

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

Our Reference Number: GRA/675 (And App ID: 3286/2020)
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 05 July 2021

REGISTERED MAIL

MJ Gluckman
65 Liesbeek Road
GRABOUW
7700

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

DECISION LETTER TO APPLICANT

Dear Mr Gluckman

APPLICATION FOR SUBDIVISION, CONSENT USE AND DEPARTURE: ERF 675 GRABOUW

1. This application received 22 June 2020, refers.
2. The Authorised Employee, on 30 June 2021 **approved, in whole** your application for the following on Erf 675, Grabouw, in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015:
 - 2.1. **Subdivision** into three portions namely Portion 1: Lodge ($\pm 4650\text{m}^2$), Portion 2: Service Station ($\pm 7170\text{m}^2$) and the Remainder: Shopping Centre ($\pm 2,2450\text{m}^2$);
 - 2.2. **Consent Use** for a Licensed Hotel to accommodate the existing Lodge on proposed Portion 1 ($\pm 4650\text{m}^2$);
 - 2.3. **Consent Use** for Service Station to accommodate the existing service station on proposed Portion 2 ($\pm 7170\text{m}^2$);
 - 2.4. **Permanent Departure** to deviate from the parking requirements applicable to Business Zone 2, for the following:
 - 2.4.1. To permit 28 parking bays on proposed Portion 1 (Lodge) in lieu of 36 parking bays;
 - 2.4.2. To permit 249 parking bays on proposed Remainder (Shopping Centre) in lieu of 268 parking bays;
3. **Reasons** for the above decision are as follows:
 - 3.1. The proposal complies with the principles of SPLUMA.
 - 3.2. The proposal is regarded as consistent with the Theewaterskloof Municipality SDF.
 - 3.3. The development proposal is consistent with the objectives of the Zoning Scheme.
 - 3.4. The proposal will have no detrimental impact on the character of the surrounding area

- 3.5. The existing land uses will be maintained and municipal engineering services has been implemented.
 - 3.6. The proposed land use rights has previously been approved by Council.
 - 3.7. There are no restrictive title deed conditions prohibiting the approval of the application.
 - 3.8. The proposal is deemed desirable within local context.
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 18(2), Section 19(5) and Section 22(1) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015.
 - 4.2. The proposed subdivision of the subject property generally be in accordance with Subdivision Plan No. MG1065S5 dated February 2020 and drawn by M J Gluckman.
 - 4.3. The applicant causes the registration of the SG Diagrams at the Deeds Office within the validity period of this approval, generally in accordance with endorsed Subdivision Plan, compiled by M J Gluckman.
 - 4.4. A right of way servitude be registered over Erf 563, Grabouw, in favour of Erf 675, Grabouw, to formalize the previously approved servitude as indicated on Plan dated June 2021.
 - 4.5. A right of way and services servitude be registered over Portion 2 and the Remainder in favour of Portion 1 and remainder as indicated on Site Development Plan No. MG1065S5 dated February 2020, drawn by M J Gluckman.
 - 4.6. The approval does not exempt the applicant/developer from compliance with any other.
5. All conditions as contained within the approval/support letters of the relevant authorities must be accepted in writing and adhered to by the applicant. These include:
- 5.1. Eskom in their letter dated 16 April 2021.
6. 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.
- 6.1. 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.
 - 6.2. 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.
 - 6.3. 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.
7. 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



