

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: FA 72/20, 48, 70, 71 & 124
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 13 March 2019

REGISTERED MAIL

A Roux
ARoux Town Planning
P O Box 259
CAPE GATE
7562

DECISION LETTER TO APPLICANT

Dear Mr Roux

APPLICATION FOR REZONING, CONSOLIDATION AND DEPARTURE: PORTION 20, 48, 70, 71 AND 124 OF THE FARM WATERVAL NO. 72, CALEDON DISTRICT

1. This Municipality's letter dated 12 September 2018, refers.
2. The Authorised Employee, on 07 March 2019 **approved, in whole** your application for the following, in terms of section 60 of the By-law on Municipal Land Use Planning:
 - 2.1. **Rezoning** of Remainder of Portion 20 of Farm Waterval No. 72, from Agricultural Zone 1 to Agricultural Zone 2 as depicted in Site Development Plan No. 0041 Betko, Drawn by: Kube Architecture, dated: 10/19/2018.
 - 2.2. **Consolidation** of Portions 20, 48, 70, 71 and the Remainder of 124 of the Farm Waterval No. 72 to create a new cadastral unit measuring $\pm 21,6757$ ha, as per Draft Consolidation Diagram: Cldn,72, drafted by: A Geiger, dated: unknown.
 - 2.3. **Permanent Departures** Zoning Scheme Regulations to permit an increased floor space of 44 733m² in lieu of 1000m² as depicted in Site Development Plan No. 0041 Betko, Drawn by: Kube Architecture, dated: 10/19/2018.
 - 2.4. A series **Permanent Departures** as depicted in Site Development Plan No. 0041 Betko, Drawn by: Kube Architecture, dated: 10/19/2018 to permit the following building line encroachments of the existing structures to depart from:
 - i. A building line setback of 18,5m in lieu of 30,0m from the South –Eastern boundary;
 - ii. A building line setback of 25,5 m in lieu of 30,0m from the South –Eastern boundary;

- iii. A building line setback of 9,7m in lieu of 30,0m from the North –Eastern boundary; and
- iv. A building line setback of 2,5m in lieu of 30,0m from the North –Eastern boundary.

3. **Reasons** for the above decision are as follows:

- 3.1. The proposed development is in line with the applicable Development Principles as contained in SPLUMA and LUPA.
- 3.2. The proposal will strengthen the existing agricultural economy.
- 3.3. The proposed use will have no detrimental impact on the character of the surrounding area.
- 3.4. No objections were lodged against the proposal.

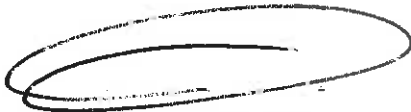
4. The abovementioned approval is subject to the following **conditions** in terms of Section 66 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning:

- 4.1. This approval is valid for 5 years, after and the expiry of the period contemplated in Section 79(2), subject to Section 17(5), Section 18(2), Section 20(5) and Section 22(1) of the Theewaterskloof Municipality: By-law on Municipal land Use Planning (2015);
- 4.2. The applicant must cause the registration of the consolidation plan at the Surveyor General Office within the validity period of this approval, generally in accordance with Draft Consolidation Diagram: Cldn,72, drafted by: A Geiger, dated: unknown;
- 4.3. The Rezoning of Remainder of Portion 20 of Farm Waterval No. 72, from Agricultural Zone 1 to Agricultural Zone 2 as depicted in Site Development Plan No. 0041 Betko, Drawn by: Kube Architecture, dated: 10/19/2018;
- 4.4. Permanent Departures Zoning Scheme Regulations to permit an increased floor space of 44 733m² in lieu of 1000m² as depicted in Site Development Plan No. 0041 Betko, Drawn by: Kube Architecture, dated: 10/19/2018;
- 4.5. The series permanent Departures as depicted in Site Development Plan No. 0041 Betko, Drawn by: Kube Architecture dated: 10/19/2018 to permit the following building line encroachments of the existing structures to depart from;
 - 4.5.1. Building line setback of 18,5m in lieu of 30,0m from the South –Eastern boundary;
 - 4.5.2. Building line setback of 25,5 m in lieu of 30,0m from the South –Eastern boundary;
 - 4.5.3. Building line setback of 9,7m in lieu of 30,0m from the North –Eastern boundary; and
 - 4.5.4. Building line setback of 2,5m in lieu of 30,0m from the North –Eastern boundary.
- 4.6. All applicable zoning parameters shall remain in force and must be adhered to;
- 4.7. Complete building plans must be submitted to the Municipality, before any construction activities commence;
- 4.8. The approval of this application does not exempt the applicant/owner from compliance of any other legislation;
- 4.9. The applicant take note of the following external state departments letters conditions pertaining to this application:
 - 4.9.1. Conditions imposed by Breed-Gouritz Catchment Management Agency in their letter dated 28/01/2019;
 - 4.9.2. Conditions imposed by Cape Nature in their letter dated 22/01/2019;
 - 4.9.3. Conditions imposed by Eskom in their letter dated 18/01/2019; and
 - 4.9.4. Conditions imposed by Department of Environmental Affairs and Development Planning (Environment) in their letter dated 13/02/2019

