

# 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 72/1, 22, 24, 32, 72 & 82  
Your Reference Number:  
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 14 March 2019

## REGISTERED MAIL

Mr G Swart  
Urban Dynamics Western Cape  
P O Box 2445  
BELLVILLE  
7535

(Per E-mail: gerhard@udwc.co.za)

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## DECISION LETTER TO APPLICANT

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Dear Mr/Mrs/Ms

**APPLICATION FOR SUBDIVISION, CONSOLIDATION AND REZONING, TO ENABLE HUMAN SETTLEMENT PURPOSES IN VILLIERSDORP - DESTINY HOUSING PROJECT - (THE REMAINDER OF PORTION 1 OF THE FARM NO 72 WATERVAL; THE REMAINDER OF PORTION 22 OF THE FARM NO 72 WATERVAL; PORTION 24 OF THE FARM NO 72 WATERVAL; THE REMAINDER OF PORTION 32 OF THE FARM NO 72 WATERVAL; PORTION 72 OF THE FARM NO 72 WATERVAL AND PORTION 82 OF THE FARM NO 72 WATERVAL)**

1. This Municipality's letter dated 21 June 2018, refers.
2. The Municipal Planning Tribunal, on 28 February 2019 **approved**, the following series of applications for the new Destiny Housing project (The Remainder of Portion 1 of the Farm No 72 Waterval; The Remainder of Portion 22 of the Farm No 72 Waterval; Portion 24 of the Farm No 72 Waterval; The Remainder of Portion 32 of the Farm No 72 Waterval; Portion 72 of the Farm No 72 Waterval and Portion 82 of the Farm No 72 Waterval), in terms of section 60 of the By-law on Municipal Land Use Planning:
  - 2.1. Application in terms of Section 15(2)(d) to **Subdivide** the Remainder of Portion 1 of the Farm No 72 Waterval to create Portion B measuring  $\pm 2.10$  ha and the Remainder measuring  $\pm 2.56$  ha as per Subdivision Plan No 2 drawn by Urban Dynamics, Dated June 2018.
  - 2.2. Application in terms of Section 15(2)(e) for **Consolidation** of the Remainder of Portion 1 of the Farm No 72 Waterval measuring  $\pm 2.56$  ha with the Remainder of Portion 24 of the Farm No 72 Waterval measuring  $\pm 3.79$  ha to create Consolidated Farm A measuring  $\pm 6.35$  ha as per Consolidation Plan No 3 drawn by Urban Dynamics, Dated June 2018.

- 2.3. Application in terms of Section 15(2)(e) for **Consolidation** of the following land units described hereafter to create Consolidated Farm B measuring  $\pm 89.59$  ha [Portion B a portion of Portion 1 of the Farm No 72 Waterval, the to create Consolidated Farm B measuring  $\pm 89.59$  ha, the Remainder of Portion 22 of the Farm No 72 Waterval, the Remainder of Portion 32 of the Farm No 72 Waterval, Portion 72 of the Farm No 72 Waterval and Portion 82 of the Farm No 72 Waterval) as per Consolidation Plan No 4 drawn by Urban Dynamics, Dated June 2018.
  - 2.4. Application for **Rezoning** in terms of Section 15(2)(a) of Consolidated Farm B from Agriculture Zone 1 (Agri1) to Subdivisional Area Zone (SA) to allow for the following land use categories: Residential; Business; Education; Community Facilities; Public Open Spaces; Utility Services; Roads; and Conservation Purposes as per Plan No 5 drawn by Urban Dynamics, Dated June 2018.
  - 2.5. Application for **Subdivision** in terms of Section 15(2)(d) of Consolidated Farm B to create Portion 1A measuring  $\pm 4.13$  ha and the Remainder measuring  $\pm 85.46$ ha as per Subdivision Plan No 5 drawn by Urban Dynamics, Dated June 2018.
  - 2.6. Application to **Subdivide** Portion 1A to create x 181 Single Residential Zone 3 (Dwelling House, Shelters); 2 x Authority Zones (Utility Services) 3x Open Space Zone 1 (Public Open Space) and 1x Transport Zone II (Public Roads) as per Subdivision Plan No 18 drawn by Urban Dynamics, Dated August 2018.
  - 2.7. Application for Permanent departures ito Section 15(2)(b) of the Lateral, Street and Rear building lines of 0 m in lieu of 1m.
3. **Reasons** for the above decision are as follows:
    - 3.1. The proposed development is in line with the applicable principles stipulated in SPLUMA (Act 16 of 2013 and LUPA (Act 3 of 2014).
    - 3.2. The subject property is located within the urban edge of Villiersdorp earmarked for urban development and thus complies with the Spatial Development Framework.
    - 3.3. No objections were received against the proposal;
    - 3.4. Sufficient access to the property is available;
    - 3.5. The approval of the proposed application will assist in addressing the housing backlog; and
    - 3.6. The proposed development will discourage illegal occupation on the vacant property.
  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, 18, 20, 21 and Section 22 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015;
    - 4.2. The applicant must cause the registration of various subdivision and consolidation plans at the Surveyor General Office within the validity period of this approval generally in accordance with Subdivision Plan No 2 drawn by Urban Dynamics, Dated June 2018; Consolidation Plan No 4 drawn by Urban Dynamics, Dated June 2018; Subdivision Plan No 5 drawn by Urban Dynamics, Dated June 2018; Subdivision Plan No 5 drawn by Urban Dynamics, Dated June 2018 and Subdivision Plan No 18 drawn by Urban Dynamics, Dated August 2018;
    - 4.3. The proposed subdivision, consolidation and permanent departures be generally in accordance to the following plans: Subdivision Plan No 2 drawn by Urban Dynamics, Dated June 2018; Consolidation Plan No 4 drawn by Urban Dynamics, Dated June 2018; Subdivision Plan No 5 drawn by Urban Dynamics, Dated June 2018; Subdivision Plan No 5 drawn by Urban Dynamics, Dated June 2018; Subdivision Plan No 18 drawn by Urban Dynamics, Dated August 2018 and Layout Plan Phase 1 A (drawn by Urban

Dynamics dated 13 August 2018 drawn by Urban Dynamics with regards to Lateral, Street and Rear building lines of 0 m in lieu of 1m;

- 4.4. The approval of this application does not exempt the applicant/land owner from compliance of any other legislation which specifically include the Land Use Planning Act; approval from the Western Cape Department of Environmental Affairs and Development Planning; and the National Minister of Agricultural, Forestry and Fisheries (DAFF) in terms of the Subdivision of Agricultural Land Act 70 of 1970;
  - 4.5. Any service upgrades required will be in accordance with the contract or any addendums concluded with the Implementing Agent and Municipality, for the cost of the owner/applicant;
  - 4.6. Complete building plans be submitted to the Building Control Department for approval;
  - 4.7. The developer is responsible for all road traffic signage, road markings, and street name signs;
  - 4.8. The applicant take cognisance of condition of approval imposed by:
    - 4.8.1. Eskom in letter dated 14 September 2018.
    - 4.8.2. Cape Nature is letter dated 26 September 2018.
    - 4.8.3. Breede Gouritz Catchment Management Agency in letter dated 27 November 2018.
    - 4.8.4. Western Cape Department of Agriculture in letter dated 11 January 2019.
    - 4.8.5. Western Cape Department of Road Network Management in letter dated 19 October 2018.
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?	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)**

<b>Appeal</b>	<b>R</b>
<b>TOTAL APPEAL FEES*</b>	<b>R</b>

*\* 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