



CLEAN AUDITS SINCE 2010/11



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File ref: 15/3/5-3/Erf\_1095

Enquiries:  
Mr HL Olivier

10 February 2021

C K Rumboll & Partners  
P.O. Box 211  
MALMESBURY  
7299

**By Registered Mail**

Sir / Madam

### PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS ON ERF 1095, DARLING

Your application with reference DAR/12262/GT-ZN dated 19 November 2021 on behalf of N and I Josephs, refers.

- A. By virtue of the authority delegated to the Senior Manager: Built Environment in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for the removal of restrictive conditions B6(a), B6(b)(i) & B6(b)(ii) registered against Title Deed T52143/2021 of Erf 1095, Darling, is hereby refused in terms of section 70 of the By-Law.

The reason for refusal is as follows:

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.

- B. By virtue of the authority delegated to the Senior Manager: Built Environment in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for the removal of restrictive conditions B6(b) registered against Title Deed T52143/2021 of Erf 1095, Darling, is hereby approved as an amendment in terms of section 70 of the By-Law:

Condition 6(b) currently reads as follows:

*Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeet aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die Plaaslike Owerheid :-*

Condition 6(b) be amended to read as follows:

*Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 2 meter van die agtergrens of 1,5 meter van die sygrens gemeet aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die Plaaslike Owerheid :-*

The approval is subject to the following process:

- (a) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the amendment of the restrictive conditions:

Rig asseblief alle korrespondensie aan:

Die Munisipale Bestuurder  
Privaatsak X52  
Malmesbury 7299

Tel: 022 487 9400

Faks/Fax: 022 487 9440

Epos/Email: swartlandmun@swartland.org.za

Moorreesburg Tel: 022 433 2246

Kindly address all correspondence to:

The Municipal Manager  
Private Bag X52  
Malmesbury 7299

Darling Tel: 022 492 2237

Yzerfontein Tel: 022 451 2366

- (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;
- (d) The approval is, in terms of section 76(2)(w) of the By-Law, only valid for a period of 5 years. All 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.
- (e) Relevant development charges be levied on building plan stage.

In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 7741 of 3 March 2017), you as well as the objector 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 Malmesbury, 7299

Please note that if the applicant/objector does appeal, an appeal fee of R2260-00 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**

per Department Development Services

HLO/ds

*Copies:*            *Department Financial Services*  
                         *Department Civil Engineering Services*  
                         *Building Control Officer*  
                         *N & I Josephs, 5 Smith Street, DARLING, 7345*  
                         *aidianj@gmail.com*