

# LATE APPEAL AGAINST THE ENVIRONMENTAL AUTHORISATION GRANTED FOR THE PROPOSED EXPANSION OF THE CAPE WINELANDS AIRPORT

**(P10 OF FARM 724, RE OF FARM 724, P23 OF FARM 724, P7 OF FARM 942, RE  
OF FARM 474, P3 OF FARM 474 AND P4 OF FARM 474)**

APPEAL RECEIVED AFTER 19 NOVEMBER 2025  
CONDONATION GRANTED 1 DECEMBER 2025



# APPEAL 6

**APPELLANT: DARSON TRUST (A MULLER)**

**DATE RECEIVED:**  
24 NOVEMBER 2025



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**APPEAL FORM**  
**In terms of the National Appeal Regulations**

**April 2019**

**Form Number: 2019**

**Note that:**

1. This appeal must be submitted within **20 days** of being notified of the decision.
2. This form is current as of **April 2019**. It is the responsibility of the Appellant to ascertain whether subsequent versions of the form have been released by the Appeal Administrator.
3. This form must be used for appeals submitted in terms of National Appeal Regulations, 2014 in so far as it relates to decisions in terms of the:
  - a. Environment Conservation Act, 1989 (Act No. 73 of 1989);
  - b. National Environmental Management Act, 1998 (Act No. 107 of 1998);
  - c. National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
  - d. National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);
  - e. National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008); and subordinate legislation made in terms of these laws.
4. The required information must be inserted within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The spaces may be expanded where necessary.
5. Unless protected by law, all information contained in, and attached to this application, will become public information on receipt by the Department.
6. A digital copy of this form may be obtained from the Department's website at <http://www.capecagateway.gov.za/dept/eadp>.
7. Please consult the National Appeal Regulations (dated 8 December 2014) and the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations (dated 9 December 2014), and any other relevant regulations.

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## A. DECISION BEING APPEALED

1. Reference Number of the Decision being appealed:

EIA REFERENCE: 16/3/3/2/A5/20/2046/24

NEAS REFERENCE: WCP/EIA/0001497/2024

2. Type of Decision being appealed (please circle the appropriate option):

Environmental Authorisation	24G Administrative Fine	Amendment of Environmental Authorisation	Amendment of Environmental Management Programme	Waste Management Licence	Atmospheric Emission Licence	Exemption Notice
Permit in terms of NEM: BA	Administrative Notice/ Directive	ECA: OSCA Permit	Other			

3. Brief Description of the Decision:

NOTIFICATION - ENVIRONMENTAL AUTHORISATION GRANTED,  
IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998)  
("NEMA") & THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR:  
THE PROPOSED EXPANSION OF THE EXISTING CAPE WINELANDS AIRPORT ON PORTION 10 OF FARM 724, REMAINING EXTENT OF FARM 724, PORTION 23 OF FARM 724, PORTION 7 OF FARM 942, REMAINING EXTENT OF FARM 474, PORTION 3 OF FARM 474 AND PORTION 4 OF FARM 474, FISANTEKRAAL, DURBANVILLE

4. Date of the decision being appealed (i.e. date on which the decision was made):

27 October 2025

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## B. APPELLANT'S INFORMATION

5. Please circle the appropriate option

Applicant	State Department / Organ of State	Interested and Affected Party
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6. Appellant's information:

Name:

DARSON TRUST IT561/2005

Address:

ABERFELDY FARM  
R304 MALMESBURY FARMS  
KLIPHEUWEL

Tel: 0217035200

Cell: 0832602828 MRS ALISON MULLER (TRUSTEE)  
0832513052 MR DARRYL MULLER (TRUSTEE)

Fax: n/a  
Email: [muller1@mweb.co.za](mailto:muller1@mweb.co.za)  
[darrylm@mullersteel.co.za](mailto:darrylm@mullersteel.co.za)

### C. APPEAL INFORMATION

7. Did you lodge an Appeal submission within 20 days of the notification of the decision being sent to you?

**Yes** / **No** (Circle the appropriate response). If "Yes", attach a copy herewith.

8. The following documents must accompany the appeal submission, kindly indicate if they have been attached to the submission:

8.1 a statement setting out the grounds of appeal?;

**Yes** / **No** (Circle the appropriate response)

8.2 supporting documentation which is referred to in the appeal submission?;

**Yes** / **No** (Circle the appropriate response)

8.3 a statement, including supporting documentation, by the appellant that a copy of the appeal was submitted to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from:

8.3.1 the date that the notification of the decision was sent to the registered interested and affected parties by the applicant.

**Yes** / **No** (Circle the appropriate response).

Please indicate the date on which a copy of the Notice of the decision was sent. **24/11/2024**

**OR**

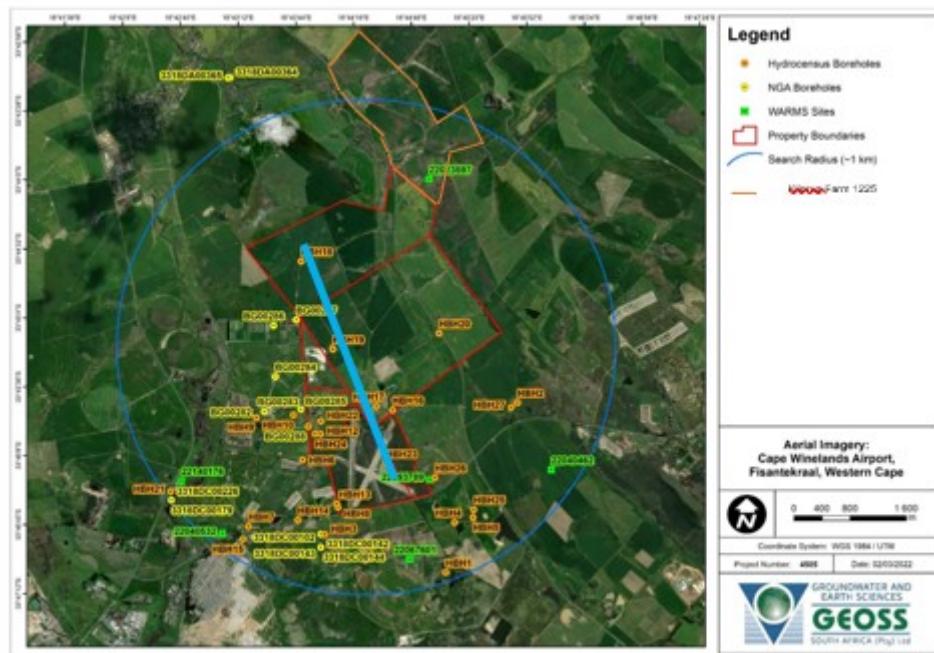
8.3.2 the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority.

**Yes** / **No** (Circle the appropriate response).

Please indicate the date on which a copy of the Notice of the decision was sent. **24/11/2024**

## D. GROUNDS OF APPEAL

9. Set out the ground/s of your appeal: Clearly list your appeal issues and provide an explanation of why you list each issue.



Map 3: The study site with the property boundary, hydrocensus, NGA and WARMs boreholes superimposed on an aerial photograph.

The blue line is the runway.

## **BASIS OF OBJECTION/APPEAL:**

### **1. APPROVED EIA FOR CHICKEN HOUSES FOR OUR FARM**



We have had an EIA approved for new poultry houses for our Kliprug Farm 1225 as we are investing in expanding our farming operations.

A poultry farm should not be next to an airport due to potential biosecurity risks, disease transmission from wildlife, and noise pollution that could stress the birds. It is best to choose a location away from areas with high-traffic vehicles, such as airports, industrial zones, and main roads.

## **2. DECREASE IN USE OF LAND FOR AGRICULTURE:**

These land-use changes cause a large amount of agricultural land in the surrounding area to turn into impervious surfaces, which sparks a series of ecological and environmental problems that are referred to as the spillover effects of airports. One of side effects to our land will be that the surrounding land will become hard surface that does not let water soak into the ground or greatly reduces the amount of water that soaks into the ground

### **DECREASE IN AVERAGE FARMING INCOME:**

Studies show that farming income reduces by 45%. While it may be viewed that the average non-farming income rises, it does not mean that the farmer who owning the agricultural land will have the benefit of the average non-farming income due to the farmers having farming expertise and not airport expertise.

[https://www.researchgate.net/publication/352537120\\_The\\_Impact\\_of\\_Airport\\_Construction\\_on\\_Farm\\_Households'\\_Income](https://www.researchgate.net/publication/352537120_The_Impact_of_Airport_Construction_on_Farm_Households'_Income)

## **3. TRAFFIC:**

Surface transportation traffic patterns may be altered during construction. The R312, R304 and R302 are already high volume traffic roads and construction vehicles travelling from the quarry to the airport will affect the flow of traffic.

## **4. LIGHT POLLUTION:**

Light pollution will affect how plants grow and reproduce. It disrupts their seasonal rhythms, their ability to sense and react to natural light, and their fragile relationship with pollinators. Light pollution affects plants by interfering with photoperiodism. Based on their sensitivity to light, plants are classified as long-day plants, short-day plants and day-neutral plants. The presence of artificial light, beyond natural light hours, can disturb the photoperiods of these plants.

## **5. WATER POLLUTION:**

One of the boreholes stated in one of their reports and situated at -33,7334000, 18,7494000 is a registered borehole on our farm and the fuel and oil emissions will seep into the aquifer and affect our water that feeds animals and waters crops.

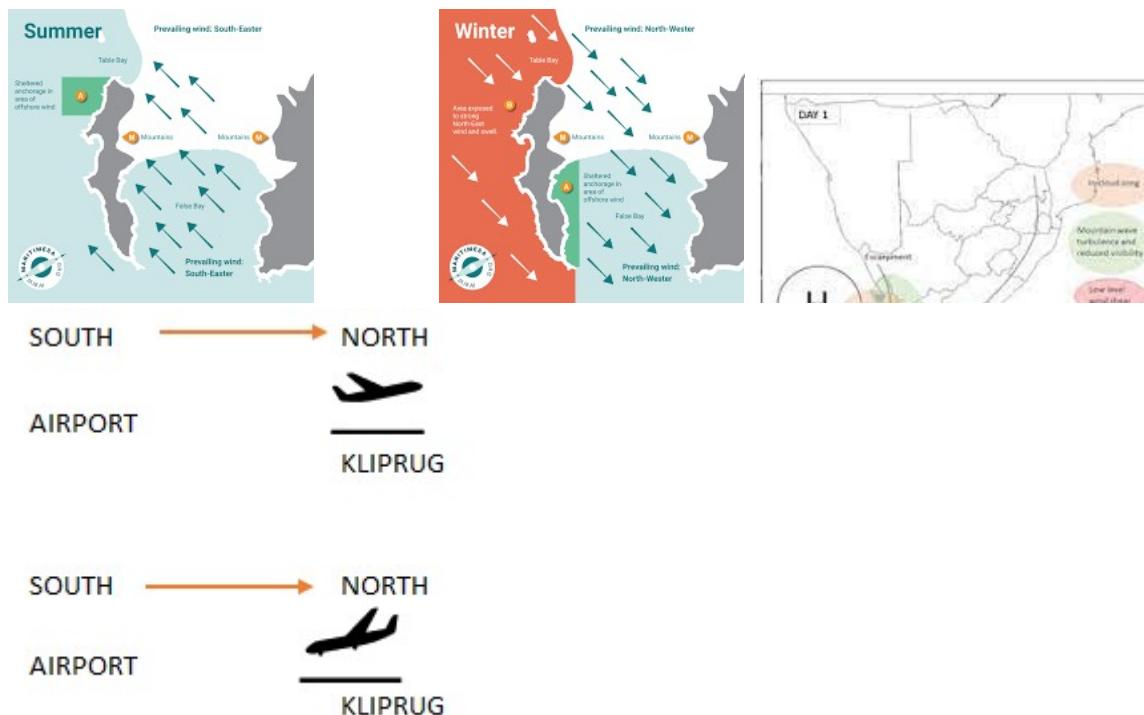
## **6. AIR POLLUTION:**

Irrelevant of the direction of the wind, the air pollution will affect us, as the planes will land against the wind and take off with the wind. This means that there will always be planes passing behind our residential homes and animal sheds, albeit they are landing or taking off. Airports and aviation generate air pollution through a range of sources: Combustion of aviation fuel – which is mostly composed of kerosene - produces nitrogen oxides (NOx), carbon monoxide (CO), sulphur oxides (SOx), hydrocarbons and particulates.

## **7. NOISE POLLUTION:**

Irrelevant of the direction of the wind, the sound pollution will affect us, as the planes will land against the wind and take off with the wind. This mean the planes will be at a level close to the

ground behind our residential homes and animal sheds. The wind blows predominantly south to north.



## 8. DEVALUATION OF AGRICULTURAL FARM:

The impact of the value of the farm is material as who is going to buy an agricultural property when planes are landing and taking so close to the residential buildings AND affecting farmlands which are not necessarily seen to the man in the street's naked eye until he is unsuccessful in his agricultural endeavors.

9.1 Is your appeal based on factors associated with the process that was followed by the applicant/Environmental Assessment Practitioner/Competent Authority in reaching the decision?

**Yes** / **No** (Circle the appropriate response). Please provide details.

The water tests were allegedly conducted on our property without our knowledge or permission.

Noise test do not appear to have been conducted on our property, and if they were, they did not do so with our knowledge or permission.

9.2 Is your appeal based on factors associated with matters of unacceptable environmental impacts/extenuating circumstances not taken into account by the Competent Authority?

**Yes** / **No** (Circle the appropriate response). Please provide details.

Please refer to the attachment

9.3 Have your appeal issues been raised previously in the public participation process?

**Yes**

**No** (Circle the appropriate response). Please provide details.

Our objection dated 27 November 2023 is included in Appendix 29A page 60 of 360 and was responded to.

Documents can be downloaded from the following link -

<https://phsconsulting.co.za/proposed-expansion-of-cape-winelands-airport/>

9.4 Are you fundamentally opposed to the decision (e.g. to any development activity on the site)?

**Yes** / **No** / **Not applicable**

**Not applicable**

(Circle the appropriate response). Please provide details.

