

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/86
Your Reference Number:
Enquiries: Sunet Du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 29 August 2018

REGISTERED MAIL

Mr T Rabe
TRE Property & Development
173 Kleinbos avenue
SOMERSET WEST
7130

(Per E-mail: nohanm@tre.co.za)

DECISION LETTER TO APPLICANT

Dear Mr Rabe

APPLICATION FOR DEPARTURE: ERF 86, GRABOUW

1. This Municipality's letter dated 10 May 2018, refers.
2. The Authorised Employee, on 28 August 2018 **approved, in whole** your application for a series of **permanent departures** from the prescribed 10m building lines, to accommodate the proposed additions and to regularize the existing encroachments, as depicted on Site Development Plan Nr. KAS-1-804 dated 27 August 2018 drawn by TRE Property and Development, be approved, in terms of Section 60 of the Theewaterskloof Municipality: By-Law on Municipal Land Use Planning, 2015. The departures includes the following:
 - 2.1. The **street building line** onto Voortrekker Street from 10m to 6m;
 - 2.2. The **street building line** onto Hertzog Street from 10m to 4m;
 - 2.3. The **side building line** next to Erf 94 from 10m to 6m; and
 - 2.4. The **side building line** next to Erf 85 from 10m to 0m.
3. **Reasons** for the above decision are as follows:
 - 3.1. The proposal is regarded as consistent with the proposals of the Spatial Planning and Land Use Management Act as well as the Western Cape Land Use Planning Act.
 - 3.2. The proposal will not detract from the surrounding character of the area.
 - 3.3. Sufficient access and on-site parking is available.
 - 3.4. No objections were received against the proposal.
 - 3.5. The proposal will not impact negatively on the existing engineering services.

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:
 - 4.1. The approval for the abovementioned application is valid for 2 (two) years after the expiry of the period contemplated in Section 79(2), subject to Section 18(5) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015;
 - 4.2. The proposed development is strictly in accordance with Site Development Plan Nr. KAS-1-804 dated 23 May 2017 drawn by TRE Property and Development.
 - 4.3. No construction work within 2m of municipal services;
 - 4.4. On-street parking will not be allowed;
 - 4.5. Any service upgrades required will be for the cost of the owner/applicant;
 - 4.6. Complete building plans, for any built structure, must be submitted to the Department: Town Planning and Building Control for approval, before any construction activities commence;
 - 4.7. The approval of this application does not exempt the applicant/developer from compliance with any other legislation that might be/become applicable with regard to the proposed development; and
 - 4.8. The applicable zoning parameters shall remain in force and must be adhered to.

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



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
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:

Munisipaliteit