

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 59/ 8 & 20
Your Reference Number:
Enquiries: Sunet du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 11 March 2020

REGISTERED MAIL

Tommy Brummer Town Planners
7 Woodlands Close
PINELANDS
7405

(Per E-mail: Hayley@tommybrummer.co.za)

DECISION LETTER TO APPLICANT

Dear Mr/Mrs/Ms

APPLICATION FOR TEMPORARY DEPARTURE: PORTION 8 & 20 OF THE FARM ELANDS KLOOF NO. 59, CALEDON DISTRICT

1. This Municipality's letter dated 10 September 2019, refers.
2. The Municipal Planning Tribunal, on 30 January 2020 **approved, in whole** your application for **Temporary Departure**, to utilise the land for a purpose not permitted in terms of the primary land rights in order **to host four events per year for a maximum period of five years** on Remainder of Portion 8 and Portion 20 of the Farm Elandskloof No 59 in terms of Section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015, subject to conditions.
3. **Reasons** for the above decision are as follows:
 - 3.1. The proposal is in line with the applicable Development Principles as contained in SPLUMA and LUPA.
 - 3.2. Mitigating measures have been introduced following the objections raised.
 - 3.3. The proposal is consistent with the Theewaterskloof Municipal Spatial Development Framework.
 - 3.4. Tourism is promoted on agricultural/resort zoned land within scale and context.
 - 3.5. The zoning of the properties will remain unchanged, the temporary land use right will lapse after five years.
 - 3.6. Non-compliance of conditions of approval will result in the immediate withdrawal of the 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 five (5) years, after the expiry of the period contemplated in Section 79(2) and Section 18(1)(b); 18(2)(a)(b) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning (2015);
 - 4.2. In the event the land owner or event's organiser deviate from the conditions of approval, the municipality will withdraw the approval in terms of Section 18(2)(a)(b) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning(2015);
 - 4.3. Events are limited to four events, for a maximum period of five years;
 - 4.4. Events may only take place over weekends commencing on a Friday and conclude on a Sunday;
 - 4.5. The approval is linked generally in accordance with Site Development Plan No 1 dated September 2019 drawn by Unknown;
 - 4.6. A waste management plan addressing sewerage removal from campers and solid waste be submitted to the Theewaterskloof Municipality Events Committee for consideration before any event activities commence;
 - 4.7. The owner installs and maintains fire breaks along the farm boundaries linked to a Risk Management Plan submitted to the Theewaterskloof Municipality Events Committee for consideration;
 - 4.8. The owner/events organiser ensures access control at all times and implement measures to ensure that guest not trespass neighbouring properties;
 - 4.9. The owner/event organiser submits copies of plans to manage traffic (calming measures) and dust control for every event for the Theewaterskloof Municipality Events Committee for consideration upon the issuing of an events permit;
 - 4.10. Portable water be provided in accordance with SANS codes.
 - 4.11. Noise levels to comply with SANS 10103:2008 and the Western Cape Noise Control Regulations, PN 200/2013;
 - 4.12. The owner/operator appoints an independent environmental noise impact practitioner for each event to monitor noise levels during the event.
 - 4.13. Appropriate light pollution mitigating measures be introduced by the owner/events organiser;
 - 4.14. Parking be made available on-site;
 - 4.15. The approval does not exempt the applicant/events organiser from compliance of any other legislation.
 - 4.16. The owner/events organiser complies with the following conditions from Breede Gourtiz Catchment Management Agency in their letter dated 29 November 2019:
 - 4.16.1. All the relevant sections and regulations are complied with in terms of the National Water Act (Act 36 of 1998);
 - 4.16.2. Sewerage disposal comply with Sections 22 and 40 of the National Water Act (Act 36 of 1998);
 - 4.16.3. No Chemical/portable toilette be located close to water resources such as wetlands and rivers.
 - 4.17. The owner/event's organiser complies with the following conditions from the Department of Environmental Affairs and Development Planning Environmental Section letter dated 20 November 2019:
 - 4.17.1. Ensure compliance with Section 28(1) of the National Environmental Management Act.
 - 4.18. The owner/event's organiser complies with the following conditions from ESKOM letter dated letter dated 27 December 2019:
 - 4.18.1. Any rerouting or relocation of ESKOM infrastructure will be for the cost of the applicant/developer;

- 4.18.2. Access to and egress to Eskom infrastructure and its services be maintained at all times; and
 - 4.18.3. Worcester CNC must be contacted before working in close proximity to the overhead power lines.
 - 4.19. The event's organiser provide a close up report, addressing the conditions of approval, be submitted by the event organizer to the Department Town Planning and Building Control for consideration within 21 days following the conclusion of the event.
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 AND BUILDING CONTROL

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

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?	<input type="checkbox"/> Y	<input type="checkbox"/> 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)?	<input type="checkbox"/> Y	<input type="checkbox"/> 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?	<input type="checkbox"/> Y	<input type="checkbox"/> 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?	<input type="checkbox"/> Y	<input type="checkbox"/> 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?	<input type="checkbox"/> Y	<input type="checkbox"/> N	If Yes, specify in Part E.
Date of decision	DD/MM/YYYY		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	

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

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*

--	--	--	--	--	--

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

** 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,

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

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: _____

Municipal Stamp