



CONSECUTIVE CLEAN AUDITS



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Lêer verw/
File ref: 15/3/5-14/Erf_205

Navrae/Enquiries:
Ms D N Stellenberg

19 April 2021

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS ON ERF 205, YZERFONTEIN

Your application with reference YZE/11589/ZN/MV dated 12 November 2020 on behalf of Mauro Delle Donne Family Trust has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 7 April 2021 not to approve the application for the removal of restrictive conditions C1(1), C1(2), C1(3), C1(4) and C1(5) from Deed of Transfer T9212/2020 not be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. **GENERAL**
- (a) The applicant and objectors be informed of their right to appeal against the decision of the Municipal Planning Tribunal, in terms of section 89(2) of the By-Law;
- (b) Building plans be submitted for the unauthorised alterations and additions to the existing building and the unauthorised building work that encroaches the title building lines be removed within 60 days from the date of the notice of the decision;
- C. The reasons for not approving the applications are:
- (a) Seeing that the proposal does not relate to what is being applied for, there is not enough motivation to remove all the conditions pertaining to the use of the property, subdivision of the property, the number of dwellings on the property, the permissible coverage or building lines and therefore the removal of restrictive title conditions C1(1), C1(2), C1(3), C1(4) and C1(5) of the Deed of Transfer T9212/2020 be refused;
- (b) Where the proposal does relate to restriction C1 (5), (the 0.75m where the deck was constructed over the building line restriction), the applicants need for larger outdoor space could have easily been accommodated consistent with the building line restriction. The fact that it was erected without the necessary authorisation is not sufficient motivation to approve the application. Unlike an application for departure where the encroachment is restricted to the specific structure being applied for, the removal of the building line restriction from the title deed, will remove the condition in its entirety. The proposed departure of the deck, 750mm over the building line, therefore does not warrant the removal of the restriction from the title deed. The result would be that future extensions of which the impact is not currently considered, will be able to be constructed up to the 1,5m building line for the whole side

boundary. These extensions may negatively impact on affected properties, erven 203, 204 & 1334.

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 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 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

A handwritten signature in black ink, appearing to read 'H. van der Merwe', is written over the printed name of the Municipal Manager.

MUNICIPAL MANAGER
via Department Development Services

/ds