

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/884
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 12/11/2018

REGISTERED MAIL

Toerien & Burger
P O Box 193
CALEDON
7230

(Per e-mail: hburger@iafrica.com)

DECISION LETTER TO APPLICANT

Dear Mr Burger

APPLICATION FOR SUBDIVISION: ERF 884 GREYTON

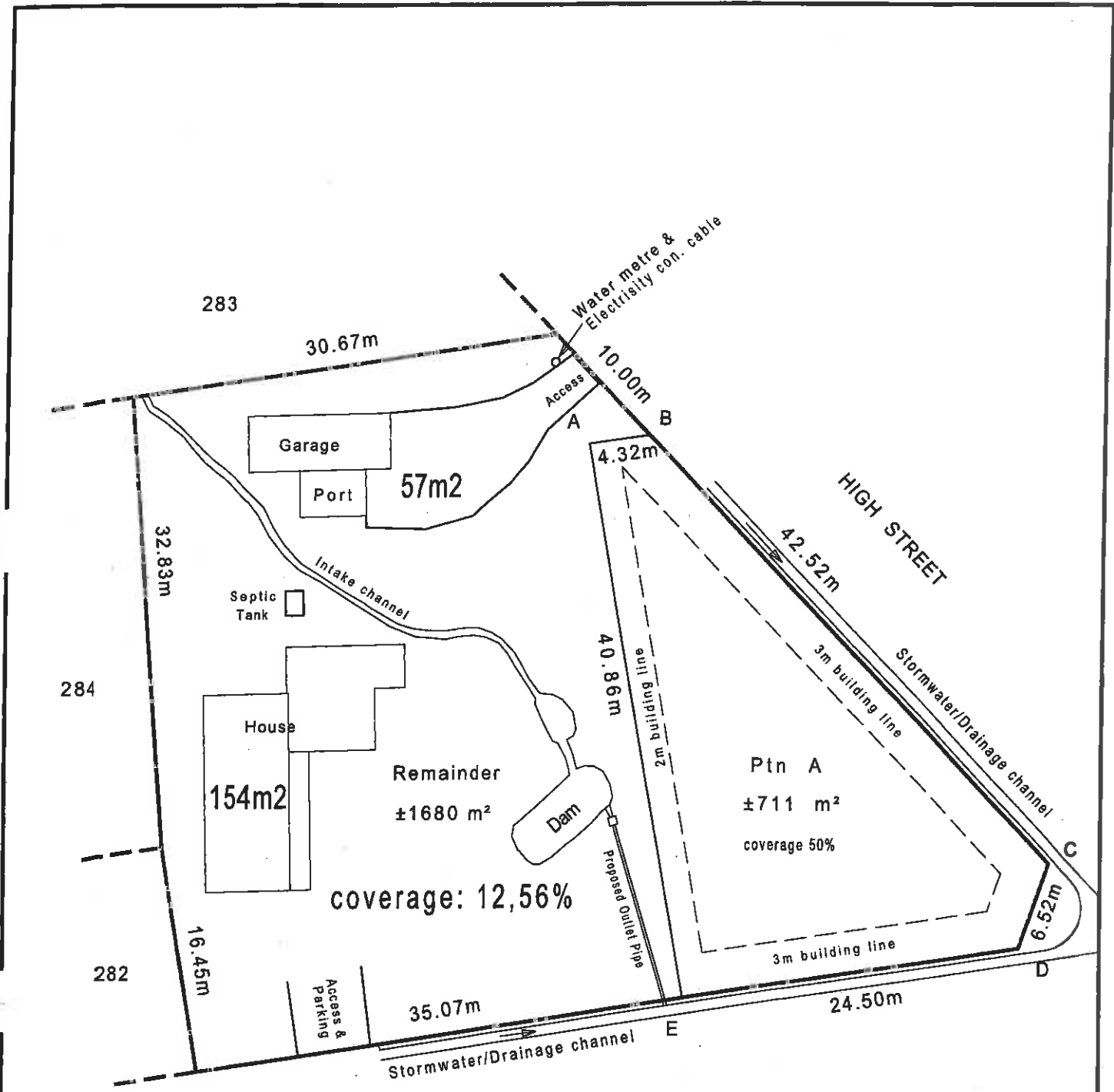
1. This Municipality's letter dated 03 May 2018, refers.
2. The Municipal Planning Tribunal, on 31 October 2018 **approved, in whole** your application for **Subdivision** as per Subdivision Plan No 1 dated 24 June 2018 drawn by Toerien and Burger to create two portions namely Portion A measuring $\pm 711\text{m}^2$ and the Remainder measuring $\pm 1680\text{m}^2$, in terms of section 60 of the By-law on Municipal Land Use Planning.
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 Subdivision is in line with the Spatial Development Framework.
 - 3.3. The proposal will ensure optimal use of existing municipal engineering services.
 - 3.4. The existing Central Business District will be strengthened by this approval by creating an additional erf.
 - 3.5. Onsite parking can be provided and access provided from High Street for newly created Portion A.
 - 3.6. The Subdivision will curb urban sprawl by promoting densification within the Urban Edge.
 - 3.7. Surrounding land owners did not object against the proposal.
 - 3.8. Confirmation was obtained that the subject property is not a wetland.

- 3.9. Traffic Department confirmed that no traffic hazards are triggered by 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 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 Section 20 and 21 and of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning (2015);
 - 4.2. The proposed subdivision of the subject property into two portions namely Portion A measuring $\pm 711\text{m}^2$ and the Remainder measuring $\pm 1680\text{m}^2$ generally in accordance with Subdivision Plan No 1 dated 24 June 2018 drawn by Toerien and Burger;
 - 4.3. The proposed Portion A will remain zoned Single Residential Zone: 1 in terms of the Theewaterskloof Municipality Integrated Zoning Scheme regulations (2011);
 - 4.4. All applicable zoning parameters shall remain in force and must be adhered to;
 - 4.5. Proposed access from High Street for the newly created Portion A, must be indicated in the building planning scrutiny phase;
 - 4.6. Building plans, including engineering solutions for drainage, be submitted in terms of the National Building Regulations prior to any construction of any new structures;
 - 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 be entered into with the municipality for the development contributions payable for the impact on Municipal Electricity Bulk Contributions as per Council approved tariffs which may increase on an annual basis;
 - 4.9. The approval of this application does not exempt the applicant/developer from compliance of any other legislation.
 - 4.10. Conditions of approval by the Breede Gouritz Catchment Management Agency in their letter dated 3 May 2018 be adhered to:
 - 4.10.1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
 - 4.10.2. 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.
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 read 'JC Pienaar', with a horizontal line underneath.

JC PIENAAR
MANAGER: TOWN PLANNING AND BUILDING CONTROL



SUBDIVISION PLAN: ERF 884 GREYTON



TOERIEN & BURGER

Scale 1:400

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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 Standard 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		Date receiving notice of decision	
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: _____

MUNICIPALITY