

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/1086
Your Reference Number:
Enquiries: Sunet Du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 16 April 2019

REGISTERED MAIL

Warren Petterson Planning
P. O. Box 152
CENTURY CITY
7446

(Per E-mail: dloots@wpplanning.co.za)

DECISION LETTER TO APPLICANT

Dear Sir / Madam

APPLICATION FOR DEPARTURE AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: ERF 1086 GREYTON

1. This Municipality's letter dated 22 June 2018, refers.
2. The Municipal Planning Tribunal, on 28 March 2019 **approved**, your application for **Permission required in terms of the Zoning Scheme** (for the erection of a **20 metre freestanding base telecommunications station camouflaged as a pine tree**) in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015, subject to conditions.
3. The Municipal Planning Tribunal, on 28 March 2019 **refused**, the following series of applications as per **Site Development Plans** Nr 1- 9 ATSA548 dated 22/02/19 drawn by D Loots in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015 for:
 - 3.1. **Permanent Departure** from the **Common building lines** from 10 metres to 0,0 metres;
 - 3.2. **Permanent Departure** from the height of the 25 metre freestanding base telecommunications station in lieu of 10 metres,
4. **Reasons** for the above decision are as follows:
 - 4.1. **Reasons for the approval:**
 - 4.1.1. A Free standing base telecommunication station is a primary right under the existing zoning of the property.

4.2. Reasons for the refusal:

- 4.2.1. The land owner must provide parking for existing building in terms of the Zoning Scheme. This aspect was not addressed in the application.
- 4.2.2. At no point during the application process was it indicated that the location of the free standing base telecommunication station will not compromise parking provision on the site as prescribed.
- 4.2.3. The erection of the free standing telecommunication base station within prescribed building lines will have a negative impact, including visual impact on surrounding residential properties.

5. 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:

- 5.1. The approval is valid for 5 years, after and the expiry of the period contemplated in Section 79(2), subject to Section 18(2) of the Theewaterskloof Municipality: By-law on Municipal land Use Planning (2015);
- 5.2. The amended site development plan be submitted for consideration with the submission of the building plans;
- 5.3. A landscaping plan addressing the proposals of the visual impacted assessment (specific reference to the planting of fast growing trees) be submitted to the Municipality with complete building plans for consideration and approval before any construction activities commence;
- 5.4. The applicant construct a 20m free standing base telecommunication station camouflaged as a pine tree and painted dark green with a screen under the navigation lights to prevent sight thereof from the residential areas below. The maximum height of the free standing base telecommunication station be restricted to 20 metres;
- 5.5. The site be secured by a "Clear Vu" or similar type fence with a hedge to screen the base station as per approved landscaping plan.
- 5.6. The service provider / operator / lessee is responsible for on-going maintenance of the entire installation as well as all costs with respect to such maintenance or future decommissioning of the telecommunication infrastructure;
- 5.7. The service provider / operator / lessee shall remove all decommissioned infrastructure, and where the site has been disturbed, shall rehabilitate the site to its original state or a state acceptable to the Municipality;
- 5.8. The service provider / operator / lessee shall maintain the requirements of Section 17.5 of the Theewaterskloof Zoning Scheme Regulations pertaining to Radio Frequency Emissions and in the event that such measurement shows that the ICNIRP public exposure standard is exceeded, the approval shall lapse and the Municipality shall cause the cellular telecommunication infrastructure to be decommissioned at the cost of the service provider / operator / lessee; and
- 5.9. The approval of this application does not exempt the applicant/developer from compliance of any other legislation.

6. 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.

- 6.1. 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.
- 6.2. 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.

6.3. 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.

7. 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 'J Jansen van Rensburg', enclosed within a hand-drawn oval shape.

J JANSEN VAN RENSBURG
ACTING 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