For the same reasons that are included in my attachment. The most important are the increased traffic and damage to our road infrastructure, the decrease in use of land for agriculture and farming income, the water pollution, the noise pollution, the light pollution and the decrease in valuation of our farm as it will no longer be conducive to anyone who wishes to purchase for agriculture and residential use.

#### **1. DECREASE IN USE OF LAND FOR AGRICULTURE:**

These land-use changes cause a large amount of agricultural land in the surrounding area to turn into impervious surfaces, which sparks a series of ecological and environmental problems that are referred to as the spillover effects of airports. One of side effects to our land will be that the surrounding land will become hard surface that does not let water soak into the ground or greatly reduces the amount of water that soaks into the ground

##### **DECREASE IN AVERAGE FARMING INCOME:**

Studies show that farm income reduces by 45%. While it may be viewed that the average non-farming income rises, it does not mean that the farmer who owning the agricultural land will have the benefit of the average non-farming income due to the farmers having farming expertise and not airport expertise.

[https://www.researchgate.net/publication/352537120\\_The\\_Impact\\_of\\_Airport\\_Construction\\_on\\_Farm\\_Households'\\_Income](https://www.researchgate.net/publication/352537120_The_Impact_of_Airport_Construction_on_Farm_Households'_Income)

#### **2. TRAFFIC:**

Surface transportation traffic patterns may be altered during construction. The R312, R304 and R302 are already high volume traffic roads and construction vehicles travelling from the quarry to the airport will affect the flow of traffic.

#### **3. LIGHT POLLUTION:**

Light pollution will affect how plants grow and reproduce. It disrupts their seasonal rhythms, their ability to sense and react to natural light, and their fragile relationship with pollinators. Light pollution affects plants by interfering with photoperiodism. Based on their sensitivity to light, plants are classified as long-day plants, short-day plants and day-neutral plants. The presence of artificial light, beyond natural light hours, can disturb the photoperiods of these plants.

#### **4. WATER POLLUTION:**

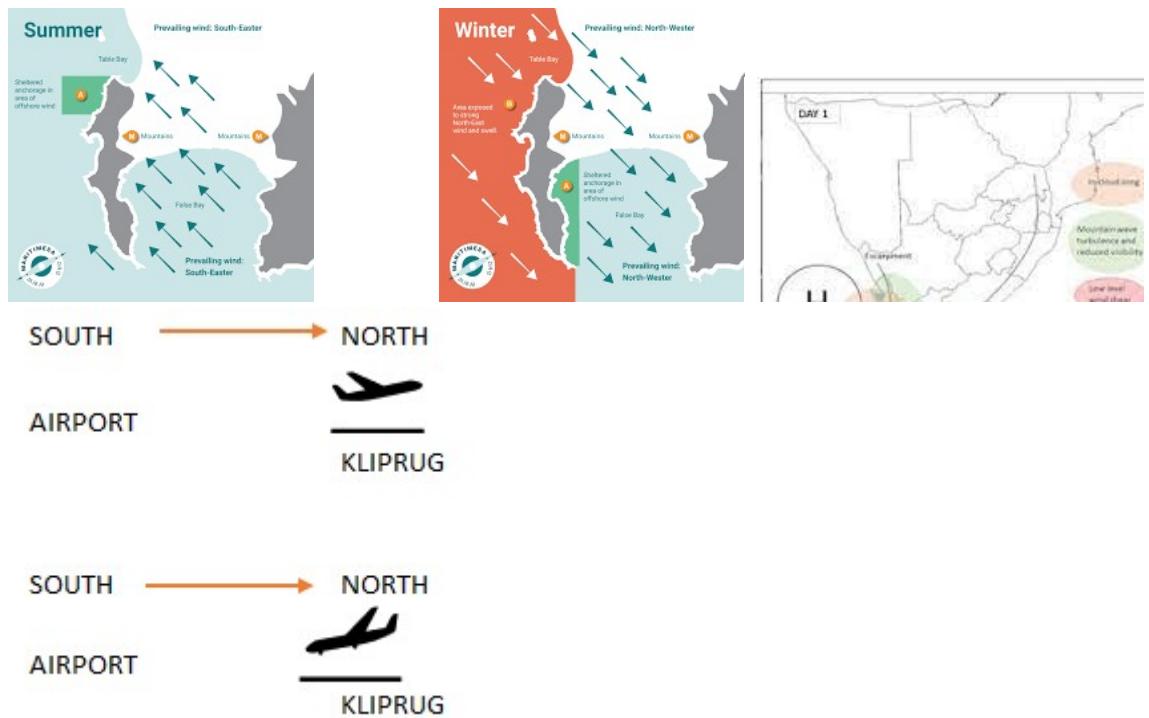
One of the boreholes stated in one of their reports and situated at -33,7334000, 18,7494000 is a registered borehole on our farm and the fuel and oil emissions will seep into the aquifer and affect our water that feeds animals and waters crops.

## 5. AIR POLLUTION:

Irrelevant of the direction of the wind, the air pollution will affect us, as the planes will land against the wind and take off with the wind. This means that there will always be planes passing behind our residential homes and animal sheds, albeit they are landing or taking off. Airports and aviation generate air pollution through a range of sources: Combustion of aviation fuel – which is mostly composed of kerosene - produces nitrogen oxides (NOx), carbon monoxide (CO), sulphur oxides (SOx), hydrocarbons and particulates.

## 6. NOISE POLLUTION:

Irrelevant of the direction of the wind, the sound pollution will affect us, as the planes will land against the wind and take off with the wind. This mean the planes will be at a level close to the ground behind our residential homes and animal sheds. The wind blows predominantly south to north.



## 7. DEVALUATION OF AGRICULTURAL FARM:

The impact of the value of the farm is material as who is going to buy an agricultural property when planes are landing and taking so close to the residential buildings AND affecting farmlands which are not necessarily seen to the man in the street's naked eye until he is unsuccessful in his agricultural endeavors.

9.5 Are you in favour of the decision if your concerns can be remedied by rectifying the process or by mitigating or eliminating an impact/s of the activity/ies?

**Yes / No / Not applicable** (Circle the appropriate response). Please provide details.

9.6 Please indicate what measures you propose to have your concerns remedied.

To be reimbursed for any loss of revenue that may be incurred, to be reimbursed for loss in market value

9.7 Does your appeal contain any new information that was not submitted to the Environmental Assessment Practitioner (EAP) / or registered I&APs/ or the competent authority prior to the decision?

**Yes** / **No** (Circle the appropriate response). If the answer above is "Yes" please explain what this information is and why it should be considered by the Appeal Authority and why it was not made available to the EAP/ or I&AP/ or the competent authority prior to the decision. (Please ensure that the new information is attached hereto.)

#### **E. SUBMISSION ADDRESS**

This appeal must be submitted to the Appeal Administrator at the address listed below within 20 days of being notified of the decision:

By post: Attention: Marius Venter  
Western Cape Ministry of Local Government, Environmental Affairs & Development Planning  
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)  
Room 809, 8<sup>th</sup> floor Utilitas Building  
1 Dorp Street, Cape Town, 8000; or

By e-mail: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

**Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator.

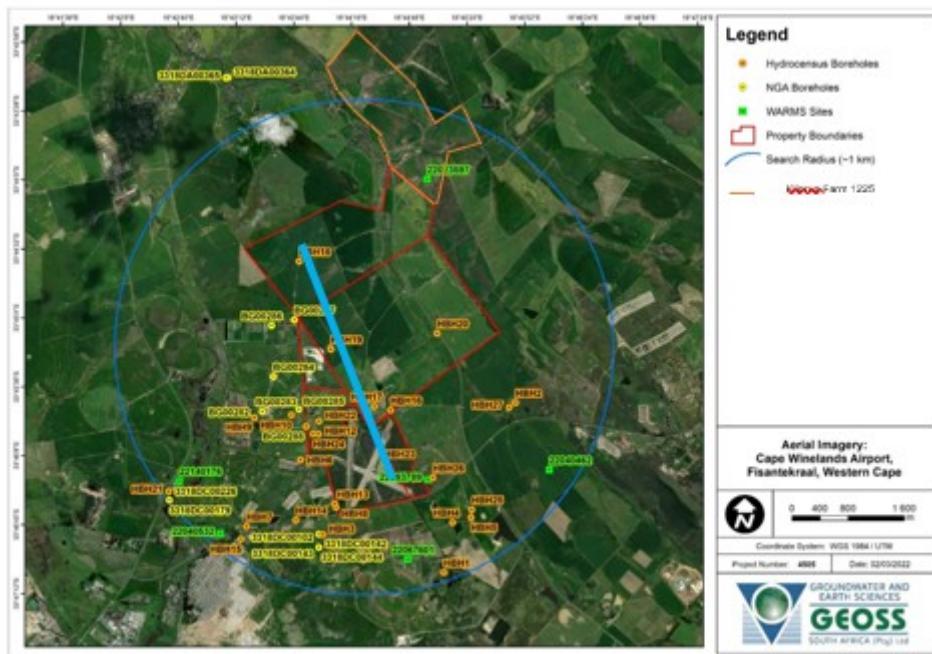


**DARRYL LANCE MULLER**  
**TRUSTEE**

**ALISON MULLER**  
**TRUSTEE**

Appellant's signatures

Date 19 November 2025



Map 3: The study site with the property boundary, hydrocensus, NGA and WARMS boreholes superimposed on an aerial photograph.

The blue line is the runway.

### **BASIS OF OBJECTION/APPEAL:**

#### **1. APPROVED EIA FOR CHICKEN HOUSES FOR OUR FARM**



We have had an EIA approved for new poultry houses for our Kliprug Farm 1225 as we are investing in expanding our farming operations.

A poultry farm should not be next to an airport due to potential biosecurity risks, disease transmission from wildlife, and noise pollution that could stress the birds. It is best to choose a

location away from areas with high-traffic vehicles, such as airports, industrial zones, and main roads.

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### **DECREASE IN AVERAGE FARMING INCOME:**

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[https://www.researchgate.net/publication/352537120\\_The\\_Impact\\_of\\_Airport\\_Construction\\_on\\_Farm\\_Households'\\_Income](https://www.researchgate.net/publication/352537120_The_Impact_of_Airport_Construction_on_Farm_Households'_Income)

## **3. TRAFFIC:**

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## **7. NOISE POLLUTION:**

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SOUTH → NORTH

AIRPORT



KLIPRUG



SOUTH → NORTH

AIRPORT



KLIPRUG

## 8. DEVALUATION OF AGRICULTURAL FARM:

The impact of the value of the farm is material as who is going to buy an agricultural property when planes are landing and taking so close to the residential buildings AND affecting farmlands which are not necessarily seen to the man in the street's naked eye until he is unsuccessful in his agricultural endeavors.

## Incorrect Form - Disregarded



**forestry, fisheries  
& the environment**

Department:  
Forestry, Fisheries and the Environment  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002

Email: [Appeals@environment.gov.za](mailto:Appeals@environment.gov.za)

### APPEAL RESPONSE REPORT

#### PROJECT NAME/TITLE:

ENVIRONMENTAL AUTHORISATION GRANTED, IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) (“NEMA”) & THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR:

THE PROPOSED EXPANSION OF THE EXISTING CAPE WINELANDS AIRPORT ON PORTION 10 OF FARM 724, REMAINING EXTENT OF FARM 724, PORTION 23 OF FARM 724, PORTION 7 OF FARM 942, REMAINING EXTENT OF FARM 474, PORTION 3 OF FARM 474 AND PORTION 4 OF FARM 474, FISANTEKRAAL, DURBANVILLE

Incorrect From - Disregarded

PROJECT LOCATION:

ON PORTION 10 OF FARM 724, REMAINING EXTENT OF FARM 724, PORTION 23 OF FARM 724, PORTION 7 OF FARM 942, REMAINING EXTENT OF FARM 474, PORTION 3 OF FARM 474 AND PORTION 4 OF FARM 474, FISANTEKRAAL, DURBANVILLE

PROJECT REFERENCE NUMBER:

EIA REFERENCE: 16/3/3/2/A5/20/2046/24

NEAS REFERENCE: WCP/EIA/0001497/2024

DATE PROJECT/ACTIVITY AUTHORISED:

27 OCTOBER 2025

DATE NOTIFIED OF DECISION:

30 OCTOBER 2025

## Incorrect Form - Disregarded

<p><b>DETAILS OF THE APPELLANT</b></p> <p>DARSON TRUST IT561/2005      OWNER OF KLIPRUG FARM 1225      R304 MALMESBURY FARMS      KLIPHEUWEL</p> <p>PH 0832602828 ALISON MULLER      PH 0832513052 DARRYL MULLER      EMAIL: <a href="mailto:muller1@mweb.co.za">muller1@mweb.co.za</a></p>	<p><b>DETAILS OF THE APPLICANT</b></p> <p>Capewinelands Aero (Pty) Ltd.      P. O. Box 12449      MILL STREET      8001</p> <p>MR DEON CLOETE      Cell: 082 339 2807      E-mail: <a href="mailto:d.cloete@capewinelands.aero">d.cloete@capewinelands.aero</a></p>
<p><b>Name of appellant:</b>      DARSON TRUST IT561/2005</p>	<p><b>Name of applicant:</b>      Capewinelands Aero (Pty) Ltd.</p>
<p><b>Appellant's representative (if applicable):</b></p> <p>ALISON MULLER      PH 0832602828      EMAIL: <a href="mailto:muller1@mweb.co.za">muller1@mweb.co.za</a></p> <p>DARRYL MULLER      PH 0832513052      EMAIL: <a href="mailto:darrylm@mullersteel.co.za">darrylm@mullersteel.co.za</a></p>	<p><b>Applicant's representative (if applicable):</b></p> <p>MR DEON CLOETE      Cell: 082 339 2807      E-mail: <a href="mailto:d.cloete@capewinelands.aero">d.cloete@capewinelands.aero</a></p>
<p><b>Postal address:</b>      P O BOX 45647      OTTERY 7808</p>	<p><b>Postal Address:</b>      P. O. Box 12449      MILL STREET      8001</p>
<p><b>Email Address:</b></p> <p>ALISON MULLER      EMAIL: <a href="mailto:muller1@mweb.co.za">muller1@mweb.co.za</a></p> <p>DARRYL MULLER</p>	<p><b>Email Address:</b></p> <p><a href="mailto:d.cloete@capewinelands.aero">d.cloete@capewinelands.aero</a></p>

