

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/1256
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 3 August 2020

REGISTERED MAIL

A Redelinghuys
Umsiza Planning
P O Box 649
ROBERTSON
6705

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

DECISION LETTER TO APPLICANT

Dear Mr/Mrs/Ms

APPLICATION REZONING, DEPARTURE AND CONSENT USE: ERF 1256 GREYTON

1. This application received 29 August 2019, refers.
2. The Authorised Employee, on 24 July 2020 **approved, in whole** your application for the following, in terms of Section 60 of the Theewaterskloof Municipality By-law on Municipal Land Use Planning, 2015:
 - 2.1. **Rezoning** of Erf 1256, Greyton, from Single Residential Zone 1: Dwelling House (SR1) to Business Zone 2: High Intensity Business (B2);
 - 2.2. **Consent Use** for a licenced hotel (3 guest rooms);
 - 2.3. **Temporary Departure** to accommodate a nursery;
 - 2.4. A series of **Permanent Departures** for the following:
 - 2.4.1. From the North Western building lines from 3m to 2m to accommodate the existing greenhouse;
 - 2.4.2. From the street building line from 5m to 1m to accommodate the proposed hotel and 2m respectively to accommodate the existing garage;
 - 2.4.3. From the on-site parking requirements to 10 parking bays in lieu of 30 parking bays required;
 - 2.4.4. From the development rules pertaining to loading zone width from 5m to 3.1m; and
 - 2.4.5. From site access with regards to carriageway crossings requirements within 15m of each other.

3. **Reasons** for the above decision are as follows:
 - 3.1. The proposed development is in line with the applicable principles stipulated in SPLUMA (Act 16 of 2013 and LUPA (Act 3 of 2014);
 - 3.2. The proposed change in land use will promote the vision of the SDF (2020) as the property is located in an area which earmarked as an economic activity area;
 - 3.3. The proposed rezoning is considered to be desirable.
 - 3.4. The proposal will not detract from the surrounding character of the area.
 - 3.5. The proposal will not negatively impact on the engineering services; and
 - 3.6. The departure is to accommodate the existing structures.

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. This approval is valid for 5 years from the date of final notification, after which it shall lapse if not exercised in terms of Section 17(6), Section 18(2) and Section 19(5) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015;
 - 4.2. The proposed development should generally be in accordance with the detailed Site Development Plan No. E1256GR_31jan2020, drawn by Umsiza Planning, dated 31 January 2020;
 - 4.3. All the development parameters in terms of Business Zone 2: High Intensity Business, as prescribed within the Theewaterskloof Municipality Zoning Scheme Regulations be adhered to;
 - 4.4. Complete building plans, for any built structure, be submitted to the Department: Town Planning and Building Control for approval, before any construction activities commence and that all prescriptions in terms of the National Building Regulations, must be adhered to;
 - 4.5. If any municipal services/infrastructure are required, it will be for the account of the owner/applicant;
 - 4.6. Roof water from the structure encroaching the lateral and/or rear building line be directed to the street via the owners own property as far as possible;
 - 4.7. Application for the erection of advertisement boards in terms of the Theewaterskloof Municipality: By-law on Outdoor Advertising must be made to the Manager: Town Planning and Building Control for consideration and approval;
 - 4.8. No parking, loading or off-loading be allowed in the road reserve;
 - 4.9. The Developer/Owner to pay a development contribution for 20 parking bays in terms of Section 17.1.3/17.5 of the Theewaterskloof Municipality Zoning Scheme; and
 - 4.10. The approval does not exempt the applicant/developer from compliance with any other legislation.
 - 4.11. **Department Transport and Public Works**
 - 4.11.1. Application to ensure that no parking occurs between the sidewalk and the front of the premises.
 - 4.11.2. The proposed new vehicular access must be 6.8m wide in order to accommodate two-way traffic.
 - 4.11.3. The applicant must ensure that vehicles are able to turn around on-site and exit the premises in a forward gear by ensuring that vehicles have enough space.
 - 4.12. **Breede-Gouritz Catchment Management Agency**
 - 4.12.1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use be adhered to;
 - 4.12.2. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the Water Act and/or formal authorisation in terms of General Authorisations issued under Section 39, and/or if it is authorised under Schedule 1 of the National Water Act,

