



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE MALMESBURY BANQUET HALL, MALMESBURY ON WEDNESDAY, 17 NOVEMBER 2021 AT 12:00**

---

**PRESENT**

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)  
Director: Corporate Services, Ms M S Terblanche  
Director: Protection Services, Mr P A C Humphreys

External members:

Ms C Havenga  
Mr C Rabie

Other officials:

Senior Manager: Built Environment, Mr A M Zaayman (advisor)  
Manager: Secretariat and Records, Ms N Brand (secretariat)  
Director: Development Services, Ms J S Krieger  
Snr Town and Regional Planner, Mr A J Burger  
Town and Regional Planner and GIS, Mr H Olivier  
Town and Regional Planner, Ms A de Jager

**1. OPENING**

The chairperson opened the meeting and welcomed members.

**2. APOLOGY**

No apology was received.

**3. DECLARATION OF INTEREST**

**RESOLVED** that cognisance is taken that no declarations of interest were received.

**4. MINUTES**

**4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 13 OCTOBER 2021**

**RESOLVED**

(proposed by Mr C Rabie, seconded by Ms M S Terblanche)

That the minutes of a Municipal Planning Tribunal Meeting held on 13 October 2021 are approved and signed by the chairperson.

**5. MATTERS ARISING FROM MINUTES**

**5.1 MINUTES OF MUNICIPAL PLANNING TRIBUNAL HELD ON 13 OCTOBER 2021**

None.

**6. MATTERS FOR CONSIDERATION**

6.1/...

## 6.1 PROPOSED SUBDIVISION OF ERF 2131, YZERFONTEIN (15/3/6-14) (WARD 5)

An application was received for the subdivision of Erf 2131, Yzerfontein into a remainder ( $\pm 3609\text{m}^2$  in extent) and portion A ( $\pm 3139\text{m}^2$  in extent).

Mr H Olivier, as author, stated that a similar application was approved in November 2012 but the five (5) year approval lapsed due to the new owners not acting on the subdivision. However, the new owners wishes to make a similar application for subdivision.

Mr Olivier confirmed that it is important to establish that, although the conveyancer failed to include the servitude on the title deeds of the subject as well as affected properties, both the remainder as well as portion A have access in order to consider the subdivision.

### RESOLUTION

- A. The application for subdivision of Erf 2131, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), be approved subject to the following conditions that:

#### **A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) Erf 2131 be subdivided into a remainder ( $\pm 3609\text{ m}^2$  in extent) and portion A ( $\pm 3139\text{ m}^2$  in extent), as presented in the application;
- (b) A servitude right of way be registered in favour of portion A in order for it to be accessed from the public road, R315;
- (c) A servitude right of way be registered against portion A in favour of the remainder as well as Erf 2132 in order to ensure access to the neighbouring properties;
- (d) The development on portion A as well as the remainder of Erf 2131 be restricted to the area demarcated as a,b,c,d,e,and f on the approved subdivision plan;

#### **A2 WATER**

- (a) Portion A be provided with a separate water connection and is applicable at building plan stage;

#### **A3 SEWERAGE**

- (a) Portion A be provided with a conservancy tank with a minimum capacity of 8000 litres. The suction point be placed to be accessible to the service truck. The condition is applicable at building plan stage;

#### **A4 DEVELOPMENT CHARGES**

- (a) The owner/developer makes a development charge for the regional bulk supply of water at R10 890,50. The development contribution is payable to Swartland Municipality at clearance stage. The amount is payable to vote number 9/249-176-9210 and is valid for the financial year of 2021/2022 and may be revised thereafter;
- (b) A fixed development charge towards water be made to the Municipality to the amount of R5 402,70 at clearance stage. The amount is payable to vote number 9/249-174-9210 and is valid for the financial year of 2021/2022 and may be revised thereafter;
- (c) A the fixed development charge towards sewerage be made to the Municipality to the amount of R6 080,05 at clearance stage. The amount is payable to vote number 9/240-184-9210 and is valid for the financial year of 2021/2022 and may be revised thereafter;
- (d) A fixed development charge towards waste water treatment be made to the Municipality to the amount of R8 970,00 at clearance stage. The amount is payable to vote number 9/240-183-9210 and is valid for the financial year of 2021/2022 and may be revised thereafter;
- (e) A fixed development charge towards roads be made to the Municipality to the amount of R11 500,00 at clearance stage. The amount is payable to vote number 9/247-188-9210 and is valid for the financial year of 2021/2022 and may be revised thereafter;
- (f)/...

- (f) A fixed development charge towards stormwater be made to the Municipality to the amount of R 4 560,90 at clearance stage. The amount is payable to vote number 9/247-144-9210 and is valid for the financial year of 2021/2022 and may be revised thereafter;
- (g) A fixed development charge towards electricity be made to the Municipality to the amount of R 10 419,00 at clearance stage. The amount is payable to vote number 9/253-164-9210 and is valid for the financial year of 2021/2022 and may be revised thereafter;
- (h) Council's resolution dated May 2021 makes provision for a 40% rebate applicable on the development charges of Swartland Municipality. Condition A4(a) is excluded from the rebate. The rebate is valid for the 2021/2022 financial year and may be revised thereafter;

**A5 ELECTRICITY**

- (a) Each subdivided portion be provided with a separate electrical connection for the costs of the owner/developer;
- (b) The relocation of any electrical cables, currently over the relevant subdivided portion, be for the costs of the owner/developer;
- (c) Any electrical inter-connection between the remainder and portion 1 be isolated and fully removed;
- (d) The electricity be connected to the existing low tension network;
- (e) Additional to the abovementioned, the owner/developer is responsible for the electrical connections to the subdivided portion;

**B. GENERAL**

- (a) If the extension of existing services are deemed necessary in order to provide the subdivided portion with services connections, the expense is for the account of the owner/developer;
- (b) The Department Electrical Engineering Services of the Municipality be contacted for a quotation with reference to condition A5 above;
- (c) 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 within the 5 year period and that failing to do so results in the lapsing of the approval;
- (d) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (e) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law;
- (f) The legal certificate which authorises transfer of the subdivided portion in terms of Section 38 of the By-Law will not be issued unless all the relevant conditions have been complied with;

**C. The application is supported for the following reasons:**

- (a) The application is in compliance with the minimum erf size as determined by the SDF;
- (b) The application is seen as densification which is supported by the SDF and PSDF;
- (c) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (d) The proposed subdivision will not negatively affect the character of the area;
- (e) Surrounding properties consist of similar development potential as Erf 2131;
- (f) There is sufficient services capacity to accommodate the newly created erf;
- (g) All development parameters of the By-Law will be adhered to;
- (h) Effective utilization of land and existing infrastructure;
- (i) Access to the newly created portion can be established through an agreement with affected property owners.

**6.2 PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE ON ERF 28, YZERFONTEIN (15/3/4-14; 15/3/5-14) (WARD 5)**




Ms A de Jager gave background to the application received for the departure on and removal of restrictive conditions registered against Erf 28, Yzerfontein.

6.2/...

Ms de Jager mentioned that during the evaluation of the application and objections received, it was realised that additional information was needed from the applicant. Supplementary evidence prior to the approval may be obtained in accordance with Section 62(1)(c) of the By-Law. Ms de Jager referred to the report for illustrations regarding the illegal and proposed building work and how it affects the rights of the owner of Erf 29, Yzerfontein.

A discussion followed on the requirements regarding the height of a wall or fence situated on a street boundary that is regulated by the Swartland Municipality: By-Law relating to Boundary Walls and Fences (PG 7638 dated 24 June 2016).

## RESOLUTION

- A. The application for departure on Erf 28, Yzerfontein, be  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 er  each on the southern street building line;
- B. The application  the removal of restrictive conditions registered against Erf 28, Yzerfontein, be ~~not~~ approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. Non-approvals/refusals A. and B. above are motivated as follows:

### C1 TOWN PLANNING AND BUILDING CONTROL

- (a) The development proposal contradicts the principles of LUPA and SPLUMA and therefore cannot be supported;
- (b) The departure from the 4 m street building line impacts negatively on the view from Erf 29, Yzerfontein. A view is not a right, unless the owner that obscures the view, departs from the prescribed development parameters. As the proposal is to depart from the building line and in doing so the view from Erf 29 is obstructed, the rights of the property owner of Erf 29 are negatively affected and the application cannot be approved;
- (c) The Section 12.2.1(e) of the By-Law restricts the structures and circumstances under which building line departure may be considered. The proposed application is in contradiction with the section and is therefore refused;
- (d) The proposed removal of the Title Deed conditions negatively impacts on the rights enjoyed by Erf 29 and thus cannot be motivated or supported;
- (e) The construction of the screen walls over the street building line initially did not take place and were marked as omitted from the approved building plan after construction. Once the screen walls were built, however, the owner/developer went beyond that which was approved and opened the application up to renewed scrutiny. It is therefore recommended that the owner/developer not only demolishes the lattice roof, but also that the screen wall be lowered to a maximum height of 2.1 m, measured from the natural ground level to the highest point of the column top, consistent with the By-Law;
- (f) The boundary wall be demolished to a height that complies with the Swartland Municipality: By-Law relating to Boundary Walls and Fences (PG 7638 dated 24 June 2016);
- (g) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;

### D. GENERAL

- (a) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law;
- E. The reasons for the refusal of the application are as follows:
- (a) The development proposal contradicts the principles of LUPA and SPLUMA and therefore cannot be supported;
  - (b)/...



