

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 319/93&94
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 15 November 2019

REGISTERED MAIL

Mr B Blount
Diesel & Munns Inc.
P O Box 475
SOMERSET WEST
7129

Per E-mail: planning@dieselandmunns.co.za

DECISION LETTER TO APPLICANT

Dear Mr/Mrs/Ms

APPLICATION FOR REZONING, SUBDIVISION AND CONSOLIDATIONS: PORTIONS 93 & 94 OF THE FARM PALMIET RIVIER NO. 319, CALEDON DISTRICT

1. This Municipality's letter dated 10 May 2019, refers.
2. The Authorised Employee, on 8 November 2019 **approved, in whole** your applications in terms of section 60 of the By-law on Municipal Land Use Planning (2015) for the following:
 - 2.1. **Subdivision** in terms of Section 15(2)(d) of Portion 93 of Farm No. 319 into two portions namely Portion 1 ($\pm 297\text{m}^2$), and the Remainder ($\pm 2\,089\text{m}^2$) as per subdivision plan No C5887/sub dated February 2019 drawn by Diesel and Munns Inc;
 - 2.2. **Consolidation** in terms of 15(2)(e) of the Remainder ($\pm 2\,089\text{m}^2$) of Portion 93 of Farm No. 319 with Portion 94 of Farm No. 319, to form a land unit measuring $\pm 4067\text{m}^2$ in extent as depicted on per subdivision plan No C5887/sub dated February 2019 drawn by Diesel and Munns Inc;
 - 2.3. **Rezoning** in terms of Section 15(2)(a) of proposed Portion 1 ($\pm 297\text{m}^2$) from Single Residential Zone 1: Dwelling to Transport Zone 2: Road as depicted in Site Development Plan No 100 dated 2019/01/15 drawn by Marcus Smit Jacobs;
 - 2.4. **Rezoning** in terms of Section 15(2)(a) of the newly consolidated erf from Single Residential Zone 1: Dwelling to Business Zone 1: Low-Intensity Business as depicted in Site Development Plan No 100 dated 2019/01/15 drawn by Marcus Smit Jacobs

3. **Reasons** for the above 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. The proposed development is consistent with the Theewaterskloof Municipal Spatial Development Framework
 - 3.3. The proposed use will have no detrimental impact on the character of the surrounding area.
 - 3.4. The development proposal is consistent with the objectives and parameters of the proposed zonings.

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(2015):**
 - 4.1. This approval is valid for 5 years after which it shall lapse if not exercised in terms of Sections 17, 20, 21, 22 and 79 the Theewaterskloof Municipality: By-law on Municipal Land Use Planning (2015);
 - 4.2. Development takes place generally in accordance as depicted in Site Development Plan No 100 dated 2019/01/15 drawn by Marcus Smit Jacobs;
 - 4.3. The proposed subdivision and consolidation of the subject properties strictly in accordance with per subdivision plan No C5887/sub dated February 2019 drawn by Diesel and Munns Inc;
 - 4.4. All applicable zoning parameters shall remain in force and must be adhered to;
 - 4.5. Complete building plans must be submitted to the Municipality before any construction activities commence;
 - 4.6. A service level agreement be entered into with the municipality with regards bulk capital contributions for Civil (roads, stormwater, sewerage and water) as per approved Council tariffs for that particular year;
 - 4.7. Damaging of any municipal infrastructure will be for the account of the Developer/ Owner;
 - 4.8. No rainwater from the roof shall be discharged directly onto an adjoining land unit;
 - 4.9. No construction allowed within 3 meters of municipal infrastructure;
 - 4.10. Parking be provided on-site and no on-street parking will be allowed;
 - 4.11. The approval of this application does not exempt the applicant/landowner from compliance of any other legislation;
 - 4.12. The following conditions are listed as per ESKOM letter dated 2019/08/19:
 - 4.12.1. Eskom services are affected by the proposal and a working permit be applied for;
 - 4.12.2. No mechanical plant be used within 3,0m from ESKOM underground services;
 - 4.12.3. All services to be verified on-site;
 - 4.13. The following conditions are listed as per Transport and Public Works in their letter dated 02 July 2019;
 - 4.13.1. Detail Designs plans of the proposed access and fourth leg at the intersection are submitted to the Design Directorate; and
 - 4.13.2. All other accesses to the properties be permanently closed, the fence reinstated, the verge restored to match adjacent verges, prior to the buildings being occupied.

