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KZ/HK

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APPLICATION FOR DEPARTURE OF CONDITIONS: ERF 28734 PAARL

1. **Approval has been granted** in terms of Section 15 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the proposed braai room, which will encroach the restrictive 4,5m street boundary building line, as well as the south western 1,5m common boundary building lines to 2,379m and 1,42m respectively, as indicated on the proposed building plan, (See Annexure B).
2. The approval mentioned in Paragraph 1 above, is subject to the following conditions, laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
 - 2.1 Any further amendments to the application are subject to the relevant approval;
 - 2.2 No new buildings are to be erected or existing structures altered without the approval of building plans by Council;
 - 2.3 This approval applies only to the permissions in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements; and
 - 2.4 That Council reserves the right to impose further conditions in future if deemed necessary.
3. The following be regarded as the reasons for the decision:
 - 3.1 The proposal is in keeping with the general development trend in the area, and the proposal at hand will not detract from that character;
 - 3.2 The proposal is of such a nature that it is not expected to negatively impact the existing surrounding land uses;

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- 3.3 Given the location of the braai area being approximately 34m away from the main dwelling on Erf 26140 Paarl, the proposed additions is not expected to have a significant negative influence as it will form part of the main dwelling;
- 3.4 There are similar examples of building line encroachments in the area, with existing braai area's, therefore the proposal at hand will not alter or detract from the character of the area;
- 3.5 The application is not expected to negatively impact on the health, safety and well-being of the surrounding community;
- 3.6 The application is for the utilization of infrastructure to exercise a land use activity which is in-line with town planning principles and norms; and
- 3.7 The proposal is considered to be consistent with the Drakenstein Spatial Development Framework.

Your attention is drawn to the general right of appeal to the Executive Mayor being the Appeal Authority in terms of Section 79(3) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, by any person whose rights are affected by the decision, within **21 days** of notification of decision.

This provisional approval is therefore suspended until further notice. Please also notify (**email or per hand**) the **surrounding property owners** who were notified of the application during the initial public participation process and **the objectors** (if any), of their right of appeal – proof of notification **must** be provided. Should there be any appeals against the decision, the application title (heading) must be used as reference. The appeal procedures are set out in Section 80 of the above-mentioned bylaw (attached).

Your attention is drawn to the fact that all correspondence must be directed to the City Manager and also sent via our official email address.

Yours faithfully



H. G. STRIJDOM (PR. PLN A/1058/1998)
MANAGER: LAND DEVELOPMENT MANAGEMENT