

# MASIPALA WASE THEEWATERSKLOOF MUNISIPALITEIT

Munisipale Kantoor/Municipal Office  
Pleinstraat/Plein Street  
Posbus/P.O Box 24  
twkmun@twk.org.za  
**CALEDON**  
7230



Tel. no.: 028 214 3300  
Faks/Fax no.: 028 214 1289  
E-pos/E-mail:

Our Reference Number: FA 324/12  
Your Reference Number:  
Enquiries: Sunet du Toit, 028 214 3300 / sunetdy@twk.org.za

Date: 13 November 2018

## REGISTERED MAIL

Mr T Smit  
Tertius V Smit Architect / Town & Regional Planner  
P O Box 7018  
WORCESTER WATERFRONT  
6864

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## DECISION LETTER TO APPLICANT

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Dear Mr Smit

### APPLICATION FOR DEPARTURE: PORTION 12 OF FARM PATRYSLAAGTE NO. 324, CALEDON DISTRICT

1. This Municipality's letter dated 12 April 2018, refers.
2. The Municipal Planning Tribunal, on 31 October 2018, **approved in whole** the following series of applications in terms of section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015:
  - 2.1. **Permanent departure** from the prescribed 30m street building line to 20m to construct the proposed CA Rooms structure, as per Plan No. 6850/0462/07, dated August 2016, drawn by Murray Hofmeyr, subject to certain conditions;
  - 2.2. **Permanent departure** from the prescribed 30m rear building construct the proposed CA Rooms structure in line with the existing building, as per Plan No. 6850/0462/07, dated August 2016, drawn by Murray Hofmeyr, subject to certain conditions;
  - 2.3. **Permanent departure** from the prescribed 30m street building line to 16,084m, to accommodate the proposed Pre-sort structure as per Plan No. 6850/0471/1-2, dated December 2016, drawn by Murray Hofmeyr subject to certain conditions.
3. **Reasons** for the above decision are as follows:
  - 3.1. The proposed development is in line with the applicable principles stipulated in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) as well as the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).
  - 3.2. The proposed use is compatible with the Agricultural Zone 2: Agricultural Industry, therefore the character of the surrounding area will not be negatively affected, as the

mitigating measures will be linked to the approval conditions to address the neighbours' concerns.

- 3.3. The proposal will not negatively impact on the engineering services.
  - 3.4. SANRAL supported the application subject to conditions contained in their letters dated 16 September 2016 and 19 January 2017.
  - 3.5. Application is supported by the Department of Agriculture: Western Cape as well as Department Agriculture, Forestry and Fisheries.
  - 3.6. The Noise Impact Study, conducted by Occupational Hygiene Monitoring Services Pty Ltd, on 2 and 3 August 2018, confirmed that the noise generated from the subject property, complies with the Western Cape Noise Regulations, 2013.
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. This approval is valid for 2 years after final notification, after which it shall lapse if not exercised in terms of Section 18(2) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning;
  - 4.2. The proposed development is strictly in accordance with Site Development Plan No. 6850/0462/07 (CA Rooms) dated August 2016 and Site Development Plan No. 6850/0471/1-2, dated December 2016, both drawn by Murray Hofmeyr;
  - 4.3. The applicant complies with SANS 10103:2008 and the Western Cape Noise Control Regulations, PN 200/2013, or as amended, at all times. In the event that the applicant cannot comply with aforementioned the municipality reserves the right to implement remedial actions at the applicant's costs to ensure compliance;
  - 4.4. Complete building plans must be submitted to the department for approval, before any construction activities commences;
  - 4.5. All applicable zoning parameters shall remain in force and must be adhered to; and
  - 4.6. The approval of this application does not exempt the applicant/developer from compliance of any other legislation.
  - 4.7. **Cape Nature (Annexure K)**
    - 4.7.1. The applicant must ensure that run-off water from the facility enters the stormwater management system so as to not pollute the watercourse flowing from the site.
  - 4.8. **Eskom (Annexure M)**
    - 4.8.1. The approval is valid for 12 months, after which reapplication must be made if the work has not been completed;
    - 4.8.2. Eskom as built drawings and all documentation should be submitted by applicant on application for a permit;
    - 4.8.3. Should it be necessary to move/relocate or support any existing services for possible future needs then it will be at the developer's cost;**Underground Services**
    - 4.8.4. Work should be carried out as indicated on plans;
    - 4.8.5. No mechanical plant to be used within 3,0m of Eskom underground cables;
    - 4.8.6. All services to be verified on site;
    - 4.8.7. Cross trenches to be dug by hand to locate all underground services before construction work commences;
    - 4.8.8. If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates then all work is to be stopped;
    - 4.8.9. In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm;

- 4.8.10. Where the proposed services cross underground power cables the separation should be a minimum of 300mm with protection between services and power cables;
  - 4.8.11. No manholes, catch-pits or any structure to be built on top of existing underground services;
  - 4.8.12. Only walk behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables;
  - 4.8.13. If underground services cannot be located then the CNC should be consulted before commencement of any work;
- O.H Line Services
- 4.8.14. No mechanical plant to be used within 3m of Eskom 11kV/LV Overhead Power lines; and
  - 4.8.15. Safety meeting to be held every morning before working in close proximity of power line.