1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998, (Act 36 of 1998);

- 4.12.3. The registration of all water uses as defined in Section 21 of the National Water Act 36 of 1998 need to be registered;
- 4.12.4. No pollution of surface water or ground water resources may occur due to any activity;
- 4.12.5. No stormwater runoff from any premises containing waste, or water containing waste emanating from premises may be discharged into water resource. Polluted stormwater must be contained;
- 4.12.6. All relevant sections and regulations of the National Water Act, 1998 (Act 6 of 1998) regarding the disposal of solid waste be adhered to. Solid waste may only be disposed of onto an authorised solid waste facility in terms of abovementioned legislation.;
- 4.12.7. No permanent structures may be constructed within the 100-year flood line or within 100 meters of any watercourse, whichever is furthest without firstly obtaining the relevant water use authorisation;
- 4.12.8. The water provided for domestic use must comply with SANS 241:2015 guidelines for drinking water. Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial Department of Health must be informed of the procedures to rectify the problem.

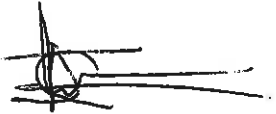
Disposal of sewage

- 4.12.9. The disposal of sewage must at all times comply with the requirements of Section 22 and 40 of the National Water Act, Act 36 of 1998;
- 4.12.10. The construction site for a conventional sewerage disposal system or conservancy tank must be placed above the 100-year flood line, or alternatively, more than 100 meters from the edge of a water resource, whichever is further.
- 4.12.11. Conventional sewerage disposal systems can only be considered where the residential structures area more than 75m radius apart and are limited only to single residential units and must be supported by the Overberg District Health.
- 4.12.12. The construction of the conservancy tank must be of such a nature that no water will enter the system or leave it by means of seepage. Special care must be taken with the placing of the damp roof coarse during the construction. The tank needs to be inspected on a regular basis for seepage as a precautionary approach against any sewage leaving the system and causing pollution.
- 4.12.13. The volume of sewage needs to be metered on a monthly basis and a removal programme needs to be scheduled to ensure that the conservancy tank is pumped well within time before overflowing. Alternatively, floating devices should be installed within the tanks that initiate an alarm at 75% full capacity to arrange for collection and disposal

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

A handwritten signature in black ink, appearing to be 'JC Pienaar', written over a horizontal line.

JC PIENAAR
MANAGER: TOWN PLANNING AND BUILDING CONTROL



Western Cape
Government

Tersaamgestelde Regering

ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-28/179 (Job 27481)

ENQUIRIES: Ms GD Swanepoel

DATE: 11 May 2020

The Municipal Manager
Theewaterskloof Municipality
PO Box 24
CALEDON
7230

Attention: Ms Sunet du Toit

Dear Madam

ERF 1256, GREYTON: MAIN ROAD 277: APPLICATION FOR REZONING AND DEPARTURE

1. The following refer:
 - 1.2 Your letter GRE/1256 dated 31 October 2019;
 - 1.3 This Branch's letter TPW/CFS/RP/LUD/REZ/SUB-28/179 (Job 27481) dated 17 December 2019 and
 - 1.4 Revised Site Development Plan dated 31 January 2020.
2. This Branch withdraws its objection to the application in terms of the Land Use Planning Act, No 3 of 2014, subject to the following conditions:
 - 2.1 The Applicant must ensure that no parking occurs between the sidewalk and the front of the premises as this will take up the sidewalk and thereby force pedestrians to walk in the road. A suitable barrier must be used to achieve this condition. Alternatively, at the expense of the Applicant, the sidewalk can be relocated by 2.5m towards the premises, thereby creating parallel parking in the street;
 - 2.2 The parking bays within the double garage are not to be used as business parking for the proposed activities on the premises;
 - 2.3 The proposed new vehicular access must be 6.8m wide in order to accommodate two way traffic and

