibility for the processing and notification of the application.

- *(e) the response by the applicant, if any, to the comments referred to in paragraph (d)*
  - The applicant will respond to any comments received from any Interested and Affected Party.

(f) investigations carried out in terms of other laws that are relevant to the consideration of the application

- This report includes reference to investigations carried out in terms of 'other' laws.

(g) a registered planner's written assessment in respect of an application for—

(i) a rezoning

(ii) a subdivision of more than 20 cadastral units

(iii) a removal, suspension or amendment of a restrictive condition if it relates to a change of land use

(iv) an amendment, deletion or imposition of additional conditions in respect of an existing use right

(v) an approval of an overlay zone contemplated in the land use scheme;

(vi) a phasing, amendment or cancellation of a subdivision plan or part thereof

(vii) a determination of a zoning

(viii) a closure of a public place or part thereof

- This is the responsibility of the Overstrand Municipality.

(h) the impact of the proposed land development on municipal engineering services

- Municipal services will not be used.

(i) the integrated development plan, including the municipal spatial development framework

- These plans have been assessed in this report to guide the desirability of the proposed land use.

(j) the integrated development plan and spatial development framework of the district municipality, where applicable

- These plans have been assessed in this report to guide the desirability of the proposed land use.

(k) the applicable local spatial development frameworks adopted by the Municipality

- These plans have been assessed in this report to guide the desirability of the proposed land use.

(l) the applicable structure plans

- Not applicable.

(m) the applicable policies of the Municipality that guide decision making

- These policies have been assessed in this report to guide the desirability of the proposed land use.

(n) the provincial spatial development framework

- This plan has been assessed in this report to guide the desirability of the the proposed land use.

o) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework

- Not applicable.

(p) the policies, principles and the planning and development norms and criteria set by the national and provincial government

- These guidelines (where applicable) have been assessed in this report to guide the desirability of the proposed land use.

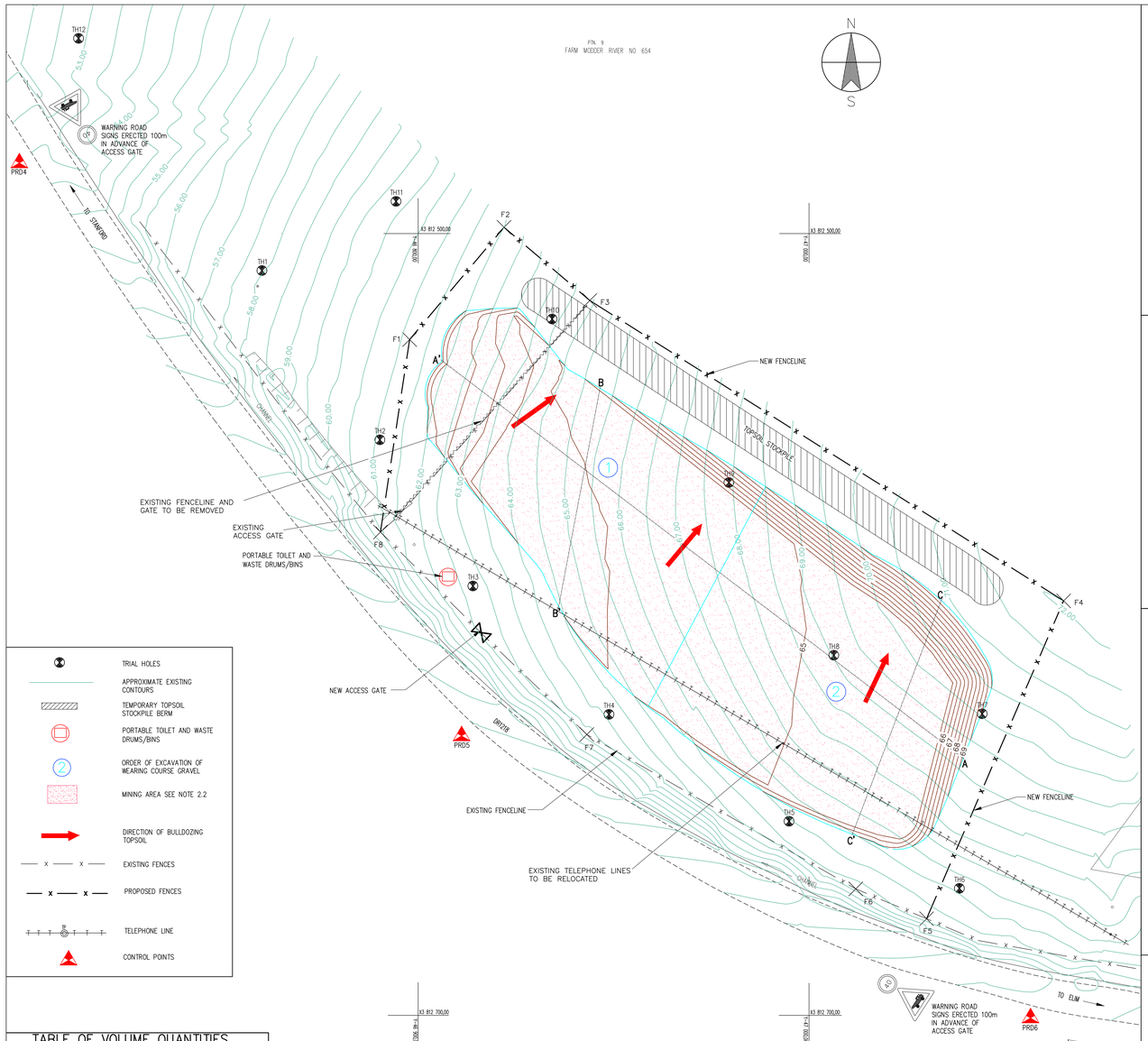
(q) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act

