

# 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 319/97  
Your Reference Number:  
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 26 June 2019

## REGISTERED MAIL

GA Dennis  
Graham Dennis Land Surveyor  
39 Thornhill Road  
RONDEBOSCH  
7700

(Per E-mail: [gdsurv@iafrica.com](mailto:gdsurv@iafrica.com) )

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## DECISION LETTER TO APPLICANT

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Dear Mr/Mrs/Ms

### APPLICATION FOR REGISTRATION OF A WATER PIPELINE SERVITUDE: PORTION 97 OF THE FARM KROM RIVER NO. 317, CALEDON DISTRICT.

1. This Municipality's letter dated 15 August 2018, refers.
2. The Authorised Employee, on 25 June 2019 **approved, in whole** your application **to register servitudes** on Portion 97 of Farm Kromriver No. 317, as depicted on plan with Ref: CLDN 317/97, drawn by EB, dated 27 June 2018, in terms of section 60 of the By-law on Municipal Land Use Planning(2015), as follows:
  - 2.1. A 3m wide water pipeline servitude over Portion 97 of Farm Krom River No. 317, in favour of Portion 85 of Farm Kromriver No. 317; and
  - 2.2. A servitude area of 15m<sup>2</sup>, in favour of Portions 79 and 87 of Farm Krom River No. 317.
3. **Reasons** for the above decision are as follows:
  - 3.1. The proposal will have no negative impact on the character of the surrounding area.
  - 3.2. The proposal can be considered as basic infrastructure provision.
  - 3.3. The proposal will not result in a change of land use nor the zoning, therefore the character will be maintained.

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 5 years after the expiry of the period contemplated in Section 79(2), subject to Section 22 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015;
  - 4.2. The 3m wide water pipeline servitude and 15m<sup>2</sup> servitude area must be registered at the Deeds Registrar within the validity period of this approval, generally in accordance with plan with Ref: CLDN 317/97, drawn by EB, dated 27 June 2018;
  - 4.3. Complete building plans must be submitted to the department for approval, before any construction activities commences;
  - 4.4. The approval of this application does not exempt the applicant/developer from compliance of any other legislation;
  - 4.5. Any service upgrades required will be for the cost of the owner/applicant;
  - 4.6. **Eskom** (attached as Annexure E)
    - 4.6.1. Any proposed servitude crossing Eskom servitude will be subservient to the Eskom servitude that is being crossed and is subject Eskom's co-use conditions; and
    - 4.6.2. No construction work may be executed closer than 6 metres from any Eskom structure of structure-supporting mechanism.
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



**J JANSEN VAN RENSBURG**  
**ACTING MANAGER: TOWN PLANNING AND BUILDING CONTROL**

ZONING	USE	AGRICULTURE
	SUB:	

**NOTES:**

1. The figure t u v w represents a proposed Servitude Area ±15m<sup>2</sup> in extent over Portion 97 of the farm Krom River No 317.
2. The line x y z represents a proposed Pipeline servitude 3m wide over Portion 97 of the farm Krom River No 317.
3. --- denotes existing servitudes.

Date: 27 June 2018 Ref: CLDN 317/97

Drawn by: EB

Checked by: GD

SCALE: 1/500 @ A3

**PROPOSED PIPELINE  
SERVITUDE OVER PORTION 97  
OF THE FARM  
KROM RIVER NO 317  
CALEDON**

SUBMITTED BY:

**Graham Dennis**  
Land Surveyor

39 THORNHILL ROAD  
RONDEBOSCH  
7700

Tel / Fax: 021-6869988  
Cell: 082-5796644

E-mail: gdsurvey@africa.com  
Cadastral, Sectional Title,  
Topographical & Engineering Surveyor

Diagram No

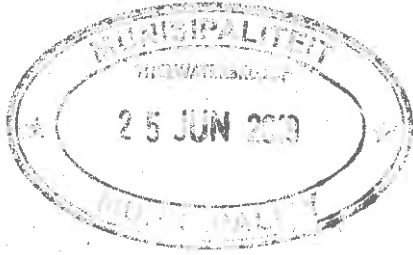
Roll No

2332/2017

S.G. Sheet No 3319

D.T.