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



J JANSEN VAN RENSBURG
ACTING MANAGER: TOWN PLANNING & 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

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 19 X			S.G. No.
		Constants	±	0,00	+3700000,00	
AB	133,62	221.33.00	A	- 25870,89	+ 63264,20	Approved for Surveyor-General SHEET 1 OF 4 SHEETS
BC	330,36	212.59.20	B	- 25959,52	+ 63164,20	
CD	25,31	223.44.30	C	- 26139,39	+ 62887,10	
DE	280,07	308.02.40	D	- 26156,89	+ 62868,81	
EF	38,73	308.11.40	E	- 26377,45	+ 63041,41	
FG	87,39	305.37.30	F	- 26407,89	+ 63065,36	
GH	125,39	23.29.10	G	- 26478,92	+ 63116,27	
HJ	4,15	314.42.30	H	- 26428,95	+ 63231,27	
JK	163,85	25.37.10	J	- 26431,90	+ 63234,19	
KL	138,63	43.03.00	K	- 26361,05	+ 63381,93	
LM	81,29	43.08.10	L	- 26266,42	+ 63483,24	
MA	439,37	129.18.40	M	- 26210,84	+ 63542,56	
		45P3	⊕	- 26662,11	+ 62910,12	
		48P3	⊕	- 26821,87	+ 63075,71	

COMPONENTS:

1. The figure A B k1 u represents Portion 20 of the farm Waterval No 72
Vide Diagram No 4523/1903; D/T 1903.158.10974
2. The figure f1 g1 h1 j1 represents Portion 48 of the farm Waterval
No 72
Vide Diagram No A4721/1926; D/T 1927. .10599
3. The figure e1 E F G H g1 f1 represents Portion 70 of the farm
Waterval No 72
Vide Diagram No 6617/1950; D/T 1951. .18113
4. The figure B C D E e1 represents Portion 71 of the farm Waterval
No 72
Vide Diagram No 7642/1955; D/T 1956. .657
5. The figure u k1 j1 h1 J K L M represents the Remainder of
Portion 124 of the farm Waterval No 72
Vide Diagram No 441/2015; D/T 2008. 057252

The figure A B C D E F G H J K L M

represents 21,6757 Hectares

of land, being

PORTION 127 of the farm WATERVAL NO 72

and comprising components 1-6 as quoted above

situate in the Theewaterskloof Municipality

Administrative District Caledon

Province Western Cape

Surveyed in
by me,

A. Geiger

A GEIGER

Professional Land Surveyor No 0945

This diagram is annexed to No. dated i.f.o Registrar of Deeds	The original diagrams are as quoted above	File No. Cldn.72 S.R. No Comp. BI-7DCC (3902)
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PORTION 127 of the farm WATERVAL NO 72
Situat e in Theewaterskloof Municipality
Administrative District of Caledon
Province of the Western Cape

S.G. No.