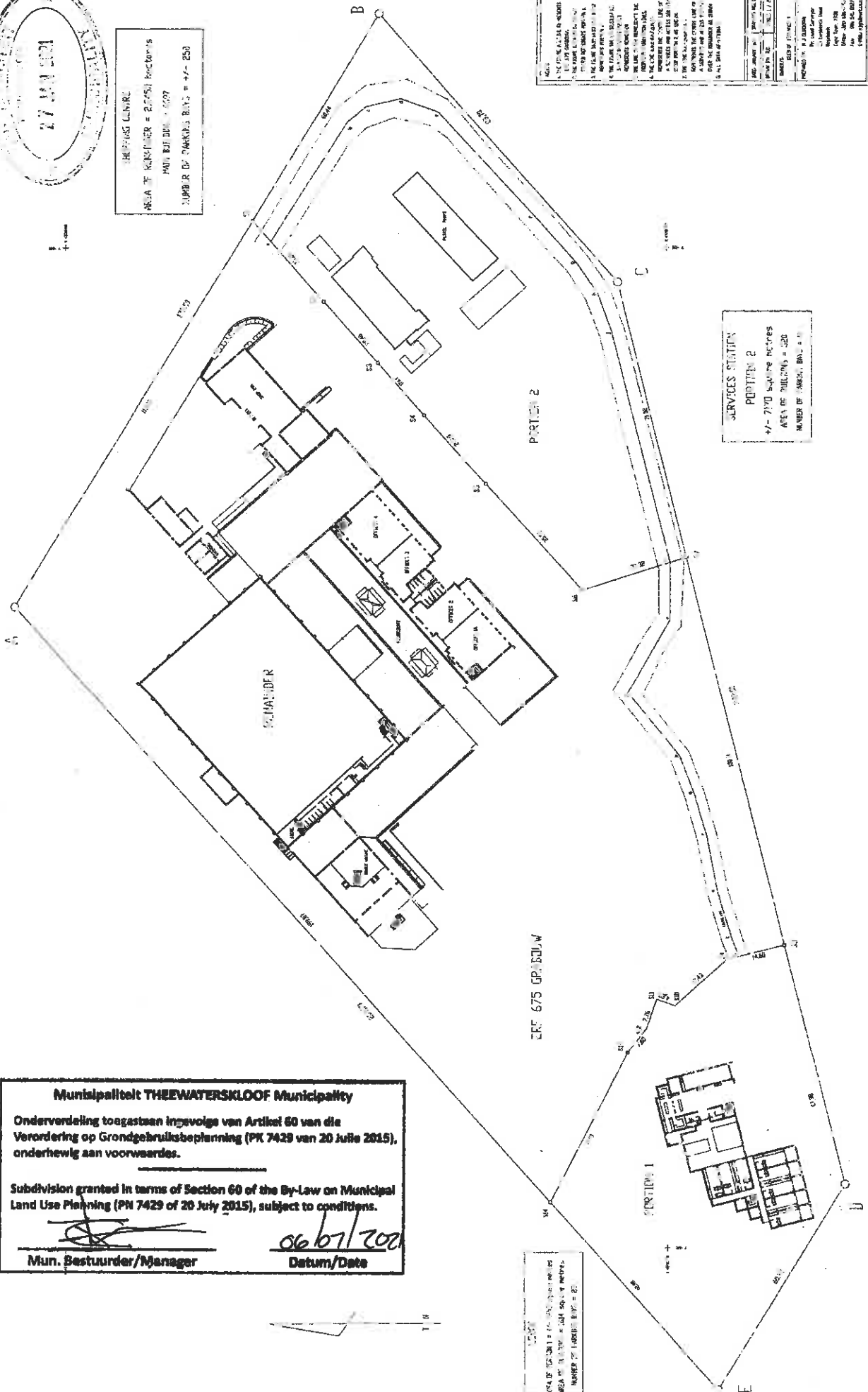
JC PIENAAR

MANAGER: TOWN PLANNING AND BUILDING CONTROL

PLAN OF PROPOSED SUBDIVISION ERF 675, GRABOUW



THE PROPOSED
 AREA OF RESIDENTIAL = 22,651 hectares
 MPA REF. NO. = 027
 NUMBER OF PARKING BAYS = 47 - 250



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SERVICES STATION
 POSITION 2
 47 - 7170 square metres
 AREA OF BUILDINGS = 420
 NUMBER OF PARKING BAYS = 2

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

[Signature]
 Mun. Bestuurder/Manager

202/19/202
 Datum/Date

AREA OF RESIDENTIAL = 22,651 hectares
 MPA REF. NO. = 027
 NUMBER OF PARKING BAYS = 2

MK Gluckman

sunetdu@twk.org.za

Date: 2021/04/16

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Subdivision, Consent Use and Departure : Marsh Rose Mall
Oudebrug Street (R321) Grabouw : Grabouw

YOUR REF: GRA/675

ESKOM REF: 01079-21

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for **12 months** only, after which reapplication must be made if the work has not been completed.

1. **Eskom services are affected by your proposed works and the following must be noted:.**

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Grabouw

Enchanté Swartz / Bongiswa Babu

021 859 8005 / 021 859 8025 / 079 345 0733 / 073 260 2857

SwartzEn@eskom.co.za / BabuB@eskom.co.za

Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Customer Services on 08600 37566 or customerservices@eskom.co.za