## Incorrect Form - Disregarded

<b>EMAIL:</b> <a href="mailto:darrylm@mullersteel.co.za">darrylm@mullersteel.co.za</a>	
<b>Telephone number:</b> ALISON MULLER PH 0832602828	<b>Telephone number:</b> 082 339 2807
<b>DARRYL MULLER</b> PH 0832513052	
<b>Fax Number:</b>	<b>Fax number:</b>

GROUND OF APPEAL	RESPONDING STATEMENT BY THE APPLICANT	COMMENTS BY THE DEPARTMENT
1. APPROVED EIA FOR CHICKEN HOUSES FOR OUR FARM SITUATED AT KLIPRUG FARM 1225	<p>We have had an EIA approved for new poultry houses for our Kliprug Farm 1225 as we are investing in expanding our farming operations.</p> <p>A poultry farm should not be next to an airport due to potential biosecurity risks, disease transmission from wildlife, and noise pollution that could stress the birds. It is best to choose a location away from</p>	

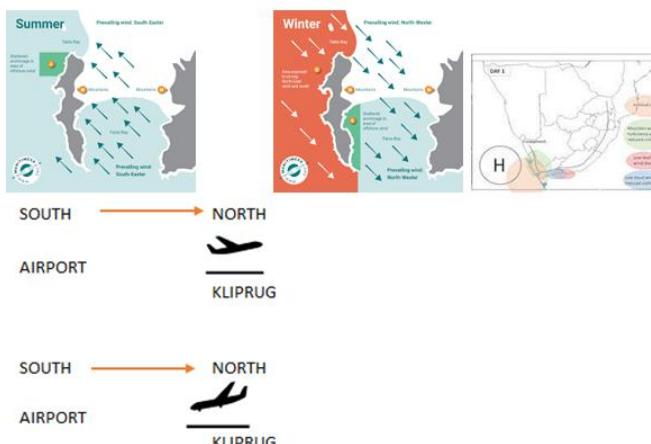
## Incorrect Form - Disregarded

	<p>areas with high-traffic vehicles, such as airports, industrial zones, and main roads.</p>	
<b>2. DECREASE IN USE OF LAND FOR AGRICULTURE:</b>	<p>These land-use changes cause a large amount of agricultural land in the surrounding area to turn into impervious surfaces, which sparks a series of ecological and environmental problems that are referred to as the spillover effects of airports. One of side effects to our land will be that the surrounding land will become hard surface that does not let water soak into the ground or greatly reduces the amount of water that soaks into the ground</p> <p><b>DECREASE IN AVERAGE FARMING INCOME:</b></p> <p>Studies show that farming income reduces by 45%. While it may be viewed that the average non-farming income rises, it does not mean that the farmer who owning the agricultural land will have the benefit of the average non-farming income due to the farmers having farming expertise and not airport expertise.</p> <p><a href="https://www.researchgate.net/publication/352537120_The_Impact_of_Airport_Construction_on_Farm_Households'_Income">https://www.researchgate.net/publication/352537120_The_Impact_of_Airport_Construction_on_Farm_Households'_Income</a></p>	

## Incorrect Form - Disregarded

3. TRAFFIC	<p>Surface transportation traffic patterns may be altered during construction. The R312, R304 and R302 are already high volume traffic roads and construction vehicles travelling from the quarry to the airport will affect the flow of traffic.</p> <p>Furthermore the intersection at R312 and R304 has an extremely high fatal collision/accident rate.</p>	
4. LIGHT POLLUTION	<p>Light pollution will affect how plants grow and reproduce. It disrupts their seasonal rhythms, their ability to sense and react to natural light, and their fragile relationship with pollinators. Light pollution affects plants by interfering with photoperiodism. Based on their sensitivity to light, plants are classified as long-day plants, short-day plants and day-neutral plants. The presence of artificial light, beyond natural light hours, can disturb the photoperiods of these plants.</p>	
5. WATER POLLUTION	<p>One of the boreholes stated in one of their reports and situated at -33,7334000, 18,7494000 is a registered borehole on our farm and the fuel and oil emissions will seep into the aquifer and affect our water that feeds animals and waters crops.</p>	
6. AIR POLLUTION	<p>Irrelevant of the direction of the wind, the air pollution will affect us, as the planes will land against the wind and take off with the wind. This means that there will always be planes passing behind our residential homes and</p>	

## Incorrect Form - Disregarded

	<p>animal sheds, albeit they are landing or taking off. Airports and aviation generate air pollution through a range of sources: Combustion of aviation fuel – which is mostly composed of kerosene - produces nitrogen oxides (NOx), carbon monoxide (CO), sulphur oxides (SOx), hydrocarbons and particulates.</p>	
<b>7. NOISE POLLUTION</b>	<p>Irrelevant of the direction of the wind, the sound pollution will affect us, as the planes will land against the wind and take off with the wind. This mean the planes will be at a level close to the ground behind our residential homes and animal sheds. The wind blows predominantly south to north.</p> 	

## Incorrect Form - Disregarded

<b>8. DEVALUATION OF AGRICULTURAL FARM:</b>	The impact of the value of the farm is material as who is going to buy an agricultural property when planes are landing and taking so close to the residential buildings AND affecting farmlands which are not necessarily seen to the man in the street's naked eye until he is unsuccessful in his agricultural endeavors.	
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### ARR comments by Case Officer

Name & Surname:

Date:

Signature:

### Approved by Supervisor

Name & Surname:

Date:

Signature:

Initial/s:

## Incorrect Form - Disregarded

# The Darson Trust

Registration Number: IT561/2005

Aberfeldy Farm  
R304  
Malmesbury Farms

24 November 2025

**Western Cape Provision Minister  
Department of Environmental Affairs  
and Development Planning  
Western Cape Provincial Government**

**ATTENTION: MINISTER ANTON BREDELL,**

To whom it may concern,

**REQUEST FOR CONDONATION FOR APPEAL AGAINST THE ENVIRONMENTAL AUTHORISATION  
GRANTED, IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF  
1998) ("NEMA") & THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS  
AMENDED) FOR:**  
**THE PROPOSED EXPANSION OF THE EXISTING CAPE WINELANDS AIRPORT ON PORTION 10 OF  
FARM 724, REMAINING EXTENT OF FARM 724, PORTION 23 OF FARM 724, PORTION 7 OF FARM  
942, REMAINING EXTENT OF FARM 474, PORTION 3 OF FARM 474 AND PORTION 4 OF FARM 474,  
FISANTEKRAAL, DURBANVILLE**

We hereby request condonation for the late submission of our Appeal against the Environmental Authorisation granted, in terms of the National Environmental Management Act, 1998 (Act 107 Of 1998) ("Nema") & The Environmental Impact Assessment ("Eia") Regulations, 2014 (As Amended) For:

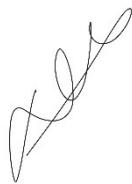
The Proposed Expansion Of The Existing Cape Winelands Airport On Portion 10 Of Farm 724, Remaining Extent Of Farm 724, Portion 23 Of Farm 724, Portion 7 Of Farm 942, Remaining Extent Of Farm 474, Portion 3 Of Farm 474 And Portion 4 Of Farm 474, Fisantekraal, Durbanville

Please consider the following:

- The delay is only 4 days including a weekend
- The delay was due to my misunderstanding that we had 20 business days and not 20 calendar days, as later discovered in re-reading the requirements for the appeal.
- We had already lodged an objection in writing and did not realise we had to re-lodge another written objection/appeal.
- On the website reference <http://www.westerncape.gov.za/eadp> given in the letter, we did not locate the appeal form.
- We believe that with the other appellants, I have a good chance of success. The other appellants include:
  - Leonard Heydenrych
  - County Fair

- Morningstar Flying club
- Cape Town Flight Training Centre (Pty) Ltd; Diepkloof Aircraft Maintenance CC; 4 Aviators (Pty) Ltd; Helivate Helicopter Services (Pty) Ltd; WCMS CC T/A AeroSport
- Garden Cities
- I don't believe this late appeal will prejudice any party
- This case is extremely important due to the significance of the issues that are raised in the appeal being
  - We have had an EIA approved for new poultry houses for our Kliprug Farm 1225 as we are investing in expanding our farming operations. A poultry farm should not be next to an airport due to potential biosecurity risks, disease transmission from wildlife, and noise pollution that could stress the birds. It is best to choose a location away from areas with high-traffic vehicles, such as airports, industrial zones, and main roads.
  - Decrease in use of land for Agriculture and decrease in average farming income
  - Increase in Traffic. The R312 and R304 intersection is already a high collision area.
  - Severe increase in light pollution to the surrounding farmlands as light affects how plants grow and reproduce.
  - Water pollution – fuel and oil emissions will seep into the aquafer and affect our water that feeds animals and crops
  - Air pollution especially with planes landing so close to our farm
  - Noise pollution – this will affect the residential use of all residents and animals on our farm as we will have sleep deprivation, effect social activities and the affect on our normal daily life
  - Devaluation of market value of the agricultural farm as it will lose all agricultural value due to the effects of being situated next to an airport
- We ask you kindly to consider our condonation favourably as we believe it would serve in the interests of justice.

Yours faithfully



.....  
**DARRYL MULLER**  
**TRUSTEE FOR DARSON TRUST**



.....  
**ALISON MULLER**  
**TRUSTEE FOR DARSON TRUST**

# Applicant Objection to Request for Condonation



WINSTANLEY INC.

ENVIRONMENTAL LAW

[108 Victoria Junction, 57 Prestwich Street, Cape Town, 8001](#) | [+27 \(0\)82 574 5173](#) | [terry@winstanleyinc.com](mailto:terry@winstanleyinc.com) | [www.winstanleyinc.com](http://www.winstanleyinc.com)

**To:** The Minister of Environmental Affairs and Development Planning

**Email:** [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

**CC:** Ms Muller

**Email:** [Muller1@mweb.co.za](mailto:Muller1@mweb.co.za)

## CAPE WINELANDS AERO (PTY) LTD: OBJECTION TO THE CONDONATION OF THE LATE SUBMISSION OF AN APPEAL BY MS ALISON MULLER

(Your reference: 16/3/3/6/7/2/A5/20/2209/23)

28 November 2025

Dear Sir

### Introduction

1. I represent Capewinelands Aero (Pty) Limited (the “**Applicant**”).
2. The Applicant wishes to expand an existing airstrip in Fisantekraal and to establish an airport there (“**Development**”). That Development triggers various activities listed under the National Environmental Management Act, 107 of 1998, as a result of which an environmental authorisation (“**EA**”) is required by the Applicant for the lawful construction and operation of the Development.
3. In order to obtain an EA, the Applicant undertook an environmental impact assessment (“**EIA**”) process, included in which was an extensive public participation process (“**PPP**”), discussed in more detail below. This is referred to here as the “**CWA EIA Process**”.
4. The EA was granted on 27 October 2025.
5. Appeals lodged against the EA are governed by the National Appeal Regulations, 2025 (“**Regulations**”). Those require anyone who wishes to lodge an appeal to do so within 20 days after notification of the EA (“**Appeal Period**”), which period ended on 19 November 2025.
6. On 30 October 2025, all interested and affected parties (“**I&APs**”) were notified by PHS Consulting, the environmental assessment practitioner (“**EAP**”) appointed by the Applicant, that the EA had been granted and that they were entitled to lodge an appeal. The details of this process were fully explained in a letter dated 30 October 2025, a copy of which is attached, marked “A” (“**Appeal Notification Letter**”). It clearly specifies that appeals must

Director: Terry Jane Winstanley MA, LLM

be submitted with in 20 calendar days. Importantly it does not say “working days”.

7. Ms Muller, an I&AP in the CWA EIA Process, apparently representing the Darson Family Trust, submitted an appeal on 24 November 2025 (“**Appeal**”), after the Appeal Period had closed. She was then invited by the appeals administrator to make an application for condonation for the late submission of her appeal, which she did on 24 November 2025 (“**Condonation Application**”). The Applicant was asked to make submissions in response to that Condonation Application. These are those submissions.
8. Material is that Mr and Ms Muller wish to develop an intensive poultry operation, which also requires the undertaking of an EIA and conduction of a PPP, in which the Applicant has participated. It was in the course of that PPP that the Applicant obtained copies of the studies undertaken on behalf of Mr and Ms Muller, referred to in more detail below. That is referred to here as the “**Muller EIA Process**”.

#### Response

9. Ms Muller has had numerous opportunities to comment on documents generated during the EIA process. Attached, marked “**B**” is a table prepared by PHS Consulting. It sets out what opportunities Ms Muller had to comment, and what she did in response to those opportunities. It also provides proof that Ms Muller was notified of all of the steps in the PPP.
10. As is evident from Annex B, although Ms Muller was invited to attend the public meetings and two open days held as part of the process, she did not attend any of them. She also provided comment during the pre-application scoping stage, but did not provide any comment after that, until after the final submission of the EIAR to the Department of Environmental Affairs and Development Planning (“**DEA&DP**”). As is evident from Annex B, her comments were included in Appendix 29 A to the Final EIA Report (pages 57 to 60).
11. Also relevant is the interaction which Mr Cloete, the Applicant’s representative, had with Ms Muller. Mr Cloete had a meeting with Mr and Mrs Muller on 31 May 2024 to discuss their concerns (proof of which is contained in a series of emails contained in Annex “**C**”).
12. Mr Cloete recorded the outcome of that meeting in an email dated 9 June 2024, contained in the second email in the string which is attached, marked “**D**”. Significantly, it is evident that the Mullers’ primary concern was noise.
13. On the 10 December 2024, Mr Cloete sent an email to the Mullers, confirming that the noise specialist report was finalised and circulated by the EAP, and that that their farm is outside the noise cones. He also reminded them that the comment period was closing three days later, on 13 December 2024. A copy of that email is the first one in Annex D. On the same day, he sent a similarly worded WhatsApp letter to Mr Muller, a copy of which is marked “**E**”. Notwithstanding their stated concern about noise, the Mullers did not submit any comment regarding the noise specialist’s report.
14. With regard to the content of Ms Muller’s Condonation Application, it is noted that she relies on the fact that she misunderstood the Appeal Notification Letter. She states, firstly, that she thought that, having lodged an objection, she did not realise that she also had to lodge

an appeal. If this was true, it is not clear why she lodged an appeal at all, albeit late. Secondly, as is explained below, the Mullers are currently engaged in their own EIA process. It is difficult to believe that they do not understand how the process works and that multiple opportunities for comment (and appeal, if necessary) are provided for in the EIA process.

