

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 866/Re
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 25 November 2019

REGISTERED MAIL

Mr JA Visagie
Future Plan
P O Box 66
BOT RIVER
7185

Per E-mail: jan@futureplan.co.za

DECISION LETTER TO APPLICANT

Dear Mr/Mrs/Ms

APPLICATION FOR REZONING, CONSENT USE AND DEPARTURE: REMAINDER OF THE FARM KOLKOL NR 866, CALEDON DISTRICT

1. This Municipality's letter dated 26 Februarie 2019, refers.
2. The Municipal Planning Tribunal, on 04 November 2019 **approved**, your application for the following decisions in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015, subject to the conditions:
 - 2.1. Application made in terms of Section 15(2)(a) to split **rezone** 9 units from Agriculture Zone 1: Agriculture (AGR1) to Resort Zone: Holiday Accommodation (REZ); and
 - 2.2. Application made in terms of Section 15(2)(o) for **Consent Use** to regularise the existing second dwelling.
3. **Reasons** for the above **approval** decision are as follows:
 - 3.1. The proposed development is in line with the applicable Development Principles as contained in SPLUMA and LUPA.
 - 3.2. Mitigating measures have been introduced following the objections raised against the proposal.
 - 3.3. The proposal is consistent with the Theewaterskloof Municipal Spatial Development Framework.
 - 3.4. The proposal has no negative impact on the surrounding community's welfare and safety.
 - 3.5. The development proposal is consistent with the Zoning Scheme.

- 3.6. Rural tourism within scale and context is promoted.
4. The Municipal Planning Tribunal, on 04 November 2019 **refused**, in your application for the following decisions in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015:
 - 4.1. Application made in terms of Section 15(2)(b) for **Permanent departure** to exceed the permitted 120m² floor space for the additional dwelling units.
5. **Reasons** for the above **refusal** decision are as follows:
 - 5.1. The application for departure of floor space with regards to additional dwelling units is not applicable to the application.
 - 5.2. The development rules are not applicable to the application.
6. **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 (2015):**
 - 6.1. The approval is valid for five (5) years, after the expiry of the period contemplated in Section 79(2) and Section 19(5) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning;
 - 6.2. The approval is linked generally in accordance with Site Development Plan No AR100.00 dated 16 August 2017 drawn by Schoonraad Architects;
 - 6.3. An Environmental Management and Fire Management plan be submitted to the Manager: Town Planning and Building Control for consideration prior to building plan approval;
 - 6.4. The owner pays a contravention penalty as per approved Council Tariffs for that particular year regarding the 9 existing units and second dwelling unit for utilizing the land in contravention with the zoning scheme.;
 - 6.5. If required, a service level agreement be entered into with the municipality with regards to the provision of infrastructure services;
 - 6.6. The height of the 9 resort units be limited to 1 storey only;
 - 6.7. As-built plans be submitted to the Department: Building Control and Town Planning for consideration;
 - 6.8. All conditions of approval dated 30 November 2011 remains inforce;
 - 6.9. The approval of this application does not exempt the applicant/developer from compliance of any other legislation.
 - 6.10. **The following conditions are imposed from ESKOM in letter dated 11/04/2018:**
 - 6.10.1. Building and tree restrictions on either side of centre line of overhead power lines be maintained for 11KV (9,0metres and 66kV (11 metres); and
 - 6.10.2. No construction closer than 6 metres from any Eskom structure.
 - 6.11. **The following conditions are imposed from DEADP in letter dated 15/05/2018:**
 - 6.11.1. No area may be cleared over 300m².
 - 6.12. **The following conditions are imposed from BGCMA in letter dated 16/05/2018:**
 - 6.12.1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 198) regarding water use be adhered to;
 - 6.12.2. No storm water;
 - 6.12.3. Disposal of sewerage at all times complies with the requirements of Section 22 and 40 of the National Water Act, 1998 (Act 36 of 1998); and
 - 6.12.4. Domestic water use complies with SANS 241:2015.
 - 6.13. No units may be alienated.
 - 6.14. Resort units may not be occupied on a permanent basis.
7. 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.

