

# MASIPALA WASE THEEWATERSKLOOF MUNISIPALITEIT

Munisipale Kantoor/Municipal Office  
Pleinstraat/Plein Street  
Posbus/P.O Box 24  
twkmun@twk.org.za  
**CALEDON**  
7230



Tel. no.: 028 214 3300  
Faks/Fax no.: 028 214 1289  
E-pos/E-mail:

Our Reference Number: FA 24/76 ( and App Id: 3306)  
Your Reference Number:  
Enquiries: Sunet Du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 18 March 2021

## REGISTERED MAIL

Sako Trust  
Schoongesig  
P O Box 2  
VILLIERSDORP  
6848

(Per E-mail: [hansie.erasmus@gmail.com](mailto:hansie.erasmus@gmail.com))

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### DECISION LETTER TO PERSONS WHO COMMENTED ON THE APPLICATION

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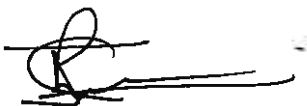
Dear Mr/Mrs Erasmus

#### APPLICATION FOR DEPARTURE: PORTION 76 OF FARM RADYN NO. 24, CALEDON DISTRICT.

1. Your comments dated 21 October 2021, refers.
2. The Municipal Planning Tribunal on 25 February 2021 resolved that the following application be **approved**, in terms of section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015:
  - 2.1. Application for a **permanent departure** from the prescribed common building line(s) from 30m to 5m in terms of Section 15(2)(b) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning.
3. **Reasons** for the above decision are as follows:
  - 3.1. The proposal is regarded as consistent with the Theewaterskloof Municipality SDF.
  - 3.2. The proposed land use is regarded as consistent with the provisions of Section 58 of LUPA.
  - 3.3. The proposed land use is regarded as consistent with the objective of the Agriculture Zone 1.
  - 3.4. It is not foreseen that the proposal will have a negative impact on the privacy, social welfare or development rights of the neighbouring property owners.

- 3.5. The applicant submitted a specialist study of the soil potential which clearly justifies the location and encroachment.
  - 3.6. The proposed shed/barn is deemed an ancillary to the primary use.
  - 3.7. No engineering services will be negatively affected by the proposal.
  - 3.8. The concern regarding the fire risk will be mitigated by imposing a fire break as condition of approval.
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 proposed departure be generally in accordance with site development plan Nr. Farm 76\_24 CAM SDP S2 20200901 drawn by JA Visagie dated September 2020;
  - 4.2. 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: By-law on Municipal Land Use Planning (2015);
  - 4.3. A fire break be installed along the south-western boundary to the satisfaction of the Manager Environmental Affairs and Disaster Management;
  - 4.4. As-built building plans be submitted to the Department: Town Planning and Building Control for approval, before any construction activities commence;
  - 4.5. The approval of the application does not exempt the applicant/developer from compliance with any other legislation; and
  - 4.6. No structures be erected within 2 meters of existing municipal infrastructure and the proposal not obstruct the municipal connections.
5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
6. 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.

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 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
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)

<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