

MASIPALA WASE THEEWATERSKLOOF MUNISIPALITEIT

Munisipale Kantoor/Municipal Office
Pleinstraat/Plein Street
Posbus/P.O Box 24
twkmun@twk.org.za
CALEDON
7230



Tel. no.: 028 214 3300
Faks/Fax no.: 028 214 1289
E-pos/E-mail:

Our Reference Number: GRA/3044 (App Id: 3166)
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 20 July 2020

REGISTERED MAIL

Applicant's name and Postal Address

L Molefe
3044 Mbeka Street
Xola-Naledi
GRABOUW
7160

(Per E-mail: lebohangmolefe40@gmail.com)

DECISION LETTER TO APPLICANT

Dear Mr Molefe

APPLICATION FOR CONSENT USE AND DEPARTURE: ERF 3044 GRABOUW

1. This Municipality's letter dated 18 October 2019 refers.
2. The Municipal Planning Tribunal, on 01 July 2020 **approved**, your application as follows, in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015:
 - 2.1. **Consent use** to operate a house tavern on Erf 3044, Grabouw in terms of Section 15(2)(o) of the Theewaterskloof Municipality Bylaw on Municipal Land Use Planning;
 - 2.2. **Permanent departure** from the prescribed northern side building line (1.5m to 1m) on Erf 3044, Grabouw in terms of Section 15(2)(b) of the Theewaterskloof Municipality Bylaw on Municipal Land Use Planning;
 - 2.3. **Permanent departure** from the prescribed rear building line (2m to 1.5m) on Erf 3044, Grabouw in terms of Section 15(2)(b) of the Theewaterskloof Municipality Bylaw on Municipal Land Use Planning;
 - 2.4. **Permanent departure** from the prescribed rear building line (2m to 1m) on Erf 3044, Grabouw in terms of Section 15(2)(b) of the Theewaterskloof Municipality Bylaw on Municipal Land Use Planning;

- 2.5. **Permanent departure** from the prescribed southern side building line (1.5m to 0.3m) on Erf 3044, Grabouw in terms of Section 15(2)(b) of the Theewaterskloof Municipality Bylaw on Municipal Land Use Planning;
 - 2.6. **Permanent departure** from section 5.1.11(1) of the Theewaterskloof Municipality Integrated Zoning Scheme on Erf 3044, Grabouw in terms of Section 15(2)(b) of the Theewaterskloof Municipality Bylaw on Municipal Land Use Planning.
3. **Reasons** for the above **approval** are as follows:
- 3.1. The house tavern is regarded as desirable, should the conditions of approval be strictly adhered to.
 - 3.2. Adequate municipal engineering services are in place to accommodate the land use.
 - 3.3. The proposal is regarded as consistent with the Theewaterskloof Municipality SDF.
 - 3.4. The proposal is regarded as consistent with the Western Cape PSDF.
 - 3.5. The proposed land use is regarded as consistent with the provisions of Section 58 of LUPA.
 - 3.6. The proposed land use is regarded as consistent with the objective of the Single Residential Zone 1 zoning.
 - 3.7. The proposed house tavern will not dominate the single residential use of the property.
 - 3.8. The proposed building line departures will not hinder access for emergency services to all parts of the property.
 - 3.9. The proposed building line departures are unlikely to create a fire hazard, jeopardizing the safety of surrounding properties.
4. The Municipal Planning Tribunal, on 01 July 2020 **refuses**, your application as follows, in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015:
- 4.1. **Permanent departure** from Section 17.1 of the Theewaterskloof Municipality Integrated Zoning Scheme on Erf 3044 Grabouw in terms of Section 15(2)(b) of the Theewaterskloof Municipality Bylaw on Municipal Land Use Planning.
5. **Reasons** for the above **refusal** are as follows:
- 5.1. Should more patrons be allowed than parking can be provided for, these patrons will park on the street and pavement which will compromise vehicular flow and pedestrian safety.
6. 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:
- 6.1. The approval is valid for 2 years, after the expiry of the period contemplated in Section 79(2), in terms of Section 18(2) of the Theewaterskloof Municipality: Bylaw on Municipal Land Use Planning (2015).
 - 6.2. A revised site development plan be submitted with the submission of building plans to the Department: Town Planning and Building Control.
 - 6.3. The house tavern shall not exceed an area of 26.3m².
 - 6.4. The number of patrons be limited to 10 at any given time.
 - 6.5. The house tavern only be operated by the resident of the dwelling unit.
 - 6.6. Operating hours be determined by the Theewaterskloof Liquor Trading House Bylaw.
 - 6.7. The following uses not be permitted at the house tavern: video games, amusement centre, discotheque.
 - 6.8. Only one non-illuminated sign shall be permitted, and it shall not exceed 0.5m² in area. Such sign shall indicate only the name of the owner and the name of the house tavern.
 - 6.9. Should the conditions of approval not be adhered to, the consent use approval will be rescinded.