6.2/E...

- (b) The departure from the 4 m street building line impacts negatively on the view from Erf 29, Yzerfontein. A view is not a right, unless the owner that obscures the view, departs from the prescribed development parameters. As the proposal is to depart from the building line and in doing so the view from Erf 29 is obstructed, the rights of the property owner of Erf 29 are negatively affected and the application cannot be approved;
- (c) The Section 12.2.1(e) of the By-Law restricts the structures and circumstances under which building line departure may be considered. The proposed application is in contradiction with the section and is therefore refused;
- (d) The proposed removal of the Title Deed conditions negatively impact on the rights enjoyed by Erf 29 and thus cannot be motivated or supported;
- (e) The construction of the screen walls over the street building line initially did not take place and were marked as omitted from the approved building plan after construction. Once the screen walls were built, however, the owner/developer went beyond that which was approved and opened the application up to renewed scrutiny. It is therefore recommended that the owner/developer not only demolish the lattice roof, but also that the screen wall be lowered to a maximum height of 2.1 m, consistent with the By-Law and the Title Deed.

### **6.3 PROPOSED CONSENT USE ON ERF 1746, YZERFONTEIN (15/3/10-14) (WARD 5)**

The chairperson requested the author, Mr A J Burger, to table the item. Mr Burger confirmed that the application is for a consent use on Erf 1746, Yzerfontein in order to establish a double dwelling on the property.

Mr Burger stated that the proposed application supports the principle of densification within existing urban areas and many examples of double dwellings already exist in Yzerfontein.

#### **RESOLUTION**

- A. The application for consent use on Erf 1746, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved, subject to the conditions that:
- A1 TOWN PLANNING AND BUILDING CONTROL**
    - (a) The consent use authorises a double dwelling, as presented in the application;
    - (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
  - A2 WATER**
    - (a) The property be provided with a single water connection and that no additional connections be provided;
  - A3 SEWERAGE**
    - (a) The double dwelling be provided with a conservancy tank with the minimum capacity of 8 000 litre, to be installed on the property at a point that is accessible to the municipal vacuum truck, to the satisfaction of the Director: Civil Engineering Services;
  - A4 DEVELOPMENT CHARGES**
    - (a) The development charge towards the supply of regional bulk 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 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
    - (b) The 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 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
    - (c) The development charge towards waste water treatment amounts to R8 280,00, and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-183-9210);

- (d) The development charge towards sewerage amounts to R5 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 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- (e) The 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 2021/2022 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge towards storm water amounts to R3 192,40 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/248-144-9210);
- (g) The development charge towards electricity amounts to R10 419,00 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/253-164-9210);
- (h) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to A4(a).

**B. GENERAL**

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years. All conditions of approval be met before the double dwelling comes into operation and the occupancy certificate be issued, after which the 5 year period will no longer be applicable;
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law;

**C. The applications be supported for the following reasons:**

- (a) The application is in compliance with the planning principles of LUPA and SPLUMA;
- (b) The application is consistent with local, regional and provincial spatial planning policy;
- (c) The development proposal complies with all applicable zoning parameters of the Residential zone 1 zoning;
- (d) Erf 1746 does not have any physical restrictions which may have a negative impact on the application;
- (e) The proposed double dwelling will complement and not have a negative impact on the character of the surrounding residential area;
- (f) The scale of the proposed double dwelling is less than the existing development potential of the property;
- (g) The development proposal supports the optimal utilisation of the property;
- (h) The proposed land use is considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities compatible with that of the existing area;
- (i) The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy;
- (j) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population;
- (k) Sufficient services capacity exists to accommodate the proposed double dwelling.

**6.4 PROPOSED CONSENT USE ON ERF 833, YZERFONTEIN (15/3/10-14) (WARD 5)**

Mr H Olivier, as author, tabled the item which entails an application for consent use on Erf 833, Yzerfontein to establish a double dwelling on the property.

Resolution/...

**RESOLUTION**

- A. The application for consent use on Erf 833, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved, subject to the conditions that:

**A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use authorises a double dwelling house, as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
- (c) Access to the property be restricted to at least 5m from the splay in order to ensure safe vehicle movement;

**A2 WATER**

- (a) A single water connection be provided and that no additional connections be provided;

**A3 SEWERAGE**

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

**A4 DEVELOPMENT CHARGES**

- (a) The development charge towards the supply of regional bulk 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 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The 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 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge towards waste water treatment amounts to R8 280,00, and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-183-9210);
- (d) The development charge towards sewerage amounts to R5 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 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- (e) The 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 2021/2022 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge towards storm water amounts to R3 192,40 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/248-144-9210);
- (g) The development charge towards electricity amounts to R10 419,00 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/253-164-9210);
- (h) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to A4(a).

**B. 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 met with before the double dwelling comes into operation and the occupancy certificate be issued after which the 5 years period will no longer be applicable;

6.4/B...

- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-Law;

C. The application be supported for the following reasons:

- (a) The development proposal is consistent with the parameters of the applicable development management scheme;
- (b) The proposed double dwelling is a residential use and is therefore consistent with the proposals of the SDF;
- (c) A double dwelling is accommodated as a consent use under Residential Zone 1 of the By-Law;
- (d) The development proposal supports the optimal utilisation of the property;
- (e) The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy;
- (f) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population;
- (g) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Yzerfontein.

**(SIGNED) J J SCHOLTZ  
CHAIRPERSON**

21 January 2022

15/3/5-14/Erf\_182  
15/3/10-14/Erf\_182

WYK: 5

**ITEM 6.1 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 9 FEBRUARIE 2022**

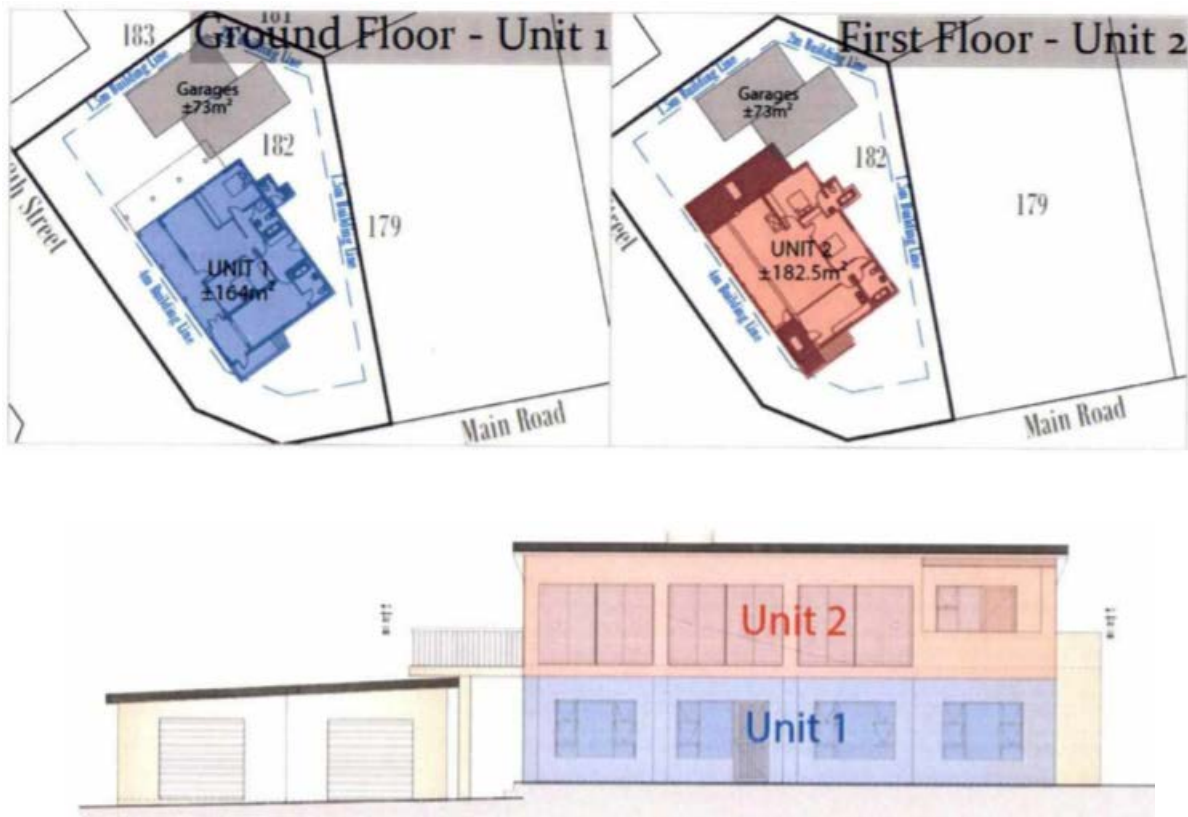
LAND USE PLANNING REPORT PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE ON ERF 182, YZERFONTEIN					
Reference number	15/3/5-14/Erf_182 15/3/10-14/Erf_182	Application submission date	17 August 2021	Date report finalised	28 January 2022