- We are confident that the aspects to be considered in decision making by the relevant entity have been addressed in this report.

(r) the principles referred to in Chapter Vl of the Land Use Planning Act

- We are confident that the aspects to be considered in decision making by the relevant authority have been addressed in this report.

Finally, we believe this document contains all the necessary information to enable the relevant authority to process and the decision-making entity to evaluate this land development application.



TRIAL HOLES

APPROXIMATE EXISTING CONTOURS

TEMPORARY TOPSOIL STOCKPILE BERM

PORTABLE TOILET AND WASTE DRUMS/BINS

ORDER OF EXCAVATION OF WEARING COURSE GRAVEL

MINING AREA SEE NOTE 2.2

DIRECTION OF BULLDOZING TOPSOIL

EXISTING FENCES

PROPOSED FENCES

TELEPHONE LINE

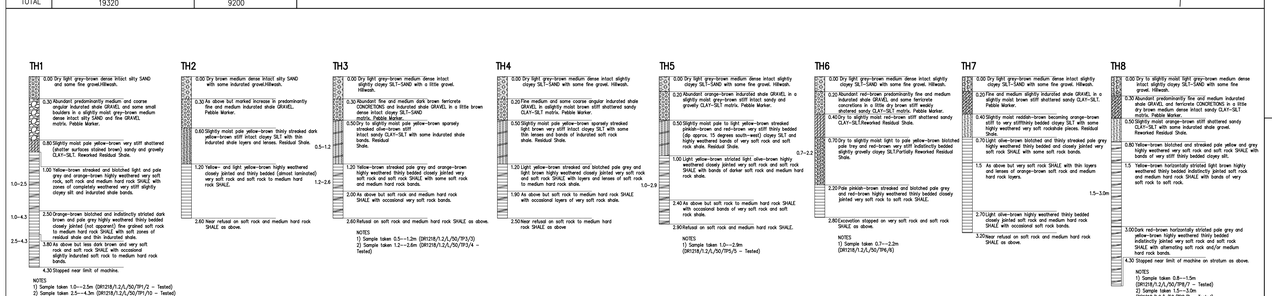
CONTROL POINTS

PLAN OF CONTOURS AFTER MINING

SCALE: 1:250

TABLE OF VOLUME QUANTITIES

MINING ZONE	QUANTITY (m³)	CUMULATIVE QUANTITY (m³)	AREA (m²)
1	19320	19320	9200
TOTAL	19320		9200

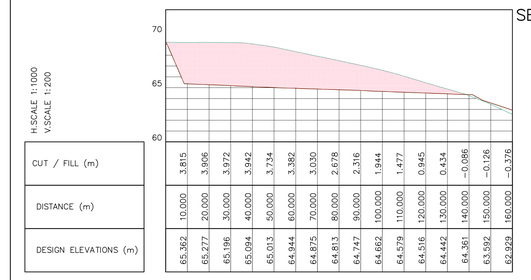


SOIL PROFILES FOR TRIAL HOLES AS SHOWN ABOVE

SCALE: N.T.S.