- 6.10. On-site parking and access thereto be provided as specified in Section 17.1 to the satisfaction of the Council.
 - 6.11. This approval is limited to the current proprietor of the house tavern. The approval is not transferable.
 - 6.12. The approval does not exempt the applicant/developer from compliance with any other legislation;
 - 6.13. No structures or buildings be erected over any municipal infrastructure.
7. 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.
 - 7.1. 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.
 - 7.2. 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.
 - 7.3. 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.
 8. 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: 2020/01/21

TWKMUN@TWK.ORG.ZA

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: CONSENT USE AND DEPARTURE : ERF 3044 GRABOUW : GRABOUW

YOUR REF: GRA/3044

ESKOM REF: 00122-20

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:

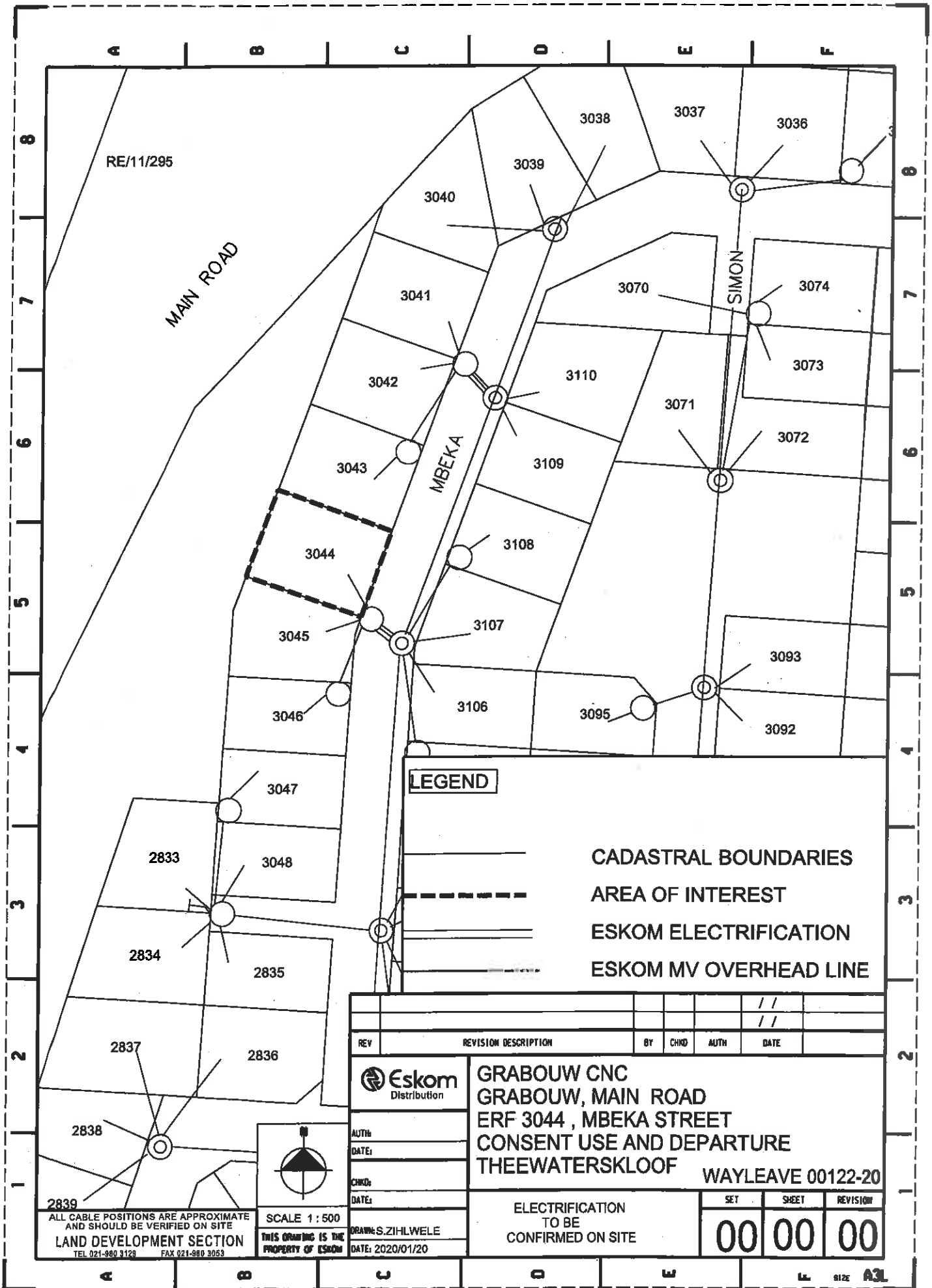
Voltage	Not closer than:
11kV	3.0 m
66kV	3.2 m
132kV	3.8 m

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 BOUNDARIES
-  AREA OF INTEREST
-  ESKOM ELECTRIFICATION
-  ESKOM MV OVERHEAD LINE

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

Eskom Distribution
GRABOUW CNC
GRABOUW, MAIN ROAD
ERF 3044, MBEKA STREET
CONSENT USE AND DEPARTURE
THEEWATERSKLOOF WAYLEAVE 00122-20

AUTH: DATE: CHKD: DATE:	DRAWN: S.ZIHLWELE DATE: 2020/01/20	ELECTRIFICATION TO BE CONFIRMED ON SITE	SET 00	SHEET 00	REVISION 00
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ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE
LAND DEVELOPMENT SECTION
 TEL 021-980 3129 FAX 021-980 3053

SCALE 1 : 500
THIS DRAWING IS THE PROPERTY OF ESKOM

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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 checked="" type="checkbox"/> Tribunal

PART B: APPELLANT'S DETAILS

First name(s)	
Surname	

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 7230



Tel. no.: 028 214 3300
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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)

	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