PART A: APPLICATION DESCRIPTION						
<p>An application for the removal of restrictive title conditions on erf 182, Yzerfontein, in terms of section 25(2)(f) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. It is proposed that the restrictive condition C3 be removed from Deed of Transfer T27412/2020. The purpose of the application is to remove restrictive condition which relates to the amount of dwelling units on the premises.</p> <p>An application for consent use for a double dwelling on erf 182, Yzerfontein in terms of section 25(2)(o) of Swartland Municipality : Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) has also been received. A double dwelling house is a building which is used for residential purposes and designed as 'n single architectural entity which contains 2 dwelling units on one land unit.</p> <p>The applicant is CK Rumboll &amp; Partners and the property owner is the J S R Beleggings Trust.</p>						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	Erf 182, Yzerfontein in die Swartland Munisipaliteit, Afdeling Malmesbury, Wes-kaap Provinsie					
Physical address	Number 2, 8 <sup>th</sup> Street		Town	Yzerfontein		
Current zoning	Residential Zone 1	Extent (m <sup>2</sup> /ha)	713m <sup>2</sup>	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2021)					
Current land use	Double dwelling house and garage		Title Deed number & date	T27412/2020		
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)	C3 – "...That not more than one dwelling, together with the necessary outbuildings and appurtenances, be erected on the erf..."		
Any third party conditions applicable?	Y	N	If Yes, specify			
Any unauthorised land use/building work	Y	N	If Yes, explain			
PART C: LIST OF APPLICATIONS (TICK APPLICABLE)						
Rezoning		Permanent departure		Temporary departure		Subdivision
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of

				restrictive conditions	
Permissions in terms of the zoning scheme	Amendment, deletion or imposition of conditions in respect of existing approval	Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval	
Determination of zoning	Closure of public place	Consent use	✓	Occasional use	
Disestablish a home owner's association	Rectify failure by home owner's association to meet its obligations	Permission for the reconstruction of an existing non-conforming use			

#### PART D: BACKGROUND

Swartland Municipality's building plan records, indicates that building plans have only been approved for a double storey dwelling house and outbuildings (garages) on erf 182. The current owner, took transfer of the property in 2020 after the previous owner has converted the dwelling house into a double dwelling (dwelling unit on ground floor and a dwelling unit on first floor.) This application is to rectify the current illegal land use.



#### PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y N

#### PART F: SUMMARY OF APPLICANT'S MOTIVATION

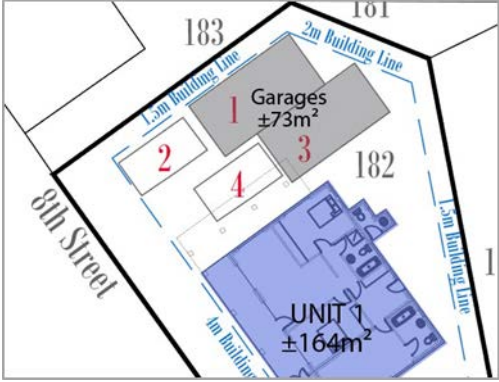
1. An additional housing unit is provided by the proposed development.
2. The proposed development prevents urban sprawl.
3. The proposed development supports the notion of infill development.
4. The development utilises the property to its full potential without limiting future development of the property.
5. The proposed development is aligned with the proposals of the MSDF.
6. The proposed development supports the principles of SPLUMA and LUPA.
7. The application complies with Section 43(5)(a) to (f) of the By-law.

PART G: SUMMARY OF PUBLIC PARTICIPATION						
Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?					Y	N
<p>The application was advertised in the local newspapers and Provincial Gazette on 6 September 2020 and a total of 12 registered notices were issued to affected parties. The public participation process ended on 11 October 2021. Where e-mail addresses were available, affected parties were notified via e-mail as well. 4 Notices were not collected, however 3 of the 4 owners were also notified via email. The owner of erf 178 did not receive the notice.</p> <p>A total of 3 objections were received which was referred to the applicant for comments on 14 October 2021. The applicant's comments on the objections were received on 12 November 2021.</p>						
Total valid comments	3		Total comments and petitions refused	0		
Valid petition(s)	Y	N	If yes, number of signatures			
Community organisation(s) response	Y	N	Ward councillor response	Y	N	
			The application was forwarded to councillor, but no comments were forthcoming.			
Total letters of support	0					



PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS																				
Name	Received	Summary of comments	Recomm.																	
Department: Development Services	27 August 2021	1. Bouplanne aan die Senior Bestuurder: Bou-Omgewing vir oorweging en goedkeuring voorgelê word;	✓																	
Department: Civil Engineering Services	31 August 2021	<b>1. Riolering</b> Die eiendom voorsien word van 'n rioolsuigtenk van geskikte grootte wat vir die diensvragmotor vanuit die straat toeganklik is;	✓																	
		<b>2. Water</b> Die bestaande aansluiting gebruik word en dat geen addisionele aansluitings voorsien sal word nie;																		
		<b>3. Ontwikkelingsbydraes</b>																		
		<table><tr><th>ITEM</th><th>BEDRAG</th></tr><tr><td>Grootmaat watervoorsiening</td><td>R5 445,25</td></tr><tr><td>Grootmaat waterverspreiding</td><td>R4 502,05</td></tr><tr><td>Riolering</td><td>R5 612,00</td></tr><tr><td>Riool suiweringsaanleg</td><td>R8 280,00</td></tr><tr><td>Paaie</td><td>R11 500,00</td></tr><tr><td>Stormwater</td><td>R3 192,40</td></tr><tr><td>Elektrisiteit</td><td>R10 419,00</td></tr></table>			ITEM	BEDRAG	Grootmaat watervoorsiening	R5 445,25	Grootmaat waterverspreiding	R4 502,05	Riolering	R5 612,00	Riool suiweringsaanleg	R8 280,00	Paaie	R11 500,00	Stormwater	R3 192,40	Elektrisiteit	R10 419,00
		ITEM			BEDRAG															
		Grootmaat watervoorsiening			R5 445,25															
		Grootmaat waterverspreiding			R4 502,05															
		Riolering			R5 612,00															
		Riool suiweringsaanleg			R8 280,00															
		Paaie			R11 500,00															
Stormwater	R3 192,40																			
Elektrisiteit	R10 419,00																			

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION (Map of objectors Annexure L)	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>Frances A Soloman, owner of erf 184</p>	<p>1. According to the owner and the building plans there are only two dwellings on this property. One dwelling is located on the ground floor and the other on the first floor.</p> <p>The proposed application is for a consent use to allow a double dwelling and not a rezoning application and therefore this application does not seek to change the single residential zoning of the property.</p> <p>2. As mentioned above, this application does not seek to change the zoning of the property but rather to apply for a consent use to allow a double dwelling on the property.</p> <p>This therefore does not change the parameters of the property. The coverage and height permitted does not get impacted by this application. The double dwelling still displays as a single residential entity with all the exiting parameters of a Residential Zone 1 property.</p> <p>Furthermore, the owner of Erf 182 will be subject to the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019). All residents of the dwelling units will need to adhere to these regulations as well. This will ensure low noise pollution.</p> <p>3. This application is subject to comments from Swartland Municipality's Engineering Department</p>	<p>1. The current owner, which took transfer of the property in 2020 after the previous owner has converted the dwelling house into a double dwelling (dwelling unit on ground floor and a dwelling unit on first floor.) A room next to the stairs giving access to the dwelling unit on first floor was used by the previous owner as a storage room which included an en-suite bathroom and a counter with a prep-bowl. This room was used by the previous owner from time to time as a place where he could stay when he visited Yzerfontein. This however is not the case anymore.</p> <p>The objector is correct that the two dwelling units are being rented out on an ad-hoc basis for accommodation purposes, which generates an income for the owner. The owner has no intention to register sectional title on the property</p> <p>It is not proposed to change the Residential zone 1 zoning, but to add a consent use (double dwelling) to legalise the land use on the property.</p> <p>2. As stated at point 1 the Residential zone 1 zoning will not change. The existing zoning parameters will remain in force which are the same for surrounding residential erven with the same zoning. The impact of the double dwelling on the character of the area is deemed to be low.</p> <p>The municipal valuation of erf 182 was R2 945 500,00 in 2015 and changed to R4 577 500,00 in 2019. The property values of the surrounding properties also increased. The comment by the objector that the value of surrounding properties be impacted negatively is speculative as no proof has been provided.</p>



