



CONSECUTIVE CLEAN AUDITS



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Lêer verw/ 15/4/2-8  
File ref:

Navrae/Enquiries:  
Ms D N Stellenberg

22 Februarie 2021

Mr E Da Fontes  
P O Box 557  
MOORREESBURG  
7310

**By Registered Mail**

Sir/Madam

**PROPOSED DEPARTURE ON ERF 2878, MALMESBURY**

Your application dated 8 December 2020 regarding the abovementioned application has reference.

The Municipal Planning Tribunal has resolved at a meeting held on 10 February 2021 to approve the application for a departure from development parameters on erf 2878, Malmesbury partially in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as follows:

- Departure from the 2 m rear building line (southern boundary) to 0 m, to only accommodate the existing shade port;
- Departure from the 1,5 m side building line (eastern boundary) to 0 m;

B. The approval is subject to the following conditions:

**B1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The plans currently being considered be amended in order for the proposed carport to comply with the rear building line;
- (b) Rainwater from the roof of the carport on the erf boundary of erf 2878 be transferred on the erf to the nearest municipal street;
- (c) Revised building plans be submitted to Swartland Municipality for consideration and approval within 30 days after the final approval;
- (d) The roof of the carport be cut back in order to adhere to the approved amended building plan within 60 days after final approval;

C. The application for a departure of the rear building line on erf 2878, Malmesbury in order to accommodate the proposed carport, is not approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):

**D. GENERAL**

- (a) The applicant and objector 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;

*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. The reasons for the approval are as follows:

- (a) The proposed building work complies with the requirements of the National Building Regulations;
- (b) The proposed carport is located on a practical position on the property to accommodate the applicants need;
- (c) The affected neighbouring property owner has given his consent;
- (d) There are numerous examples of carports in the Panorama neighbourhood which encroach the building lines;
- (e) The design of the carport complements the style of the existing dwelling and will therefore not have a negative impact on the street front or character of Tosca Street;
- (f) The proposed shade port does not have a negative impact on erf 2883. If there were an impact at all it has been mitigated as seen in the photos inserted in the report;

F. The reasons for the rejection are as follows:

- (a) Building lines are control measures that not only accommodate services but also preserve the nature and character of the area. The sheer extent, height as well as the design of the proposed carport is industrial in nature. This can be sufficiently mitigated by enforcing the 2 m rear building line as well as finalising the installation by installing the gutters and facias which complements the dwelling on the subject property;
- (b) The extent and height of the already erected carport on the rear boundary, interferes with the outdoor living space of the objector.

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



**MUNICIPAL MANAGER**  
via Department Development Services

/ds

Copies: *Director : Development Services (Building Control Officer)*

*Director: Financial Services*