- 7.1. 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.
 - 7.2. 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.
 - 7.3. 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.
8. 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

252395



DIRECTORATE: DEVELOPMENT MANAGEMENT
(REGION 2)

REFERENCE: 16/3/3/6/E4/5/1066/18
ENQUIRIES: Lorretta Osborne
DATE OF ISSUE: 2018 -05- 15

The Municipal Manager
Theewaterskloof Municipality
PO Box 24
CALEDON
7230

Attention: Ms S du Toit

Tel: (028) 214 3300
Fax: (028) 214 1289

Dear Madam

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): APPLICATION FOR REZONING, CONSENT USE AND DEPARTURE ON REMAINDER OF FARM NO. 866, CALEDON

1. Your document and the letter dated 13 March 2018, as received by the Department on 23 March 2018 and the Departmental letter issued on 28 March 2018, refer.
2. This letter serves as an acknowledgement of receipt of the correspondence by this Department.
3. The Department is of the understanding that the proposal is for rezoning, consent use and departure on the abovementioned farm.
4. Following review of the information submitted to this Department, the following is noted:
 - 4.1.1 The consent use is for a second dwelling in terms of Section 15(2)(o) of the Theewaterskloof Municipality: By-Law on Municipal Land Use Planning 2015.
 - 4.1.2 The footprint rezoning for 7 existing holiday units and 2 new holiday housing units from Agriculture Zone I to Resort Zone in terms of Section 15(2)(o) of the Theewaterskloof Municipality: By-Law on Municipal Land Use Planning 2015.
 - 4.1.3 The Permanent Departure from Development parameters to allow that 4 of the housing units may be bigger than the 120m² prescribed in terms of Section 15(2)(o) of the Theewaterskloof Municipality: By-Law on Municipal Land Use Planning 2015.
 - 4.1.4 The facility is existing prior to the regulations.
 - 4.1.5 The owner wishes to add two units with a development footprint of 284m² to the already existing seven units.
 - 4.1.6 The expansion of the facility with the two units will be accommodating an extra eight people.
 - 4.1.7 The buildings, services and access on the site is existing.
 - 4.1.8 The site is zoned Agriculture Zone I.
 - 4.1.9 Although, according to the Department of Agriculture's Cape Farm Mapper, Remainder of Farm No. 866, Caledon is comprised of Kogelberg Sandstone Fynbos,

which is classified as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA), the area for the two units is transformed and will be less than 300m².

5. Your attention is drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 as defined in GN No. 327, 325 and 324 of 7 April 2017. Please be advised that, based on the information provided, the application for rezoning, consent use and departure on the remainder of the farm **does not** constitute any listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended).
6. The above-mentioned is based on the following:
 - 6.1 The proposal does not trigger any thresholds of the listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended).
 - 6.2 The area to be cleared for the two units is less than 300m².
 - 6.3 The addition of the two units will accommodate less than 15 people.
7. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 (as amended) as defined in GN No. 327, 325 and/or 324 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
8. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
9. The applicant must comply with **any other statutory requirements** that may be applicable to the undertaking of the activity.
10. The Department reserves the right to revise or withdraw comments or request further information based on any information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 2
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

252470

BREDE-GOURITZ

Catchment Management Agency
Opvanggebied Bestuursagentskap
I-Arhente yoLawulo lomMandla noIungqongileyo

51 Baring Street Worcester 6850, Private Bag X3055 Worcester 6850

E-mail: vligudu@bgcma.co.za

Cell: 0834093777

Navrae: / Enquiries/ Imibuzo:



Verwysing: / Reference//Referensi:

Datum: / Date:

V Ligudu

023 346 8000

4/10/1/G40E/Farm 866
(Rem)

09 May 2018

The Municipal Manager
Theewaterskloof Municipality
P. O. Box 24
Caledon
7230



Attention: Sunet du Toit

APPLICATION FOR REZONING, CONSENT USE AND DEPARTURE: REMAINDER OF THE FARM 866, CALEDON DIVISION.

With reference to the application received 16 March 2018, requesting comments.

