



Lêer verw/ 15/3/5-11/Erf_486

Navrae/Enquiries:
Ms D N Stellenberg

20 February 2025

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS OF ERF 486, RIEBEEK KASTEEL

Your application with reference RK/13482/JL/GB dated 10 October 2024 has reference.

A. The Municipal Planning Tribunal has resolved at a meeting held on 12 February 2025 to the removal of restrictive conditions 1.B.5, 1.B.6(c), 1.B.6(d), II.(B).5, II.(B)6(c) and II.B.6(d) of Title Deed T35731/2021 on erf 486, Riebeek Kasteel be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

B. GENERAL

The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of Section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with Section 90 of the By-Law and be accompanied by a fee of R5000,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

C. The application be refused for the following reasons:

- (a) The restrictive title deed conditions apply to a particular township and are more specific / unique, regardless of the zoning. The municipality cannot regard the restrictive conditions in a title deed as outdated / invalid.
- (b) The restrictions were clearly registered against the title deeds of the specific township / extension in order to preserve the character of the neighbourhood. The removal of the restrictions will not contribute positively to the street scape or character of the area.
- (c) The owners' right to apply for the removal of the restrictions is acknowledged, however the application needs to be motivated including the confirmation and evaluation of the potential negative impact on the affected properties. The restrictions are registered for the benefit of all owners in the township protecting their rights.
- (d) The total removal of rights for insufficient reason is equal to the arbitrary removal of such rights which the Swartland Municipal Planning Tribunal already refused in a number of cases. This case is no exception as the applicants need can easily be accommodated consistent with the restrictions if the design is amended.

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- (e) The property is 1131m² in extent, should the design be amended to comply with the coverage restriction, the applicant can still accommodate a dwelling with a footprint of 376m². Sufficient space therefore exist on the property, with no other physical restrictions prohibiting development, to accommodate the clients need.
- (f) Swartland Municipality can only evaluate what is presented in the application and the proposal includes a one-bedroom dwelling with outbuildings. A one-bedroom dwelling can surely be accommodated within the 376m² restriction.
- (g) The total removal of the restrictions is deemed undesirable.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services
/ds