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 AND BUILDING CONTROL



THEEWATERSKLOOF MUNICIPALITY

Date: 2019/08/19

twkmun@twk.org.za

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: APPLICATION FOR SUBDIVION, CONSOLIDATION AND
REZONING : PORTIONS 93 AND 94 OF THE FARM OF THE
FARM RADYN NO.24 : CALEDON

YOUR REF: FA319/93&94

ESKOM REF: 01130-19

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to 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.

1. Eskom services are affected by your proposed works and the following must be noted:

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Grabouw

Enchanté Swartz / Bongiswa Babu

021 859 8005 / 021 859 8025

SwartzEn@eskom.co.za / BabuB@eskom.co.za

Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Sabelo Potela on 084 745 8990 / PotelaS@eskom.co.za.

2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Graham Hector from the Land Development Office to be contacted on 021 980 3551 / HectorG@eskom.co.za, to arrange the capturing of such services.
- f) 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.
- g) Where proposed services cross underground power cables the separation should be a minimum of 300mm with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch- pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.

3. O.H. Line Services:

- a) 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
132kV	3.8 m

4. NOTE

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)



LEGEND

- CADASTRAL BOUNDARY
- EXISTING MV 11KV UNDERGROUND CABLE
- - - - AREA OF INTEREST

ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE
 LAND DEVELOPMENT SECTION
 TEL: 011-266 3129 FAX: 011-266 3053

SCALE 1:500
 THIS DRAWING IS THE PROPERTY OF ESKOM

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

Eskom
Distribution

GRABOUW CNC
 GRABOUW, PORTIONS 93 AND 94 OF FARM
 PALMIET RIVIER No. 319
 APPLICATION FOR SUBDIVISION, CONSOLIDATION
 AND REZONING
 THEEWATERSKLOOF MUNICIPALITY
 WAYLEAVE 01130-19

DATE:	SET	SHEET	REVISION
2018/06/21	00	00	0

DRAWN: S. ALBERTS
 DATE: 2018/06/21

ELECTRIFICATION TO BE CONFIRMED ON SITE

REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-28/164 (Job 27023)

ENQUIRIES: Ms GD Swanepoel

DATE: 2 July 2019

The Municipal Manager
Theewaterskloof Municipality
PO Box 24
CALEDON
7230

Attention: Ms S du Toit

Dear Madam

**PORTIONS 93 AND 94 OF FARM PALMIETRIVIER 319, CALEDON DISTRICT: MAIN ROAD 278:
APPLICATION FOR SUBDIVISION, CONSOLIDATION AND CONSENT USE**

1. Your letter FA 319/93 & 94 dated 12 June 2019 refers.
2. The subject properties are located in Grabouw and take access off Main Road 278.
3. This application is for the following:
 - 3.1 Subdivision and Consolidation as set out on Plan Number: C5887/Sub dated February 2019;
 - 3.2 Rezoning of the property from Single Residential to Business Zone I and
 - 3.3 Approval of a Site Development Plan for a total of 1242 m² of GLA and 48 parking bays.
4. As per the TIA of DECA Consulting Engineers, access to the development will be via a new access off Main Road 278 directly opposite the intersection of Main Road 278 and Main Road 279.
5. Accordingly, this Branch approves a new access off Main Road 278, opposite the intersection of Main Road 278 and Main Road 279.

