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Lêer verw/ 15/3/5-8/Erf_7657
File ref: 15/3/10-8/Erf_7657

Navrae/Enquiries:
Ms D N Stallenberg

19 October 2022

CK Rumboll & Partners
PO Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE ON ERF 7657, MALMESBURY

Your application with reference MAL/12613/ZN/MV dated 19 July 2022 on behalf of J J & M Bierman, has reference

A The Municipal Planning Tribunal has resolved at a meeting held on 12 October 2022 to approve the application for removal of restrictive condition C(c) of Deed of Transfer T51239/2019, registered against Erf 7657, Malmesbury in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), subject to the conditions that:

The following process needs to 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 conditions;
- (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;

B The application for a consent use on Erf 7657, Malmesbury, be approved in terms of section 70 of the By-Law, subject to the following conditions:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a home occupation (physiotherapy practice), restricted to 49,36 m², as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
- (c) No advertising sign be displayed other than a single un-illuminated sign or notice not projecting over a street, and such sign not exceeds 2 m² in area and only indicate the name, telephone number and profession or occupation of the occupant;
- (d) No more than four persons in total be engaged in home occupation activities on a land unit, including the occupant or occupants and any assistants;

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

- (e) Two (2) parking bays for the physiotherapists inside the garage and four (4) on-site parking bays for clients be provided;
- (f) The hours of operation not extend beyond the hours of 07h30 to 17h30;

B2 WATER

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

B3 SEWERAGE

- (a) The existing sewerage connection be used and that no additional connection will be provided;

B4 STREETS

- (a) On-site parking be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality and that the parking bays be clearly marked;

B5 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 before the occupancy certificate be issued. Failure to comply will result in the approval expiring;

Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R4 500,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

C The application be supported for the following reasons:

- (a) The home occupation is in compliance with the spatial planning of Malmesbury;
- (b) The home occupation complies with the principles of LUPA and SPLUMA;
- (c) The home occupation practices have a low impact on the character of the surrounding area;
- (d) The impact of additional traffic to and from the property as a result of the home occupation is deemed to be low;
- (e) The development proposal of the new building to comply with all the applicable zoning parameters;
- (f) The home occupation to comply with all the provision of a home occupation as determined by the Swartland Planning By-law;
- (g) Views from erf 9240 are deemed a privilege and not a right;
- (h) The impact of the home occupation on the privacy of erf 9240 is deemed to be very low;
- (i) The home occupation is deemed not to have a negative effect on property values of surrounding properties;
- (j) The removal of the relevant restrictive condition will enable home occupation on the property as provided for by the land use rights applicable to the property;
- (k) The removal of the relevant restrictive condition will not impact negatively or disadvantage surrounding/affected owners.

Yours faithfully



MUNICIPAL MANAGER
via Department Development Services
/ds

Copies : Director : Civil Engineering Services

 Building Control Officer