SECTION A—A'

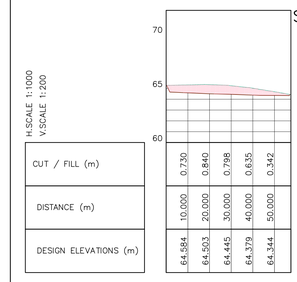
H.SCALE 1:1000
V.SCALE 1:200



DISTANCE (m)	CUT / FILL (m)	DESIGN ELEVATIONS (m)
10.000	3.815	65.362
20.000	3.906	65.277
30.000	3.972	65.196
40.000	3.942	65.094
50.000	3.734	65.013
60.000	3.382	64.944
70.000	3.030	64.875
80.000	2.678	64.813
90.000	2.316	64.747
100.000	1.944	64.662
110.000	1.477	64.579
120.000	0.945	64.516
130.000	0.434	64.442
140.000	−0.086	64.361
150.000	−0.126	63.592
160.000	−0.376	62.929

SECTION B—B'

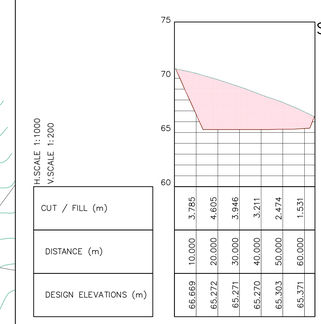
H.SCALE 1:1000
V.SCALE 1:200



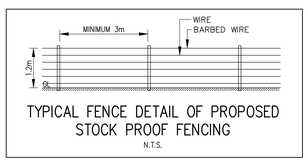
DISTANCE (m)	CUT / FILL (m)	DESIGN ELEVATIONS (m)
10.000	0.730	64.584
20.000	0.840	64.503
30.000	0.798	64.445
40.000	0.635	64.379
50.000	0.342	64.344

SECTION C—C'

H.SCALE 1:1000
V.SCALE 1:200



DISTANCE (m)	CUT / FILL (m)	DESIGN ELEVATIONS (m)
10.000	3.785	66.669
20.000	4.605	65.272
30.000	5.946	65.271
40.000	3.211	65.270
50.000	2.474	65.303
60.000	1.531	65.371



TYPICAL FENCE DETAIL OF PROPOSED STOCK PROOF FENCING

N.T.S.

LEGEND OF CROSS-SECTIONS

EXISTING GROUND LEVEL

GROUND LEVEL AFTER MINING

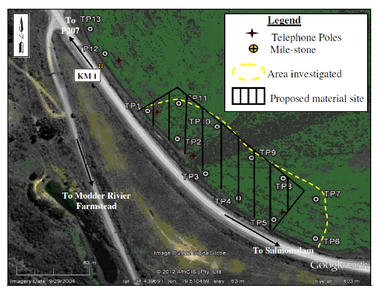
MINING AREA SEE NOTE 2.2

SETTING OUT COORDINATES FOR NEW FENCE LINE WGS 84 Lo 19

POINT NO.	Y COORDINATE	X COORDINATE
F1	−46897.819	3812527.103
F2	−46921.965	3812498.375
F3	−46943.921	3812517.113
F4	−47065.156	3812593.958
F5	−47030.085	3812675.274
F6	−47011.960	3812667.640
F7	−46943.150	3812628.150
F8	−46890.345	3812576.356

CONTROL POINTS

POINT NO.	Y COORDINATE	X COORDINATE	Z(MSL)
PRD4	−46797.96	3812481.93	52.926
PRD5	−46911.10	3812628.48	61.176
PRD6	−47056.65	3812700.65	64.877



PLAN VIEW OF NEW BORROW PIT

NB: THIS MINING PLAN HAS BEEN DEVELOPED FROM THE MINIMAL BORROW PIT INVESTIGATION AND SAMPLE TEST RESULT INFORMATION OF THIS LOCATION PRESENTED IN THE GMS WEB SITE http//www.axs.wcape.gov.za

NOTES:

1 PREPARATION/ OPERATION

1.1 FENCING
a. Secure perimeter of mining area with stock-proof fencing as indicated on plan (refer to typical detail).
b. Secure existing gateway (indicated on plan,) with suitable lock.

