

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/1015
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 20 March 2020

REGISTERED MAIL

A Redelinguys
Umsiza Planning
P O Box 649
ROBERTSON
6705

(Per E-mail: annachris@mweb.co.za)

DECISION LETTER TO APPLICANT

Dear Mrs/Ms Redelinguys

APPLICATION FOR DEPARTURE: ERF 1015, GREYTON.

1. This Municipality's letter dated 13 July 2019, refers.
2. The Municipal Planning Tribunal, on 2 March 2020 **approved, in part** your application for **Permanent Departure** from the prescribed southern side building line (2.0m to 1.25m) on Erf 1015, Greyton in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, subject to the conditions of approval.
3. **Reasons** for the above approved decision are as follows:
 - 3.1. The proposed staircase is extremely limited in extent and will have a localised impact.
 - 3.2. The staircase is not a habitable structure and will not impact negatively on the existing land use rights of the neighbouring property owner.
 - 3.3. The proposed staircase will not have a negative impact on any existing municipal service infrastructure.
 - 3.4. The proposal is regarded as consistent with Section 58 of LUPA.
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), in terms of Section 18(2) of the Theewaterskloof Municipality: Bylaw on Municipal Land Use Planning (2015).
 - 4.2. A revised site development plan must be submitted with the submission of building plans to the Department: Town Planning and Building Control.
 - 4.3. The approval does not exempt the applicant/developer from compliance with any other legislation;
 - 4.4. No structures or buildings may be erected over any municipal infrastructure.
5. The Municipal Planning Tribunal, on 2 March 2020 **refused** your application for **Permanent Departure** from the prescribed northern side building line (2.0m to 1.5m) on Erf 1015, Greyton in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015.
6. **Reasons** for the above refusal decision are as follows:
- 6.1. The prescribed 2.0m northern side building line can be maintained with minor amendments to the current building plan.
 - 6.2. The extent of the property does not limit the available building envelope, preventing the owner from exercising the primary land use rights of the property.
 - 6.3. The shape of the property is not unusual, thus limiting the development possibilities on the property.
 - 6.4. There are no physical, environmental or built limitations on the property, limiting development possibilities and requiring a building line departure to be considered.
 - 6.5. The outbuilding located within the northern building line is a two storey structure and does not adhere to the prescription of Section 16.2.1 (b)(i) of the Theewaterskloof Municipality Integrated Zoning Scheme.
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

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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 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