

MASIPALA WASE THEEWATERSKLOOF MUNISIPALITEIT

Munisipale Kantoor/Municipal Office
Pleinstraat/Plein Street
Posbus/P.O Box 24
CALEDON
7230



Tel. no.: 028 214 3300
Faks/Fax no.: 028 214 1289
E-pos/E-mail:twkmun@twk.org.za

Our Reference Number: FA 276/1 (and App Id: 3343)
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 05 Mei 2021

REGISTERED MAIL

B Rode
Rode and Associates
P O Box 1566
BELLVILLE
7535

(Per e-mail: berchtwald@rode.co.za)

DECISION LETTER TO APPLICANT


Dear Mr Rode

APPLICATION FOR CONSENT USE: PORTION 1 OF THE FARM PAARDE VLEY NO. 276, CALEDON DISTRICT

1. This Municipality's letter dated 29 October 2020, refers.
2. The Authorised Employee, on 30 April 2021 **approved, in whole** your application for **Consent Use** for a quarry in order to accommodate a borrow-pit on Portion 1 of the Farm Paarde Vley No. 276, Caledon district, in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015.
3. **Reasons** for the above decision are as follows:
 - 3.1. The proposal complies with the principles of SPLUMA.
 - 3.2. The proposal is regarded as consistent with the Theewaterskloof Municipality SDF.
 - 3.3. The development proposal is consistent with the objective of the zoning scheme.
 - 3.4. The engineering services will not be negatively affected by the approval of this application.
 - 3.5. There are no restrictive title deed conditions, which will prohibits the approval of the application.
 - 3.6. The proposed borrow-pit will result in the effective utilization of existing resources in the area.
 - 3.7. The proposal will contribute to the upgrading of Road DR1288 which will benefit road users by ensuring greater road safety.
 - 3.8. The development proposal is regarded as desirable.

4. **The abovementioned approval is subject to the following conditions in terms of Section 66 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning:**
- 4.1. The approval for the abovementioned application shall lapse if not exercised within 2 years after the expiry of the period contemplated in Section 79(2), subject to Section 19(5) and of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015.
 - 4.2. The borrow pit be restricted to the coordinates as per the Site Development Plan drawn by Rode and Associates dated September 2020.
 - 4.3. The borrow pit be properly fenced and secured.
 - 4.4. Mitigating measurements be put in place by the owner/applicant to minimise the dust generated by the mining activity.
 - 4.5. Measures to be put in place to ensure proper post-mining rehabilitation of affected area as close to the original condition as possible.
 - 4.6. The necessary authorisation be obtained from the Department of Mineral Resources before any mining activities take place.
 - 4.7. The Environmental Management Plan be approved before any mining activities take place.
 - 4.8. The approval is valid for the life-time of the mine not exceeding 30 years.
 - 4.9. The approval does not exempt the applicant/developer from compliance with any other legislation.
 - 4.10. If any complaints be received regarding the operations of the proposed borrow pit, Council reserves the right to implement remedial actions, at the cost of the operator.
5. **All conditions as contained within the approval/support letters of the relevant authorities must be accepted in writing and adhered to by the applicant. These include:**
- 5.1. Department of Transport and Public Works in their letter dated 2 December 2020;
 - 5.2. Department of Environmental Affairs and Development Planning in their letter dated 1 December 2020;
 - 5.3. Eskom in their letter dated 13 November 2020; and
 - 5.4. Breede-Gouritz Catchment Management Agency in their letter dated 10 December 2020.
6. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) and 80 of the said legislation.
- 6.1. The attached appeal form must be completed and should be directed to the Appeal Authority and received by the Theewaterskloof Municipality, 6 Plein Street, Caledon, 7230 telephone: 028 214 3300, within 21 days of notification of this decision together with proof of payment of the appeal fee.
 - 6.2. You are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine (see attached list). Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
 - 6.3. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
7. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Yours faithfully



