



CLEAN AUDITS SINCE 2010/11



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Sibumba ikamva elingcono!*

Lêer verw/ 15/3/4-14/Erf\_1774  
File ref:

Navrae/Enquiries:  
Ms D N Stallenberg

18 August 2022

C K Rumboll & Partners  
P O Box 211  
MALMESBURY  
7299

**By Registered Mail**

Sir/Madam

**PROPOSED DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 1774, YZERFONTEIN**

Your application with reference YZE/12160/GT\_ZN dated 30 March 2022 on behalf Louw Family Residential Builders Pty. Ltd. has reference.

- A.** The Municipal Planning Tribunal has resolved at a meeting held on 10 August 2022 to refuse the application for the departures of the development parameters on Erf 1774, Yzerfontein applicable to the proposed carport, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), including the following:
1. Departure of the 4 m street building line to 0 m for the erection of a carport;
  2. Departure of the 1,5 m side building line (south western boundary) to 0 m for the erection of a carport;
  3. Departure of the permissible width of 6,5 m for a carport to allow a 8,56 m wide carport;
- B.** The application for the departure of the development parameters on Erf 1774, Yzerfontein applicable to the sunroom, has been refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), including the following:
1. Departure of the 2 m rear building line to 0 m for the erection of a sunroom;
- C.** The application for the departure of the development parameters on Erf 1774, Yzerfontein applicable to the coverage in respect of the sunroom, has been approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), including the following:
1. Departure of the permissible coverage of 50% to 52,6% (sunroom complying with 2 m rear building line);
- D. GENERAL**
- (a) The illegal building work (sunroom) inside the 2 m rear building line be demolished within a period of 3 months after the decision making process on the application has been finalised;
  - (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;

*Rig asseblief alle korrespondensie aan:*

**Die Munisipale Bestuurder  
Privaatsak X52  
Malmesbury 7299**

**Darling** Tel: 022 492 2237

**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**

**Yzerfontein** Tel: 022 451 2366

E. Reasons for the refusal of the proposed carport:

- (a) The proposed carport is excessive in size;
- (b) The coverage (excluding the illegal sunroom and including the proposed carport) is 56,25%. Departures from the permissible 50% coverage in the Pearl Bay area are unprecedented;
- (c) There are no street building line departures in Fynbos Street;

F. Reasons for the refusal in respect of the sunroom:

- (a) The sunroom is an illegal structure without building plan approval;
- (b) The illegal building work has been done outside the permitted land use rights of the Residential Zone 1 zoning;
- (c) The coverage (including the illegal sunroom and excluding the proposed carport) is 54,4%. Departures from the permissible 50% coverage in the Pearl Bay area are unprecedented;
- (d) Adjoining affected property owners object to the proposed departures as their right to views and possible impact on property values have been affected negatively;
- (e) The departure cannot be recommended as it will influence decision making on future departures of development parameters negatively;

G. Reasons for the approval in respect of the sunroom (if complying with 2 m rear building line):

- (a) By demolishing a portion of the sunroom to comply with the 2 m rear building line will bring the total footprint of the existing building work to 379 m<sup>2</sup>. This results in a coverage of 52,6 % which is more acceptable in the context of the Pearl Bay area where departures of the permissible 50% coverage is unprecedented;
- (b) The objectors concerns regarding the possible impacts on their property values and rights to views are respected;
- (c) The objectors did not object to the departure of the permissible coverage.

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 R4 500-00 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 :            *Building Control Officer*