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Lêer verw/ 15/3/5-14/Erf_205

Navrae/Enquiries:
Ms D N Stallenberg

16 February 2023

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED AMENDMENT OF RESTRICTIVE TITLE CONDITIONS ON ERF 205, YZERFONTEIN

Your application with reference YZE/11589/ZN/MV dated 31 August 2022 on behalf of Mauro Delle Donne Familie Trust, has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 8 February 2023 to approve the application for the amendment of restrictive condition C1(5) from Deed of Transfer T9212/2020 on Erf 205, Yzerfontein in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Conditions C.1.(5) as contained in Deed of Transfer T9212/2020 which read as follows:

That no building shall be erected within 3,15 m of any street line which forms a boundary of the Erf hereby conveyed, or within 3,15 m of the open space where it forms a boundary of the said Erf on the sea front.

be amended as follows;

That no building shall be erected within 3,15 m of any street line which forms a boundary of the Erf hereby conveyed, or within 2,4 m of the open space where it forms a boundary of the said Erf on the sea front.

- (b) The following process be followed:

- (i) The applicant/owner applies to the Deeds Office to amend the Title Deed in order to reflect the amendment of the restrictive condition;
- (ii) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
 - Copy of the approval by Swartland Municipality;
 - Original Title Deed, and
 - Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;

- (iii) A copy of the amended Title Deed be provided to Swartland Municipality for record purposes.
- (c) Building plans be submitted to the Senior Manager: Development Management, for consideration and approval;

B. GENERAL

- (a) Appeals against the Municipal Planning Tribunal 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;
- (b) The approval is, in terms of section 76(2)(w) of the By-Law, valid for a period of 5 years. Building plans can only be approved once all conditions of approval have been met. The owner/developer is responsible to ensure that all condition of approval is complied with within 60 days of the final decision on the application.

C. The application be supported for the following reasons:

- (a) The proposal is specifically applied for to accommodate the existing deck. The deck has no impact on neighbouring properties nor the town as a whole. The possible impact of the amendment of the restriction from 3,15 m to 2,4 m in terms of future development is deemed insignificant;
- (b) Any future development on Erf 205, Yzerfontein encroaching on the building lines will result in a new application and public participation process;
- (c) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets;
- (d) All costs relating to the application are for the account of the applicant and there is no impact on municipal services.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services

/ds

Copies : Building Control Officer

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