

MASIPALA WASE THEEWATERSKLOOF MUNISIPALITEIT

Munisipale Kantoor/Municipal Office
Pleinstraat/Plein Street
Posbus/P.O Box 24
CALEDON
7230



Tel. no.: 028 214 3300
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E-pos/E-mail: twkmun@twk.org.za

Our Reference Number: V/836
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 20 December 2018

REGISTERED MAIL

JJ Sauls
70 Protea Street
VILLIERSDORP
6848

DECISION LETTER TO APPLICANT

Dear Mr Sauls

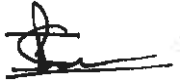
APPLICATION FOR CONSENT USE: ERF 836 VILLIERSDORP

1. This Municipality's letter dated 27 July 2018, refers.
2. The Municipal Planning Tribunal, on 28 November **approved, in whole** your application for **Consent Use**, on Erf 836, Villiersdorp, for a house shop in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, as depicted on Site Development Plan: Plan No.: 1, dated: 20 July 2018, drawn by: Adriaan Louw.
3. **Reasons** for the above decision are as follows:
 - 3.1. The proposed development is in line with the applicable principles stipulated in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) as well as the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).
 - 3.2. The development is in line with the guidelines and policies contained in the Theewaterskloof Municipality Spatial Development Framework.
 - 3.3. The proposal will not negatively impact on the engineering services.
 - 3.4. The proposal is considered desirable within the local context.
 - 3.5. The residential character will be retained.
 - 3.6. The proposal complies with the development parameters stipulated in the Theewaterskloof Municipality Zoning Scheme Regulations and guidelines of the House Shop and Trading from Containers Policy.
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 2 years after the expiry of the period contemplated in Section 79(2), subject to Section 19(5) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning;
 - 4.2. The portion of the house shop encroaching onto the street building line (Protea Street) be demolished;
 - 4.3. This approval is granted to the applicant and is not transferrable;
 - 4.4. The trading area may not be used for sleeping/habitable purposes;
 - 4.5. Operating hours are from 06:30 to 21:00;
 - 4.6. The hours of operation shall not extend beyond 6h30 to 21h00 and includes deliveries to the premises.
 - 4.7. No additional facilities in the form of video games, pool tables, jukeboxes and gambling machines be permitted;
 - 4.8. The following products may not be stored and/or sold from the house shop:
 - 4.8.1. Liquor or alcoholic beverages;
 - 4.8.2. Gas and gas containers;
 - 4.8.3. Paraffin;
 - 4.8.4. Petrol;
 - 4.8.5. Diesel;
 - 4.8.6. Adult entertainment;
 - 4.8.7. Narcotics; or
 - 4.8.8. Any illegal substances;
 - 4.9. No more than 3 persons, including the occupant of the dwelling house, are permitted to be engaged in retail activities on the subject property;
 - 4.10. Complete building plans, for any built structure, must be submitted to the Department: Town Planning and Building Control for approval, before any construction activities commence;
 - 4.11. The owner must comply with the requirements of Overberg District Municipality.
 - 4.12. All applicable zoning parameters shall remain in force and must be adhered to;
 - 4.13. The approval of this application does not exempt the applicant/developer from compliance with any other legislation that might be/become applicable with regard to the proposed development;
 - 4.14. The house shop permit issued with the approval be clearly displayed, in the shop, at all times and renewed on an annual basis; and
 - 4.15. The Municipality reserves the right to withdraw the approval should the owner/applicant fail to comply with the above conditions.
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

A handwritten signature in black ink, appearing to be 'JC Pienaar', written over a horizontal line.

JC PIENAAR
MANAGER TOWN PLANNING: DEVELOPMENT SERVICES