ENDORSEMENTS

1. Theewaterskloof Municipality
Attention: Attention: Ms S du Toit (e-mail: sunetdu@twk.org.za)
2. Diesel & Munns Inc.
Attention: B Blount (e-mail: planning@dieselandmunns.co.za)
3. Mr SW Carstens (e-mail)
4. Ms MK Hofmeyr (e-mail)
5. Mr F Fakier (e-mail)

6. This Branch offers no objection to the application in terms of the Land Use Planning Act, No 3 of 2014 subject to the following:
 - 6.1 Detail Design plans of the proposed access and fourth leg at the intersection be submitted to the Design Directorate (Ms M Hofmeyr 02 1483 3999) of this Branch for approval and
 - 6.2 All other accesses to the subject properties must be permanently closed, the fence reinstated, the verge restored to match adjacent verges, prior to the buildings being occupied.

Yours faithfully



SW CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

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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 Standard By-law on Municipal Land Use Planning.

PART A: APPEAL

Are you appealing against the decision made by the authorised employee or Tribunal?	<input type="checkbox"/> Y	<input type="checkbox"/> 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)?	<input type="checkbox"/> Y	<input type="checkbox"/> 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?	<input type="checkbox"/> Y	<input type="checkbox"/> 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?	<input type="checkbox"/> Y	<input type="checkbox"/> 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?	<input type="checkbox"/> Y	<input type="checkbox"/> N	If Yes, specify in Part E.
Date of decision	<input type="text" value="DD/MM/YYYY"/>	Date receiving notice of decision	<input type="text" value="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)	<input type="text"/>
Surname	<input type="text"/>

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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 (if applicable)				
Postal address				
				Postal Code
Email				
Tel		Fax		Cell
PART C: APPELLANT'S PROPERTY DESCRIPTION <i>(Property that is affected by proposed development)</i>				
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: _____

