

# MASIPALA WASE THEEWATERSKLOOF MUNISIPALITEIT

Munisipale Kantoer/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](mailto:twkmun@twk.org.za)

Our Reference Number: GRE/ 702 & 595  
Your Reference Number:  
Enquiries: Sunet du Toit, 028 214 3300 / [sunetdu@twk.org.za](mailto:sunetdu@twk.org.za)

Date: 9 July 2019

## REGISTERED MAIL

J McLachlan  
Plan Active Town and Regional Planners  
P O Box 296  
HERMANUS  
7200

(Per E-mail: [planactive@maxitec.co.za](mailto:planactive@maxitec.co.za))

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### DECISION LETTER TO APPLICANT

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Dear Mr/Mrs/Ms

#### APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION AND CLOSURE OF A PUBLIC PLACE: ERF 702 AND REMAINDER ERF 650, GREYTON

1. This Municipality's letter dated 26 June 2018, refers.
2. The Municipal Planning Tribunal, on 20 June 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. The **Rezoning** of Remainder Erf 650, Greyton, to Subdivisional Area;
  - 2.2. The **Subdivision** of Remainder Erf 650, Greyton, into two portions, namely: Portion A ( $\pm 919 \text{ m}^2$ ) to be zoned Industrial Zone 1 and Remainder to be zoned Transport Zone 2;
  - 2.3. The **Closure of a public place** on proposed Portion A in order to close a portion of a public road; and
  - 2.4. The **Consolidation** of Erf 702, Greyton, with proposed Portion A.
3. **Reasons** for the above decision are as follows:
  - 3.1. The proposed development is in line with the applicable principles stipulated in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) as well as the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).
  - 3.2. The proposal will not negatively impact on the engineering services.
  - 3.3. Sufficient access to surrounding properties is available.
  - 3.4. The proposal is considered desirable within the local context.
  - 3.5. No significant loss of public land will occur as a result of 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. The approval for the abovementioned application shall lapse if not exercised within 5 years after the expiry of the period contemplated in Section 79(2), subject to Section 17(5) and 22(1) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning;
- 4.2. The applicant to submit the approval to the Surveyor-General for the amendment of the approved General Plan (Plan No. 8186/1973);
- 4.3. The closure of the public place be published in the Provincial Gazette for the cost of the applicant/developer;
- 4.4. Complete building plans, for any built structure, be submitted to the Department: Town Planning and Building Control for consideration, before any construction activities commence;
- 4.5. The approval of the application does not exempt the applicant/developer from compliance with any other legislation that might be/become applicable with regard to the proposed development;
- 4.6. Eskom:
  - 4.6.1. No building may be erected within 9 metres from either side of the centre line from any Eskom 11 / 22kV power line crossing the property involved or within 6 metres from any structure supporting mechanism;
  - 4.6.2. No building may be erected within 3 metres from any Eskom underground cable; and
  - 4.6.3. Any rerouting or relocation would be for the cost of the applicant/developer.
- 4.7. No buildings to be constructed within 2 meters of any municipal infrastructure services.
- 4.8. Any relocation of municipal services will be for the cost of the applicant.
- 4.9. The municipal infrastructure services be accessible to the Municipality at all times.

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 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?	<input type="checkbox"/> Y	<input type="checkbox"/> 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)?	<input type="checkbox"/> Y	<input type="checkbox"/> 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?	<input type="checkbox"/> Y	<input type="checkbox"/> 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?	<input type="checkbox"/> Y	<input type="checkbox"/> 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?	<input type="checkbox"/> Y	<input type="checkbox"/> 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 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: \_\_\_\_\_