Approved

for
Surveyor-General

SERVITUDE NOTES:

- a. The line q r represents the northern boundary of an Access Servitude 5,00m wide, as shown, and the figure s curvilinear line t u v w curvilinear line r represents an Access Servitude area, 191 square metres in extent
Vide Diagram No 6447/2007; D/S K968/2008^S
(Portion 20 of Farm No 72)
- b. The figure t curvilinear line x y u represents an Access Servitude area 150 square metres in extent
Vide Diagram No 6448/2007; D/S K968/2008^S
(Portion 21 of Farm No 72)
- c. The line E F represents the north eastern boundary of a Servitude Road 12,59m wide
Vide Diagram No 6616/1950; D/T 1951. .18112
(Portion 69 of Farm No 72)
- d. The line z a1 represents a Servitude furrow
Vide Diagram No 820/1947; D/T 1947. .11607
(Portion 58 of Farm No 72)
- e. The line c1 d1 represents a Servitude Pipeline over Portion 72 of the farm Waterval No 72, and the line D E represents the north eastern boundary of a Servitude Road 6,30m wide
Vide Diagram No 7642/1955; D/T 1956. .657

SHEET 2 OF
4 SHEETS

Surveyed in
by me,



A GEIGER

Professional Land Surveyor No 0945

Portion 127 of Farm No 72

PORTION 127 of the farm WATERVAL NO 72
Situate in Theewaterskloof Municipality
Administrative District of Caledon
Province of the Western Cape

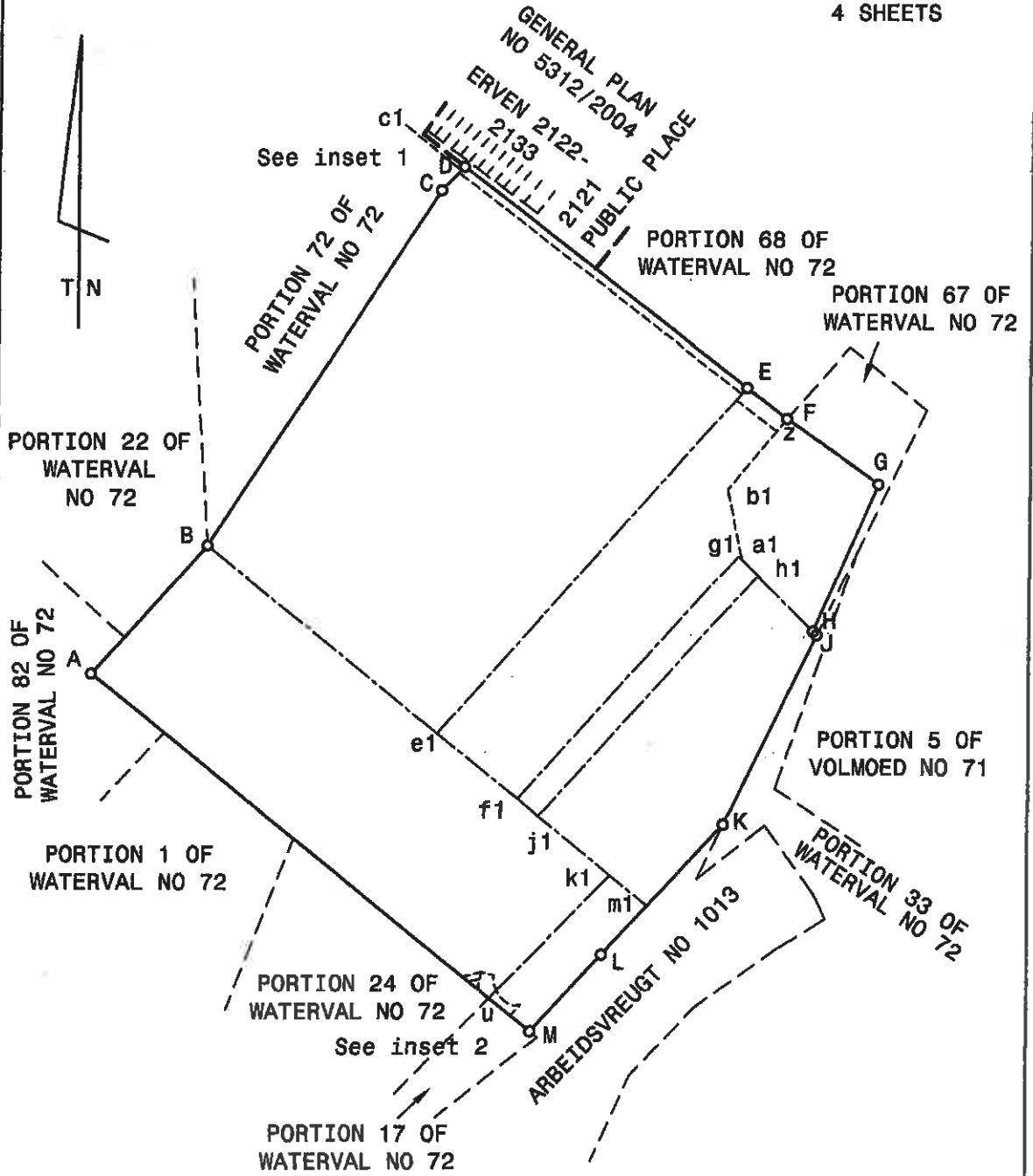
S.G. No.