1.2 DEMARCATION OF MINING AREA
a. Demarcate boundaries of mining area, with stone beacons on corners as indicated on plan

1.3 SIGNAGE
a. Erect signage (as per SARTSM)at locations indicated on plan.
b. No unauthorised access signs at BP gates
c. Heavy vehicle crossing at intersection of access gates and DR1218
d. Caution signs and 40km/hr signs at regulation distance from heavy vehicle crossing signs

1.4 DRAINAGE WORKS
a. Construct drainage channels as indicated on plan
b. Armour all drainage outlets using rock packing where they exit the sites

1.5 ACCESS\TRAFFIC SAFETY
a. Access site from DR1218 only using installed gateways as indicated on plan

1.6 CLEARANCE\ TOPSOIL
a. Clear alien vegetation by hand (in accordance with operator instruction sheet 6b)
b. Topsoil stock piles to be located in areas indicated on the plan and managed as per operator instruction
c. Nominal topsoil thickness 0.4m.

1.7 ABLUTION/ WASTE FACILITIES
a. Locate portable toilets adjacent to the site entrance indicated on the plan and screen with shade cloth.
b. Waste drums/bins to be provided at the site entrance and all waste shall be removed off of site weekly.

1.8 STOCKPILING
a. Stockpiles to be located at points indicated on plan, and as per 2.3 following.
b. Stockpiles to be managed as per operator instruction sheet #5.

SPECIAL PRECAUTIONS

1.9 DUST/NOISE MANAGEMENT
a. No special dust management measures required.
b. Dust to be managed as per operator instruction sheet #16.
c. Water tanker to be made available for management of dust
d. No over-watering of the mining area or road surfaces should occur
e. No special noise management measures required.

1.10 PROTECTION OF FLORA AND FAUNA
a. Indigenous vegetation within the site boundary is to be preserved and not damaged as far as is practical.
b. No domestic animals permitted on site.
c. Fauna disturbed by the mining process on the site are to be carefully and safely removed from site to an equivalent environment.
d. No animals to be harmed during the course of mining.

1.11 ARCHAEOLOGICAL/PALAENTOLOGICAL REMAINS
a. Should any artefacts be discovered during the course of mining, work is to be stopped, the area cordoned off until the necessary remedial steps have been implemented and authorisation has been obtained to resume activities (refer to operator instruction sheet #17).

1.12 FIRE MANAGEMENT
a. No special fire management measures required.
b. Manage fire as per operator instruction sheet #20.

1.13 SERVICES
a. There are no services to be relocated at this site.

2 MINING OF MATERIAL

2.1 MATERIAL TO BE MINED
a. Material to be mined is a G9 quality gravel binder , which occurs at this site in a layer about 2.1m thick.It lies beneath a layer of "topsoil" that is about 0.25m thick.
b. The material to be mined is very soft rock to soft rock and soft rock to medium shales excavated as slightly sandy clayey and silty GRAVEL and is a type E material.
c. The entire profile is to be mined simultaneously in order to blend the upper and lower layers of material.

2.2 EXTRACTION PLAN
a. The material is to be mined utilising a dozer with a ripper (if neccessary to excavate to full depth), and either a front end loader or a tracked excavator, to load loose or loosened material.
b. Mining should take place in phases, as per mining plan.
c. The areal extent of each phase should be determined by the volume of material required at that time
d. Initially, Mining should take place in a series of blocks as approximately indicated by the blocks numbered ①-⑤
e. The approximate volume of wearing course gravel in each block is given in the table opposite.
f. Temporary batter boards are to be erected as required as mining proceeds to indicate the sideways and downward limit of mining.
g. Each mined block (1 to 2) should be bound by a temporary vertical slope along its edge with unmined ground, and a slope of 1V:3h along its edge with ground not to be mined.

2.3 STOCKPILING PLAN
a. Topsoil should only be cleared when the underlying material is required for re-gravelling roads.
b. Topsoil should be stockpiled only in the indicated areas , even if the topsoil is only partially cleared.

3 REHABILITATION

3.1 GENERAL SITE CLEAN UP
a. Infrastructure, equipment, plant, fencing, temporary services, foreign materials, rubble and waste to be removed from site.
b. Internal access tracks to be obliterated by breaking the surface crust and scarifying the area to a depth of 250 mm and covered with stockpiled topsoil.

3.2 LANDSCAPING
a. All slopes shall be cut to the final design profile as per operator instruction sheet #8.
b. All surplus material in and around the excavations, including stockpiled gravel, oversized rocks left in the excavations and surplus excavated material to be used as fill.
c. Slopes to be smoothed over and large boulders removed to be used as fill.
d. Floor of the borrow pit to be made good, levelled off, and rendered free-draining.