15. Thirdly, it is difficult to understand how Ms Muller mistook “calendar days” for “working days” in the Appeal Notification.
16. Also material when determining the Condonation Application is a consideration of the Appellant’s prospects of success. It is respectfully submitted that they are not good. The Appeal concedes that it relies on issues raised in previous comments made (see page 7 of the Appeal). These were comprehensively responded to during the EIA process, and can be viewed in Appendix 29A of the Final EIAR.
17. The Appeal also contains some material factual inaccuracies and some statements that are in contradiction with a motivation report dated August 2024, submitted as part of the Muller EIA Process, a copy of which is annexed, marked “F” (“**Motivation Report**”). For example, the Appeal states that “a poultry farm should not be next to an airport” (page 5) which is not what the Motivation Report says (it is in fact silent on the issue of the airport, which appears to be an oversight). The Appeal also relies on unsubstantiated assertions (for example, that the Mullers will be materially adversely affected by noise, without reference to the Applicant’s noise specialists report which shows that they are outside of the noise cones; and that aircraft will “pass behind our residential homes and animal sheds” (page 5), which is simply not true).
18. The Appeal also states that “a poultry farm should not be next to an airport due to potential biosecurity risks”. This is simply not true; biosecurity risks are ordinarily posed by other poultry farms. She offers no scientific substantiation for this assertion.
19. Importantly, the Appeal says “we have had an EIA approved for a new poultry farm” (page 4). The Mullers had an EA which lapsed in 2017; they are now engaged in an application for a new one. They persist with this application despite knowing that the CWA - which they believe is incompatible with their proposed development - was ahead of them in the EIA process.
20. A final consideration in determining the Condonation Application is the extent to which granting it sets a precedent for, and may encourage, other late appeals. It is respectfully submitted that the Appeal Regulations provide clear timelines (which were very clearly explained to Ms Muller) to ensure that IAPs participate in good faith in the PPP and, where necessary, appeal process. Permitting this, and potentially any other appeals, creates an unnecessary burden on the Applicant to notify all of the other appellants of this new appeal and to respond to it in a separate appeal response.

### **Conclusion and Request**

21. It is respectfully submitted that, despite being fully aware of her opportunities to participate in the PPP, Ms Muller generally did not do so, or did so late. She now relies on a disingenuous argument that she did not know that she had to lodge both an objection and an appeal. That is despite the fact that she was advised by the EAP of each opportunity to object and to

appeal, and that she did in fact lodge the Appeal, although she did so late.

22. It is an abuse of the statutory process not to participate fully and timeously in the PPP then to rely on the appeal process to address concerns that might have been dealt with in the EIA process. Further, the Appeal is unlikely to succeed, for reasons that are explained above.

23. Finally, it is respectfully submitted that the granting of this Condonation Application may encourage other late appeals. The Regulations prescribe specific time periods for good order and certainty. To overrule those in these circumstances would not be in the interests of justice.

24. It is therefore respectfully requested that the Condonation Application should be refused.

Yours faithfully

A handwritten signature in black ink, appearing to read "T J Winstanley". The "T" and "J" are at the top, followed by a space and then "Winstanley". There is a horizontal line underneath the signature.

**Terry Winstanley**

## Appendix A



30 October 2025

**NOTIFICATION - ENVIRONMENTAL AUTHORISATION GRANTED,**  
**IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") & THE**  
**ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR:**  
**THE PROPOSED EXPANSION OF THE EXISTING CAPE WINELANDS AIRPORT ON PORTION 10 OF FARM 724,**  
**REMAINING EXTENT OF FARM 724, PORTION 23 OF FARM 724, PORTION 7 OF FARM 942, REMAINING EXTENT**  
**OF FARM 474, PORTION 3 OF FARM 474 AND PORTION 4 OF FARM 474, FISANTEKRAAL, DURBANVILLE**

Dear Registered I&AP

Notice is hereby given, in terms of the National Appeal Regulations, 2025, that **Environmental Authorisation (EA)** was **granted and issued on 27 October 2025** by the Western Cape Government, Environmental Affairs and Development Planning (DEA&DP) for the Proposed Expansion of the Existing Cape Winelands Airport on P10 of Farm 724, RE of Farm 724, P23 of Farm 724, P7 of Farm 942, RE of Farm 474, P3 of Farm 474 and P4 of Farm 474, Fisantekraal, Durbanville.

**Holder of EA Details:**

Capewinelands Aero (Pty) Ltd.  
C/O Mr. Deon Cloete  
P. O. Box 12449  
MILL STREET  
8001  
Cell: 082 339 2807  
E-mail: [d.cloete@capewinelands.aero](mailto:d.cloete@capewinelands.aero)

Reasons for the decision by DEA&DP to grant authorisation for the proposed expansion is contained in **Annexure 4** of the Environmental Authorisation (EA) dated 27 October 2025 as attached to this email communication.

We would like to draw your attention to your right to appeal against the decision in terms of the National Appeals Regulations, 2025. Appeals must comply with the National Appeal Regulations, 2025 (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025). An appellant must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision and the decision maker within 20 calendar days from the date this decision was sent to the registered I&AP's by the holder (applicant) of the decision.

All appeals submitted must:

- (a) be in writing in the appeal form obtainable from the Departmental website.
- (b) include supporting documents referred to in the appeal; and

(c) include proof of payment of the prescribed non-refundable appeal fee, if prescribed.

**Appeals, must be submitted to the Appeal Administrator by means of one of the following methods:**

- a. By e-mail: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or
- b. By hand where that person submitting does not hold an electronic mail account: Attention: Mr Marius Venter Room 809, 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.

A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the Appeal Authority: <http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel.: (021) 483 3721 or email: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

Please send a copy of the Appeal by e-mail to the holder ([d.cloete@capewinelands.aero](mailto:d.cloete@capewinelands.aero)) and PHS Consulting ([amanda@phsconsulting.co.za](mailto:amanda@phsconsulting.co.za)). If you do not wish to lodge an appeal against the Decision, please ignore this written notice.

The Environmental Authorisation (EA) is available on our website at download link <https://phsconsulting.co.za/proposed-expansion-of-cape-winelands-airport/>, and a hard copy has been lodged at the Fisantekraal Public Library (021 444 9259).

Please do not hesitate to contact us if you require any further information.



Kind Regards,

**Amanda Fritz-Whyte**

# PROOF OF PUBLIC PARTICIPATION OPPORTUNITIES AND CORRESPONDENCE RECEIVED FROM MS MULLER

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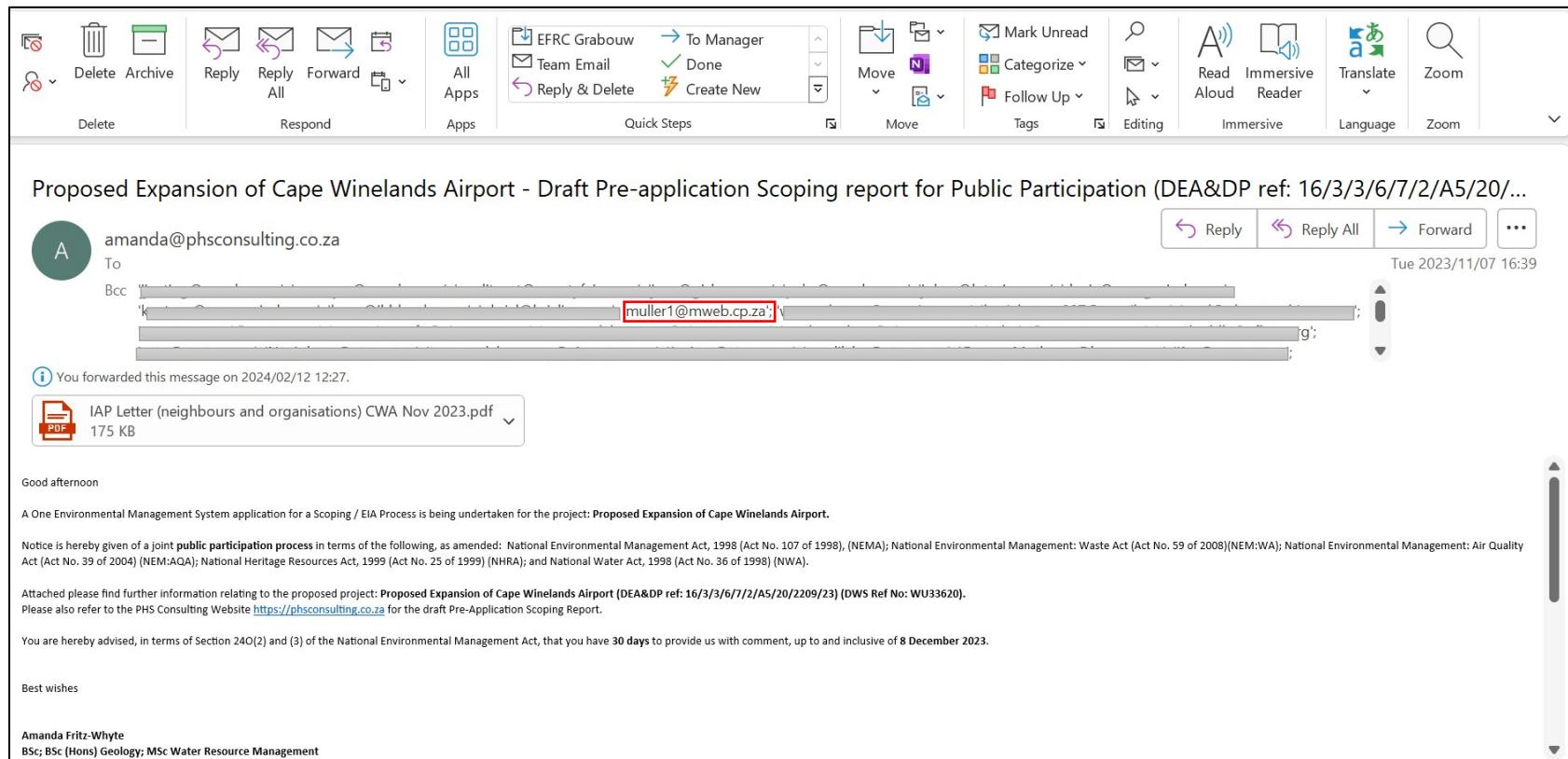
## SUMMARY OF MS MULLER'S PARTICIPATION IN THE S&EIA PROCESS

S&EIA Phase	Notified	Comment Provided / Attended	Date of Comment
Pre-Application Scoping	Yes	Yes	8 Nov 2023, 27 Nov 2023, 5 Feb 2024, 7 March 2024
Public Meeting (8 May 2024)	Yes	No	n/a
In-Process Scoping	Yes	No	n/a
EIA Phase – Round 1	Yes	No	n/a
Public Open Day (20 November 2024)	Yes	No	n/a
EIA Phase – Round 2	Yes	No	n/a
Public Open Day (15 April 2025)	Yes	No	n/a
<b>Additional Notes:</b>			
<ul style="list-style-type: none"><li>• Ms Muller phoned on 22 November 2023 requesting clarity on the process.</li><li>• Ms Muller submitted late comment on 18 July 2025, after the final submission of the EIAR to DEADP.</li></ul>			