	<p>with the dual living on the property. Densification certainly will add to additional demand which cannot be met.</p> <p>4. Eighth Street is a very short road with three double driveways taking access off of it. There are red no parking markings on half the left lane to the beach. Presently this creates a hazardous situation for parking in the road. It is a major beach access road which will become more hazardous with additional demands.</p> <p>5. Thank you for the opportunity to object to the removal of restrictive conditions and the changing of consent use on Erf 182, both of which will negatively affect the community. For the above-mentioned reasons, as a direct neighbour, my personal lifestyle will also be negatively impacted, as will the value of my property. I therefore</p>	<p>who will determine if the service infrastructure is adequate to handle this proposed development. It is important to note that these dwellings are existing and therefore will not place additional pressure on the service infrastructure.</p> <p>Additionally, the owner of the property is likely to pay for the pressure placed on the service infrastructure in the form of development charges subject to Swartland Municipality's Engineering Department comment on this application.</p> <p>4. In terms of Section 13 of the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020), 2 parking bays per dwelling unit and 1 additional bay need to be provided for an additional dwelling unit. Two garages (2 parking bays) is provided on-site along with 2 parking spaces in the driveway. Therefore, more than enough parking bays are provided on Erf 182, Yzerfontein, in accordance with the Swartland Municipal By-Law on Land Use Planning (PG 8226) as shown in the figure below.</p>  <p>5. Noted.</p>	<p>3. The Department: Civil Engineering Services indicated that the existing services connections are sufficient to accommodate the double dwelling. A conservancy tank needs to be provided with a suitable size which is accessible to the sewerage truck from the street.</p> <p>4. There are 4 on-site parking bays provided on erf 182 which complies with the requirements of the Planning By-law.</p> <p>No new accesses are proposed.</p> <p>The Department: Civil Engineering Services supports the proposed on-site parking and impact of the additional traffic in 8<sup>th</sup> Street as they had no comments regarding streets.</p> <p>5. The removal of restrictive conditions enable the owner of erf 182 to obtain land use rights for the existing double dwelling. The impact of the double dwelling is deemed to be low.</p>
--	--	---	---

	trust that my objection will be favourably considered.		
Marie Durr, owner of erf 183	<p>1. I don't object subject to the following conditions:</p> <ul style="list-style-type: none"> <li>a suitably sized additional septic tank is to be constructed on Erf 182; and</li> <li>both units are to have a garage and 2 parking spaces in front of each garage which provides 3 parking spaces per dwelling (in other words so that 3 parking spaces are available for each unit with adequate paving in front of the garages, totalling 6 parking spaces at Erf 182).</li> </ul>	6. Noted. There were no reasons given for this comment.	<p>6. The existing conservancy tank has insufficient capacity to accommodate the double dwelling. A conservancy tank with sufficient capacity needs to be provided. This action be taken up as a condition of approval if the application is approved.</p> <p>The Land Use Planning By-law requires 2 parking bays for a dwelling unit and at least 1 additional parking for a second dwelling on the property. A total of 4 parking bays are provided, 2 single garages and 2 parking bays in front of the garages. The provision of on-site parking is being complied with the requirements of the By-law.</p>
Edward Gibbens, owner of erf 185	<p>7. During peak seasons, the parking in the area is a problem already. With two units on one plot, the parking cannot be enough to accommodate guests. The fact that the property is on the corner, makes it even worse, as they will not be able to park in the street. If they do park in the street, it creates a safety risk. Keep in mind that Yzerfontein is a holiday destination and have many pedestrians.</p> <p>8. With double the number of occupants on one plot, I can only imagine that the sewage infrastructure (conservancy tank capacity) is insufficient, especially if it has not been upgraded recently to conform to the latest municipal regulations.</p> <p>9. The noise levels of having double the amount of people than normal, will be unacceptable.</p>	<p>7. Please refer to comment 4 above.</p> <p>8. Please refer to comment 3 above regarding the service infrastructure</p> <p>9. The owner of Erf 182, Yzerfontein, will be subject to the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019). All residents of the dwelling units will need to adhere to these regulations as well. This will ensure low noise pollution.</p>	<p>7. The Department: Civil Engineering Services deems the possible impact of the double dwelling on 8<sup>th</sup> Street as acceptable, provided that 4 on-site parking bays are provided which complies with the requirements of the Planning By-law.</p> <p>8. The Department: Civil Engineering Services requested that a conservancy tank with sufficient capacity be provided on-site.</p> <p>9. The amount of people on the property not be used as an indication to determine the amount of noise that potentially can be generated on the property. The comment is speculative.</p>

	<p>10. I believe it will impact the value of my property negatively for the reasons listed above. If give consent to one neighbour, it will be difficult to not do so for others. I did not buy my property to be surrounded by double dwellings as it will have a very negative impact on our privacy.</p>	<p>10. The Each property owner has the right to develop his/her property to its full potential in accordance with the development parameters as set out in the Swartland Municipal By-Law on Land Use Planning (PG 8226). If future development is within the parameters set out in the mentioned By-law it will not negatively affect the surrounding neighbours.</p> <p>Furthermore, the relevant authority may not restrict the application on grounds of the potential financial implications as specified under Section 59(1)(f) of Chapter VI of the Land Use Planning Act: "acompetent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its decretion solely on the ground that the value of the land or property will be affected by the outcome of the application.</p>	<p>10. Please see the comments at point 2.</p> <p>(Please note that no trust resolution was provided by Mr Gibbens to g  him power of attorney to act on behalf of the trust  he objection can therefore not be considered.)</p>
--	---	--	--

## PART J: MUNICIPAL PLANNING EVALUATION

### 1. Type of application and procedures followed in processing the application

An application for the removal of restrictive title conditions on erf 182, Yzerfontein, in terms of section 25(2)(f) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. It is proposed that the restrictive condition C3 be removed from Deed of Transfer T27412/2020. The purpose of the application is to remove restrictive condition which relates to the amount of dwelling units on the premises.

Conditions C3 reads as follows: “...*That not more than one dwelling, together with the necessary outbuildings and appurtenances, be erected on the erf...*”

An application for consent use for a double dwelling on erf 182, Yzerfontein in terms of section 25(2)(o) of Swartland Municipality : Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) has also been received. A double dwelling house is a building which is used for residential purposes and designed as 'n single architectural entity which contains 2 dwelling units on one land unit.

The application was advertised in the local newspapers and Provincial Gazette on 6 September 2020 and a total of 12 registered notices were issued to affected parties. The public participation process ended on 11 October 2021. Where e-mail addresses were available, affected parties were notified via e-mail as well. 4 Notices were not collected, however 3 of the 4 owners were also notified via email. The owner of erf 178 did not receive the notice.

A total of 3 objections were received which was referred to the applicant for comments on 14 October 2021. The applicant's comments on the objections were received on 12 November 2021.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

### 2. Legislation and policy frameworks

#### 2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

- a) Spatial Justice: The proposed double dwelling supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society.
- b) Spatial Sustainability: The proposed development will promote the intensive utilisation of engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification.
- c) Efficiency: The development proposal will promote the optimal utilisation of services on the property and enhance the tax base of the Municipality
- d) Good Administration: The application was communicated to the affected land owners through registered mail and advertisement in local newspapers and the Gazette. The application was also circulated to the relevant municipal departments for comment. Consideration was given to all correspondence received and the application was dealt with in a timeous manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- e) Spatial Resilience: The proposed double dwelling can easily revert back to the use of a dwelling house for a single family, should it become necessary in future.

It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned legislative measures.

#### 2.2. Provincial Spatial Development Framework (PSDF, 2014)



The PSDF describes tourism as one of the underpinning factors within the urban space economy. The development proposal can contribute to providing in the need for tourist accommodation in Yzerfontein, while minimally impacting on the character of its environment.