JC PIENAAR
MANAGER: TOWN PLANNING AND BUILDING CONTROL



DR1288/15.7/L/800 – Approximate footprint and location

2/113

DR1288

RE/3/113

1/276

Approximate coordinates
34° 7'15.20"S; 19° 13'35.68"E

Approximate coordinates
34° 7'16.18"S; 19° 13'33.92"E

Approximate coordinates
34° 7'16.98"S; 19° 13'37.34"E

Approximate coordinates
34° 7'17.64"S; 19° 13'35.98"E

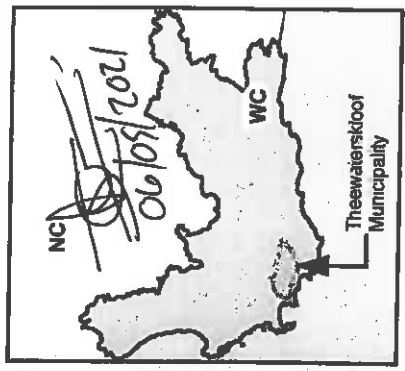
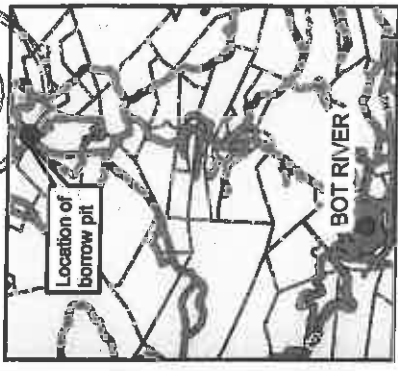
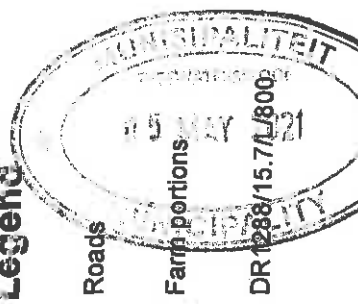


Legend

Roads

Farm portions

DR 1288/15.7/L/800



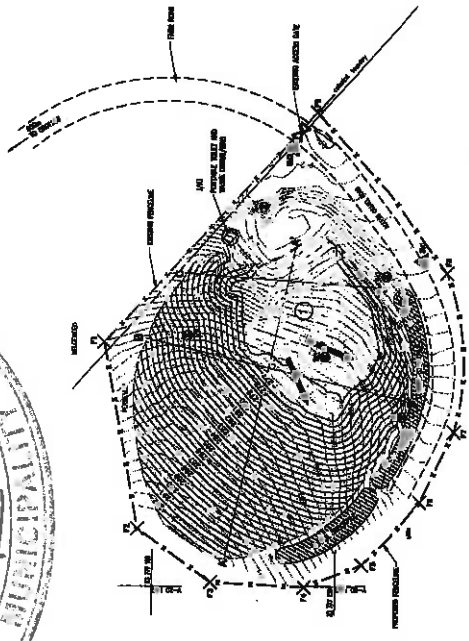
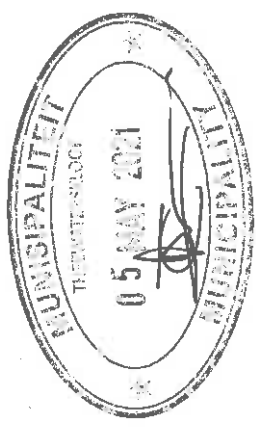
Data: Surveyor-General; Dept of Rural Development & Land Reform

Scale: 1:1 725

Date: September 2020

Prepared by:

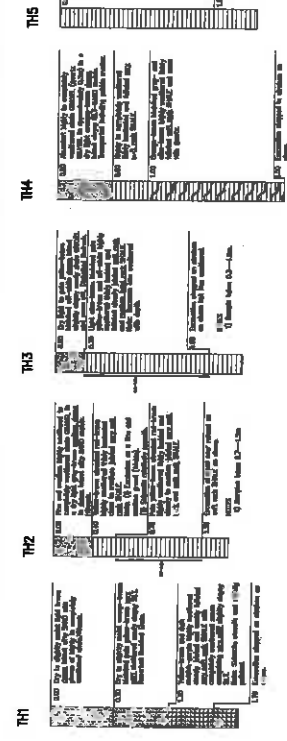




PLAN OF CONTOURS AFTER MINING
SCALE 1:500

TABLE OF VOLUME QUANTITIES

NO.	DESCRIPTION	UNIT	QUANTITY
1	Excavation	m ³	1000
2	Fill	m ³	1000
3	Gravel	m ³	1000
4	Concrete	m ³	1000
5	Reinforcement	m ³	1000

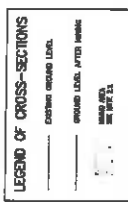
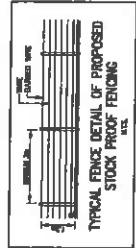
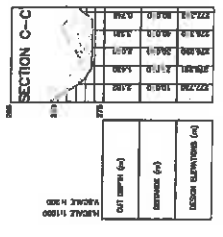
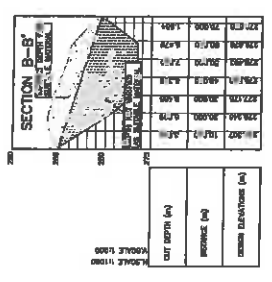
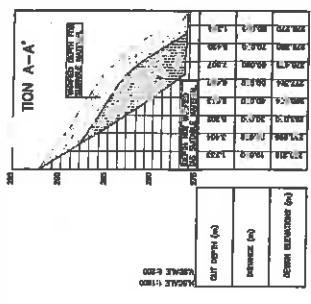