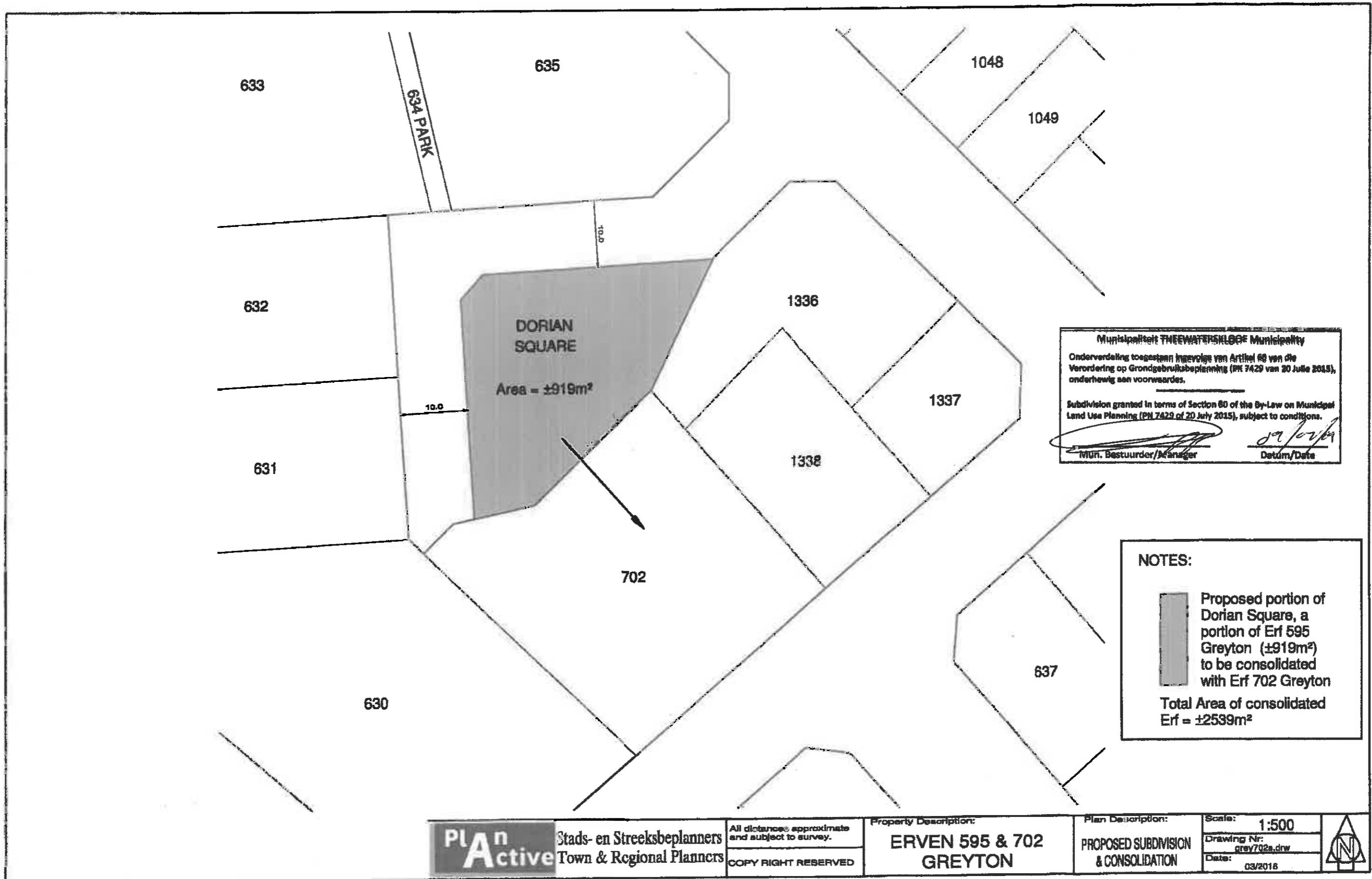
Full name: \_\_\_\_\_

## FOR OFFICE USE ONLY

Date received: \_\_\_\_\_

Received by: \_\_\_\_\_


MunicipalStamp



Munisipaliteit THEEWATERSKLOOF Municipality  
 Onderverdeling toegestaan ingevolge van Artikel 69 van die Verordening op Grondgebruiksbeplanning (PM 7429 van 20 Julie 2015), onderhewig aan voorwaardes.  
 Subdivision granted in terms of Section 60 of the By-Law on Municipal Land Use Planning (PM 7429 of 20 July 2015), subject to conditions.

*[Signature]*  
 Mun. Bestuurder/Manager Datum/Date

**NOTES:**

 Proposed portion of Dorian Square, a portion of Erf 595 Greyton (±919m<sup>2</sup>) to be consolidated with Erf 702 Greyton

Total Area of consolidated Erf = ±2539m<sup>2</sup>

<b>Plan Active</b> Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey.	Property Description: <b>ERVEN 595 &amp; 702 GREYTON</b>	Plan Description: <b>PROPOSED SUBDIVISION &amp; CONSOLIDATION</b>	Scale: <b>1:500</b>	
	COPY RIGHT RESERVED	Drawing Nr: grey702a.drw	Date: 03/2018		