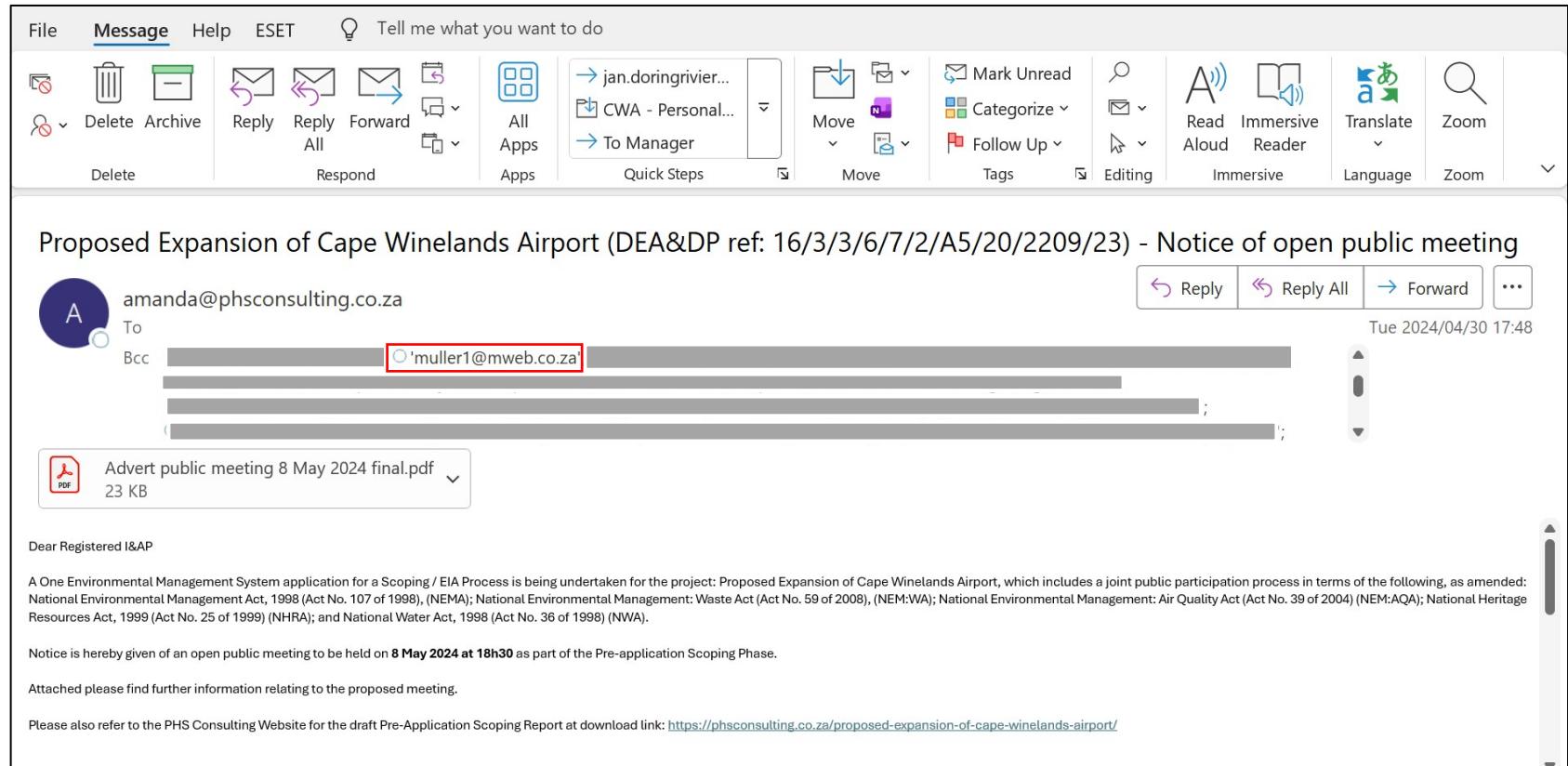
## PROOF OF PUBLIC PARTICIPATION OPPORTUNITIES OF WHICH MS MULLER WAS NOTIFIED

## 1. Pre-Application Scoping Phase

## 1.1. Proof that notification of the pre-application public participation process was sent to Ms Muller on 7 November 2023



1.2. Proof that an invitation to the public meeting held on the 8<sup>th</sup> of May was sent to Ms Muller on 30 April 2024



Proposed Expansion of Cape Winelands Airport (DEA&DP ref: 16/3/3/6/7/2/A5/20/2209/23) - Notice of open public meeting

To: amanda@phsconsulting.co.za

Bcc: 'muller1@mweb.co.za'

Tue 2024/04/30 17:48

Advert public meeting 8 May 2024 final.pdf

23 KB

Dear Registered I&AP

A One Environmental Management System application for a Scoping / EIA Process is being undertaken for the project: Proposed Expansion of Cape Winelands Airport, which includes a joint public participation process in terms of the following, as amended: National Environmental Management Act, 1998 (Act No. 107 of 1998), (NEMA); National Environmental Management: Waste Act (Act No. 59 of 2008), (NEM:WA); National Environmental Management: Air Quality Act (Act No. 39 of 2004) (NEM:AQA); National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRRA); and National Water Act, 1998 (Act No. 36 of 1998) (NWA).

Notice is hereby given of an open public meeting to be held on **8 May 2024 at 18h30** as part of the Pre-application Scoping Phase.

Attached please find further information relating to the proposed meeting.

Please also refer to the PHS Consulting Website for the draft Pre-Application Scoping Report at download link: <https://phsconsulting.co.za/proposed-expansion-of-cape-winelands-airport/>

## 2. In-Process Scoping Phase

Proof that notification of the in-process scoping phase public participation process was sent to Ms Muller on 23 December 2024

### 3. First EIA Phase PPP

Proof that notification of the first EIA phase public participation process and public open day scheduled for 20 November 2024 was sent to Ms Muller on 13 November 2024

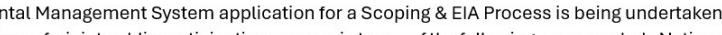
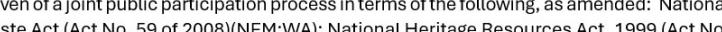
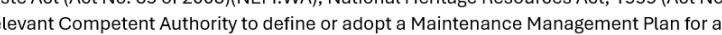
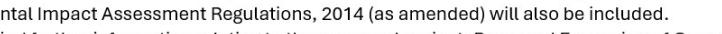
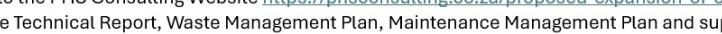
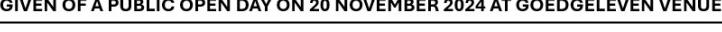
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Proposed Expansion of Cape Winelands Airport - In-process EIA report for Public Participation (DEA&DP ref: 16/3/3/2/A5/20/2046/24)

 amanda@phsconsulting.co.za

To  
Cc 'olivia'  
Bcc   
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
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#### 4. Second EIA Phase PPP

#### 4.1. Proof that notification of the first EIA phase public participation process and public open day scheduled for 15 April 2025 was sent to Ms Muller on 19 March 2025

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jan.doringrivier... CWA - Personal... To Manager

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Mark Unread Read Immersive Aloud Reader

Translate Zoom

Proposed Expansion of Cape Winelands Airport – Amended In-process draft EIAR for Public Participation (DEA&DP ref: 16/3...

A amanda@phsconsulting.co.za

To 'olivia@phsconsulting.co.za'

Cc 'muller1@mweb.co.za';

Bcc 'muller1@mweb.co.za';

Reply Reply All Forward ...

Wed 2025/03/19 09:41

CWA IAP Letter March25.pdf 152 KB

Dear Interested and Affected Party,

A One Environmental Management System application for a Scoping & EIA Process is being undertaken for the project: Proposed Expansion of Cape Winelands Airport.

Notice is hereby given of a joint public participation process in terms of the following, as amended: National Environmental Management Act, 1998 (Act No. 107 of 1998), (NEMA); National Environmental Management: Waste Act (Act No. 59 of 2008)(NEM:WA); National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRRA); and National Water Act, 1998 (Act No. 36 of 1998) (NWA). Request for the relevant Competent Authority to define or adopt a Maintenance Management Plan for a watercourse in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), Environmental Impact Assessment Regulations, 2014 (as amended) is also included.

Attached please find further information relating to the proposed project: Proposed Expansion of Cape Winelands Airport (DEA&DP ref: 16/3/2/A5/20/2046/24).

Please also refer to the PHS Consulting Website <https://phsconsulting.co.za/proposed-expansion-of-cape-winelands-airport/> for the Amended In-Process Draft EIAR, Water Use License Technical Report, Waste Management Plan, Maintenance Management Plan and supporting documents.

**NOTICE IS ALSO GIVEN OF A PUBLIC OPEN DAY ON 15 APRIL 2025 AT GOEDGELEVEN VENUE, KLIPEHUEWEL RD, DURBANVILLE FROM 13H00 TO 20H00.**

You are hereby advised, in terms of Section 240 (2) and (3) of the National Environmental Management Act, that a final 45-day commenting period is now open. Interested and/or affected parties are welcome to register and lodge comments, queries or issues with PHS CONSULTING from 19 March 2025 up to and including 13 May 2025.

## 5. Final EIA Submission

### 5.1. Proof that notification of the final EIA submission to DEADP was sent to Ms Muller on 16 July 2025

PROPOSED EXPANSION OF CAPE WINELANDS AIRPORT NOTICE OF SUBMISSION OF FINAL EIAR (DEA&DP ref: 16/3/3/2/A...)

A amanda@phsconsulting.co.za

To 'olivia@phsconsulting.co.za'

Cc Bcc [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]; 'muller1@mweb.co.za'

Wed 2025/07/16 14:27

Reply Reply All Forward ...

 CWA IAP Submission Letter 16 July 25.pdf 207 KB

Dear Registered Interested and Affected Party,

You are hereby notified that the final EIAR and supporting documentation was submitted to DEA&DP on 11 July 2025. Please note: The public participation period has closed, and no further comments will be accepted. This communication is for information purposes only. Please see letter/ attached with further information.

The final EIAR, Water Use License Technical Report, Waste Management Plan, Maintenance Management Plan and supporting documents is available, for the record only, on our website at download link <https://phsconsulting.co.za/proposed-expansion-of-cape-winelands-airport/>, and a hard copy has been lodged at the Fisantekraal Public Library (021 444 9259) for the duration of the authorisation period.

Should you not be able to access the reports, please contact the Environmental Assessment Practitioner (EAP) at the details below.

Best wishes  
Amanda

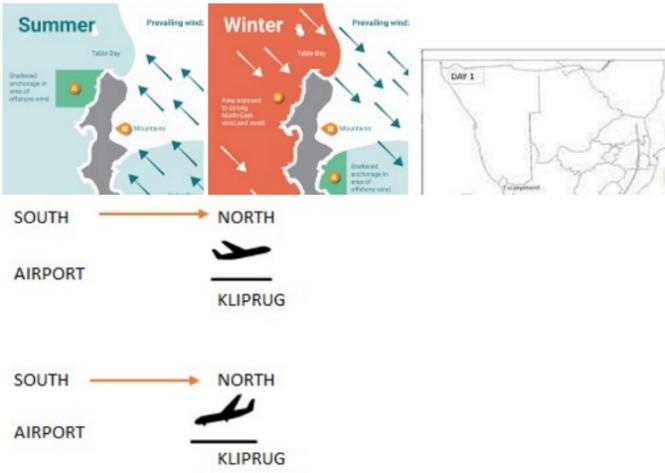
## **6. Notice of EA and Appeal Opportunity**

## 6.1. Proof that notification of the Environmental Authorisation granted and appeal opportunity was sent to Ms Muller on 19 March 2025

## COMMENTS PROVIDED BY MS MULLER AND RESPONSES THERETO

No.	Name & Presenting Unit	Issue/ Concern	Response
10, 151 & 159	Alison Muller	<p><u>Email dated 8 November 2023:</u></p> <p>1. Received.</p> <p><u>Email dated 27 November 2023:</u></p> <p>1. There are a few more farmers that are wanting more information and wanting to be contacted. Please include them on all correspondence.</p> <p>2. Below is my initial response but our own Environmental Consultant may be assisting us in the objections.</p> <p><b>Basis Of Objection:</b></p> <p>2.1. Decrease in use of land for agriculture: These land-use changes cause a large amount of agricultural land in the surrounding area to turn into impervious surfaces, which sparks a series of ecological and environmental problems that are referred to as the spillover effects of airports. One of side effects to our land will be that the <u>surrounding land will become hard surface that does not let water soak into the ground or greatly reduces the amount of water that soaks into the ground.</u></p> <p>2.2. Decrease in average farming income: Studies show that farming income reduces by 45%. While it may be viewed that the average nonfarming income rises, it does not mean that the farmer who owning the agricultural land will have the benefit of the average non-farming income due to the farmers having farming expertise and not airport expertise.</p>	<p>1. Noted.</p> <p>1. This comment is noted. The contact details of the additional farmers are noted and will be included in all future correspondence. All the information is and will be displayed on the website <a href="http://www.phsconsulting.co.za">www.phsconsulting.co.za</a>.</p> <p>2. <b>Basis of Objection</b></p> <p>2.1. The comment is noted. The development should not result in unacceptable reduction of water infiltrating the ground. Various assessments that relate to geo-hydro, agro-ecological, freshwater will inform the stormwater management plan will be developed during the Impact Assessment Phase of the EIA, and will consider runoff, hard surfaces, flow volumes and velocity according to industry best practice and CoCT standards. All registered IAPs will be given the opportunity during the impact Assessment Phase to consider and comment on the proposed stormwater management plan.</p> <p>2.2. The comment is noted. The Socio-economic Impact Assessment and the Agro-ecological Impact Assessment studies will assess the impacts of the proposed project on the surrounding farming activities during the Impact Assessment Phase of the proposed project.</p>

