

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 69/RE
Your Reference Number:
Enquiries: Sunet Du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 30 April 2019

REGISTERED MAIL

Martin Oosthuizen
Boland Plan Stads- en streeksbeplanning
Posbus 963
WORCESTER
6848

(Per E-mail: bolandplan@breede.co.za)

DECISION LETTER TO APPLICANT

Dear Sir / Madam

APPLICATION FOR CONSENT USE: REMAINDER OF THE FARM DENNEHOF NO. 69, CALEDON DISTRICT

1. This Municipality's letter dated 25 October 2018, refers.
2. The Authorised Official, on 29 April 2019 **approved**, the following **Consent Use** applications in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015, subject to conditions.
 - 2.1. A Consent Use application in terms of Section 15(2)(o) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning for **Tourist Facilities, for a function venue/conference centre measuring 277m²**; and
 - 2.2. A Consent Use application in terms of Section 15(2)(o) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning for a **Plant Nursery measuring 500m²**.
3. The Authorised Official, on 29 April 2019 **refused**, the application for **Consent Use** in terms of Section 15(2)(o) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015, **for three (3) additional dwelling units**.
4. **Reasons** for the above decision are as follows:
 - 4.1. **Reasons for the approval:**
 - 4.1.1. Existing engineering services will not be negatively affected.
 - 4.1.2. Existing infrastructure will be optimally used.

- 4.1.3. It is in line with the principles stipulated in the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) and Western Cape: Land Use Planning Act, 2014 (Act No. 3 of 2014).
- 4.1.4. The proposal will not detract from the character of the surrounding area.
- 4.1.5. The positioning of the function venue will not be a traffic hazard.

4.2. Reasons for the refusal:

- 4.2.1. Additional dwelling units cannot be approved without the approval for a second dwelling unit in addition to the main dwelling house, as contained in the definition of the Theewaterskloof Municipality Zoning Scheme Regulations.

5. 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:

- 5.1. The approval is valid for five (5) 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;
- 5.2. The function venue / conference centre is limited to a floor space of 277m²;
- 5.3. The plant nursery is limited to a footprint of 500m²;
- 5.4. An amended Site Development Plan and parking layout plan be submitted to The Manager: Town Planning and Building Control for approval;
- 5.5. The applicant/owner submit an approved Water Use Licence for additional use of surface/groundwater to the Manager: Town Planning and Building Control;
- 5.6. No construction work to be executed closer than 18 (eighteen) metres from any Eskom 132 kV power line;
- 5.7. No building, structures or trees may be erected within 9 (nine) metres from either side of the centre line from any Eskom 11/22 kV overhead power line crossing the property;
- 5.8. Any rerouting or relocation of existing Eskom infrastructure will be for the cost of the applicant/developer;
- 5.9. 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;
- 5.10. 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; and
- 5.11. Any service upgrades required will be for the cost of the owner/applicant.

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

A handwritten signature in black ink, consisting of a large, loopy oval shape with a horizontal line through the middle, followed by a shorter horizontal line extending to the right.

J JANSEN VAN RENSBURG
ACTING MANAGER: TOWN PLANNING AND BUILDING CONTROL

MASIPALA WASE THEEWATERSKLOOF MUNISIPALITEIT

Munisipale Kantoer/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 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	

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: _____

MunicipalStore