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Lêer verw/ 15/3/5-14/Erf_182
File ref: 15/3/10-14/Erf_182

Navrae/Enquiries:
Ms D N Stellenberg

14 February 2022

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE ON ERF 182, YZERFONTEIN

Your application with reference YZ/12050/CVDW/JL dated 17 August 2021 on behalf of J S R Beleggings Trust has reference.

The Municipal Planning Tribunal has resolved at a meeting held on 9 February 2022 to approve the application for the removal of title deed restriction on Erf 182, Yzerfontein in order to remove a restrictive condition C3 registered in Deed of Transfer T27412/2020, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

Condition C3/...

Condition C3 reads as follows:

"...That not more than one dwelling, together with the necessary outbuildings and appurtenances, be erected on the erf..."

The following process be followed:

- (a) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the removal of the restrictive condition;
 - (b) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
 - (i) Copy of the approval by Swartland Municipality;
 - (ii) Original title deed; and
 - (iii) Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
 - (c) A copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans;
- A. The application for a consent use on Erf 182, Yzerfontein in order to establish a double dwelling on the property, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent authorises a double dwelling on Erf 182, as presented in the application;
- (b) The double dwelling complies with the applicable zoning parameters of the By-law;
- (c) At least 4 on-site parking bays are provided as presented in the application;
- (d) Building plans, clearly indicating the separate dwelling units, be submitted to the Senior Manager: Built Environment for consideration and approval;
- (e) The contact information of the owner/developer be available at all times and conspicuously displayed in the self-catering unit;

B2 WATER

- (a) The existing water connection be used and that no additional connections be provided;

B3 SEWERAGE

- (a) The property be provided with a conservancy tank of appropriate size (minimum capacity of 8000l), as previously approved by the Director: Civil Engineering Service;
- (b) The conservancy tank be accessible to the municipal vacuum truck from the street;

B4 DEVELOPMENT CHARGES

- (a) The development charge towards the supply of regional bulk water amounts to R5 445,25 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge towards bulk water reticulation amounts to R4 502,25 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge towards waste water treatment amounts to R8 280,00, and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-183-9210);
- (d) The development charge towards sewerage amounts to R 5612,00 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- (e) The development charge towards streets amounts to R11 500,00 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge towards storm water amounts to R3 192,40 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/248-144-9210);
- (g) The development charge towards electricity amounts to R10 419,00 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/253-164-9210);
- (h) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to B4(a);

B. GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for a period of 5 years. All conditions of approval be complied with by 20 May 2022. Failure to comply will result in the approval expiring;
- (b) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law;

C. The application is supported for the following reasons:

- (a) The application is consistent with the planning principles of LUPA and SPLUMA;
- (b) The application is consistent with local, regional and provincial spatial planning policy;
- (c) The development proposal complies with all applicable zoning parameters of the Residential zone 1 zoning;

- (d) Erf 182 does not have any physical restrictions which may have a negative impact on this application;
- (e) The proposed double dwelling will complement and not have a negative impact on the character of the surrounding residential area;
- (f) The development proposal supports the optimal utilisation of the property;
- (g) The proposed land use is considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities compatible with that of the existing area;
- (h) The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy;
- (i) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population;
- (j) Sufficient services capacity exists to accommodate the proposed double dwelling;
- (k) The removal of the relevant restrictive condition will enable a second dwelling on the property as provided for by the land use rights applicable to the property;
- (l) The removal of the relevant restrictive condition will not impact negatively or disadvantage surrounding/affected owners.

In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 8226 of 25 March 2020), you as well as the objectors have a right to appeal within 21 days of date of registration of this letter to the appeal authority of the Swartland Municipality against Council's decision.

Should you decide to appeal, you can write to the following address:

The Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299

Please note that if the applicant/objector does appeal, an appeal fee of R2 400-00 is payable. The appeal must be accompanied by the proof of payment and only then will the appeal be regarded as valid.

Yours faithfully



MUNICIPAL MANAGER
via Department Development Services

/ds

Copies : *Director : Civil Engineering Services*

Building Control Officer