	<p><a href="https://www.researchgate.net/publication/352537120_The_Impact_of_Airport_Construction_on_Farm_Households'_Income">https://www.researchgate.net/publication/352537120_The_Impact_of_Airport_Construction_on_Farm_Households'_Income</a></p> <p>2.3. Traffic: Surface transportation traffic patterns may be altered during construction. The R312, R304 and R302 are already high volume traffic roads and construction vehicles travelling from the quarry to the airport will affect the flow of traffic.</p> <p>2.4. Light pollution: Light pollution will affect how plants grow and reproduce. It disrupts their seasonal rhythms, their ability to sense and react to natural light, and their fragile relationship with pollinators. Light pollution affects plants by interfering with photoperiodism. Based on their sensitivity to light, plants are classified as long-day plants, short-day plants and day-neutral plants. The presence of artificial light, beyond natural light hours, can disturb the photoperiods of these plants.</p> <p>2.5. Water pollution: One of the boreholes stated in one of their reports and situated at - 33,7334000, 18,7494000 is a registered borehole on our farm and the fuel and oil emissions will seep into the aquifer and affect our water that feeds animals and waters crops.</p> <p>2.6. Air pollution: Irrelevant of the direction of the wind, the air pollution will affect us, as the planes will land against the wind and take off with the wind. This means that there will always be planes passing behind our residential homes and animal sheds, albeit they are landing or taking off. Airports and aviation generate air pollution through a range of sources: Combustion of aviation fuel – which is mostly composed of kerosene - produces nitrogen oxides (NOx), carbon monoxide (CO), sulphur oxides (SOx), hydrocarbons and particulates.</p>	<p>All registered IAPs will be given the opportunity during the impact Assessment Phase to consider and comment on the reports.</p> <p>2.3. The comment is noted. The Traffic Impact Assessment will the impacts of the proposed project on the traffic during the construction and operational phase of the project. The TIA will be developed during the Impact Assessment Phase of the proposed project. All registered IAPs will be given the opportunity during the impact Assessment Phase to consider and comment on the report.</p> <p>2.4. The comment is noted. The VIA will consider the visual impacts of light pollution during the Impact Assessment Phase. The Botanical Impact Assessment and Faunal Impact Assessment reports will assess the impacts on vegetation during the Impact Assessment Phase of the project. All registered IAPs will be given the opportunity during the impact Assessment Phase to consider and comment on the reports.</p> <p>2.5. The comment is noted. The borehole quoted was picked up during the hydro census of all the registered boreholes in the area and will form part of the Geohydrological Impact Assessment during the Impact Assessment phase of the proposed project. All registered IAPs will be given the opportunity during the impact Assessment Phase to consider and comment on the reports.</p> <p>2.6. The comment is noted. The impacts associated with air pollution will be assessed in the Air Quality Impact Assessment during the Impact Assessment Phase of the proposed project. All registered IAPs will be given the opportunity during the impact Assessment Phase to consider and comment on the report.</p>
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	<p>2.7. Noise pollution:</p> <p>Irrelevant of the direction of the wind, the sound pollution will affect us, as the planes will land against the wind and take off with the wind. This mean the planes will be at a level close to the ground behind our residential homes and animal sheds. The wind blows predominantly south to north.</p>  <p>2.8. Devaluation of agricultural farm:</p> <p>The impact of the value of the farm is material as who is going to buy an agricultural property when planes are landing and taking so close to the residential buildings AND affecting farmlands which are not necessarily seen to the man in the street's naked eye until he is unsuccessful in his agricultural endeavours.</p> <p>3. The link: <a href="https://phsconsulting.co.za/proposed-expansion-of-cape-winelands-airport/">https://phsconsulting.co.za/proposed-expansion-of-cape-winelands-airport/</a> has the following documents:</p>	<p>2.7. The comment is noted. The impacts associated with noise will be assessed in the Noise Impact Assessment during the Impact Assessment Phase of the proposed project. All registered IAPs will be given the opportunity during the impact Assessment Phase to consider and comment on the report.</p> <p>2.8. The comment is noted. The Socio-economic Impact Assessment will assess the effect of property value during the Impact Assessment Phase of the proposed project. All registered IAPs will be given the opportunity during the impact Assessment Phase to consider and comment on the report.</p> <p>3. The comment is noted.</p>
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	<p><b>PROPOSED EXPANSION OF CAPE WINELANDS AIRPORT</b></p> <p>Proposed Expansion of existing Cape Winelands Airport P10/724, RE/724, P23/724, P7/942; RE/474, P3/474 P4/474 DEA&amp;DP Ref No. (Pre-Application): 16/3/3/6/7/2/A5/20/2209/23; DWS Ref No : WU33620 Closing date for comment <b>8 December 2023</b></p> <p>Please select below which document your wish to download:</p> <ul style="list-style-type: none"><li>• CWA Draft Preapp Scoping report 7 Nov 2023</li><li>• App 1 EAP CV and Declaration of Independence CWA</li><li>• App 2 CWA Geohydrological Scoping</li><li>• App 3 CWA Geotechnical</li><li>• App 4 CWA Baseline Air Quality</li><li>• App 5 CWA Baseline Noise</li><li>• App 6 CWA Botanical Baseline</li><li>• App 7 CWA Botanical Scoping</li><li>• App 8 FEN CWA Freshwater Scoping</li><li>• App 9 STS PHS Cape Winelands Airport Part A</li><li>• App 10 STS PHS Cape Winelands Airport Part B</li><li>• App 11 STS PHS Cape Winelands Airport Part C</li><li>• App 12 CWA Socio-economic Scoping</li><li>• App 13 Heritage Baseline and Scoping</li><li>• App 14 CWA Archaeological Scoping</li><li>• App 15 VIA Scoping Report</li><li>• App 16 CWA Agro-Ecological Scoping</li><li>• App 17 Civil Aviation Baseline and Scoping</li><li>• App 18 CWA OLS Report</li><li>• App 19 CONOPS CWA 3 Nov 2023</li><li>• App 20 CWA Transport Scoping</li><li>• App 21 CWA Bulk Engineering services compressed</li><li>• App 22 CWA Bulk Electrical Services</li><li>• App 23 CWA Spatial Planning and land use status</li><li>• App 24 CWA Fuel Master Plan</li><li>• App 25 Architectural Design Guidelines CWA</li><li>• App 26 CWA EIA SDP and linear coordinates</li><li>• App 27 CWA Screening and SSV</li><li>• App 28 CWA Diversion Airport Analysis Excerpt</li></ul>	
	<p><u>Email received on 5 February 2024:</u></p> <p>Please can you give us an update?</p>	<p><u>Email response provided on 6 February 2024:</u></p>

		<p>Hope you are well.</p> <p>We are currently compiling all the comments and responses received during the public participation process.</p> <p>As a registered IAP you will be formally notified of the next public participation phase.</p>	
	<p><u>Email received on 7 March 2024:</u></p> <p>Please update us. When is the next meeting?</p>	<p><u>Email response provided on 8 March 2024:</u></p> <p>Thank you for the email.</p> <p>All registered IAPs will be notified of the next round of public participation in due course. Thank you for your patience and understanding in this regard.</p>	
427	Alison Muller - Darson Trust	<p>Comment received via email dated 18 July 2025</p> <p>Where and when can we see that our objections sent on Monday, 27 November, 2023 18:25:18 have been included in the consolidated compilation of all the comments and responses received ?</p>	<p>Response provided via email dated 21 July 2025</p> <p>Your objection dated 27 November 2023 is included in Appendix 29A from page 57 to page 60. Documents can be downloaded from the following link - <a href="https://phsconsulting.co.za/proposed-expansion-of-cape-winelandsairport/">https://phsconsulting.co.za/proposed-expansion-of-cape-winelandsairport/</a></p>

## Appendix C

"C"

Friday, November 28, 2025 at 8:53:48 AM South Africa Standard Time

**Subject:** Fwd: MEETING REQUEST WITH OWNERS OF ABERFELDY FARM  
**Date:** Monday, 24 November 2025 at 18:00:41 South Africa Standard Time  
**From:** Deon Cloete  
**To:** Amanda Fritz-Whyte, Paul Slabbert, Terry Winstanley, Adele Klingenberg, Gustav Griessel, Nick Ferguson

FYI, the meeting with the Mullers happened on the 31st of May 2024.

----- Forwarded message -----

**From:** <[muller1@mweb.co.za](mailto:muller1@mweb.co.za)>  
**Date:** Tue, 28 May 2024 at 12:13  
**Subject:** RE: MEETING REQUEST WITH OWNERS OF ABERFELDY FARM  
**To:** Nick Ferguson <[nick@capewinelands.aero](mailto:nick@capewinelands.aero)>, Darryl Muller <[darrylm@mullersteel.co.za](mailto:darrylm@mullersteel.co.za)>, Deon Cloete <[deon@capewinelands.aero](mailto:deon@capewinelands.aero)>, Gustav Griessel <[gustav@capewinelands.aero](mailto:gustav@capewinelands.aero)>  
**Cc:** <[nick@rsa.aero](mailto:nick@rsa.aero)>

Dear Nick

We confirm we can meet at 10am on Friday 31<sup>st</sup> May 2024 at Aberfeldy Farm, R304 Malmesbury Farms.

Kind regards

Alison Muller

**From:** Nick Ferguson <[nick@capewinelands.aero](mailto:nick@capewinelands.aero)>  
**Sent:** Friday, May 24, 2024 11:52 AM  
**To:** Darryl Muller <[darrylm@mullersteel.co.za](mailto:darrylm@mullersteel.co.za)>; Deon Cloete <[deon@capewinelands.aero](mailto:deon@capewinelands.aero)>; Gustav Griessel <[gustav@capewinelands.aero](mailto:gustav@capewinelands.aero)>  
**Cc:** <[nick@rsa.aero](mailto:nick@rsa.aero)>; Alison Muller <[muller1@mweb.co.za](mailto:muller1@mweb.co.za)>  
**Subject:** Re: MEETING REQUEST WITH OWNERS OF ABERFELDY FARM

I can't do either of those times. I can do Friday the 31st at 10am if that works

Friday, November 28, 2025 at 8:53:28 AM South Africa Standard Time

**Subject:** Fwd: MEETING REQUEST WITH OWNERS OF ABERFELDY FARM  
**Date:** Tuesday, 10 December 2024 at 07:46:47 South Africa Standard Time  
**From:** Deon Cloete  
**To:** Darryl Muller, Alison Muller  
**CC:** Amanda Fritz-Whyte, Nick Ferguson

Good Morning Darryl and Alison;

I trust that you are keeping well. Following our previous conversation we thought it appropriate to check in with you now that the outcome of the noise specialist report has been shared as part of the EIA process. From the report you will note that your farm and place of residence is outside of the noise zones deemed not conducive for residential use.

In copy is Amanda, the independent Environmental Practitioner overseeing the EIA process should you have any questions or require further clarity, the current public comment period will close this coming Friday, the 13th of December.

I also remain available to engage further on any matter should you wish to do so.

Regards;  
Deon

----- Forwarded message -----

**From:** Deon Cloete <[d.cloete@capewinelands.aero](mailto:d.cloete@capewinelands.aero)>  
**Date:** Sun, 9 Jun 2024 at 12:26  
**Subject:** Re: MEETING REQUEST WITH OWNERS OF ABERFELDY FARM  
**To:** Nick Ferguson <[nick@capewinelands.aero](mailto:nick@capewinelands.aero)>  
**Cc:** <[muller1@mweb.co.za](mailto:muller1@mweb.co.za)>, Darryl Muller <[darrylm@mullersteel.co.za](mailto:darrylm@mullersteel.co.za)>, Gustav Griessel <[gustav@capewinelands.aero](mailto:gustav@capewinelands.aero)>

Nick as mentioned, our meeting went ahead where Darryl again expressed concern as to the possible impact that the airport development might have on their farm Aberfeldy where they also reside. Noise is the main concern and as to how aircraft noise potentially could impact on the value of their farm as an investment property. In our discussions we agreed that we will await the outcome of the noise specialists report currently underway, once the report and its findings are available we will be able to engage further on a more informed basis as to the potential impact, if any. In the meantime we will make time for each other and meet as and when required, as a potential future developer but also as a current neighbour.

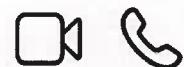
Darryl and Alison, thank you again for the opportunity to meet, I trust that I have captured the main essence of the meeting, please feel free to add anything I missed. If anything comes up and you need to talk to us I am available, you can reach me on 0823392807.

Amanda FYI, as the Environmental Practitioner overseeing the EIA process I am keeping you updated.

10:22



Darryl Muller



10 Dec 2024

🔒 Messages and calls are end-to-end encrypted. Only people in this chat can read, listen to, or share them. [Learn more](#)

Good morning Darryl, I hope you and Alison are well. Just checking in, you would have seen the noise impact report by now and that you are not within the noise cones not suitable for residential. Please do not hesitate to contact the Environmental Practitioners from PHS should you have further questions or require further clarity. I am also available should that be required. Just a reminder, the current round for public comments close this coming Friday on the 13th of December. Regards, Deon

05:19 ✓



# **MOTIVATION REPORT**

## **PROPOSED CONSENT USE INTENSIVE ANIMAL FARMING**

### **FARM 1225 MALMESBURY**

Prepared by



DT1

AUGUST 2024

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## 1. REFERENCE

The report is in support of an application for consent use to operate intensive animal farming consisting of 6 chicken broiler runs of  $\pm 1920 \text{ m}^2$  each and 6 egg laying runs of  $\pm 1400 \text{ m}^2$  each on a site of 5,1 ha on Farm 1225 Malmesbury Division.

### **Legislative Reference**

*Section 42 of the City of Cape Town Municipal Planning By-Law 2015*

## 2. PROPERTY OWNER / APPLICANT

Darson Trust

## 3. DEVELOPMENT PROPOSAL

<b>Proposed Consent Use</b>	Intensive Animal Farming, consisting of 6 chicken broiler runs of $\pm 1920 \text{ m}^2$ for the raising of 40 000 chickens each (240 000 chickens in total) and 6 egg laying runs of $\pm 1400 \text{ m}^2$ accommodation 40 000 chickens each (240 000 chickens in total) on a site of 5,1 ha on Farm 1225 Malmesbury Division, i.e. for a total animal population of 480 000 chickens
<b>Buildings</b>	Broiler runs will be 15,6x123m dimensioned structures with a height of $\pm 4 \text{ m}$ , while egg runs will be 12,2x115m in size with a height of $\pm 5,2 \text{ m}$ – all structures are to be constructed with galvanised roof sheets and a combination of bagged and painted brick walls and Chromadeck side panels
<b>Operational Proposal</b>	<ul style="list-style-type: none"> <li>a) Day old chicks are to be brought in from hatcheries, raised in the broiler runs and removed to an abattoir on reaching maturity at the age of 35 days</li> <li>b) Laying hens will be kept in the laying runs from the age of 17 weeks to the age of 72 weeks and then sold</li> <li>c) Eggs will be collected daily and transported to a central distributing facility</li> <li>d) Stocking densities will be guided by the South African Poultry Association Code of Practice</li> <li>e) Manure will drop onto conveyor belts, then mixed with wood chippings, collected on a regular basis and removed for compost making elsewhere by a service provider</li> <li>f) Floors will be cleaned by high-pressure hose-pipe - waste water will amount to about <math>1 \text{ m}^3</math> per chicken run per week (i.e. <math>12 \text{ m}^3</math> in total per week) and will be pumped into a shallow lined evaporation pond with a <math>750 \text{ m}^3</math> holding capacity</li> <li>g) Mortalities will be placed in fully closed organic waste material bins and removed by a suitably licensed waste removal service for disposal</li> <li>h) Biosecurity will be ensured by inter-alia: <ul style="list-style-type: none"> <li>- Controlled access by fencing in of the runs</li> <li>- Restricting access and the movement of people</li> <li>- Disinfecting vehicles and compulsory showers by staff and service personnel before entering and leaving the premises</li> <li>- Providing special clothing and footwear or disinfecting footwear</li> </ul> </li> </ul>