6379



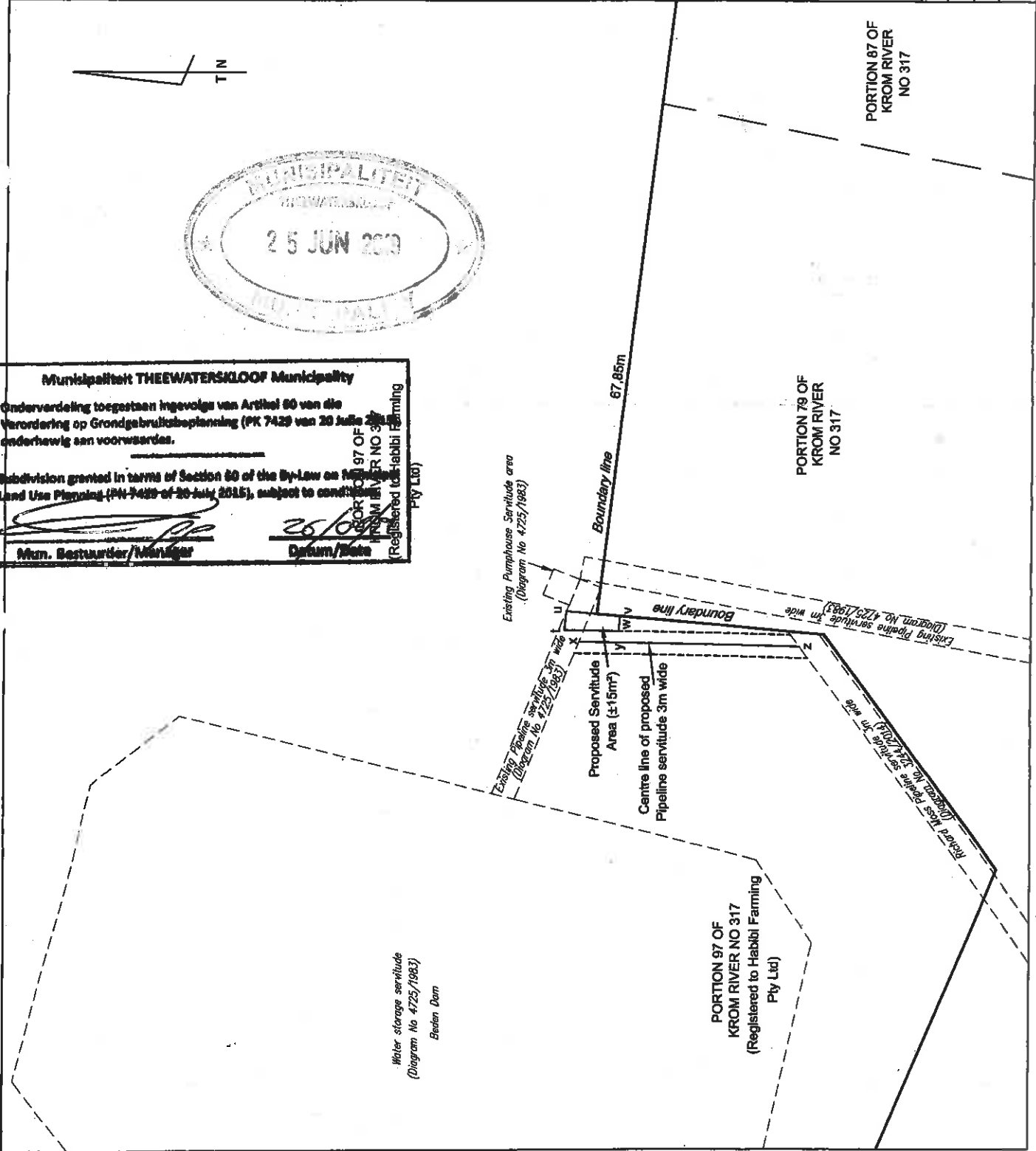
**Municipaliteit THEEWATERSKLOOF Municipality**

Onderverdeling toegestaan ingevolge van Artikel 60 van die Verordening op Grondgebruiksbeplanning (PK 7429 van 20 Julie 2015) onderhawig aan voorwaardes.

Subdivision granted in terms of Section 60 of the By-Law on Municipal Land Use Planning (PK 7429 of 20 July 2015), subject to conditions of approval.

**Man. Bestuurder/Manager** **25/06/18** **Diagram/Date**

FOR PORTION 97 OF FARM KROM RIVER NO 317 (Registered to Habibi Farming Pty Ltd)





THE MUNICIPAL MANAGER  
THEEWATERSKLOOF MUNICIPALITY  
P.O.BOX 24  
CALEDON  
7230

**Date:**  
10 December 2018

**Enquiries:**  
Shaun Swanepoel  
Tel 021 980-3913  
Fax 086 660 0941

**Attention: Ms S. du Toit**

Dear Madame

**APPLICATION FOR REGISTRATION OF A SERVITUDE:  
PORTION 97 OF THE FARM KROMRIVIER NO. 317, CALEDON DISTRICT**

**OUR REF: 04359/18**

I refer to your application dated 20 September 2018.

This application affects Eskom power lines or services.

- **KROMCO FARMERS 1 11kV OVERHEAD POWERLINE**
- **NABO FARMERS 4 11kV OVERHEAD POWERLINE**
- **GALA / HOUHOEK 132kV OVERHEAD POWERLINE**
- **ELGIN / KROMCO 66kV OVERHEAD POWERLINE**

I hereby inform you that Eskom approves the proposed work indicated on your drawing in principle subject to the following. This approval is valid for **12 months** only, after which reapplication must be made if the work has not yet commenced.

- a) Any proposed servitude crossing Eskom servitude will be subservient to the Eskom servitude that is being crossed and is subject to Eskom's co-use conditions.
- b) The following building and tree restriction on **either side of centre line** of overhead power line must be observed:

Voltage	Building restriction either side of centre line
11kV & 22 kV	9.0 m
66kV	11.0 m
132kV	15.5 m

- c) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.

Distribution Division - Western Region (Land Development)  
Western Region  
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA  
Tel +27 86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/30



- d) No work or no machinery nearer than the following **distances from the conductors:**

Voltage	Not closer than:
11kV & 22kV	3.0 m
66kV	3.2 m
132kV	3.8 m

- e) Natural ground level must be maintained within Eskom reserve areas and servitudes.  
 f) That a **minimum ground clearance** of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11kV & 22kV	6.3 m
66kV	6.9 m
132kV	7.5 m

- g) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and **any rerouting or relocation would be for the cost of the applicant/developer.**
- h) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
  - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
  - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
  - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- i) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- j) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- k) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- l) Eskom shall at all times have unobstructed access to and egress from its services.
- m) **Any development which necessitates the relocation of Eskom's services will be to the account of the developer.**
- n) **SYDNEY MULLINS, GRABOUW CNC** must be contacted on **+27 21 859 8020** before working in close proximity to the overhead power lines.

Kindly contact **Shaun Swanepoel** at Tel: 021 980 3913, should you require any further information.

Yours sincerely

**Shaun Swanepoel**  
**LAND DEVELOPMENT (BRACKENFELL)**  
 (Transmitted electronically and thus not signed)

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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 checked="" 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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 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)

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