

# 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](mailto:twkmun@twk.org.za)

Our Reference Number: GRA/3164  
Your Reference Number:  
Enquiries: Sunet du Toit, 028 214 3300 / [sunetdu@twk.org.za](mailto:sunetdu@twk.org.za)

Date: 24 March 2020

## REGISTERED MAIL

C Agenbag  
Headland Town Planners Pty Ltd  
P O Box 176  
GRABOUW  
7160

(Per Email: [cor@headland.co.za](mailto:cor@headland.co.za) / [Tristan@headland.co.za](mailto:Tristan@headland.co.za))

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## DECISION LETTER TO APPLICANT

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Dear Mr/Mrs/Ms

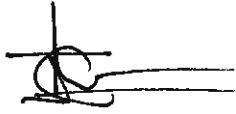
### APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURE: ERF 3164 GRABOUW

1. This application dated 22 November 2019, refers.
2. The Authorised Employee, on 24 March 2020 **approved, in whole** your application for the following, in terms of section 60 of the By-law on Municipal Land Use Planning, 2015:
  - 2.1. **Permanent Departure** from the prescribed street building lines (from 2m to 0m on Letlaila street and from 2m to 0,7m on Khotso Street);
  - 2.2. **Permanent Departure** from the prescribed eastern side building line (1.5m to 0m);
  - 2.3. **Permanent Departure** to depart from the parking requirements from 1 bay for every 5 seats to 0 seats;
  - 2.4. **Permanent Departure** to depart from the development parameters of the zoning scheme with regards to maximum allowable coverage from 70% to 79%;
  - 2.5. **Permanent Departure** to allow a window placement within 0,75m of the eastern building line; and
  - 2.6. **Consent Use** to enable the owner to regularise the existing house tavern.
3. **Reasons** for the above decision are as follows:
  - 3.1. The retail component of the house tavern complies with the 25m<sup>2</sup> floor area as prescribed in the Theewaterskloof Municipality Zoning Scheme.

- 3.2. The approval of the house tavern intends to promote economic opportunities in informal areas.
  - 3.3. The dominant land use of the property will remain residential
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, 2015:**
- 4.1. The approval is valid for 2 years after the expiry of the period contemplated in Section 79(2), subject to Section 18(2) and Section 19(5) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015;
  - 4.2. The proposed development is generally in accordance with Site Layout Plan Figure no. 3164/02/01, dated November 2018, drawn by Headland Town Planners.
  - 4.3. The floor area of the house tavern be restricted to 17m<sup>2</sup> as presented on the Site Development Plan.
  - 4.4. The dominant use of the buildings on the property must remain as a dwelling house for the living accommodation of a single family;
  - 4.5. Liquor may only be sold for on-consumption purposes.
  - 4.6. The trading hours for the house tavern be restricted to the days and times as prescribed by the Theewaterskloof Municipality By-law on Liquor Trading Days and Hours.
  - 4.7. The permission to operate the house tavern is restricted to the owner of Erf 3164, Grabouw, and is not transferable;
  - 4.8. No video games, amusement centre or discotheque activities take place on the premises.
  - 4.9. The owner of the house tavern obtains a liquor license in terms of the relevant legislation, and in the event of the liquor license being withdrawn or suspended, the Council's consent for the operation of the house tavern shall automatically lapse;
  - 4.10. Only one non-illuminated sign shall be permitted and not exceed 0,5m<sup>2</sup> in extent. Such sign may not exceed the land boundaries with any part of it, and indicates only the name of the owner and the house tavern.
  - 4.11. The operation of the house tavern may not cause a public nuisance.
  - 4.12. The owner complies with the Western Cape Noise Control Regulations, PN 200/2013, at all time.
  - 4.13. As-built building plans be submitted to the Department Town Planning and Building Control for consideration and approval.
  - 4.14. An application for consent use in terms of Section 15(2)(o) is required to regularise the second dwelling, as indicated on the site development plan.
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, consisting of a stylized 'J' and 'P' followed by several horizontal strokes.