	<p>i) It is not known yet how many employment opportunities will be created, but a meaningful number of low- and semiskilled jobs will be created for the collection and packing of eggs</p>
<b>Proposed Services</b>	<p><u>Drinking and cleaning water</u> for the chicken runs will amount to 168 m<sup>3</sup> per day (350 ml/chicken) or 61 320 m<sup>3</sup> per annum and will be sourced from an existing registered borehole<sup>1</sup> and catchment dam (the water is to be purified through sand filters and stored in holding tanks) and supplemented by 36x10 000 litre rainwater catchment tanks (i.e. holding 360 m<sup>3</sup> in total)</p> <p><u>Waste water</u> from the cleaning of the chicken run floors will amount to about 1 m<sup>3</sup> per chicken run per week (i.e. 12 m<sup>3</sup> in total per week) and will be pumped into a lined evaporation pond with a 750 m<sup>3</sup> holding capacity</p> <p><u>Poultry litter</u> will comprise of manure and added wood shavings, which will be removed on a weekly basis by a conveyer belt system and collected for compost making elsewhere by a service provider</p> <p><u>Roof run-off</u> will be collected in water tanks to be installed at the chicken runs</p> <p><u>Electricity</u> will be obtained from the existing Eskom 100 KVA 3 phase supply point on the subject property</p>
<b>Proposed Access</b>	Existing access on Main Road 174 (R304) at KM35.27
<b>Traffic Generation</b>	At most 10 single unit trucks per peak hour
<b>Proposed Parking</b>	Not applicable

#### 4. PROPERTY INFORMATION

<b>Description</b>	Farm No 1225 Malmesbury Division
<b>Location</b>	4,5 km southeast of Klipheuwel settlement
<b>Municipality</b>	Municipality of the City of Cape Town
<b>Magisterial District</b>	Malmesbury
<b>Municipal Ward</b>	105
<b>Zoning Scheme</b>	Cape Town Development Management Scheme
<b>Existing Zoning</b>	Agricultural Zone
<b>Existing Primary Use</b>	Agriculture
<b>Additional Uses</b>	None
<b>Existing Utilisation</b>	Dwelling houses, farm sheds, cow sheds and dairy
<b>Extent</b>	201,1246 ha
<b>Existing Access</b>	From Main Road 174 (R304)
<b>S-G Diagram</b>	170/2011
<b>Deed of Transfer</b>	T34203/2011
<b>Title Deed Conditions</b>	Only servitudes against the property as set out below
<b>Servitudes</b>	Pipeline servitude in favour of the City of Cape Town and a non-exclusive road servitude in favour of Farm 924/14
<b>Bond Holder</b>	None

<sup>1</sup> Dept. Water & Sanitation Abstraction Water Registration No. 22023597

## 5. BACKGROUND

- a) Farm 1225 Malmesbury stems from a 2011 subdivision of Farm 942 Malmesbury into various portions and the simultaneous consolidation of two of those portions (i.e. Farms 942/11& 942/13) with Remainder Farm 950 Malmesbury.
- b) Prior to the 2011 subdivision and consolidation, an Environmental Impact Assessment (EIA) was submitted in 2010 to the Western Cape Department of Environmental Affairs and Development Planning (DEADP) for Environmental Authorisation (EA) to establish intensive animal farming in the form of 6 pig houses and 6 chicken houses on the subject site, at the time on a portion of Farm 942, but approved only in 2012 after the registration of Farm 1225 in 2011. The EA was however not exercised and lapsed in 2017.
- c) As part of the 2010 EIA, Heritage Western Cape (HWC) issued a decision i.t.o. Section 38 of the National Heritage Resources Act 1999 (NHRA) in 2009 that no built environment assessments are required for the proposed development as the nature thereof and the contextual analysis indicate that such studies are not warranted. The decision was confirmed to be still valid (included in the application).
- d) No land use application was submitted to the City Of Cape Town for the intensive animal farming approved as per the 2012 EA.

## 6. SITE EVALUATION

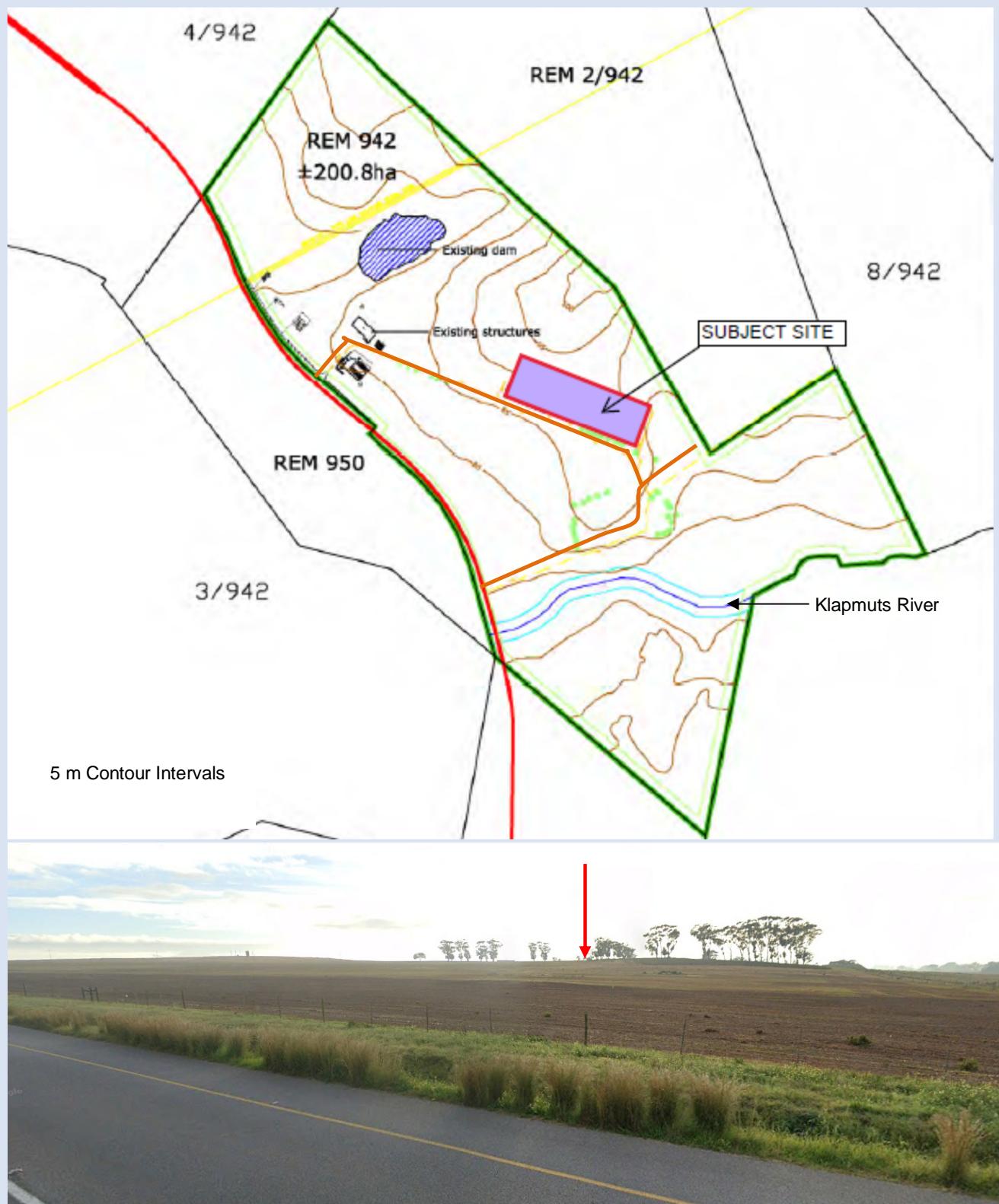
### 6.1 Surrounding Area

The subject property is in an agricultural area mostly characterised by wheat/grazing lands and planted pastures, but also with several other intensive animal farming operations within a 4 – 7 km radius around the subject site. The Klipheuwel settlement is located 4,5 km to the northwest, the Mikpunt smallholdings 3,6 km to the east and the Cape Winelands Airport 5 km to the south.

### 6.2 Site



The application site for the proposed chicken runs is previously cultivated land, located about 310 meters from the R304 and 400 metres from the Klapmuts River on a low ridge to make use of optimal wind flow through the runs. The site is located at least 4 km away from the nearest other chicken runs to the southeast and about 1 km from the nearest abutting residences to the east.





*The subject site, viewed in a western direction*

### 6.3 Access

Access to the subject site is to be taken from an existing access on Main Road 174 at KM35.27 and a road over the subject property to abutting Farm 924/14, which is shared as an access to both farms.

## 7. COMPLIANCE WITH DEVELOPEMNT MANAGEMENT SCHEME

*In terms of Section 99(2) of the Cape of Cape Town Municipal Planning By-Law 2015, the decision maker must have regard to the applicable provisions of the Cape Town Development Management Scheme in evaluating the application.*

<b>Existing Zoning</b>	The purpose of the Agricultural Zone is to promote and protect agriculture on farms as an important economic, environmental and cultural resource and it provides inter-alia for intensive animal farming as a consent use to provide owners with the opportunity to increase the economic potential of their properties. <sup>2</sup> The Agriculture and Rural Zones are the only zones that provide for such farming and there is accordingly no alternative zoned land that could be considered for the establishment of intensive animal farming operations in the municipal area of the City of Cape Town. The proposed intensive animal farming is therefore deemed consistent with the purpose of the Agricultural Zone.
<b>Development Rules (Rule 109)</b>	The 30 m buildings lines will be complied with. None of the other development rules are applicable to intensive animal farming buildings.
<b>Site Development Plan (Rule 123)</b>	Although a Site Development Plan (SDP) is not specifically required for intensive animal farming, an SDP is included for purposes of defining the parameters of the proposed development.
<b>Parking (Rules 137 &amp; 144)</b>	No off-street parking or loading zones are required for intensive animal farming.
<b>Site Access (Rule 140)</b>	Site access in in this case controlled by the Roads Ordinance 1976, but no new access on Main Road 174 is needed.

<sup>2</sup> Preamble to Part 1 of the Cape Town Development Management Scheme

## 8. MSDF AND PLANNING POLICIES

*In terms Sections 99 (1) and (2) of the City of Cape Town Municipal Land Use Planning Bylaw 2015 a land use application must be refused if the decision maker is satisfied that it fails to comply with or to be consistent with the municipal spatial development framework or if not, a deviation from the framework must be permissible. If the application is not refused, the decision maker must consider any other applicable spatial development framework or any applicable policy or strategy approved by the City to guide decision making.*

### 8.1 Municipal Spatial Development Framework (MSDF)

The statutory designations and text of the MSDF do not deal with applications of this nature, but the application is not in conflict with the intent and purpose of the designations and text either and is therefore regarded consistent with the MSDF.

### 8.2 Northern District Spatial Development Framework 2023 (DSDF)

The subject site is located outside biodiversity areas and not on a scenic route as identified by the DSDF, but in an area identified as of agricultural significance and in a cultural landscape (i.e. Agter-Paarl/Paardeberg Cultural Landscape) though.

The existing agricultural landscape is mostly characterised by wheat lands and planted pastures, but with intensive animal farming also being an established land use on farms in the area with several other intensive animal farming operations located within a 4 – 7 km radius around the subject site.

Although located on a soft ridge about 15 meters above the R304, the subject site is about 310 metres from the road.<sup>3</sup> The site will therefore be visible from the road, but only at a distance. The chicken runs will furthermore be relative low structures and orientated with their end facades towards the R304, which will reduce the prominence and visual impact of the buildings from the road. The R304 is as mentioned not a scenic route and the proposed intensive animal farming will only cover 2,5% of the property.

Although the proposed chicken runs might be deemed as of visual significance, it is therefore not expected that it will have a significant impact on the agricultural landscape of the larger area. It was accordingly also found by Heritage Western Cape that the built landscape will not be negatively affected by the development of intensive animal farming units on the subject site (see Section 5 above).

Furthermore, the proposed intensive animal farming is provided for as an exclusive consent use under the Agricultural and Rural Zones and deemed consistent with the purpose of the Agricultural Zone of the Cape Town Development Management Scheme (DMS) (see Section 7 above).

As the DMS must give effect to the objectives of the MSDF and DSDF (see Section 25 of SPLUMA) and the proposed intensive animal farming runs are not expected to have a significant visual impact on the cultural landscape, the proposed intensive animal farming is regarded consistent with the MSDF/DSDF.

The DSDF's are the spatial implementation tools the MSDF on district level and are aligned with the MSDF. It is regarded as the most applicable planning policy to guide decision making in respect of this application.

<sup>3</sup> Google Earth

## 9. OTHER LEGISLATION

*In terms of Section 99(2) of the City of Cape Town Municipal Land Use Planning Bylaw 2015 a decision maker must consider the considerations prescribed in relevant national or provincial legislation, which includes the development principles as contained in Section 7 of the Spatial Planning and Land Use Management Act 2013, when deciding on a land use application.*

### 9.1 Section 7 of the Spatial Planning and Land Use Management Act of 2013 (SPLUMA)

The proposed development is regarded compliant with the following development principles set out in SPLUMA for the following reasons:

a) Spatial Justice

The application is not on a suitable level and at a location to contribute to the redressing of imbalanced land use patterns of the past, but it will afford spatial justice to the property owner to improve the agricultural viability of and income to be derived from the subject property.

b) Spatial Sustainability

The proposed intensive animal farming will serve as an additional agricultural activity and source of income for the farming operation, but will only cover 2,5% of the property, thus improving the agricultural viability of the subject property, yet not affecting the agricultural sustainability of the existing farming operation and the ability to still utilise the subject property as a wheat and dairy farm as well.

