

# 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 54/1, 2 & 3  
Your Reference Number:  
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 26 February 2021

## REGISTERED MAIL

Applicant's name and Postal Address

Anna-Christa Redelinghuys  
Umsiza Planning  
P O Box 649  
ROBERTSON  
6705

(Per E-mail: [gnnachris@mweb.co.za](mailto:gnnachris@mweb.co.za))

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## DECISION LETTER TO APPLICANT

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Dear Mrs/Ms Redelinghuys

### APPLICATION FOR SUBDIVISION - REGISTRATION OF A SERVITUDE: PORTION 2 (A PORTION OF PORTION 1) AND PORTION 3 OF THE FARM JAGERSBOSCH NO. 54, CALEDON DISTRICT.

1. This application received 08 June 2020, refers.
2. The Authorised Employee, on 22 February 2021 **approved, in whole** your application for Subdivision – Registration of a pipeline servitude, 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 will not negatively impact on the engineering services.
  - 3.2. The proposal conforms to forward planning documents.
  - 3.3. No change in land use is proposed and as a result the character of the surrounding area will remain unchanged.
  - 3.4. The proposal will result in the effective utilisation of existing resources in the area.
  - 3.5. Basic infrastructure will be provided as a result of the application.

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. The approval is valid for 5 years, after the expiry of the period contemplated in Section 79(2), in terms of Section 22 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning (2015);
  - 4.2. The 2m wide water pipeline servitude must be registered at the Deeds Registrar and Surveyor-General's Office within the validity period of this approval, generally in accordance with Site Development Plan NO.: P2F54CAL, drawn by: Umsiza Planning, dated: 08 June 2020;
  - 4.3. The approval of this application does not exempt the applicant/developer from compliance with any other legislation;
  - 4.4. Any service upgrades required be for the cost of the owner/applicant;
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:**  
Comments received from the B-GCMA, dated 17 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.

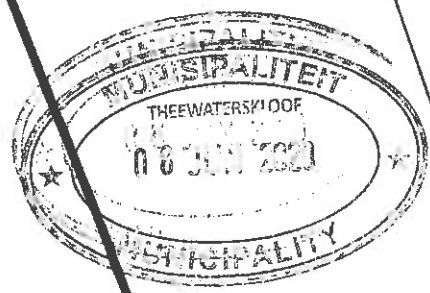
Yours faithfully



**JC PIENAAR**  
**MANAGER: TOWN PLANNING**

Munisipaliteit THEEWATERSKLOOF Municipality  
 Onderverdeling toegestaan ingevolge van Artikel 60 van die  
 Verordening op Grondgebruiksbeplanning (PW 7429 van 20 Julie 2015),  
 onderhewig aan voorwaardes.  
 Subdivision granted in terms of Section 60 of the By-Laws on Municipal  
 Land Use Planning (PW 7429 of 20 July 2015), subject to conditions.  
 02/07/2020  
 Datum/Date  
 Mun. Bestuurder/Manager

- NOTES:  
 1. ab ROW servitude over Ptn 1/54 in favour of Ptn 2/54  
 2. cde-curve-f water servitude over Ptn 3/54 in favour of Ptn 2/54  
 3. ghijklmnpq encroachment servitude over Ptn 2/54 in favour of Ptn 1/54

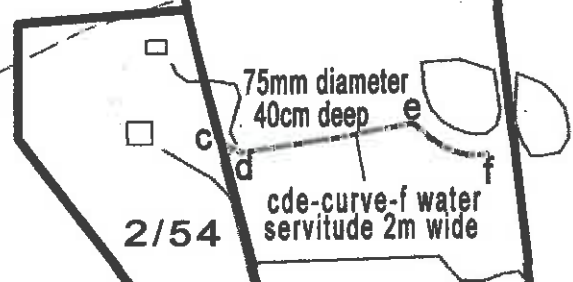


1/54  
 mountain

3/54  
 mountain

4/54  
 mountain

mountain



2/54

GENADENDAL

ghijklmnpq dam servitude  
 ±0,3338 ha

ab: ROW 6m wide

DR1298

RE/54

km20

SDP: PORTIONS R/1, 2 AND 3 OF THE FARM JAGERSBOSCH NO 54, CALEDON RD:  
 REGISTRATION OF SERVITUDES: ROW, WATER PIPELINE & WATER ENCROACHMENT AREA

	 Town and Regional Planner
	SCALE 1:10000      PLAN: P2F54CAL



**BREEDÉ-GOURITZ**  
CATCHMENT MANAGEMENT AGENCY

51 Baring Street Worcester 6850, Private Bag X3065 Worcester 6850

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Enquiries: F. Smith      Tel: 023 346 8000      Fax: 023 347 2012      E-mail: [fsmith@bgcma.co.za](mailto:fsmith@bgcma.co.za)

Our Reference no: 4/10/1/H60E/Jagersbosch 54/1, 2 & 3, Caledon RD

Date: 17 December 2020

Theewaterskloof Municipality  
P. O. Box 24  
Caledon  
7230

For Attention: S. du Toit

Madam,

**APPLICATION FOR REGISTRATION OF A SERVITUDE: REMAINDER OF PORTION 1, PORTION 2 & PORTION 3 OF THE FARM JAGERSBOSCH NO. 54, CALEDON RD.**

With reference to your letter dated 08/09/2020 together with the Motivational report by Umsiza Planning (Town and Regional Planner) dated 17/04/2020, attached to the letter by Theewaterskloof LM with municipal file reference number FA 54/RE 1, 2 & 3 (and App ID: 3281/2020), herewith the following:

*The delay in comments provided was not done intentional. The BGCMA moved offices and the supplementary report to this application was misplaced. However, the BGCMA in principle, has no objection against the proposed application for registration of a servitude, but the following apply:*

1. The report indicates that the servitude over Portion 3 to Portion 2, would only be for domestic water use. Should the water use in future change and the use be that of irrigation, it should be clearly communicated with the BGCMA. The subsequent registration should also be put in place.
2. Once sale of property and transfer have taken place, the water use registration should be amended for the affected properties.

In addition:

3. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use should be adhered to.
4. Polluted storm water should be contained and managed in such a way that it does not pose an additional threat to surface- and groundwater resources.

Please be advised that no activities may commence without the appropriate approvals/authorizations (where needed) from the responsible authority.

The onus remains with the registered property owner to confirm adherence to any relevant legislation that such activities might trigger and/or need authorization for.

Also be advised that the comment provided is in the interest of responsible water resource management. The BGCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.

Please do not hesitate to contact this office if you have any further queries.

Please ensure to quote the above reference in doing so.

Yours faithfully.



**JAN VAN STADEN**  
**CHIEF EXECUTIVE OFFICER (ACTING)**

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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	

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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