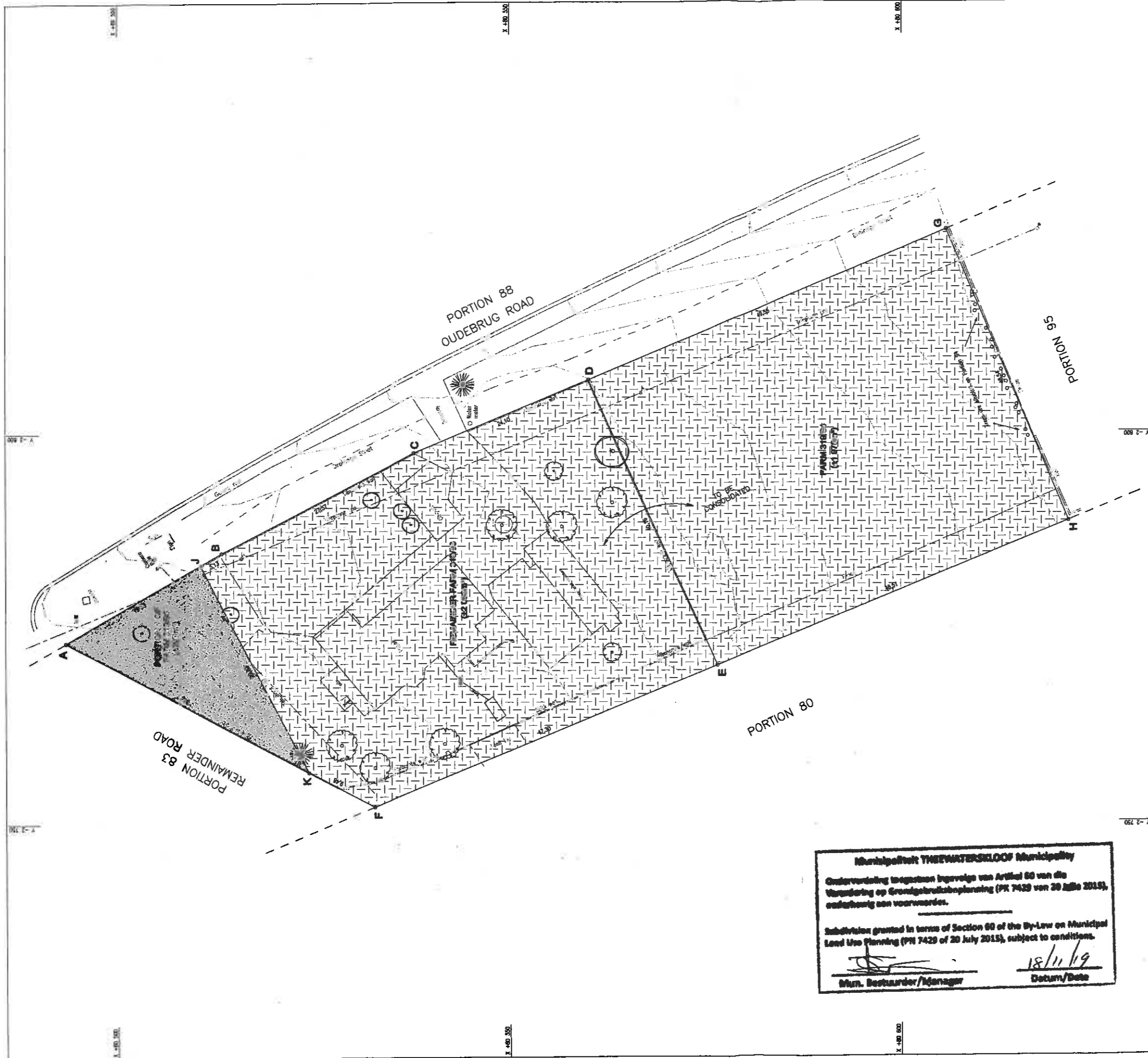
Full name: _____

FOR OFFICE USE ONLY

Date received: _____

Received by: _____

Municipal Stamp



Munisipaliteit THEEWATERSKLOOF Municipality
 Ouderendeing toegestaan ingevolge van Artikel 60 van die
 Verordening op Grondgebruiksbeplanning (PR 7429 van 20 Julie 2015),
 onderhavig aan voorwaardes.

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

[Signature] 18/11/19
 Mun. Bestuurder/Manager Datum/Date

SUBDIVISION PLAN

**PROPOSED CONSOLIDATION AND
 SUBDIVISION OF PORTIONS 93 & 94
 OF THE FARM PALMIET RIVIER**
 No. 319

Theewaterskloof Municipality
 Administrative District of Caledon
 Province Western Cape.

- LEGEND:**
- PROPOSED BUSINESS ZONE 1 (B1)
 - TRANSPORT USAGE 2: ROAD (TR2)
 - PORTION 83 OF FARM No. 319
 - PORTION 94 OF FARM No. 319
 - PROPOSED PORTION 1 OF FARM 319/83
 - REMAINDER FARM 93/319
 - JBCDGHFK
 - CONSOLIDATED B1 PROPERTY (64 067m²)

- NOTES:**
- 1) ALL AREAS AND DIMENSIONS ARE APPROXIMATE
 - 2) COMPILATION SHEET: A1 - 1CA / X21 (388)
 - 3) ZONING: SINGLE RESIDENTIAL ZONE 1
 - 4) CONTOUR INTERVAL: 0,5m

SCALE 1/500

DATE : FEB. 2019

PLAN NO: C5887/Sub

T N

DIESEL & MUNNIS Inc
 PROFESSIONAL LAND SURVEYORS : TOWN AND REGIONAL PLANNERS
 PROFESSIONELE LANDMETERS : STADS- EN STREEK BEPLANNERS
 SECTIONAL TITLE CONSULTANTS : ENGENEERS AND TOPOGRAPHICAL SURVEYORS
 DEELTIET KONSULTANTE : INGENIEURS EN TOPOGRAFIESE OPMETERS

20 ST. JAMES STREET/STRAAT - P O BOX/POSBUS 475 - SOMERSET WEST 7129
 TEL : (021) 852-5800/852-3759 FAX : (021) 852-4966

