

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 791/re (and App. Id: 3214)
Your Reference Number:
Enquiries: Sunet Du Toit, 028 214 3300 / sunetdu@twk.org.za

Date: 04 March 2021

REGISTERED MAIL

Rode and Associates
Mr B Rode
P O Box 1566
BELLVILLE
7535

(Per E-mail: berchtwald@rode.co.za)

DECISION LETTER TO APPLICANT

Dear Mr Rode

APPLICATION FOR TEMPORARY DEPARTURE: REMAINDER OF THE FARM ROOIHEUWEL NOORD NO. 791, CALEDON DISTRICT.

1. This application received, 24 January 2020, refers.
2. The Authorised Employee, on 02 March 2021 **approved, in whole** your application for **Departure** to utilise land on a temporary basis as borrow pits on the Remainder of Rooiheuwel Noord No. 791, Caledon district, in terms of section 60 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2015.
3. **Reasons** for the above decision are as follows:
 - 3.1. The proposal will not negatively impact on the engineering services.
 - 3.2. The proposal conforms to forward planning documents.
 - 3.3. No change in land use is proposed and as a result the character of the surrounding area will remain unchanged.
 - 3.4. The proposal will result in the effective utilisation of existing resources in the area.
 - 3.5. No permanent structures will be established.
 - 3.6. The proposal will contribute to the maintenance of a divisional road, which will enhance safety for the road users.

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 2 years, after the expiry of the period contemplated in Section 79(2), in terms of Section 18 of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning (2015);
 - 4.2. The site must be rehabilitated once the mining has ceased, within 5 years of the date of final notification;
 - 4.3. The approval is in accordance with Site Development Plan No. 1, dated: January 2020, drawn by: Rode and Associates;
 - 4.4. The approval of this application does not exempt the applicant/developer from compliance with any other legislation; and
 - 4.5. Any service upgrades required be for the cost of the owner/applicant.
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 TOWN PLANNING



1. DR1288/3.8/L/50 – Remainder of Farm 791, Rooiheuwel Noord

2. DR1288/3.9/L/50 – Remainder of Farm 791, Rooiheuwel Noord

Approximate coordinates
34°11'56.13"S, 19°13'12.68"E

Northern boundary of
cadastral unit

Approximate
coordinates
34°11'57.82"S, 19°13'13.79"E

Approximate coordinates
34°12'2.52"S; 19°13'6.83"E

Approximate coordinates
34°12'6.64"S, 19°13'19.68"E

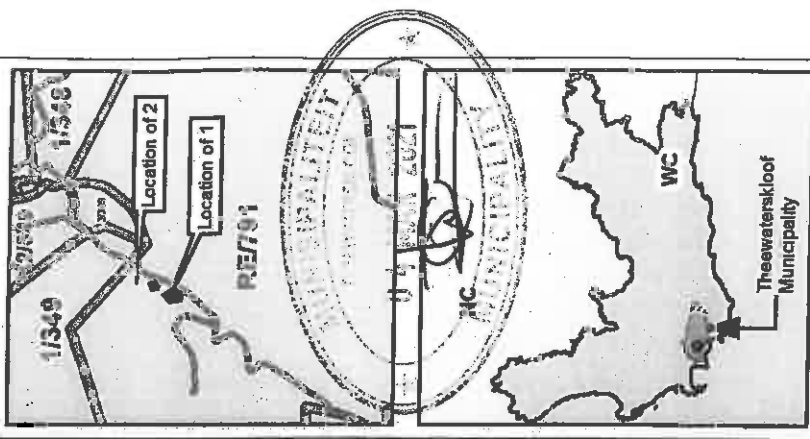
Drawing No.: 1
Legend

— Roads

◻ Remainder of Farm 791,
Rooiheuwel Noord

◻ 1. DR1288/3.8/L/50

◻ 2. DR1288/3.9/L/50



Data: Surveyor-General; Dept of Rural
Development & Land Reform

Scale: 1:4 000

Date: January 2020

Prepared by:



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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)

	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: _____

Municipal Stamp