

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: V/252
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 20 December 2018

REGISTERED MAIL

A Redelinghuys
Umsiza Planning
P O Box 649
ROBERTSON
6705

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

DECISION LETTER TO APPLICANT

Dear Mrs/Ms Redelinghuys

APPLICATION FOR REZONING, SUBDIVISION, PERMANENT DEPARTURE AND REGISTRATION OF SERVITUDES: ERF 252 VILLIERSDORP

1. This Municipality's letter dated 6 June 2018, refers.
2. The Municipal Planning Tribunal, on 28 November 2018 **approved, in whole** the following series of applications on erf 252, Villiersdorp, as per Subdivision Plan No 1 dated 29 May 2018 drawn by Umsiza Planning/Toerien and Burger, in terms of section 60 of the By-law on Municipal Land Use Planning, 2015:
 - 2.1. The **Rezoning** of Erf 252 Villiersdorp in terms of Section 15(2)(a) from Single Residential Zone to Subdivisional Area Zone;
 - 2.2. The **Subdivision** of Erf 252 Villiersdorp In terms of Section 15(2)(d) to create 10 x General Residential Zone 1 erven: Group Housing Site for Retirement Village; 1 x Transport Zone 2: Private Road, 1x Open Space Zone 2: Private Open Space for a Service yard and the Remainder Zoned as General Residential Zone 1: Retirement Village with the ancillary uses;
 - 2.3. Application for **registration of various services servitudes** (sewer and storm water) in terms of Section 15(2)(d) in favour of the Homeowners Association; and
 - 2.4. Application for **Permanent Departure** in terms of Section 15(2)(b) from the development parameters of the zoning scheme with regards to minimum internal road width from 8m to 5m and 6m respectively.


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 proposed development is in line with the Spatial Development Framework provision with regards to densification strategies and objectives for Villiersdorp with regards to the densification target.
 - 3.3. The proposal will ensure optimal use of existing municipal engineering services through densification and the payment of development contributions to curb the impact on engineering infrastructure.
 - 3.4. The heritage character of the neighbourhood will be protected by means of ensuring that the older trees located on the sidewalks and on the subject property not be removed due to the the development.
 - 3.5. Onsite parking can be provided and access will be provided from Prince Albert Street.
 - 3.6. The development will curb urban sprawl by promoting densification within the Urban Edge earmarked for residential development.
 - 3.7. Surrounding land owners were afforded an opportunity to comment/object against the proposal and their comment were taken into account.
 - 3.8. The proposed development will create alternative residential accommodation for senior citizens.
 - 3.9. The neighbourhood concerns over Health and Safety issues will be ensured through mitigation measures linked to this approval.

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 5 years, after the expiry of the period contemplated in Section 79(2), after which it shall lapse if not exercised in terms of Sections 17, 18, 20, 21 and 29 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning (2015);
- 4.2. The development of the subject property strictly in accordance with Site Development Plan No 1 dated 29 May 2018 drawn by Umsiza Planning/Toerien and Burger;
- 4.3. The constitution of the owners association including architecture guidelines and a landscape plan be approved by the Municipality before the transfer of the first land unit and comply with Section 29 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning (2015);
- 4.4. All applicable zoning parameters shall remain in force and be adhered to;
- 4.5. Building plans be submitted in terms of the National Building Regulations prior to any construction of any new structures;
- 4.6. A screen wall be erected before construction and maintained during construction to mitigate any visual impact, minimise safety hazards and mitigate noise pollution;
- 4.7. A service level agreement be entered into with the municipality for the development contributions payable with regards to the impact on Municipal Bulk Infrastructure: Civil Engineering Services (Roads, SW, Water and Sewer) as per Council approved tariffs which may increase on an annual basis;
- 4.8. A service level agreement must be entered into with the municipality for the development contributions payable for the impact on Municipal Electricity Bulk Contributions as per as per Council approved tariffs which may increase on an annual basis;
- 4.9. No motor vehicles be allowed to park within the street reserve;
- 4.10. The approval of this application does not exempt the applicant/developer from compliance of any other legislation.
- 4.11. Owner must comply with the requirements of the Overberg District.

- 4.12. Should any heritage resources, including evidence of graves and human burials, archaeological material be discovered during the execution of the construction phase, work be stopped immediately, and Heritage Western Cape be notified without delay.
 - 4.13. Conditions of approval by the Breede Gouritz Catchment Management Agency in their letter dated 30 July 2018 be adhered to with regards to:
 - 4.13.1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to (including the approval for utilisation of the existing borehole for the proposed development and register as a water service provider).
 - 4.13.2. The disposal of sewage must at all times comply with Sections 22 & 40 of the National Water Act, 1998 (Act 36 of 1998).
 - 4.14. The facilities on the premises are for the use by the owners only.
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



