

## **GROUNDS OF APPEAL**

A person whose rights are affected by a decision of the Municipal Planning Tribunal (MPT) or an Authorized Employee or failure of the MPT or an Authorized Employee to take a decision within the period as contemplated in Sections 59 and 61 of the By-Law may lodge an appeal to the Appeal Authority in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning.

**The grounds of appeal will only be considered on the following grounds:**

### **DEPOSIT TO BE SUBMITTED WITH THE GROUNDS OF APPEAL AS DETERMINED BY THE MUNICIPAL BUDGET**

An appeal will not be accepted without proof of payment.

### **APPEAL MUST BE SUBMITTED WITHIN 21 DAYS OF THE NOTIFICATION OF THE DECISION**

Notices of the decision will be sent to the applicant and an objector. A person who wishes to appeal may do so within 21 days from the date of the notification.

No new information will be accepted after the 21-day appeal period. No extension of time will be given for the 21-day appeal period.

If an objector lodges an appeal, then the applicant will be given 21 days to respond.

### **CONTENTS OF THE APPEAL**

An appeal is to be accompanied by written reasons of why the appeal is submitted. The appeal must address any issues by demonstrating noncompliance or compliance with the principles as contained in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (ACT 16 of 2013) (SPLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA), refer to Annexure B.

## **AMENDMENT, SUSPENSION OR DELETION OF RESTRICTIVE CONDITIONS**

In terms of Section 41 SPLUMA, No 16 of 2013 the Municipality is the decision making authority for the considering of a land use applications, including an application for the removal, amendment or suspension of a restrictive condition. The principals, norms and standards and requirements as listed in Section 42 SPLUMA, No 16 of 2013 and Section 35 of the Overstrand Municipality By-Law on Land Use Planning will form the basis for the decision making process.

### **CONVEYANCER'S CERTIFICATE**

When evaluating an application, a Municipal Official may require a Conveyance's certificate. The Conveyance's certificate must clearly identify and describe any applicable restrictions and their implications. The cost of obtaining such a certificate is borne by the property owner or developer. A detailed deeds search of the property, which includes checking not only the last deed of transfer but tracing it back to the original pivot deed. The certificate must clearly identify and quote any relevant restrictive conditions in the title deed and conclude with a statement as to whether they may prohibit the proposed development.