The development proposal may therefore be deemed consistent with the PSDF.

#### 2.3 West Coast District SDF (WCDSDF, 2014)

Yzerfontein is one of the major tourist attractions throughout the West Coast District. One of the strategies contained in the WCDSDF is to promote and develop tourism infrastructure within the District. The development proposal can

provide in the need for accommodation by various tourists who visit the district, and thus contribute to the income derived from tourism.

The WCDSDF also supports the principle of densification. A second dwelling/double dwelling promotes the principle, optimising the use of resources and limiting urban sprawl. The proposal is thus consistent with the WCDMSDF.

#### **2.4 Spatial Development Framework(SDF)**

The application property is situated within a residential node, delineated as Area C, as per the spatial proposals for Yzerfontein contained in the SDF. Zone C is the older residential area, which also includes the primary business node which allows for mixed uses including residential, commercial and social uses. Double dwellings are specifically consistent with the character of the zone, as such a development not alter the residential zoning of the property.

#### **2.5 Schedule 2 of the By-Law: Zoning Scheme Provisions**

The application property is zoned Residential Zone 1 and a double dwelling be accommodated within the zoning category as a consent use. The proposal complies with the development parameters determined by the By-Law

#### **2.6 Desirability of the proposed utilisation**

Erf 182, Yzerfontein is zoned Residential zone 1 and is developed with a double dwelling and outbuildings (garages). There are no physical restrictions on the property that have a negative impacts on the application.

Surrounding land uses includes single residential dwellings. The proposed double dwelling not have negative impact on the character of the surrounding area.

The scale of the proposed double dwelling is less than the existing development potential of the property. Please note that the existing double storey dwelling has been converted into a double dwelling (1 dwelling unit on ground floor and 1 dwelling unit on first floor).

Planning legislation applicable to Yzerfontein has since the late 1980's make provision for 2 dwelling units on one property by means of a consent use. The nature of a double dwelling is to provide additional residential opportunities. The proposed land use is considered as a desirable activity within a residential neighbourhood, as it accommodates residential activities compatible with that of the existing area.

Planning policy promotes densification which is achieved by this application. As most properties in Yzerfontein does not have the potential to be subdivided (minimum erf size of 500m<sup>2</sup>), densification only be achieved by permitting a 2nd dwelling on an erf by means of a second dwelling or double dwelling.

Spatial planning of Yzerfontein intends to increase the density of the town to 7.8 units/ha by 2028. This remains to be lower than the proposed 15 units/ha for low density residential developments.

The proposed application is consistent and not in contradiction with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.

The proposed activity have a positive economic impact as it will generate income for both the land owner, municipality (through rates and taxes) and tourism as a whole, through the spending of visitors to the area.

The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding land owners, nor will it negatively impact on environmental assets.

Sufficient services capacity exists to accommodate the proposed double dwelling. However, the existing conservancy tank on the property needs to be upgraded to provide sufficient capacity for the double dwelling.

The development proposal complies with all application zoning parameters.

The development proposal may be considered desirable.

### **3. Impact on municipal engineering services**

While the construction of new services is not deemed necessary, the additional dwelling unit will increase the load on engineering services. Development charges will be ring-fenced and applied toward the maintenance and upgrade of services once the accumulated load necessitates it over time.

It is also deemed necessary to provide a conservancy tank with sufficient capacity

#### 4. Comments of organs of state

No comments were requested.

#### 5. Response by applicant

See Annexure H.

### PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

#### The financial or other value of the rights

The restrictive conditions were imposed in favour of the neighbourhood and no person or entity is foreseen to profit financially from the removal.

The conditions were imposed during a time when land use management measures were lacking at a municipal level and land use was largely governed by title deed restrictions. The consideration of the unauthorised structures on the erf will remain subject to the development parameters contained in the By-Law.

#### The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

The restrictive conditions were imposed in favour of the larger development/township establishment. The personal benefit for the applicant will be the unencumbered use of the legalised structures.

#### The social benefit of the restrictive condition remaining in place, and/or being removed/amended

The proposed removal will not entail social benefits.

#### Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights

Only the restrictions pertaining to land use management and that can be regulated by means of the By-Law, are proposed for removal.

### PART L: RECOMMENDATION WITH CONDITIONS

- A. The application for the removal of title deed restriction on Erf 182, Yzerfontein, be 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 remove a restrictive condition C3 registered in Deed of Transfer T27412/2020.

Condition C3 reads as follows:

*"...That not more than one dwelling, together with the necessary outbuildings and appurtenances, be erected on the erf..."*

The following process be followed:

- a) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the removal of the restrictive condition.
  - b) 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.
  - c) A copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans.
- B. The application for a consent use on Erf 182, Yzerfontein, be 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:

## **1. TOWN PLANNING AND BUILDING CONTROL**

- a) The consent authorises a double dwelling on Erf 182, as presented in the application;
- b) The double dwelling complies with the applicable zoning parameters of the By-law;
- c) At least 4 on-site parking bays are provided as presented in the application;
- d) Building plans, clearly indicating the separate dwelling units, be submitted to the Senior Manager: Built Environment, for consideration and approval;
- e) The contact information of the owner/developer be available at all times and conspicuously displayed in the self-catering unit;

## **2. WATER**

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

## **3. SEWERAGE**

- a) The property be provided with a conservancy tank of appropriate size (minimum capacity of 8000l), as previously approved by the Director: Civil Engineering Service;
- b) The conservancy tank be accessible to the municipal vacuum truck from the street;


## **4. DEVELOPMENT CHARGES**

- a) The development charge towards the supply of regional bulk 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 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- b) The 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 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- c) The development charge towards waste water treatment amounts to R8 280,00, and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-183-9210);
- d) The 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 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- e) The 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 2021/2022 and may be revised thereafter. (mSCOA 9/249-188-9210);
- f) The development charge towards storm water amounts to R3 192,40 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/248-144-9210);
- g) The development charge towards electricity amounts to R10 419,00 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/253-164-9210);
- h) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to 4.a)

## **5. 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 by 20 May 2022. Failure to comply will result in this approval expiring;
- b) In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 8226 of 25 March 2020), affected parties have a right to appeal the abovementioned decision within 21 days of date of registration of this letter to the appeal authority of the Swartland Municipality against Council's decision.

Should affected parties decide to appeal, you can write to the following address:

The Municipal Manager, Swartland Municipality,  Private Bag X52, Malmesbury, 7299

Please note that an appeal fee of R2260-00 is payable should you wish to appeal the decision. The appeal must be accompanied by the proof of payment and only then will the appeal be regarded as valid.



**PART M: REASONS FOR RECOMMENDATION**

1. The application is consistent with the planning principles of LUPA and SPLUMA.
2. The application is consistent with local, regional and provincial spatial planning policy.
3. The development proposal complies with all applicable zoning parameters of the Residential zone 1 zoning.
4. Erf 182 does not have any physical restrictions which may have a negative impact on this application.
5. The proposed double dwelling will complement and not have a negative impact on the character of the surrounding residential area.
6. The development proposal supports the optimal utilisation of the property.
7. The proposed land use is considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities compatible with that of the existing area.
8. The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy.
9. The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population.
10. Sufficient services capacity exists to accommodate the proposed double dwelling.
11. The removal of the relevant restrictive condition will enable a second dwelling on the property as provided for by the land use rights applicable to the property.
12. The removal of the relevant restrictive condition will not impact negatively or disadvantage surrounding/affected owners.