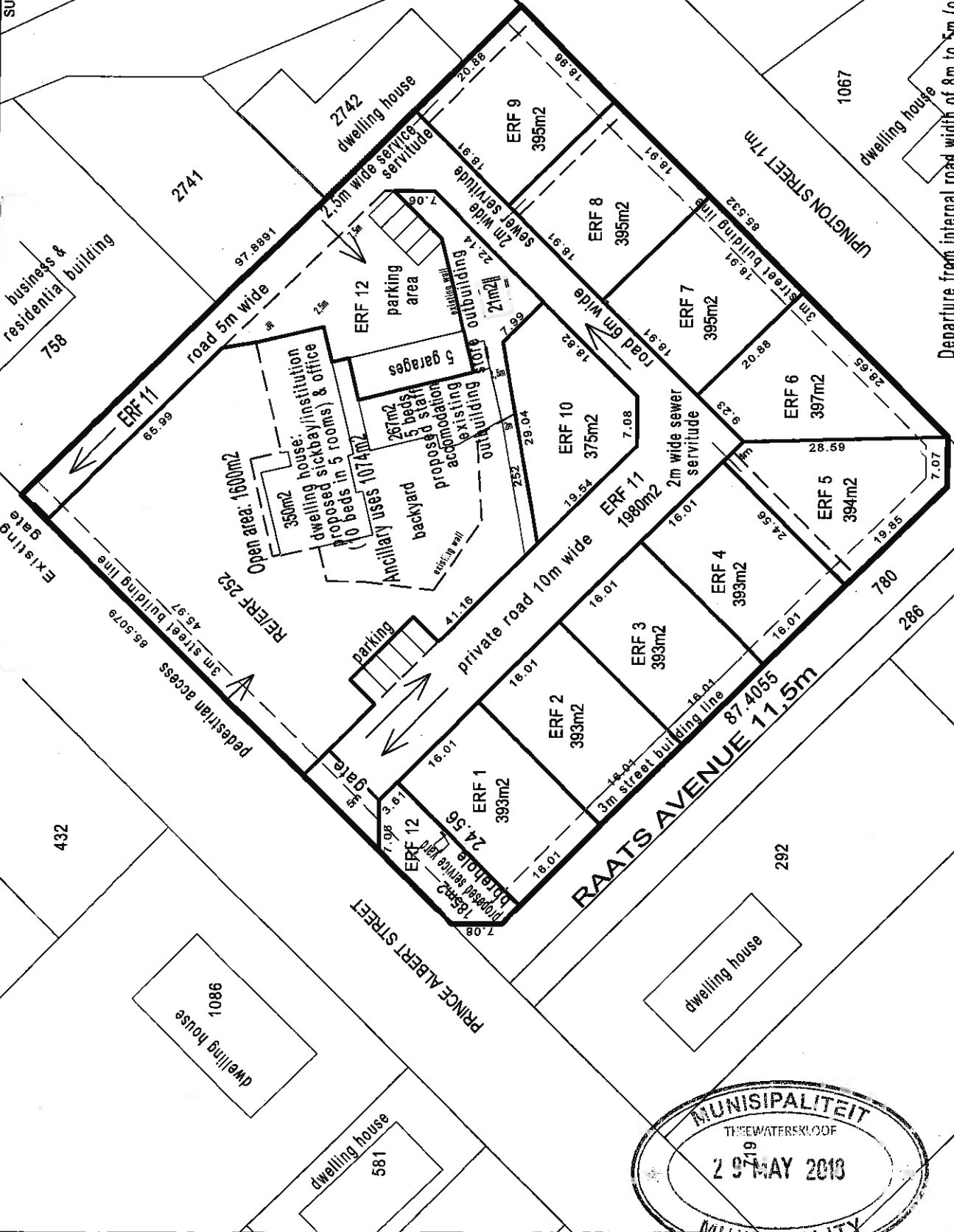
JC PIENAAR
MANAGER TOWN PLANNING: DEVELOPMENT SERVICES

PLAN NO 1

SUBDIVISIONAL AREA: ERF 252 VILLIERSDORP

ERF NO	ZONING	SIZE	TOTAL	%
RE	GR1 open area	1600		
	GR1 ancillary uses	1074	2674	30,5
1	GR1	393m2		
2	GR1	393m2		
3	GR1	393m2		
4	GR1	393m2		
5	GR1	394m2		
6	GR1	397m2		
7	GR1	395m2		
8	GR1	395m2		
9	GR1	395m2		
10	GR1	375m2	3923	44,8
11	TR2 private road	1397		
	TR2 private parking	583	1980	22,6
12	OS2	185	185	2,1
Total		8760		100

TOTAL SIZE of erf according to cad info: 8760m2
 TOTAL SIZE of erf according to S6 Plan 4497/04/5: 8237m2
 density: 25,5 units/ha



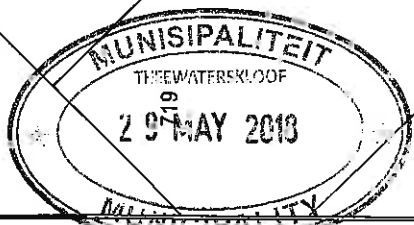
TOERREN & BURGER
 UMSIZA
 Town and Regional Planner

SCALE 1:750

Date: 28 May 2018

Departure from internal road width of 8m to 5m (one way) and 6m (one way) respectively.

SITE DEVELOPMENT PLAN: ERF 252 VILLIERSDORP: REZONING TO SUBDIVISIONAL AREA ZONE & SUBDIVISION (PROPOSED RETIREMENT VILLAGE)



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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	DDMMYYYY	Date receiving notice of decision	DDMMYYYY
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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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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* 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:

Munisipaliteit