**JC PIENAAR**  
**MANAGER: TOWN PLANNING AND BUILDING CONTROL**



3129

the copyright in this drawing, including detail and design shown hereon, is reserved by headland planners(pty) ltd

1. all dimensions are in metres.
2. all dimensions are approximate and subject to final survey.
3. development parameters for erven <math>< 300\text{m}^2</math> i.t.o. the theewaterskloof municipality integrated zoning scheme regulations:
  - 3.1 street building line = 2m
  - 3.2 lateral building line = 1,5m
  - 3.3 rear building line = 2m
  - 3.4 coverage = 70%

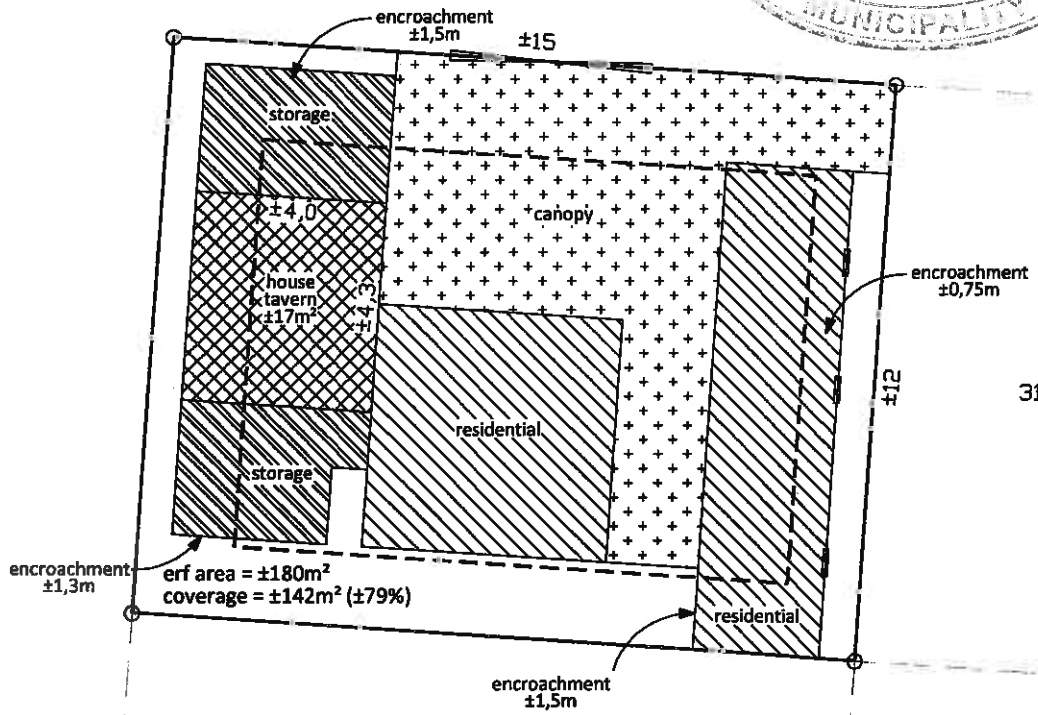
notes

letlaia street



3159

khotso street



3165

3163

3166

figure 3164/02/01	project proposed consent use erf 3164 grabouw	client xola nakeli												
file GBW Shebeens	drawing <b>site plan</b>	<p>cell: 072 447 2949 cor@headland.co.za www.headland.co.za</p>												
date november 2018	<table border="0"> <tr> <td></td> <td>proposed house tavern (informally built)</td> <td></td> <td>canopy</td> </tr> <tr> <td></td> <td>informally constructed additions: storage</td> <td></td> <td>gate</td> </tr> <tr> <td></td> <td>residential</td> <td></td> <td>window</td> </tr> </table>			proposed house tavern (informally built)		canopy		informally constructed additions: storage		gate		residential		window
	proposed house tavern (informally built)			canopy										
	informally constructed additions: storage		gate											
	residential		window											
scale 1/150	key - - - - street, lateral & rear building lines (see notes)													

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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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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)

<b>Appeal</b>	R
<b>TOTAL APPEAL FEES*</b>	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