

MASIPALA WASE THEEWATERSKLOOF MUNISIPALITEIT

Munisipale Kantoor/Municipal Office
Pleinstraat/Plein Street
Posbus/P.O Box 24
twkmun@twk.org.za
CALEDON
7230



Tel. no.: 028 214 3300
Faks/Fax no.: 028 214 1289
E-pos/E-mail:

Our Reference Number: FA 86/RE
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 20 December 2018

REGISTERED MAIL

Mr M Oosthuizen
Boland Plan Town and Regional Planning
P O Box 963
WORCESTER
6849

Per E-mail: bolandplan@breede.co.za

DECISION LETTER TO APPLICANT

Dear Mr Oosthuizen

APPLICATION FOR SUBDIVISION, CONSOLIDATION, DEPARTURE AND REGISTRATION OF A SERVITUDE: REMAINDER OF THE FARM VYGEBOON NR 86, CALEDON DISTRICT

1. This Municipality's letter dated 5 June 2018, refers.
2. The Authorised Employee, on 14 December 2018 **approved, in whole** the following series of applications as per Subdivision/Consolidation plan No Caledon 86/A/0 drawn by Tedna Survey Solutions dated 28 May 2018, in terms of section 60 of the By-law on Municipal Land Use Planning:
 - 2.1. **Subdivision** of the Remainder of the Farm Vygeboom Nr. 86 into 2 portions: namely Portion A (± 7.4 ha) [of which ± 6.9 ha zoned as Agri II for a packaging and cold storage facility]] and the Remainder (± 417 ha);
 - 2.2. **Consolidation** of the proposed Portion A ± 7.4 ha with the adjacent Portion 10 of Farm Vygeboom Nr. 86 (± 1.1183 ha) to create a new Portion measuring ± 8.5183 ha;
 - 2.3. **Series building line departures** which include the relaxation eastern building line to 21,5m in lieu of 30 meters the Southern building line of 29,5m in lieu of 30 meters and Western building line of 0,5 m in lieu of 30 meters of the proposed new cadastral unit to accommodate existing structures; and
 - 2.4. **Registration of right of way servitude** over Portion A in favour of the Remainder of the Farm Vygeboom Nr. 86 in terms of Section 15(2)(d) of the land use planning bylaw.

3. **Reasons** for the above decision are as follows:
 - 3.1. National Department of Agriculture approved the subdivision application in terms of Act 70 of 1970;
 - 3.2. The adjacent land owners did not lodge objections against the proposal;
 - 3.3. Sufficient access is available;
 - 3.4. No land use change will be made as the Land Use rights will still be restricted to Agricultural activities;
 - 3.5. The proposal complies with the SPLUMA and LUPA development principles;
 - 3.6. Municipal infrastructure will not be contradicted; and
 - 3.7. The proposal does not contradict any forward planning documents.

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. This approval is linked to the Subdivision/Consolidation plan No: Caledon 86/A/0 drawn by Tedna Survey Solutions dated 28 May 2018.
 - 4.2. 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, 20, 21 and 22 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning (2015).
 - 4.3. All applicable zoning parameters shall remain in force and must be adhered to.
 - 4.4. The applicant takes notice of conditions listed by Breede-Gouritz Catchment Management Agency, Eskom, Cape Nature and Transport and Public Works;
 - 4.5. Conditions listed by the National Department of Agriculture in their letter dated 05/06/18 must be adhered to.
 - 4.6. The approval of this application does not exempt the applicant from compliance with any other 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



JC PIENAAR
MANAGER TOWN PLANNING: DEVELOPMENT SERVICES

Munisipaliteit THEEWATERSKLOOF Municipality

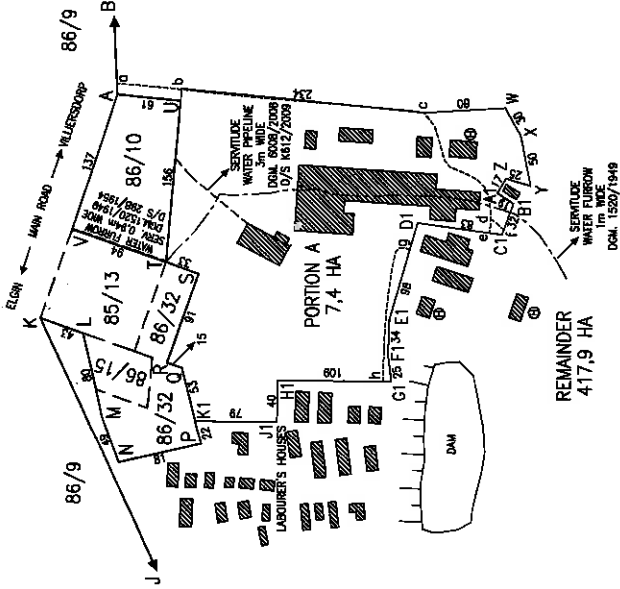
Onderverdeling toegestaan ingevolge van Artikel 60 van die Verordening op Grondgebruiksbeplanning (PK 7425 van 20 Julie 2015), onderworpe aan voorwaardes.