ENDORSEMENTS

1. Theewaterskloof Municipality
Attention: Ms S du Toit (e-mail: sunetdu@twk.org.za)

2. Umsiza Planning
Attention: A-C Redelinghuys (e-mail: annachris@mweb.co.za)

3. Mr SW Carstens (e-mail)

4. Mr F Fakier (e-mail)

702209



BREED-GOURITZ
CATCHMENT MANAGEMENT AGENCY

51 Baring Street Worcester 6850, Private Bag X3055 Worcester 6850

Enquiries: Rafeeq Le Roux Tel: 023 346 8000 Fax: 023 347 2012 E-mail: rleroux@bgcma.co.za

Reference No: 4/10/1/G50F ERF 1256, GREYTON
Date: 19th February 2020

Theewaterskloof Municipality
P.O. Box 24
Caledon
7230



Attention: Ms Sunet du Toit

COMMENT ON THE APPLICATION FOR PROPOSED REZONING AND DEPARTURE: ERF 1256, GREYTON.

With reference to the above application received on 09/11/2019.

This office, in principle, has no objection to the application subject to adherence of the following conditions:

1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
2. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 538 of 2016), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998 (Act 36 of 1998).
3. The registration of all water uses as defined in Section 21 of the National Water Act 36 of 1998 that need to be registered. The relevant registration forms may be accessed on the www.breedegouritzcma.co.za website or alternatively this office may be approached for assistance.
4. Where the applicant has an existing lawful registered water use, used for agricultural purposes thus far, application should be made to the Water Users Association to amend such use proportionally per annual volume for domestic, commercial, industrial and/or agricultural, if this is applicable.
5. No pollution of surface water or ground water resources may occur due to any activity.

6. No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.
7. All relevant sections and regulations of the National Environmental Management: Waste Act 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed of onto an authorized solid waste facility in terms of abovementioned legislation.
8. No permanent structures may be constructed within the 100 year flood line or within 100 meters of any watercourse (seasonal or permanent river, stream etc.), whichever is furthest without firstly obtaining authorization in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998) without obtaining the relevant water use authorization.
9. The water provided for domestic use must comply with the SANS 241: 2015 guidelines for drinking water (edition 1). Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial Department of Health must be informed of the procedures to rectify the problem.

Disposal of sewage

10. The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act 36, Act 36 of 1998.
11. The construction site for a conventional sewerage disposal system (french drain system) and/or conservancy tank must be placed above the 100 year flood line, or alternatively, more than 100 metres from the edge of a water resource, whichever is further.
12. Conventional sewerage disposal systems can only be considered where the residential structures are more than a 75m radius apart and are limited only to single residential units, if and where the geology supports such system and must be supported by District Municipal Health.

(Conference facilities, lodges, schools, restaurants, tasting facilities and hotels will require alternative methods of sewage treatment for disposal and/or treatment.)
13. The construction of a conservancy tank must be of such a nature that no water will enter the system or leave it by means of seepage. Special care must be taken with the placing of the damp proof coarse during the construction phase. The tank needs to be inspected on a regular basis for seepage as a precautionary approach against any sewage leaving the system and causing pollution.
14. When a conservancy tank is used for the disposal of sewage, this office must be furnished with a signed copy of the contract between the contractor or the *Theewaterskloof Municipality* which is appointed to pump the conservancy tank and the applicant. A contingency plan must be developed and furnished to this office.
15. The volume of sewage needs to be metered on a monthly basis and a removal programme needs to be scheduled to ensure that the conservancy tank is pumped well within time before overflowing. Alternatively, floating devices should be installed within the tanks that initiate an alarm at 75% full capacity to arrange for collection and disposal

Please do not hesitate to contact this office if you have any further queries.

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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	

MASIPALA WASE THEEWATERSKLOOF MUNISIPALITEIT

Munisipale Kantoor/Municipal Office
 Pleinstraat/Plein Street
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 7230



Tel. no.: 028 214 3300
 Faks/Fax no.: 028 214 1289
 E-pos/E-mail: twkmun@twk.org.za

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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 E-pos/E-mail: twkmun@twk.org.za

* 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,

MASIPALA WASE THEEWATERSKLOOF MUNISIPALITEIT

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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