4.9. **Breede-Gouritz Catchment Management Agency (Annexure N)**

- 4.9.1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to;
- 4.9.2. No storm water runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained;
- 4.9.3. The waste generated by the facility needs to be managed in terms of the National Environmental Management Waste Act, 2008 (Act 59 of 2008) on the property and the final disposal of the waste at a licensed solid waste disposal site;
- 4.9.4. Solid waste may only be disposed of onto an authorized solid waste facility in terms of abovementioned legislation;
- 4.9.5. The minimizing of waste must be promoted and alternative methods for waste management must be investigated; and
- 4.9.6. No permanent structures maybe constructed/erected within the 1:100 year flood line of any watercourse (seasonal or permanent river, stream, etc.) or alternatively, more than 100 metres from the edge of a water source, whichever is further.

**Water for domestic use**

- 4.9.7. The water provided for domestic use must comply with the SANS 241: 2011: Edition 1 guidelines for drinking water as amended from time to time. Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then the Breede-Gouritz CMA and the Provincial Department of Health must be informed of the procedures to rectify the problem.

**Disposal of sewage via a conservancy tank needs to adhere to the following:**

- 4.9.8. The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act 36, Act 36 of 1998;
- 4.9.9. When a conservancy tank is used for the disposal of sewerage, BG-CMA must be furnished with a signed copy of the contract between the contractor or the municipality which is appointed to pump the conservancy tank;
- 4.9.10. The volume of sewage needs to be metered on a monthly basis and removal programme needs to ensure to be scheduled to ensure that conservancy tank is pumped well within time before overflowing. Alternatively, floating devices should be installed within the tanks that initiate an alarm of 75% full capacity for collection and disposal;
- 4.9.11. The tank must be provided with a fresh air inlet and an intercepting grease trap;

- 4.9.12. The tank must have an airtight manhole cover to allow access to the tank for the removal and safe disposal of the tank contents;
- 4.9.13. No industrial waste or refuse may be discharged into the conservancy tank except by written agreements with the relevant authorities;
- 4.9.14. The size of the conservancy tank must be determined by both the frequency of removal of its contents to the Wastewater Treatment Works and by the quantity of sewage anticipated from the above project;
- 4.9.15. The contingency plan must be drawn up to protect against overflow of the conservancy tank;
- 4.9.16. Ingress of storm water into the conservancy tanks must be prevented;
- 4.9.17. A general check, on all fittings and pipework connection above ground, at least every three months for leaks and signs of damage; and
- 4.9.18. The conservancy tanks must be located out of the 1:100 year flood line or 100 metres of any water resource.
- 4.10. **SANRAL (Annexure O)** (letter dated 16 September 2016 & 19 January 2017)
- 4.10.1. **Building Restriction Area**
- 4.10.1.1. The proposed **CA Room structures** shall be erected at a distance of not less than 20 metres measured from the national road reserve boundary. The future SA room structure as indicated on Plan No. 6850. 6850/0462/07/0462/07, drawn by Murray Hofmeyr, dated August 2016 is **not approved**;
- 4.10.1.2. The proposed **Pre-sort structure as indicated on Plan No. 6850/0471/1-2, drawn by Murray Hofmeyr, dated December 2016**, shall be erected at a distance of not less than 15 metres measured from the national road reserve boundary;
- 4.10.2. **Costs and indemnity**
- 4.10.2.1. SANRAL shall not be involved in any expenditure in connection with and shall not be responsible or liable for:
- The erection of any structures
  - Any financial expenditure or loss in event of SANRAL ordering the removal or shifting or relocation of anything related to this approval.
  - Any financial responsibility or liability for any claim from the applicant which may occur from the lapsing of approval;
- 4.10.2.2. Any action taken by the applicant in connection with the approval shall be regarded as an acceptance and compliance with the conditions including the indemnity;
- 4.10.3. **Validity period**
- 4.10.3.1. This approval shall lapse –
- Unless the structures are completed within a period of 12 months from the date of approval by SANRAL, provided that the applicant may, prior to date of expiry, apply in writing for an extension of the completion period; and
  - In the event of the applicant not complying with any of the conditions as imposed by SANRAL;
- 4.10.3.2. **Additional legal requirements**
- This approval shall bind any successor-in-title to the land on which the structures have been established;
  - This approval does not exempt the applicant from the provisions of any other Act; and

4.10.4. **Access**

4.10.4.1. No new access to the N2 would be allowed.

5. 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.
  - 5.1. 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.
  - 5.2. 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.
  - 5.3. 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.
  
6. 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: DEVELOPMENT SERVICES**

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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/YY	Date receiving notice of decision	DD/MM/YY
Who took the original decision?	<input checked="" type="checkbox"/>	Authorised employee	<input type="checkbox"/> Tribunal

### PART B: APPELLANT'S DETAILS

First name(s)	
Surname	

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Tel. no.: 028 214 3300  
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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)

<b>Appeal</b>	R
<b>TOTAL APPEAL FEES*</b>	<b>R</b>

\* 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: \_\_\_\_\_

\_\_\_\_\_