**PART N: ANNEXURES**

Annexure A	Locality Plan
Annexure B	Building Plans
Annexure C	Public Participation Map
Annexure D	Title Deed
Annexure E	Objection from Frances A Soloman
Annexure F	Objection from Marie Durr
Annexure G	Objection from Edward Gibbens
Annexure H	Comments from the applicant on the objections

**PART O: APPLICANT DETAILS**

First name(s)	CK Rumboll & Partners			
Registered owner(s)	J S R Beleggings Trust	Is the applicant authorised to submit this application:	Y	N

**PART P: SIGNATURES**

<b>Author details:</b> AJ Burger Senior Town & Regional Planner SACPLAN: B/8429/2020		Date: 28 January 2022		
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 28 January 2022		



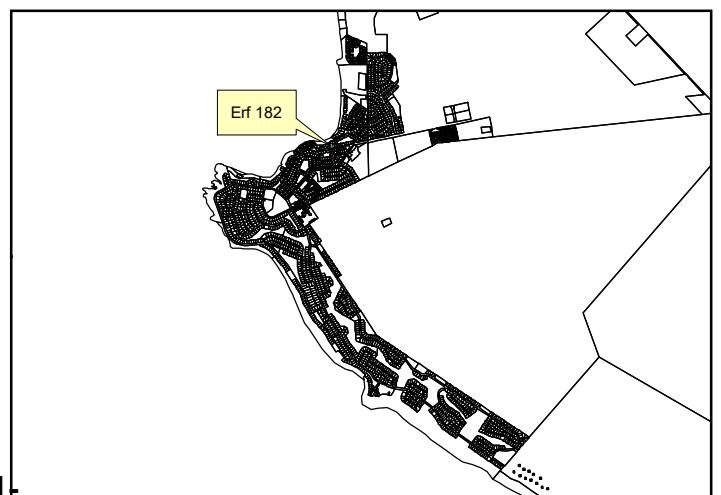


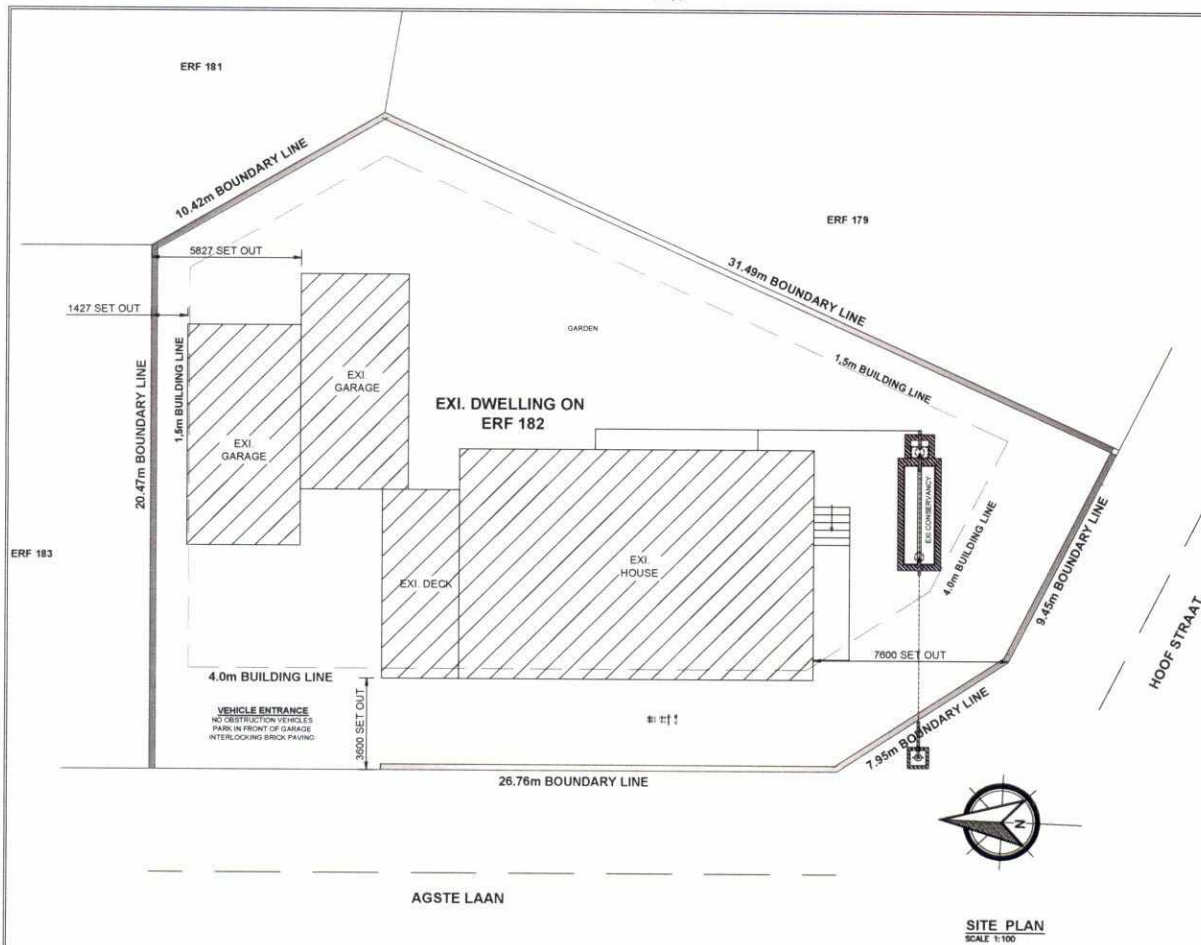
Proposed removal of restrictions and  
consent use

Erf 182, Yzerfontein

Locality plan

Scale: N/A

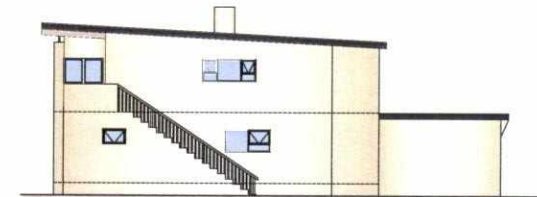




SITE PLAN  
SCALE 1:100



NORTH ELEVATION  
SCALE 1:100



SOUTH ELEVATION  
SCALE 1:100



WEST ELEVATION  
SCALE 1:100



EAST ELEVATION  
SCALE 1:100

<p><b>NOTES:</b></p> <p>RIDER PLAN REVISION 01 FIRST FLOOR INTERNAL WALLS NO FOOTPRINT CHANGED</p>	<p><b>OCCUPANCY CLASSIFICATION:</b> H4 (RESIDENTIAL DWELLING) LOW COMPLEXITY</p> <p><b>NO BUILDING WORK TO:</b> ENCROACH ON ERF BOUNDARIES</p> <p>• THIS DRAWING IS FOR INFORMATION AND RENDERING THE PROPERTY OF THE OWNER. • NOT TO BE USED FOR ANY OTHER PURPOSE. • ALL RELEVANT LEVELS, DIMENSIONS AND DETAILS TO BE VERIFIED ON SITE BY THE OWNER AND TO BE RECORDED IN THE RECORD OF WORKS TO BE REPORTED TO THE DEPARTMENT OF MUNICIPALITY. • ALL WORK PERFORMED TO BE INSPECTED AND APPROVED BY THE DEPARTMENT OF MUNICIPALITY HEALTH AND SAFETY ACT/ACT NO. 65 OF 1973</p>
<p><b>PROJECT DESCRIPTION:</b></p> <p>EXI DWELLING ON ERF 182 CNR. 88TE LAAN &amp; HOOF STREET, YZERFONTEIN 7351</p>	<p><b>DRAWING DESCRIPTION:</b> ELEVATIONS, SECTIONS &amp; DRAINAGE COUNCIL SUBMISSION</p>
<p><b>DRAWING:</b></p> <p>1 OF 2</p>	<p><b>DATE:</b> 05/08/2019</p>
<p><b>DRAWN BY:</b> S. SMITH</p>	<p><b>DRAWING NO.:</b> SVM-001-02</p>
<p><b>PARKING SCHEDULE:</b></p> <p>N/A</p>	<p><b>COVERAGE SCHEDULE</b></p>
<p><b>SITE:</b> 713.0m<sup>2</sup> <b>GROUND FLOOR:</b> 164.0m<sup>2</sup> <b>FIRST FLOOR:</b> 147.0m<sup>2</sup> <b>DECK AREA:</b> 35.5m<sup>2</sup> <b>TOTAL GARAGE:</b> 73.0m<sup>2</sup> <b>FOOTPRINT:</b> 237.0m<sup>2</sup></p>	<p><b>COVERAGE</b></p> <p>33.23%</p>
<p><b>CLIENT:</b> MRS. S. VAN DER MERWE</p> <p><b>DATE:</b></p> <p><b>CLIENT SIGNATURE:</b></p> <p><b>DATE:</b></p>	<p><b>GENERAL NOTES:</b></p> <p>ALL BUILDING WORK TO BE DONE IN ACCORDANCE WITH THE ENGINEERING DRAWINGS AND ALL BUILDING WORK TO BE DONE IN ACCORDANCE WITH THE RELEVANT REGULATIONS.</p> <p>BUILDER HAVE TO BUILD IN ACCORD TO ALL EXTERNAL WALLS AT EACH FLOOR, BEAR, PARTIAL LEVEL, WINDOWS, DOORS AND OTHER OPENINGS IN EXTERNAL WALLS, GUTTER WALLS TO HAVE STEEP SLOPE.</p> <p>BENCH MARKS TO BE Laid AT EVERY THIRD SOURCE OF ALL WALLS.</p> <p>TOP OF FOUNDATION TO BE A MINIMUM OF 300mm BELOW F.F.L.</p> <p>CONTRACTORS ARE TO LOCATE AND IDENTIFY EXISTING SERVICES ON SITE AND TO PROTECT THERE FROM DAMAGE THROUGHOUT THE COURSE OF THE WORK.</p> <p>PARTIAL 300mm FINE GROUT TO BE SPECIFIED TO BE FIXED Rafter MANUFACTURER.</p> <p>WATERPROOFING MEMBRANE ON 300mm WALLS AS PRESCRIBED BY MANUFACTURER.</p> <p>ANY DISCREPANCIES HAS TO BE REPORTED TO ARCHITECT BEFORE WORK IS PUT TO HAND.</p>
<p><b>DRAINAGE NOTES:</b></p> <p>DRAINAGE AND PLUMBING TO BE DONE IN ACCORDANCE WITH THE RELEVANT AND LOCAL BY-LAWS AND REGULATIONS.</p> <p>WATER AND SEWER TO BE PROVIDED TO ALL JUNCTIONS, RISER AND CHARGE IN DIRECTION OF FLOW OR WATER FLOW.</p> <p>ANY SEWER PIPES PASSING UNDER BUILDINGS TO BE CHARGED IN A MINIMUM OF 100mm (CONCRETE ALL RINGS)</p> <p>MINIMUM FALL OF DRAIN PIPES @ 1:40</p> <p><b>M ERASMUS</b> TEL : 081 089 4392 53 BEDDIA STREET MALMEBURG REGISTRATION NO : 00606</p> <p><b>SIGNATURE:</b> </p>	<p><b>Annexure B</b></p>





