

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: GRE/981 & 997 (and App Id. 3130)
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 18 September 2020

REGISTERED MAIL

WRAP
P O Box 1247
HERMANUS
7200

(Per E-Mail: admin@wrapgroup.co.za)

DECISION LETTER TO APPLICANT

Dear Mr/Mrs/Ms

APPLICATION FOR CONSOLIDATION, REZONING AND DEPARTURE: ERF 981 & 997, GREYTON.

1. This Municipality's letter dated 11 September 2019, refers.
2. The Municipal Planning Tribunal, on 27 August 2020 **approved**, the following applications, in terms of section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015:
 - 2.1. **Rezoning** of Erf 981, Greyton from Business Zone 2: High Intensity Business to General Residential Zone 4: Guest House;
 - 2.2. **Rezoning** of Erf 997, Greyton from Single Residential Zone 1: Dwelling to General Residential Zone 4: Guest House;
 - 2.3. **Consolidation** of Erven 981 and 997, Greyton;
 - 2.4. **Departure** from the prescribed street building line (4m to 0m);
 - 2.5. **Departure** from the prescribed south-eastern side building line (3m to 0.5m);
 - 2.6. **Departure** from the prescribed south-eastern side building line (3m to 1.5m);
 - 2.7. **Departure** from the prescribed western rear building line (3m to 1.3m);
 - 2.8. **Departure** from the prescribed western rear building line (3m to 0.65m); and
 - 2.9. **Departure** from the prescribed north western side building line (3m to 0.7m).
3. **Reasons** for the above decision are as follows:
 - 3.1. There are no restrictive title deed conditions that prohibits the approval of the application.
 - 3.2. The proposed rezoning, consolidation and building line departures are regarded as desirable.
 - 3.3. The proposed rezoning, consolidation and building line departures will have minimal impact on municipal engineering services.

- 3.4. The proposed rezoning, consolidation and building line departures are consistent with the provisions of the IDP and MSDF.
 - 3.5. The proposed rezoning, consolidation and building line departures are consistent with the provisions of the PSDF.
 - 3.6. The proposed rezoning, consolidation and building line departures are consistent with Section 58 of LUPA.
4. The Municipal Planning Tribunal, on 27 August 2020 **refused**, the following applications, in terms of section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015:
- 4.1. **Departure** from the prescribed from the prescribed on-site parking requirements.
5. **Reasons** for the above decision are as follows:
- 5.1. An establishment such as a guest house requires dedicated parking bays for clients.
 - 5.2. Oak Street does not have the necessary design capacity to accommodate the proposed alternative parking provision proposal.
 - 5.3. It is not feasible to provide parking for the establishment at the parking area identified within the MSDF
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, 2015:**
- 6.1. The approval is valid for 1 year, after the expiry of the period contemplated in Section 79(2), in terms of Section 18(2) and 17(5) of the Theewaterskloof Municipality: Bylaw on Municipal Land Use Planning (2015).
 - 6.2. As-built building plans be submitted to the Department: Town Planning and Building Control for approval.
 - 6.3. Departure approval only applicable on existing buildings and not to new buildings.
 - 6.4. Consolidation must be registered with the Surveyor-General.
 - 6.5. A revised site development plan be submitted with the submission of building plans to the Department: Town Planning and Building Control.
 - 6.6. On-site parking and access thereto be provided as specified in Section 17.1 to the satisfaction of the Council.
 - 6.7. The number of rooms of the establishment be limited in accordance with the number of parking bays that can be provided on-site.
 - 6.8. A register of guests and lodgers must be kept, and completed when rooms are let, and the register must be produced for inspection on request of a council official.
 - 6.9. Guest rooms may not be converted to, or used as, separate dwelling units.
 - 6.10. Only meals which are supplied to guests or lodgers, who have lodging at the guest house, are permitted.
 - 6.11. No advertising sign shall be displayed other than a single non-illuminated sign or notice not projecting over a public street, and such sign must not exceed 0.5m² in area.
 - 6.12. Upon the registration of the consolidation, one electrical supply will be terminated and only one supply cable be allowed to service the new erf. The costs for this change of supply will be entirely for the applicant's account.
 - 6.13. In case there is food handling/preparation taking place, the owner of the premises apply for a Certificate of Acceptability and comply with R638 of 22 June 2018 regulations (or as amended) governing general hygiene requirements for food premises, the transport of food and related matters.
 - 6.14. The owner must also apply for a Health Certificate for the accommodation establishment as stipulated in the Overberg District Municipality, Municipal Health Bylaw 15 July 2019 (or as amended).
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

A handwritten signature in black ink, appearing to be 'JC PIENAAR', with a horizontal line drawn underneath it.

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 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)

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