

# FORMAL OBJECTION IN TERMS OF SPLUMA & MERAUFONG LUM BY-LAW, 2020

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Date: 3 February 2026

To:  
The Municipal Manager  
Merafong City Local Municipality  
PO Box 3  
Carletonville  
2500

RE: FORMAL OBJECTION TO LAND USE CHANGE AND CONSOLIDATION APPLICATION –  
ERVEN 1498, 1499 AND 1500, FOCHVILLE EXTENSION 2  
Application in terms of Sections 37 and 48 of the Merafong City Local Municipality Spatial  
Planning and Land Use Management By-Law, 2020

I, the undersigned, hereby submit this formal objection in my capacity as the Local  
Economic Development (LED) portfolio holder for Ward 14, and as a directly affected  
community representative, in terms of the Spatial Planning and Land Use Management Act,  
16 of 2013 (SPLUMA), as well as the Merafong City Local Municipality Spatial Planning and  
Land Use Management By-Law, 2020.

## **1. LEGAL FRAMEWORK**

This objection is lodged with reference to:

- Section 7 of SPLUMA (Development Principles);
- Section 22 of SPLUMA (Land Development Application Requirements);
- Section 24 of the Constitution of the Republic of South Africa (Environmental Rights);
- Section 152 of the Constitution (Objects of Local Government);
- Sections 37 and 48 of the Merafong LUM By-Law, 2020.

## **2. SERVICE DELIVERY CONTEXT (MATERIAL CONSIDERATION)**

Ward 14 is currently experiencing a severe and ongoing service delivery crisis. As at  
February 2026, residents have endured periods exceeding three consecutive weeks without  
potable water, linked directly to the unresolved bulk water dispute between Rand Water

and Merafong City Local Municipality, with arrears exceeding R1.4 billion.

This failure of basic services constitutes a material planning consideration. SPLUMA requires that land-use decisions promote sustainability, efficiency, and resilience. Intensifying land use under conditions of infrastructure collapse directly contradicts these principles.

### **3. TECHNICAL COUNTER-MOTIVATION: SERVITUDE & PARKING ENCROACHMENT**

#### **3.1 Encroachment on Municipal Servitude**

The application explicitly proposes the provision of parking within the street reserve / municipal servitude to maximise developable floor area. This approach is fundamentally flawed.

Municipal servitudes exist to safeguard present and future infrastructure needs, including water, sewer, stormwater, and emergency access. Given the documented failure of bulk and reticulation systems in Ward 14, these servitudes are not surplus land and cannot be compromised without prejudicing future remediation and upgrade works.

Allowing private parking within a municipal servitude effectively sterilises public land for private benefit, in direct conflict with SPLUMA's principles of spatial justice and efficiency.

#### **3.2 Parking as a Transferred Externality**

The proposal externalises its parking demand onto public infrastructure. This shifts the operational and safety burden from the developer to the municipality and adjacent residents, resulting in:

- Reduced road reserve capacity;
- Compromised access for refuse removal, emergency vehicles, and service maintenance;
- Increased traffic conflict within a residential street environment.

Sound planning practice requires that parking demand generated by a development be accommodated primarily on-site, not displaced into public servitudes.

#### **3.3 Absence of Engineering and Capacity Confirmation**

No credible engineering services report demonstrating available water, sewer, and stormwater capacity has been provided. In the absence of confirmed bulk and reticulation capacity, approval would be premature and irrational in administrative law terms.

### **4. RESIDENTIAL IMPACT AND COMMUNITY OPPOSITION**

The subject properties are zoned Residential 1 and are directly opposite established residential dwellings. All residents directly across from the proposed development have rejected the application. Their objections are based on loss of residential amenity, increased

noise and traffic, safety concerns, and further erosion of neighbourhood character.

SPLUMA requires meaningful consideration of community input. Proceeding in the face of unanimous direct opposition, without demonstrable mitigation, would undermine procedural fairness.

## **5. LED ASSESSMENT**

Local Economic Development cannot be pursued in isolation from basic service provision. Approving additional business rights in an area experiencing systemic water and electricity failures risks compounding decline rather than fostering sustainable growth.

Economic development that relies on encroaching public servitudes and displacing impacts onto residents is neither resilient nor equitable.

## **6. FORMAL RELIEF SOUGHT**

It is respectfully requested that the application be refused or, alternatively, deferred pending:

- Full restoration and stabilisation of bulk and reticulation water supply;
- Protection of all municipal servitudes from development or parking encroachment;
- Submission of independent traffic and engineering services impact assessments;
- Demonstrable community consultation outcomes and mitigation measures.

Failure to address these issues will render any approval vulnerable to review under the Promotion of Administrative Justice Act, 2000 (PAJA).

Yours faithfully,

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Jaco van der Merwe  
LED: Ward 14 Portfolio  
Merafong City Local Municipality