

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/1709
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 22 August 2019

REGISTERED MAIL

Mr JA Visagie
Future Plan Town and Regional Planners
P O Box 66
BOT RIVER
7185

(Per E-mail: javisagie@gmail.com)

DECISION LETTER TO APPLICANT

Dear Mr Visagie

APPLICATION FOR REZONING: ERF 1709, GREYTON

1. This Municipality's communication dated 18 December 2018, refers.
2. The Municipal Planning Tribunal, on 01 August 2019 **approved**, your application for **Rezoning** of Erf 1709 Greyton in terms of section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning (2015), from Single Residential Zone 1: Dwellings (SR1) to Business Zone 2: High Intensity Business (B2), subject to the conditions.
3. **Reasons** for the above decision are as follows:
 - 3.1. The proposed rezoning to Business Zone 2: High Intensity Business is compatible with surrounding land use rights in CBD of Greyton.
 - 3.2. The building height be restricted to 2 storeys to mitigate concerns raised during public participation process.
 - 3.3. Traffic flow and congested parking will be addressed through a updated Site Development Plan.
 - 3.4. The proposal is consistent with the Theewaterskloof Spatial Development Framework.
 - 3.5. The proposed rezoning is in line with the applicable Development Principles as contained in SPLUMA and LUPA.
 - 3.6. Property Management has gone into a formal agreement with the owner for the encroachment on Municipal property dated 02 July 2019.

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 is valid for five (5) years, after the expiry of the period contemplated in Section 79(2), subject to Section 17(5) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning;
 - 4.2. An amended site development plan be submitted to the Town Planning and Building Control Department for consideration indicating at least one loading bay facility and indicating a one way access to the property from Main Street and an entrance/exit towards the rear of the property;
 - 4.3. The height of any future development be limited to two storeys only;
 - 4.4. A service level agreement be entered into with the municipality with regards bulk capital contributions for Civil (roads, storm water, sewerage and water) and Electricity bulk contributions as per approved Council tariffs for the particular year;
 - 4.5. Damaging of any municipal infrastructure will be for the account of the Developer/ Owner;
 - 4.6. Complete building plans must be submitted to the Department: Building Control and Town Planning for consideration, before any construction activities commence;
 - 4.7. No on-street parking is permitted;
 - 4.8. The existing lei water flow be guaranteed and maintained by the owner to provide unobstructed flow;
 - 4.9. A parking layout plan be submitted to the Town Planning and Building Control Department for consideration addressing at least traffic flow, turning circles, landscaping, marked out parking and an adequate parking surface;
 - 4.10. The approval of this application does not exempt the applicant/developer from compliance with any other legislation.
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	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 (if applicable)					
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: _____

MunicipalStamp