SOIL PROFILES FOR TRIAL HOLES AS SHOWN ABOVE
SCALE 1:10

NO.	DATE	BY	CHECKED BY	SCALE
1	05 MAY 2021	[Signature]	[Signature]	1:10



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

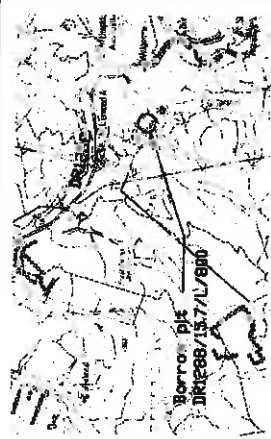


SECTION	NO.	DESCRIPTION	QUANTITY
SECTION A-A	1	Excavation	1000
	2	Fill	1000
	3	Gravel	1000
	4	Concrete	1000
	5	Reinforcement	1000



NORTHERN VIEW OF NEW BORROW PIT

- NOTES:
1. The borrow pit has been excavated from the borrow pit area and shall be used for the construction of the road.
 2. The borrow pit has been excavated from the borrow pit area and shall be used for the construction of the road.
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 19. The borrow pit has been excavated from the borrow pit area and shall be used for the construction of the road.
 20. The borrow pit has been excavated from the borrow pit area and shall be used for the construction of the road.



LOCALITY PLAN
SCALE 1:5000

NO.	DATE	BY	CHECKED BY	SCALE
1	05 MAY 2021	[Signature]	[Signature]	1:5000

ROADS INFRASTRUCTURE BRANCH
CONTRACT NUMBER 007
BORROW PIT DEVELOPMENT PLAN
DATE: 05/05/2021

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APPEAL FORM

(Section 79 of the Proposed Standard Draft By-law on Municipal Land Use Planning)

KINDLY NOTE: Please complete this form using BLOCK capitals and ticking the appropriate boxes. Append this form to your letter of appeal which must comply with section 80 of the Theewaterskloof Sstandard By-law on Municipal Land Use Planning.

PART A: APPEAL

Are you appealing against the decision made by the authorised employee or Tribunal?	Y	N	If Yes, indicate in Part E if the appeal is lodged against the whole decision or part thereof. If the latter applies provide a description of the part.
Are you appealing in respect of the failure of the authorised employee or Tribunal to make a decision within the period contemplated in section 57(1) or (2)?	Y	N	If Yes, provide facts that prove the failure in Part E.
Are you appealing against the condition(s) of approval imposed by the authorised employee or Tribunal?	Y	N	If Yes, list relevant condition(s) and provide a description in Part E.
Is your appeal based on and primarily concerned with the process followed prior to the authorised employee or Tribunal decision?	Y	N	If Yes, specify in Part E.
Is your appeal based on and primarily concerned with the merits of the land development or land use application on which it is believed that the authorised employee or Tribunal erred in coming to the conclusion?	Y	N	If Yes, specify in Part E.
Date of decision	DD/MM/YYYY	Date receiving notice of decision	DD/MM/YYYY
Who took the original decision?	<input checked="" type="checkbox"/>	Authorised employee	<input type="checkbox"/> Tribunal

PART B: APPELLANT'S DETAILS

First name(s)	
Surname	

MASIPALA WASE THEEWATERSKLOOF MUNISIPALITEIT

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 7230



Tel. no.: 028 214 3300
 Faks/Fax no.: 028 214 1289
 E-pos/E-mail: twkmun@twk.org.za

Company or legal person's name <i>(if applicable)</i>					
Postal address					Postal Code
Email					
Tel		Fax		Cell	

PART C: APPELLANT'S PROPERTY DESCRIPTION *(Property that is affected by proposed development)*

Number(s) of Erf/Erven/Portion(s) or Farm(s), allotment area.					
Physical Address					
GPS Coordinates		Town/City			

PART D: PROPERTY DESCRIPTION OF PROPOSED LAND DEVELOPMENT

Number(s) of Erf/Erven/Portion(s) or Farm(s), allotment area.					
Physical Address					
GPS Coordinates		Town/City			

PART E: APPEAL MOTIVATION AND REASONS*

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** Appeal motivation, information and reasons may be attached.*

PART F: APPEAL FEE (for completion and use by official)

	Appeal	R
TOTAL APPEAL FEES*		R

** Appeal fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.*

BANKING DETAILS

Name: _____

Bank: _____

Branch no.: _____

Account no.: _____

Payment reference:

(If applicable)

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION

Complete the following checklist and attach all the information and documentation relevant to the appeal.

Y	N	Proof of payment of appeal fees (applicant)	Y	N	Proof of serving notice of appeal (applicant)
Y	N	Copy of decision and proof of notification	Y	N	Copy of conditions of approval
Y	N	Motivation and reasons for appeal	Y	N	Other (specify)

SECTION H: DECLARATION

I hereby wish to confirm the following :

- That the information contained in this appeal form and accompanying documentation is complete and correct.
- I'm aware that it is an offense in terms of section 85(1)(e) of the said legislation to supply particulars,

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information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.

Appellant's signature: _____

Date: _____

Full name: _____

FOR OFFICE USE ONLY

Date received:

Received by:

Municipal Stamp