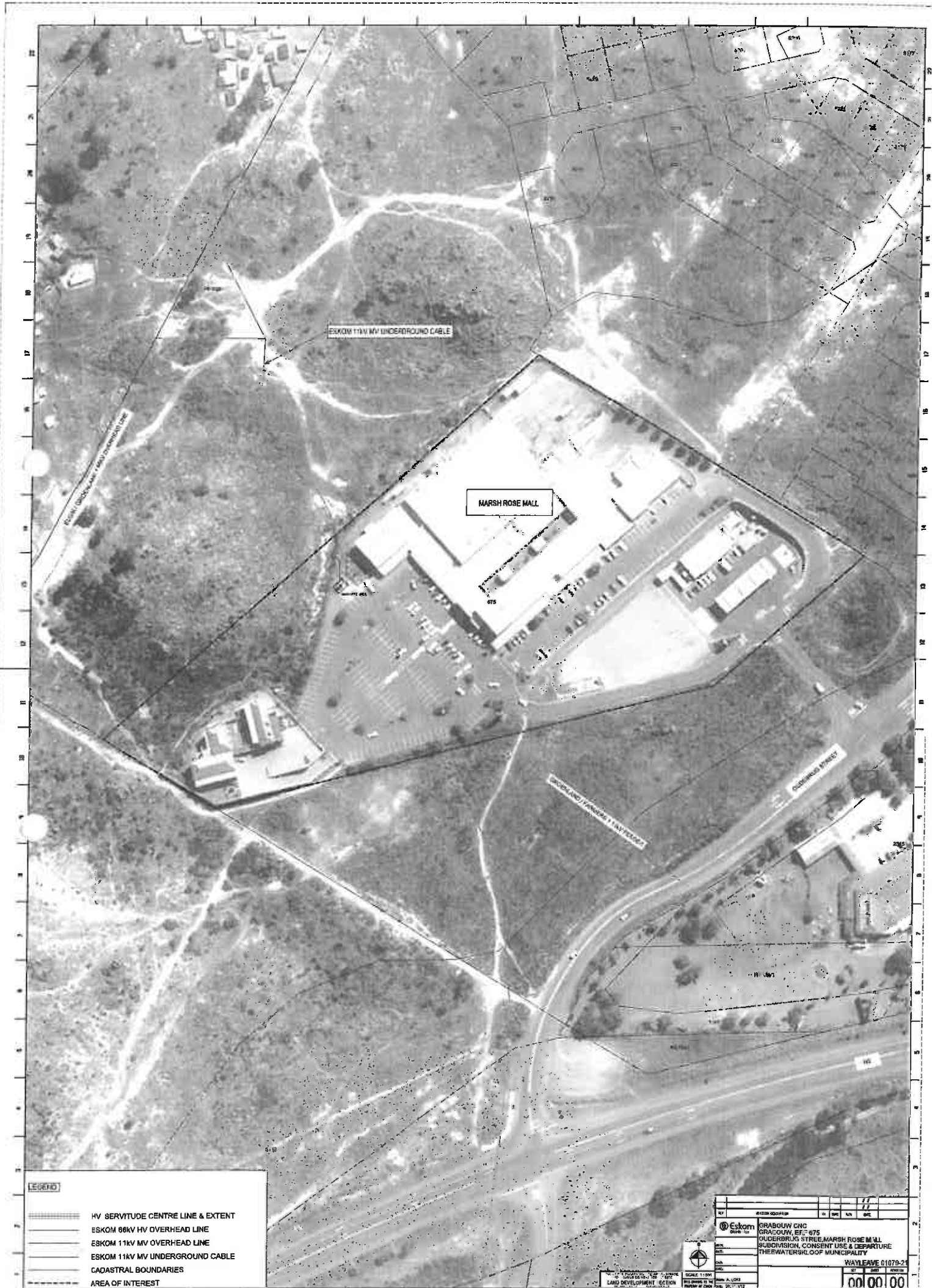
- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
 - i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
 - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) Lungile Motsisi MotsisL@eskom.co.za. Eskom: Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 kV OVERHEAD POWERLINES. NO WORK WITIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

4. **NOTE**

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)



LEGEND

	HV SERVITUDE CENTRE LINE & EXTENT
	ESKOM 66kV HV OVERHEAD LINE
	ESKOM 11kV MV OVERHEAD LINE
	ESKOM 11kV MV UNDERGROUND CABLE
	CADASTRAL BOUNDARIES
	AREA OF INTEREST

NO	PROJECT DESCRIPTION	DATE	BY	CHKD
1	GRABOUW CMC GRADOUW, EFC 675 SUBDIVISION, CONSENT USE & DEPARTURE THE WATERSKLOOF MUNICIPALITY	11		
DATE	BY	CHKD	BY	CHKD
SCALE 1:1000	DATE 11/09/11	PROJECT NO. 01079-21	WAYLEAVE 01079-21	
PROJECT NO. 01079-21	DATE 11/09/11	BY M. A. LOH	CHKD	APPROVED
DRAWN BY M. A. LOH		DATE 11/09/11	CHKD	APPROVED
CHECKED BY M. A. LOH		DATE 11/09/11	CHKD	APPROVED
APPROVED BY M. A. LOH		DATE 11/09/11	CHKD	APPROVED

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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	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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Tel. no.: 028 214 3300
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 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: _____

