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Lêer verw/ 15/3/4-14/Erf_1125
File ref: 15/3/5-14/Erf_1125
15/3/10-14/Erf_1125

Navrae/Enquiries:
Ms D N Stallenberg

16 April 2021

Elco Property Developments
P O Box 1036
CAPE GATE
7562

By Registered Mail

Sir/Madam

PROPOSED DEPARTURE, REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND CONSENT USE ON ERF 1125, YZERFONTEIN

Your application dated 13 October 2020 on behalf of Yzerfontein Property Developers has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 7 April 2021 to approve the application for the departure on Erf 1125, Yzerfontein, in terms of Section 70 of the Swarthland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), in order to encroach on the north-eastern street building line, subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The 4m north-eastern street building line be departed from and reduced to 0m, in order to allow for a carport to encroach on the building line and be restricted to the portion of the carport that encroaches on the building line, as presented in the application;

- B. The application for the removal of title deed restrictions on Erf 1125, Yzerfontein, is approved in terms of Section 70 of the Swarthland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), in order to remove and amend restrictive conditions registered in Title Deed T109374/2000, subject to the conditions that:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The restrictions to be removed read as follows:

"...B.7.(a) This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.

- (b) *No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metres of*

the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority:-

- (i) An outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side and rear space, and any other outbuildings of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12 metres shall be measured from the point furthest from the streets abutting the erf;*
- (ii) An outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary.*
- (c) On consolidation of this erf or any portion thereof with any abutting erf which is subject, to the same conditions as herein set forth, these conditions shall apply to the consolidated holding as if it was one erf.*

C.3. Neither the transferee nor his successors-in-title shall make any application to the Local Transitional Council of Yzerfontein or any other authority for the rezoning of this erf."

- (b) The restriction that reads as follows:

"...C.2. This erf shall be used exclusively for single residential purposes..."

be amended to read as follows:

"...C.2. This erf shall be used exclusively for residential purposes..."

- (c) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the removal of the restrictive conditions;
- (d) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
 - (i) Copy of the approval by Swartland Municipality;
 - (ii) Original title deed, and
 - (iii) Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
- (e) A copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans;

- C. The application for a consent use on Erf 1125, Yzerfontein, is approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), in order to establish a double dwelling on the property, subject to the conditions that:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent authorises a double dwelling on Erf 1125, as presented in the application;
- (b) Building plans, clearly indicating the separate dwelling units, be submitted to the Senior Manager: Built Environment, for consideration and approval;
- (c) The double dwelling be designed to appear as an architectural unit;
- (d) The double dwelling be designed to adhere to the height restrictions, as determined by the By-Law;
- (e) A code of conduct for guests to the self-catering unit in the double dwelling be submitted to the Senior Manager: Built Environment, for consideration and approval;
- (f) The contact information of the owner/developer be available at all times and conspicuously displayed in the self-catering unit;
- (g) No off-site parking be allowed;

- (h) The Western Cape Noise Regulations be applied;

C2 WATER

- (a) The existing water connection be used and that no additional connections be provided;

C3 SEWERAGE

- (a) The property be provided with a conservancy tank of appropriate size, as previously approved by the Director: Civil Engineering Service;
- (b) The conservancy tank be accessible to the municipal vacuum truck from the street;

C4 DEVELOPMENT CHARGES

- (a) The development charge toward the regional bulk supply of water amounts to R5 445,25 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2020/2021 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The fixed development charge towards bulk water reticulation amounts to R4 502,25 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2020/2021 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge towards waste water treatment, to the amount of R8 280,00, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2020/2021 and may be revised thereafter (mSCOA 9/240-183-9210);
- (d) The fixed development charge towards sewerage amounts to R 5 612,00 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2020/2021 and may be revised thereafter (mSCOA 9/240-184-9210);
- (e) The fixed development charge towards streets amounts to R11 500,00 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2020/2021 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The owner/developer is responsible for the fixed development charge towards storm water, to the amount of R3 192,40 at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2020/2021 and may be revised thereafter (mSCOA 9/248-144-9210);
- (g) The Council resolution of May 2020 provides for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2020/2021 and may be revised thereafter. The discount is not applicable to 4.a).

- D. The application for the removal of a title deed restriction 7.(c) and C.1 in Title Deed T109374/2000 Erf 1125, Yzerfontein, be not approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021).

E. GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for a period of 5 years. All conditions of approval be complied with before the double dwelling be occupied and failing to do so will result in further administrative action against the owner/developer;
- (b) The applicant/objector be informed of the right to appeal against this decision of the Municipal Planning Tribunal, within 21 days of this notice, in terms of section 89(2) of the By-Law;

- F. The reasons for the approvals are as follows:

- (a) Application for departure is a mechanism provided for by the By-Law, in order to deviate from the required development parameters;
- (b) The impact of the departure has been evaluated and deemed to have minimal impact on the surrounding area with regards to views, safety, access and privacy and the impacts were considered manageable and mitigated through conditions of approval;

- (c) The approved departure will have little impact on the residential character of the area, as the land use will remain unchanged;
- (d) The removal of restrictive conditions poses no risk to any of the affected parties, as the conditions proposed for removal will all continue to be governed by the By-Law and the SDF;
- (e) A double dwelling is a consent use accommodated within Residential Zone 1 and the owner/developer exercised the right to apply to Council for consent, in order to legally accommodate a double dwelling on Erf 1125;
- (f) The approved departures are considered desirable within the spatial context;
- (g) The title deed restrictions pertain to development parameters on the property. These will be managed by the By-Law, once the restrictions have been removed from Title Deed T66779/2015.

G. The reason for refusal/non-approval is as follows:

- (a) Condition 7.(c) and C.1 are unrelated to the application and the removal is not motivated.

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: Financial Services*

Director : Civil Engineering Services

Head : Building Control