



CLEAN AUDITS SINCE 2010/11



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File ref: 15/3/10-15/Farm_589/3
15/3/13-15/Farm_589/3

Enquiries:
Mr AJ Burger

20 October 2021

CK Rumboll and Partners
P.O. Box 211
MALMESBURY
7299

By Registered Mail

Dear Sir/Madam

**PROPOSED CONSENT USE AND EXEMPTION ON PORTION 3 OF FARM TWEKUYLEN NO 589,
DIVISION MALMESBURY**

Your application, with reference number DAR/8758.2/JL/KS, dated 30 June 2021, on behalf of the Môrester Beleggings Trust, refers.

- A** By virtue of the authority delegated to the Senior Manager: Built Environment in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for consent use for a renewable energy structure on portion 3 of farm Tweekuylen no 589, Division Malmesbury, is approved in terms of Section 70 of the By-Law, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The consent use authorises a renewable energy structure (2ha in extent) in order to operate a 5MW biogas power generation plan;
- b) The consent use complies with the relevant zoning parameters applicable to renewable energy structures;
- c) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;

2. WATER

- a) No municipal drinking water can be provided to the development;

3. SEWERAGE

- a) No sewerage services can be provided to the development;

4. REFUSE REMOVAL

- a) Solid waste from household and administrative origin be dumped at the Highlands landfill site;

5. WEST COAST DISTRICT MUNICIPALITY

- a) More information be provided who the contractor is, transporting the waste products to the biogas plant as well as the method of transport of the respective waste products;

Rig asseblief alle korrespondensie aan:

**Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299**

Darling Tel: 022 492 2237

Tel: 022 487 9400

Faks/Fax: 022 487 9440

Epos/Email: swartlandmun@swartland.org.za

Moorreesburg Tel: 022 433 2246

Kindly address all correspondence to:

**The Municipal Manager
Private Bag X52
Malmesbury 7299**

Yzerfontein Tel: 022 451 2366

- b) A copy of the construction phase environmental management plan be provided to the Environmental Health Division of the West Coast District Municipality;
- c) A detailed pest control plan be provided to the Environmental Health Division of the West Coast District Municipality. Such a plan must set out which contractor will be responsible for the management and control of waste at the plant;
- d) A management plan be provided to the West Coast District Municipality's Environmental Health Division, which sets out the distribution and use of the final product on agricultural land, including measures to control odors and other nuisances;

6. TELKOM

- a) Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant;
- b) Should Openserve infrastructure be damaged while work is undertaken, kindly contact an Openserve representative;

7. ESKOM

- 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;
- k) **No work can take place within the servitude of a 66kV Cable or 13kV Cable if indicated.** Should you need to undertake any work within the proximity of our 66kV or 132kV Cables please contact Graham Hector on HectorG@eskom.co.za to arrange a site visit;

O.H. Line Services:

- l) 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
11 / 22kV	9.0 m
66kV	11.0 m
132kV	15.5m

- m) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism;
- n) No work or no machinery nearer than the following **distances from the conductors**:

Voltage	Not closer than:
11 / 22kV	3.0 m

66kV	3.2 m
132kV	3.8 m

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

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

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

8. GENERAL

- a) The approval does not exempt the owner/developer of adherence to any other legal procedures, applications and/or approvals related to the intended land use;
 - b) The Environmental Authorisation (EA) of the Department of Environmental Affairs and Development Planning dated 9 December 2014, with reference 12/12/20/2652, be complied with;
 - c) The approval is, in terms of section 76(2)(w) of the By-Law, only valid for a period of 5 years. All conditions of approval be complied with before an occupancy certificate will be issued, and failing to do so will result in the approval expiring. If all conditions of approval are complied with within the 5 year period, the land use rights become permanent.
- B** The registration of a servitude for a lease area (5,4ha in extent) on farm 589/3, Division Malmesbury, in favour of the operator of the biogas plant (BioWatt Pty Ltd), complies with the requirements of Section 34 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) and is thus exempted from approval from Swartland Municipality.

Yours sincerely


MUNICIPAL MANAGER
per Department Development Services
AJB/ds

*Copies: Department: Financial Services
 Department: Civil Engineering Services
 Building Control Officer
 Môrester Beleggings Trust, PO Box 130, Malmesbury, 7299*