The Breede-Gouritz Catchment Management Agency (BGCMA) in principle has no objection to the proposed application, subject to the following conditions:

- All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered.
- No storm water runoff from any premises containing waste, or water containing waste emanating from premises may be discharged into a water resource.
- No permanent structures maybe constructed within the 100-year flood line of any watercourse (seasonal or permanent river, stream, etc.).
- No additional use of surface/groundwater and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998). And/or formal authorization in terms of General Authorizations issued under Section 39 (Government Notice 538 dated 02 September 2016), and/or if it is authorized under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998).
- It is the duty of the applicant(s) to ensure that all servitudes of aqueduct, access and storage to give effect to the apportionment of water uses has been agreed upon prior

amongst the property owners and formally registered with the Deeds office to give affect thereto upon approval of the application.

Disposal of sewage

- The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act of 1998, (Act 36 of 1998).
- When a conservancy tank is used for the disposal of sewerage, this office must be furnished with a signed copy of the contract between the contractor or the municipality which is appointed to pump the conservancy tank.
- The tank must be provided with a fresh air inlet and an intercepting grease trap.
- The tank must have an airtight manhole cover to allow access to the tank for the removal and safe disposal of the tank contents.
- No industrial waste or refuse may be discharged into the conservancy tank except by written agreements with the relevant authorities.
- The size of the conservancy tank must be determined by both the frequency of removal of its contents to the local Wastewater Treatment Works and by the quantity of sewage anticipated from the above-mentioned project.
- The contents of the tank must be removed by a vacuum tanker and conveyed to a local Wastewater Treatment Works that is capable of processing the volume and contents of the conservancy tank.
- The contingency plan must be drawn up to protect against overflow of the conservancy tank.
- Ingress of storm water into the conservancy tank must be prevented.
- The conservancy tanks must be located out of the 1:100 year flood line of any water resource.

Water for domestic use

- Water provided for domestic use must comply with the SANS 241: 2015 guidelines for drinking water.

The BGCMA reserves the right to revise initial comments and request further information based on any additional information that may be received.

Please contact the above-mentioned official if you have any queries.

Yours faithfully

JP Lijnduuc

JAN VAN STADEN
ACTING CHIEF EXECUTIVE OFFICER



THEEWATERSKLOOF MUNICIPALITY
PO BOX 24
CALEDON
7230

Date:
11.04.2018

Enquiries:
Mrs Toni Parkes
Tel 021 980 3919

**WAYLEAVE APPLICATION: PROPOSED REZONING AND CONSENT USE, FARM 866/RE,
CALEDON**

**YOUR REF: FA 866/RE
OUR REF: 00925/18**

I refer to your applications dated 13 March 2018.

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

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

- a) 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	9.0 m
66kV	11.0 m

- b) No construction work may be executed closer than **6 (six) metres** from any Eskom structure or structure-supporting mechanism.
- c) No work or no machinery nearer than the following distances from the conductors:

Voltage	Not closer than:
11kV	3.0 m
66kV	3.2 m

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



following clearances:

Voltage	Safety clearance above road:
11kV	6.3 m
66kV	6.9 m

- f) 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.
- g) 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.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) 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.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.