Land markets, other agricultural activities and the character of the area should be unaffected by the proposed development as intensive animal farming is an established land use on farms in the area, but with the subject site still sufficiently isolated from other chicken batteries to prevent the spreading of avian flu and other diseases, with other such farming operations being located within a 4 – 7 km radius around the subject site.

c) Efficiency

Due to its location on the R305 and its proximity to the Klipheuwel settlement and the northern suburbs of Cape Town, the subject property is ideally located and very accessible at a subregional level as an efficiently located source of employment and the supply of food for those areas. Not only will food security for the residents of Cape Town thus be enhanced, but socio-economic benefits will be accrued by the creation of additional employment opportunities and skills development, particularly for the residents of the Klipheuwel settlement, but also in the associated service sector such as in the manure removing, egg distribution and such sectors.

Increased revenue for the municipality and wealth for the agriculture sector will be created.

The proposed development will be self-sufficient regarding water provision and the disposal of waste water, storm water and manure and it will be possible to provide these services in a suitably efficient manner (see Section 3). The City of Cape town will not be required to provide these services and there will be no need to use public funds for the serving of the proposed intensive farming operation.

d) Good Administration

The applicability of other laws relevant to this application are being addressed in the application.

The requirements for the assessment of a land use application as set out in SPLUMA, LUPA and the Cape Town Municipal Land Use Planning Bylaw are addressed in this report.

e) Spatial Resilience

As farming activities will be diversified, flexibility will be created to absorb economic and environmental shocks affecting one of the arms of the farming operation, thus ensuring a more resilient farming operation.

#### **9.2 National Heritage Resources Act 1999**

A decision was issued in 2009 i.t.o. Section 38 of the National Heritage Resources Act 1999 (NHRA) that no built environment assessments are required for intensive animal farming runs on the subject property as the nature thereof and the contextual analysis indicate that such studies are not warranted. The decision was confirmed to be still valid (included in the application).

#### **9.3 National Environmental Management Act 1998 (NEMA)**

The development and related operation of facilities or infrastructure for the concentration of animals in certain densities is a listed activity requiring Environmental Authorisation (EA) in terms of the NEMA. Groenberg Enviro has been appointed to undertake an Environmental Impact Assessment (EIA) towards obtaining such EA and the EIA process is underway (DEADP Ref. 16/3/3/1/A5/88/2038/24).

The EIA addresses the possible environmental impact of the proposed development in a comprehensive manner, particularly the possible impact on the biophysical environment, and include an Environmental Management Programme to ensure appropriate environmental practices during construction activities and operations thereafter. It will therefore be superfluous to duplicate such assessment and control i.t.o. the land use approval as well.

#### **9.4 Advertising on Roads and Ribbon Development Act 1940 (Act 21 of 1940)**

The subject site is located more than 95 metres from the centre line of Main Road 174. The building control area in terms of Section 9 of Act 21 of 1940 is therefore not applicable to the application.

#### **9.5 National Water Act 1998 (NWA)**

As water will be sourced from a borehole and a catchment dam, a Validation and Verification (V&V) of water usage is also being undertaken by Groenberg Enviro as part of the EIA process with the Department of Water and Sanitation to ensure compliance with the NWA.

## **10. DESIRABILITY**

*In terms of Section 99(2) of the City of Cape Town Municipal Land Use Planning Bylaw 2015 a decision maker must consider the desirability and the impact on existing rights (other than the right to be protected against trade competition) of the proposed use or development as contemplated in subsection (3) of the Bylaw.*

a) Land Usage

The subject property is in an agricultural area mostly characterised by wheat/grazing land and planted pastures, but with intensive animal farming also being an established land use on farms in the area with several other intensive animal farming operations located within a 4 – 7 km radius around the subject site.

The subject property itself is an established wheat and dairy farm. The proposed intensive animal farming will serve as an additional agricultural activity and source of income for the farming operation, but will only cover 2,5% of the property, thus not affecting the agricultural viability of the existing farming operation and retention of the agricultural landscape.

The subject site is sufficiently isolated from other chicken batteries to prevent the spreading of avian flu and other diseases, with other such farming operations being located within a 4 – 7 km radius around the subject site.

Due to its location on the R305 and its proximity to the Klipheuwel settlement and the northern suburbs of Cape Town, the subject property is ideally located and very accessible at a subregional level as a source of employment and the supply of food for those areas.

b) Physical Site Conditions

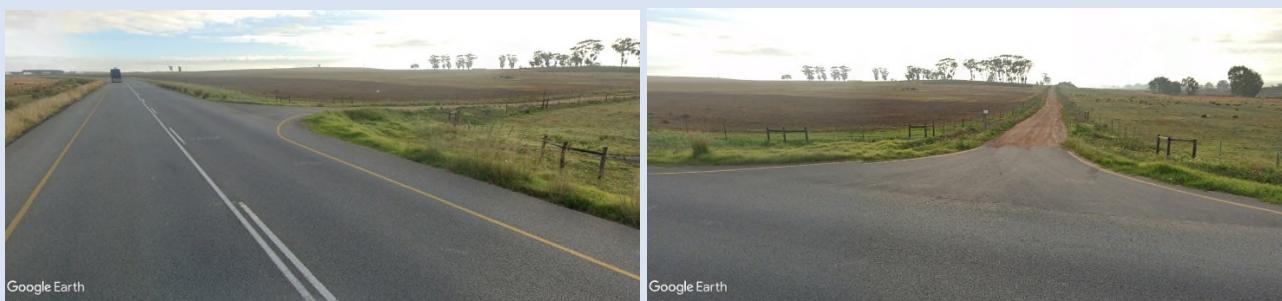
The subject site is disturbed cultivated land on the top of a slight ridge with a 0,5% slope rising 2 and 3 meters over the 410 meters diagonal dimensions the site, i.e. from the southeastern to northwestern and southwestern to northeastern corners respectively.<sup>4</sup> Although the slope is relatively gentle, some excavation and fill work will be required to prepare the site for the construction of the proposed structures, but such work can be limited to relative minor work by stepping of the building platforms against the slope. The site appears to be stable and suitable for excavations and the construction of buildings, with no rock outcrops or drainage conditions that could render the sit unsuitable for the construction of buildings.

c) Transportation and Traffic Conditions

The R304 is a two-lane undivided Class 3 minor arterial road with surfaced shoulders connecting the N 1 with the N7 at Malmesbury, with the subject property being located about halfway between the intersection of the R312 and the R302 with this road. The property therefore enjoys excellent regional accessibility and is easily accessible from the Swartland, the Cape Metropole and the Cape Winelands.

The road has a posted speed limit of 100 km/h and from a casual observation carries relatively low traffic volumes with regular gaps in the traffic flow. It is not expected that the proposed intensive animal farming will generate more than 10 trips per peak hour and the impact on traffic conditions will therefore be insignificant.

Access to the subject site will be from an existing farm access at KM35.27. The access road has a 4 metres wide gravel surface, but with a wide surfaced bell mouth access with 12.5 m radii on the R304 in a good condition. The available sight distances are 380 m and 480 m in a northern and southern direction respectively, which is more than the minimum required SSD of 360 m for SU trucks on roads of this nature.



See also the Traffic Impact Statement by BEC Pty Ltd included with the application.

<sup>4</sup> Google Earth

d) Engineering Services Provision

The proposed development will be self-sufficient regarding water provision and the disposal of waste water, storm water and manure (see Section 3). No burden will be placed on the City of Cape Town to provide these services.

The property has a 100KVA 3 phase Eskom electricity supply connection. Eskom has confirmed that there is sufficient capacity in the network to accommodate the proposed development (letter included in the application).

e) Natural and Manmade Environment

The subject site is disturbed cultivated land, located away from biodiversity areas and river corridors and hence not ecologically sensitive or conservation worthy land. No development will take place on biodiversity areas, ecological corridors, natural habitats and flood plains.

Although located on a soft ridge about 15 meters above the R304, the subject site is about 310 metres from the road.<sup>5</sup> The site will therefore be visible from the road, but only at a distance. The chicken runs will furthermore be orientated with their end facades towards the R304 and the structures will be relative low profiled, which will soften the prominence and visual impact of the buildings from the road.

Chicken manure will be removed from the premises to be used as compost elsewhere and waste water will be contained in a lined evaporation pond, thus eliminating the possible pollution of water sources and soil.

As the proposed development is also subject to an EA in terms of NEMA, an Environmental Management Programme will be imposed i.t.o. NEMA to ensure that construction and operational activities adhere to sound environmental practices and it will therefore be superfluous to duplicate such assessment and control i.t.o. the land use approval as well.

f) Cultural and Heritage Resources

The subject site does not contain archaeological or palaeontological features or any buildings, nor is it in proximity of such features.

Although the proposed intensive animal farming runs might be deemed as visual significant structures within the agricultural landscape, the subject property is located at a distance from the R304, which is also not an identified scenic route. The chicken runs will furthermore only cover 2,5% of the property and intensive animal farming is an established land use in the area. The proposed chicken runs are therefore not expected to impact on the existing agricultural landscape of the larger area in any significant way. HWC has accordingly ruled that the cultural landscape will not be negatively affected by the development of such a farming operation on the property (see Section 5 above).

g) Safety and Welfare of the Community

The subject site is in an agricultural area with limited employment opportunities. Temporary and permanent employment opportunities will be created for residents of the nearby Klipheuwel settlement, which will assist in the alleviation of poverty and the development of skills in the area.

Land markets should be unaffected by the proposed development as intensive animal farming is an established land use on farms in the area, but with the subject site still sufficiently isolated from other chicken batteries to

<sup>5</sup> Google Earth

prevent the spreading of avian flu and other diseases, with other such farming operations being located within a 4 – 7 km radius around the subject site.

The subject site is located about 1 km from the nearest abutting residences to the east and the proposed intensive animal farming should therefore not affect living conditions on abutting properties.

## 11. CONCLUSION

The proposed intensive animal farming on Farm 1225 Malmesbury:

- a) Complies with the goals and development parameters of the Cape Town Development Management Scheme;
- b) Is compliant with the Cape Town MSDF and Northern District DSDF because the proposed intensive animal farming will not compromise the existing agricultural character of the area;
- c) Is compliant with the development principles set out in SPLUMA as the proposal:
  - Is spatially justified
  - Will improve the farm's viability, yet not compromising the existing and other farming operations in the area
  - Will be self-sufficient regarding water provision and the disposal of waste water, storm water and manure
  - Will be a source of food, revenue and employment opportunities
  - Will improve the resilience of the farming operation
- d) Is a desirable land use as:
  - Intensive animal farming is reconcilable with the existing land usage of the area and will serve as an additional agricultural activity and source of income for the existing farming operation
  - Physical site conditions are suitable for the proposed development
  - The impact on transportation and traffic conditions will be negligible
  - All the required engineering services can be provided in a sustainable and environmentally friendly manner
  - The natural and manmade environment will not be compromised by the development
  - Cultural and heritage resources will not be affected
  - Safety and welfare of community will not be compromised
  - Socio-economic benefits will be accrued from the development



**WJ STEYN**

Tch. Pln (B/8074/1998)

Date: 20/9/2024

# Minister's Decision on the Condonation



Ministry of Local Government,  
Environmental Affairs & Development Planning

Tel: +27 21 483 3915  
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**Reference: 16/3/3/2/A5/20/2046/24**

Ms Alison Muller  
Darson Trust  
P.O. Box 45647  
**OTTERY**  
7808

Tel: 083 260 2828  
Email: Muller1@mweb.co.za

Dear Ms Muller,

## **RE: CONDONATION REQUEST – LATE SUBMISSION OF APPEAL: PROPOSED EXPANSION OF THE CAPE WINELANDS AIRPORT**

The condonation request dated 24 November 2025, and the objection received from Cape Winelands Aero (Pty) Ltd dated 28 November 2025, refer.

I have considered your request in terms of section 47C of the *National Environmental Management Act, 1998* (Act No. 107 of 1998) ("NEMA"), read together with the procedural requirements of the *National Appeal Regulations, 2025*, and the principles of administrative justice contained in the *Promotion of Administrative Justice Act, 2000* (PAJA).

### I note the following:

You submitted your appeal four days after the prescribed 20-day appeal period had expired. This is a limited delay. While the Appeal Notification Letter clearly stated that the appeal period consisted of 20 calendar days, you explained that you misunderstood the time calculation, were uncertain whether your earlier objection required a formal appeal, and experienced difficulty locating the prescribed appeal form.

It is further noted that you previously held an Environmental Authorisation for a poultry operation which lapsed, and that you are currently undertaking a second EIA application for the same activity. This demonstrates familiarity with environmental processes. However, the explanation provided does not indicate bad faith or an intentional disregard of statutory requirements. The error is accepted as a *bona fide* administrative misunderstanding.

The objection submitted by Cape Winelands Aero raises concerns relating to your participation during the public participation process, the clarity of the appeal timelines, and the prospects of success of your appeal. While these matters have been considered, they do not constitute grounds to refuse the condonation request. Limited participation in the EIA process does not bar the right to appeal, and concerns regarding precedent are mitigated by the fact that condonation requests are assessed on their individual merits.

No procedural or substantive prejudice arises from condoning the four-day delay. The appeal process is still underway. The Applicant retains its full opportunity to respond, and the integrity of the appeal process is not compromised.

Your appeal raises issues relating to agricultural operations, noise, biosecurity, traffic and pollution, and land-use compatibility. These matters are of significance to you and are of broader environmental interest.

Given the limited nature of the delay, the absence of prejudice, and the need to ensure that environmental appeals are adjudicated on a full and fair record, the interests of justice favour the granting of condonation.

### **Decision**

Having considered the degree of lateness, the explanation provided, the objection submitted, the importance of the issues raised, the absence of substantive prejudice, and the overriding interest of justice, I hereby **grant** condonation for the late submission of your appeal.

Your appeal is accordingly accepted for consideration in terms of the *National Appeal Regulations, 2025*, and is deemed to have been submitted on the date of this letter. All subsequent regulatory timeframes, including the five-day I&AP notification period and the subsequent 20-day responding period, commence from this date.

Sincerely,



A BREDELL  
**WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**  
DATE: 01/12/2025

Copied to:

Ms Terry Winstanley  
Mr Deon Cloete  
Mr Zaahir Toefy

Winstanley Inc  
Capewinelands Aero (Pty) Ltd  
DEADP

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