Approved

for
Surveyor-General

For insets, see Sheet 3

SHEET 3 OF
4 SHEETS



SCALE 1/5000

Surveyed in
by me,

A GEIGER

Professional Land Surveyor No 0945

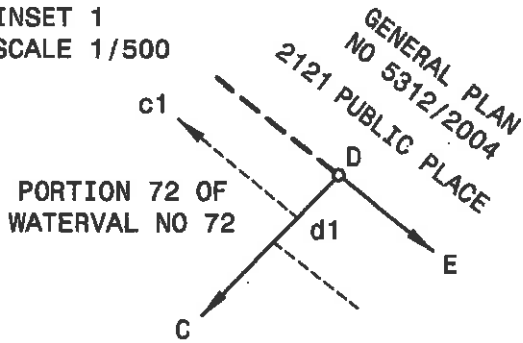
PORTION 127 of the farm WATERVAL NO 72
Situate in Theewaterskloof Municipality
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S.G. No.

Approved

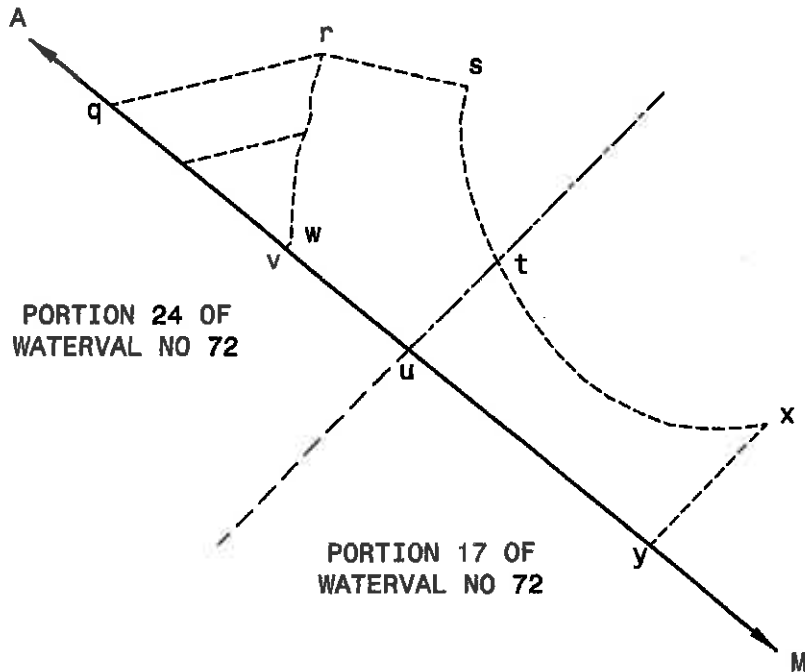
for
Surveyor-General

INSET 1
SCALE 1/500



SHEET 4 OF
4 SHEETS

INSET 2
SCALE 1/500



Surveyed in
by me,

A GEIGER

Professional Land Surveyor No 0945