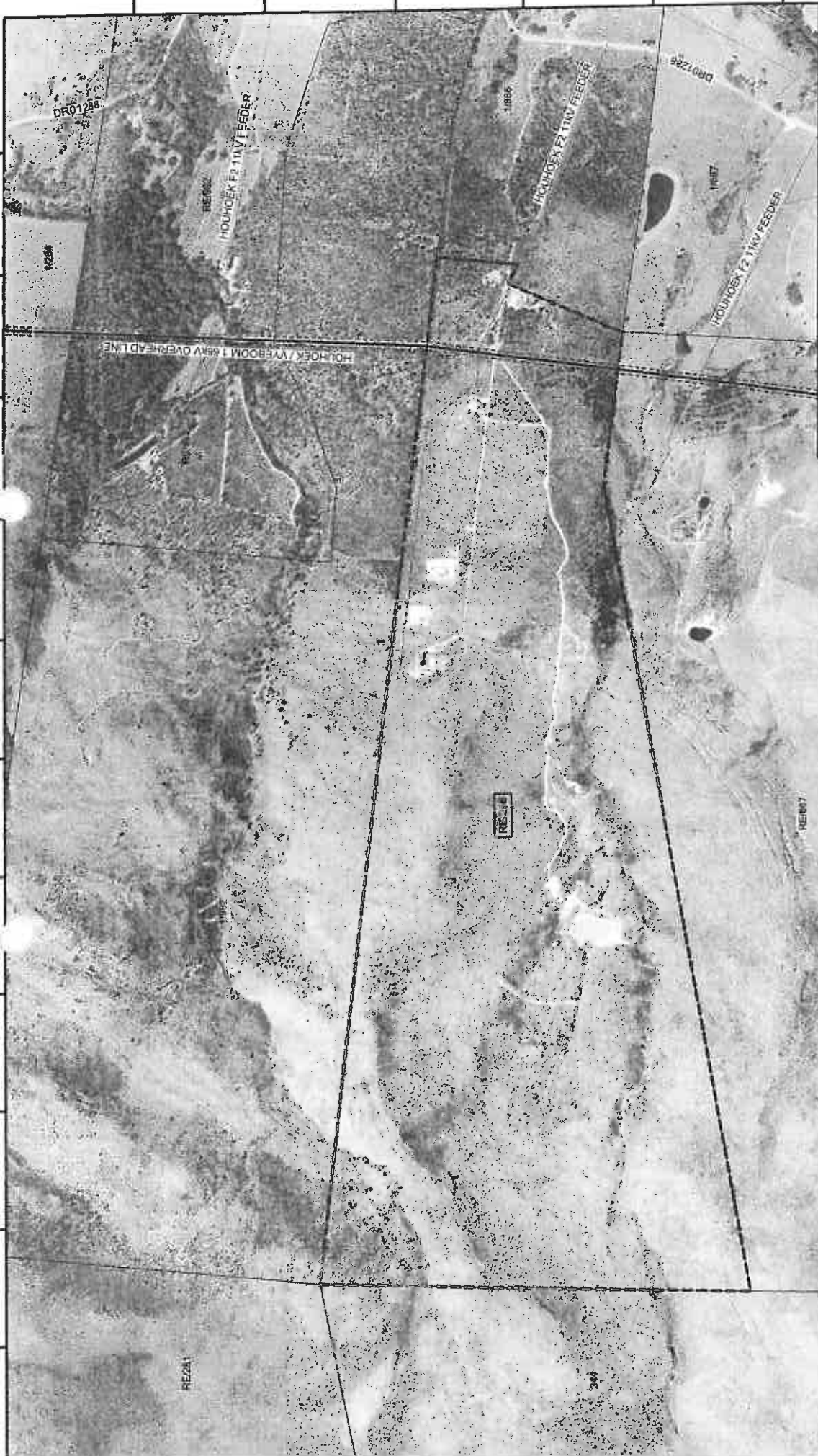
Yours faithfully



PP

LAND DEVELOPMENT (BRACKENFELL)

1 2 3 4 5 6 7 8 9 10 11 12



REV	DESCRIPTION	BY	DATE	APP'D	DATE



CALEDON CMC
 CALEDON DISTRICT, REMAINDER OF FARM 866
 APPLICATION FOR REZONING, CONSENT USE AND
 DEPARTURE
 THEEWATERSKLOOF MUNICIPALITY

SCALE 1:5 000
 THIS DRAWING IS THE
 PROPERTY OF Eskom

DATE: 04/04/2018
 DRAWN BY: J. L. SMIT
 CHECKED BY: J. L. SMIT



DATE: / /
 DRAWN BY: / /
 CHECKED BY: / /

LEGEND

- ESKOM 66KV OVERHEAD LINE WITHIN SERVICITUDE
- ESKOM 11KV OVERHEAD LINE
- CADASTRAL BOUNDARY
- AREA OF INTEREST

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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

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 Standard 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		Date receiving notice of decision	
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	

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

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*

--	--	--	--	--	--

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

* 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,

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

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