3.3 TOPSOIL
a. The topsoil stockpiled prior to mining to be used as topsoil during the rehabilitation phase.

3.4 REVEGETATION
a. Focus on the slopes rather than the level areas.
b. Remove any alien vegetation by hand or mechanical means and set aside for use as brush packing.
c. Spread 75 mm layer topsoil on slopes and level off.
d. Straw stabilise slopes using natural seed-free, dried fibres of hay, chaff or tall grass clippings (from surrounding environment) of various lengths between 50 mm and 400 mm, applied evenly by hand at a rate of 1 bale per 20 m over the area.
e. Mix straw into the upper 100 mm layer of soil, by hand.

3.5 PERMANENT DRAINAGE WORKS/EROSION PROTECTION
a. Runnels, erosion channels or wash sways developing after rehabilitation to be backfilled and consolidated and the areas restored to a proper stable condition.
b. Brush packing can be used in erosion runnels or at drainage outlets.

3.6 PLANTING
a. No planting to be undertaken as the site will be left to revegetate naturally.
b. Monitoring for growth and if necessary planting to be undertaken should natural vegetation not begin to establish after 30 days (specialist guidance to be sought to determine the exact requirements.)

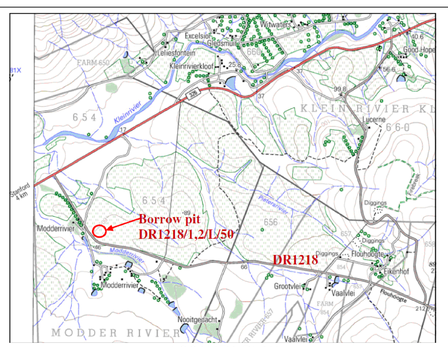
ADDITIONAL MEASURES

3.7 TRAFFIC ON REVEGETATED AREAS
a. No construction equipment, vehicles or unauthorised personnel shall be allowed onto areas that have been finished off.
b. Only persons or equipment required for the preparation of areas, application of fertiliser and spreading of top material shall be allowed to operate on these areas.

3.8 SITE SAFETY
a. Permanent, stock proof fencing shall be erected/ reinstated adjacent to farm land and alongside the road.
b. Access gate to remain locked and a key provided to the farmer for future use.

Contact numbers
Overberg District Municipality – 028 425 1157
A Van Ewden (MC) – 028 425 1157
Disaster management – 107/028 425 1157
Fire – 107/112/ 028 425 1690
Ambulance – 10117 / 028 425 1690
Police Flying Squad – 10111

Farm Details
Owner : Mr. Flip Louw
District: Caledon
Farm Name: Modderrivier
Farm No.: Farm 654— Portion 9
Contacts: 082 775 8785



LOCALITY PLAN

SCALE: N.T.S.

No.	DATE	ADDITIONS AMENDMENTS	CONS. ENG.	PRE

DESIGNED BY: Z.D
CHECKED BY: G.T.
DRAWN BY: Z.D
CHECKED BY: G.R.

NADESON CONSULTING SERVICES
16th Floor, Triangle House
22 Riebeek Street
Cape Town 8001
P.O Box 51121
V&A Waterfront
8002
Tel: +2721 418 4988
Fax: +2721 4195187
Email: Capetown@nadeson.net

KOLONIE WES-KAAP WESTERN CAPE

WESTERN CAPE : PROVINCIAL ADMINISTRATION
DEPARTMENT OF TRANSPORT & PUBLIC WORKS
ROADS INFRASTRUCTURE BRANCH

THIS APPROVAL IS FOR PROCEDURAL AND ADMINISTRATIVE REVIEW PURPOSES ONLY AND DOES NOT ATTRACT LEGAL LIABILITY OF ANY KIND FROM WHATSOEVER CAUSE OR HOWEVER ARISING

PROVINCIAL ROADS ENGINEER

DATE

ROADS MATERIALS SUPPLY STRATEGY
CONTRACT NUMBER C937

BORROW PIT DEVELOPMENT PLAN
DR1218/1.2/L/50

P.R.E.'s FILE No.	SCALE
	AS SHOWN
CONTRACT No.	WCPA STRUCTURES PLAN No.
C 937	
CONSULTANT'S PLAN No.	WCPA INDEX No.
C657-OVB-1036	