Subdivision granted in terms of Section 60 of the By-Law on Municipal Land Use Planning (PK 7425 of 20 July 2015), subject to conditions.

14.12.18
Mun. Bestuurder/Manager Datum/Dates

TIN

INSET SCALE: 1/5000



SEE INSET PORTION A 7,4 HA

SEE INSET 85/18

SEE INSET 85/33

86/15

86/32

86/9

85/22

85/23

85/28

85/24

86/26

86/1

86/21

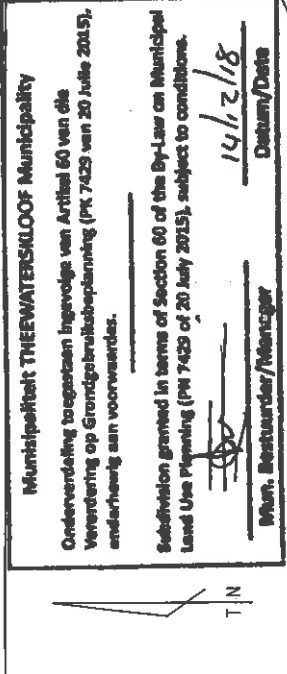
86/1

86/1

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86/1

86/1



NOTES:

1. THE FIGURE A B MIDDLE OF VYGEBOOMS RIVER
C MIDDLE OF STREAM D E F G H J K L M N
P Q R S T U REPRESENTS THE REMAINING
EXTENT OF THE FARM VYGEBOOM NO. 86
BEING 425,3 HA IN EXTENT
2. THE LINE U b c w x y z A1 B1 C1 D1 E1
F1 G1 H1 J1 K1 REPRESENTS THE
SUBDIVISIONAL BOUNDARY FOR PORTION A
BEING ±7.4 HA IN EXTENT
3. THE FIGURE A U T V REPRESENTS
PORTION 10 OF THE FARM VYGEBOOM NO. 86
BEING 1,1 HA IN EXTENT
4. PORTION A IS TO BE CONSOLIDATED WITH
PORTION 10 OF THE FARM VYGEBOOM NO. 86
BEING ±8.5 HA IN EXTENT
5. DIMENSIONS AND AREAS ARE APPROXIMATE BY
SCALE
6. Ⓟ DENOTES HOUSES, ALL OTHER BUILDINGS
ARE PACK STORES AND FARM BUILDINGS
7. ----- DENOTES PROPOSED
SERVITUDE ROADS :
7.1 a b OVER THE REMAINDER AND
7.2 c d e, d f AND g h OVER PORTION A
7.3 b c CENTRED OVER BOUNDARY BETWEEN
PORTION A AND THE REMAINDER

**PLAN OF
PROPOSED SUBDIVISION OF THE FARM
VYGEBOOM NO. 86
AND
PROPOSED CONSOLIDATION WITH
PORTION 10 OF VYGEBOOM NO. 86
SITUATE IN THE THEEWATERSKLOOF MUNICIPALITY
ADMINISTRATIVE DISTRICT OF CALEDON**

**OWNERS:
CROOKES BROTHERS LTD
AND
DE KEUR INTERNATIONAL MARKETING
PROP (PTY) LTD**

**DRAWN BY:
TEDANA SURVEY SOLUTIONS
EDNA HME
104 SANDY LODGE - MUNSTER ROAD - SEA POINT, 8008 - SOUTH AFRICA
Tel / Fax: (021) 454-9466 - E-mail: tedana@tedana.co.za**

DATE: 28 MAY 2018

SCALE: 1/15000

PLAN NO: CALEDON.86/A/O

DIAGRAM NOS: 3310/1937;3319/1937 SC SHT NOS: D/T NOS: A1-TAC (3313)

51293/2008;20472/2015

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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 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:

Munisipaliteit