

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: GRA/3076
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 26 August 2020

REGISTERED MAIL

C Agenbag
Headland Town Planners
P O Box 176
GRABOUW
7160

DECISION LETTER TO APPLICANT

Dear Sir

APPLICATION FOR CONSENT USE AND DEPARTURE: ERF 3076 GRABOUW

1. This application received 30 August 2018, refers.
2. The Municipal Planning Tribunal, on 30 July 2020 **approve, in part**, your application for the following, 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 3076, Grabouw; and
 - 2.2. **Permanent departure** from the prescribed street building line (2m to 0.7m) on Erf 3076, Grabouw.
3. **Reasons for the approval** of the above decision are as follows:
 - 3.1. The house tavern is regarded as desirable, should the development restrictions of the Theewaterskloof Municipality Zoning Scheme be maintained.
 - 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 objective of the Single Residential Zone 1 zoning, should the development restrictions of the Theewaterskloof Municipality Zoning Scheme be maintained.

4. The Municipal Planning Tribunal, on 30 July 2020 **refuse**, your application for the following, in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015:
 - 4.1. **Permanent departure** from the prescribed southern side building line (1.5m to 0.6m) on Erf 3076, Grabouw; and
 - 4.2. **Permanent departure** from Section 17.1 of the Theewaterskloof Municipality Integrated Zoning Scheme (provision of parking) on Erf 4690, Grabouw.

5. **Reasons for the refusal** of the above decision are as follows:
 - 5.1. The house tavern can only be regarded compatible with the surrounding area, should the necessary development parameters as contained in the Theewaterskloof Municipality Zoning Scheme be maintained.
 - 5.2. Adequate parking can be provided on the subject property, if the remaining building lines are maintained.
 - 5.3. Adequate parking can be provided on the property considering the extent of the erf and the location of the dwelling unit and the house tavern thereon.

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 not exceed an area of 25m² or 50% of total floor area of the dwelling unit (whichever is the most restrictive).
 - 6.4. All structures that do not comply with the approval and the applicable development parameters of the Theewaterskloof Municipality Zoning Scheme be demolished.
 - 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 Hours 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 be permitted, and it 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. The 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 may 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.
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 AND BUILDING CONTROL

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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 Standard 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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 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