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Lêer verw/ 15/3/4-14/Erf_1192
File ref: 15/3/10-14/Erf_1192
15/3/5-14/Erf_1192

Navrae/Enquiries:
Ms D N Stellenberg

15 February 2022

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE ON ERF 1192, YZERFONTEIN

Your application with reference YZE/11959/ZN/MV dated 20 October 2021 on behalf of Riaan and Lindie Jansen van Rensburg has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 9 February 2022 to refuse the application for removal of title deed restrictions on Erf 1192, Yzerfontein in order to remove the restrictive condition B7(a) registered in Title Deed T48073/2018, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. The application for the removal of title deed restrictions on Erf 1192, Yzerfontein in order to remove the restrictive condition B7(b) registered in Title Deed T48073/2018, has been 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 restrictions to be removed read as follows:

- B7(b) No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority:-
- (i) An outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side and rear space, and any other outbuildings of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12 metres shall be measured from the point furthest from the streets abutting the erf;

- (b) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the removal of the restrictive conditions;
- (c) 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;
- (d) A copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans;
- C. The application for consent use on Erf 1192, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) be approved, subject to the conditions that:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorizes a double dwelling house, as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;

C2 WATER

- (a) A single water connection be provided and that no additional connections be provided;

C3 SEWERAGE

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

C4 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 5 612,00 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 te 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 4.(a).
- D. The application for departure of the street building line on Erf 1192, Yzerfontein, 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:

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) The 4m street building line be departed from and reduced to 3,4m, solely in order to accommodate the existing stairs and pergola to encroach on the building line;

E. GENERAL

- (a) All the relevant conditions of approval with regards to the removal of the title deed restrictions and departure of the street building line, be complied with by 20 May 2022. Failure to comply will result in the approvals expiring;
- (b) The approval relating to the consent use is, in terms of section 76(2)(w) of the By-Law, only valid for a period of 5 years. All the relevant conditions of approval be complied with before the necessary occupancy certificate for the second dwelling be issued and failing to do so will result in the approval expiring.
- (c) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (d) The applicant/objectors be notified of this outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law.

F. The application for the removal of restrictive condition B7(a) is refused for the following reason:

- (a) A second dwelling is a building permitted under the Residential Zone 1 zoning and it is therefore not necessary to remove the conditions relating to the use of the property given the current proposal;

G. The application is supported for the following reasons:

- (a) The proposed double dwelling is a residential use and is therefore consistent with the proposals of the SDF;
- (b) A double dwelling is accommodated as a consent use under Residential Zone 1 of the By-Law.
- (c) The development proposal supports the optimal utilisation of the property;
- (d) The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy;
- (e) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population;
- (f) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Yzerfontein;
- (g) The departure of the street building line to accommodate the existing stairs and pergola will not have a negative impact on neighbouring affected properties nor does it have a negative impact on the streetscape.

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