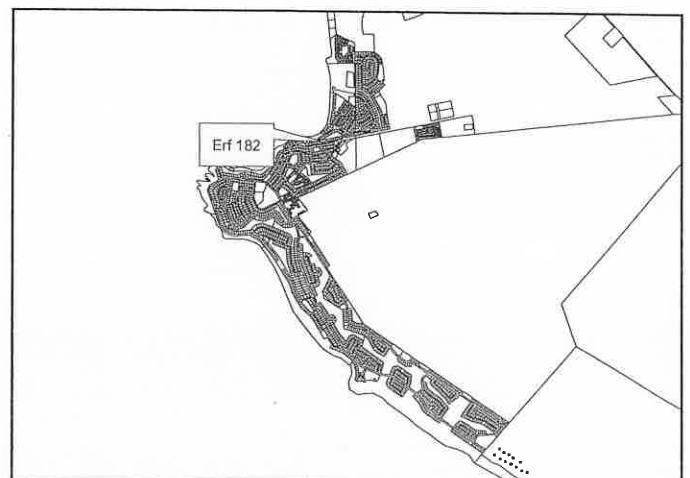


Voorgestelde opheffing en vergunningsgebruik

Erf 182, Yzerfontein

Publieke deelname

Skaal: NVT



**285**

MAGNUS STEENKAMP  
 PROKUREURS  
 Gebou 1  
 Oude Westhof Village Square  
 Van Riebeeckshofweg  
 Bellville  
 7530  
 Suid-Afrika

Opgestel deur my



TRANSPORTBESORGER  
 MAGNUS DANIEL STEENKAMP

Fee endorsement		
	Amount	Office fee
Purchase price/value	R. 3 800 000.00	R. 1691.00
Mortgage capital Amount	R. ....	R. ....
Reason for exemption	Exempt i.t.o.	
	Cat. ....	section .... Act ....

T 000027412 / 2020

## TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

**JACOBUS PETRUS VAN ZYL**

voor my verskyn het, REGISTRATEUR VAN AKTES te KAAPSTAD, hy die genoemde komparant synde behoorlik daartoe gemagtig kragtens 'n Volmag aan hom verleen deur

**SCHALK WILLEM VAN DER MERWE**  
 Identiteitsnommer 520821 5126 18 0  
 Getroud buite gemeenskap van goed

geteken te Porterville op 5 Augustus 2020



En genoemde Komparant het verklaar dat sy prinsipaal, op 17 Julie 2020, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

**Die Trustees indertyd van  
JSR BELEGGINGS TRUST  
Registrasienommer IT3114/1996**

diese Opvolgers in Amp of Regverkrygendes, in volkome en vrye eiendom

**ERF 182 YZERFONTEIN  
IN DIE SWARTLAND MUNISIPALITEIT  
AFDELING MALMESBURY  
WES-KAAP PROVINSIE**

**GROOT : 713 (SEWE HONDERD EN DERTIEN) Vierkante Meter**

**AANVANKLIK OORGEDRA** kragtens Transportakte Nommer T10074/1948 met Kaart Nommer 715/1937 wat daarop betrekking het en gehou kragtens Transportakte Nommer T49148/1991 en Transportakte Nommer T14318/2007 en Transportakte Nommer T30182/2018.

**A. ONDERHEWIG** aan die voorwaardes vervat in Transportakte Nommer T34422/1971.

**B. ONDERHEWIG** aan die voorwaardes waarna verwys word in gesegde Transportakte Nommer T10074/1948 en aan die spesiale voorwaardes vervat in die Kroongrondbrief Nommer 78/1936 Nommers 5 en 6 van welke spesiale voorwaardes as volg lees:

5. ....

6. Dat geen gebou op die grond binne 15,24 meters van die Hoogwatermerk van die see opgerig sal word nie, en dat 'n oop ruimte van 15,24 meters bo die Hoogwatermerk van die see vir die ongehinderde gebruik van die publiek vrygelaat sal word.

DIE VERDERE voorwaardes vervat in gesegde Kroon Grondbrief Nr. 78/1936 het betrekking op en maak voorsiening vir:

- (a) Bestaande paaie en deurgange vry en ongestoord gelaat te word;
- (b) Die toestaan van noodweë en die maak van nuwe paaie;



- (c) Die maak van publieke paaie, spoorweë, damme, waterslote en vore, telegraaf en telefoonlyne, en die daarstelling van uitspanne;
- (d) Die weer in besitneming van die gesegde grond of gedeelte daarvan deur die Goewerneur-Generaal op sekere voorwaardes.

**C. ONDERHEWIG AAN** die volgende voorwaardes vervat in gesegde Transportakte Nommer T10074/1948, opgelê deur die Administrateur by die goedkeuring van YZERFONTEIN DORP synde ten gunste van die geregistreerde eienaar van enige erf in die gesegde Dorp naamlik:

- "1. That the erf be used for residential purposes only;
- 2. That the erf be no subdivided;
- 3. That not more than one dwelling, together with the necessary outbuildings and appurtenances, be erected on the erf;
- 4. That not more than one-half of the area of the erf be built upon;
- 5. That no building shall be erected within 3,15 metres of any street line which forms a boundary of the erf, or within 3,15 metres of the open space where it forms a boundary of the erf on the sea font;
- 6. That when any of the existing buildings are demolished the building line laid down in (5) shall apply."

SYNDE ten gunste van die Plaaslike Owerheid:

- "7. That the owner of each erf<sup>ii</sup> whether the applicant for the establishment of the township or any future owner shall be obliged to allow the drainage or sewerage of any other erf or erven to be conveyed over such erf if deemed necessary by the local authority, and in such manner and in such position as may from time to time reasonably be required by the local authority."

**D. ONDERHEWIG** aan die volgende voorwaardes vervat in gesegde Transportakte Nommer T10074/1948, opgelê deur die Yzerfontein Seaside Estates (Proprietary) Limited ten gunste van hulself solank as wat hulle enige erwe in Yzerfontein Dorp besit en ten gunste van enige Plaaslike Owerheid wat tot stand mag kom in Yzerfontein Dorp en enige geregistreerde eienaar van enige erf in die gesegde Dorp, naamlik:

- "1. That no building shall be erected on any erf until the plans and specifications thereon have been submitted to and approved by the company or in the event of a local authority being established at Yzerfontein Township, by such local authority."

E. **ONDERHEWIG EGTER** aan die volgende voorwaardes vervat in gemelde Transportakte Nommer T10074/1948, naamlik:

"That the owner of this erf or his successors in title shall be entitled with other owners of erven in Yzerfontein Township site to be taken an equal share of the water in the reservoir erected by the Company on Lot No. 102, Yzerfontein Township site."

1111

1111





WESHALWE die komparant afstand doen van al die regte en titel wat

**SCHALK WILLEM VAN DER MERWE , Getroud soos vermeld**


voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat hy geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat, kragtens hierdie akte, bogenoemde

**Die Trustees indertyd van JSR BELEGGINGS TRUST  
Registrasienommer IT3114/1996**

diese Opvolgers in titel of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hulle dat die verkoopprijs die bedrag van **R3 800 000,00 (DRIE MILJOEN AGT HONDERD DUISEND RAND)** beloop.

TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op hede die

23 SEP 2020  
  
\_\_\_\_\_  
q.q.

In my teenwoordigheid

  
\_\_\_\_\_  
REGISTRATEUR VAN AKTES

||||





PER REGISTERED POST

PO Box 70  
DARLING  
7345Mr JJ Scholtz  
Municipal Manager  
Swartland Municipality  
Private Bag X52  
MALMESBURY  
7299File Ref: 15/3/5-14/Erf \_182  
15/3/10-14/Erf \_182

Dear Sir

Re: **PROPOSED REMOVAL OF RESTRICTIVE CONDITION AND CONSENT USE ON ERF 182  
YZERFONTEIN.**

Although this property is zoned as a single residential erf, at present there are three living units on this property. Two are permanently occupied, providing the owner with an income. This is a working arrangement. It is not in human nature to now comply with regulations unless there is a benefit to the owner. The only benefit would be to alienate the units individually or densifying the living units on the property. In order for this to happen, the single residential zoning needs to be replaced by sectional title zoning. I believe this to be the ultimate objective. Therefore I strongly object to the removal of the single residential zoning on Erf 182.

Should this Erf achieve sectional title zoning, the bulk coverage and height permitted would change. The value of surrounding single residential erven would be negatively impacted. They would no longer enjoy the tranquil atmosphere of a seaside village which is highly valued. This, together with views and the proximity to a safe swimming beach, add great value to properties.

The municipal services, especially sewerage, are not at present coping with the dual living on the property. Densification certainly will add to additional demand which cannot be met.

Eighth Street is a very short road with three double driveways taking access off of it. There are red no parking markings on half the left lane to the beach. Presently this creates a hazardous situation for parking in the road. It is a major beach access road which will become more hazardous with additional demands.

Thank you for the opportunity to object to the removal of restrictive conditions and the changing of consent use on Erf 182, both of which will negatively affect the community. For the above-mentioned reasons, as a direct neighbour, my personal lifestyle will also be negatively impacted, as will the value of my property. I therefore trust that my objection will be favourably considered.

Kindly confirm receipt hereof before the closing date of 11 October 2021 per registered post, as well as on Whatsapp.

Yours sincerely

  
FRANCES A SOLOMON  
082 255 6687  
solfran.66@gmail.com


MUNISIPALITEIT SWARTLAND				REG	11
LEER No: 15/3/5-14/Erf.182				FOLIO No:	
Vanvys lys	Inligting	Verslag	Afhandel	Kom/Taar	
Beig					
Ander Opdrag: 15/3/10-14/Erf-182					
SPERDATUM:					(get)BK

MUNISIPALITEIT SWARTLAND		REC	
REF NO.	15/3/5-14/Erf-182	FILE NO.	
VERVOER	Inligting	Verslag	Afhandel
SSSB			
Del			
Ander Opdrag:		15/3/10-14/Erf-182	
SPERDATUM:		(get)BK	

Klein Alphen  
10 Spaarman Ave  
Constantia  
7806  
4 October 2021

The Municipal Manager  
Swartland Municipality  
Private Bag X52  
Malmesbury  
7299  
Email address – swartlandmun@swartland.org.za

**Re: Proposed Removal of Restrictive Title Condition and Consent of Use on Erf 182, Yzerfontein**

Dear Madam/Sir,

Your Notice of Application of Proposed Removal of Restrictive Title Condition and Consent of Use on Erf 182, Yzerfontein dated 6 September 2021, Reference no's: 15/3/5-14/Erf\_182 and 15/3/10-14/Erf\_182 (your "Notice") refers.

Further to your Notice, I, Marie Durr (Identity Number 3501080043080 of Klein Alphen, 10 Spaarman Avenue, Constantia, 7806), being the registered owner of Erf 183, Yzerfontein, located at 12a Beach Road, Yzerfontein, which is immediately adjacent to Erf 182 Yzerfontein, don't object to the following applications referred to in your Notice (subject to the conditions below):

- the removal of restrictive condition C3 of Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) from Deed of Transfer n: T27412/2020; and
- the consent to use for a double dwelling on ERF 182, Yzerfontein

I don't object subject to the following conditions:

- a suitably sized additional septic tank is to be constructed on Erf 182; and
- both units are to have a garage and 2 parking spaces in front of each garage which provides 3 parking spaces per dwelling (in other words so that 3 parking spaces are available for each unit with adequate paving in front of the garages, totalling 6 parking spaces at Erf 182).



Having studied the Owner of Erf 182's Motivational Report for the Removal of the restrictive title condition and consent to use a double dwelling on Erf 182, the following are the reasons for my above conditions:

1. The septic tank (under the driveway of Erf 182 near to my property) regularly overflows (roughly once every 4-6 weeks). This results in bad smell and effluent flowing down the gutter outside my property at Erf 183 to the drain at the corner of Eighth and Main Street. As a result, my family has had to request the occupants of Erf 182 to have their septic tank emptied by the Municipality.
2. In addition to the cars in the two garages, several cars and a caravan are frequently parked on Erf 182, which results in some of the cars from Erf 182 having to park on Eighth Street adjacent to my property.

Were the above two conditions to be complied with, I believe that this would alleviate my above concerns.

My preferred method of communication is email, where you can contact me at the following email address – [mdurr35@gmail.com](mailto:mdurr35@gmail.com)

Please confirm receipt.

Yours sincerely

 ..... signed 4<sup>th</sup> October 2021.

Marie Durr

CC

CK Rumboll & Vernote

PO Box 211

Malmesbury

7299

JSR Beleggings Trust

PO Box 51

Darling

7345

EFG Family Trust  
Erf 185  
10 Beach Road  
Yzerfontein  
27 September 2021

The Municipal Manager  
Swartland Municipality  
Private Bag X52  
Malmesbury  
7299

**Removal of restrictive title condition and consent use on erf 182, Yzerfontein**

Dear Sir / Madam,

I refer to the email received from your office on 6 September 2021.

Please note the following:

- ☐ I write to you on behalf of the EFG Family Trust
- ☐ Although my physical address in Yzerfontein is as per the above, my preferred address for receiving notice or service of documents relating to this matter, is as follows:
  - Postal: 345 De Zalze Estate, Stellenbosch, 7600
  - Physical: 11 Hendrik Boom Street, De Zalze Estate, Stellenbosch, 7600
  - Email: ed.gibbens@gmail.com
- ☐ My interest in the application: I am the owner of a neighboring property.

I respectfully object to the application as set out in your letter for the following reasons:

1. During peak seasons, the parking in the area is a problem already. With two units on one plot, the parking cannot be enough to accommodate guests. The fact that the property is on the corner, makes it even worse, as they will not be able to park in the street. If they do park in the street, it creates a safety risk. Keep in mind that Yzerfontein is a holiday destination and have many pedestrians.
2. With double the number of occupants on one plot, I can only imagine that the sewage infrastructure (conservancy tank capacity) is insufficient, especially if it has not been upgraded recently to conform with the latest municipal regulations.
3. The noise levels of having double the amount of people than normal, will be unacceptable.
4. I believe it will impact the value of my property negatively for the reasons listed above.
5. If I give consent to one neighbor, it will be difficult to not do so for others. I did not buy my property to be surrounded by double dwellings as it will have a very negative impact on our privacy.

Please confirm receipt of my objection in writing.

Yours sincerely.



Edward Gibbens  
0832973629



11/11/2021

REF: YZ/12050/CVDW/JL

ATTENTION: Mnr. A. Zaayman

Municipal Manager  
Swartland Municipality  
Private bag X52  
**MALMESBURY**  
7300

Mr,

### **RESPONSE TO COMMENTS:**

#### **PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE ON ERF 182, YZERFONTEIN**

With reference to the letter dated 14 October 2021 received from Swartland Municipality regarding the objections against the proposed removal of restrictive conditions and consent use on Erf 182, Yzerfontein. Please find attached our comments to the objections.

During the public participation period, an objection was received from the following individuals/ neighbours:

1. Frances A Soloman
2. Marie Durr
3. Edward Gibbens

The letters as received were evaluated by this firm and the following comments are provided.

Objector	Objections	Comments
Frances A Soloman	1. Although this property is zoned as a single residential erf, at present there are three living units on this property. Two are permanently occupied, providing the owner with an income. This is a working arrangement. It is not in human nature to now comply with regulations unless there is a benefit to the owner. The only benefit would be to alienate the units individually or densifying the living units on the property. In order for this to happen, the single residential zoning needs to be replaced by sectional title zoning. I believe this to be the	1. According to the owner and the building plans there are only two dwellings on this property. One dwelling is located on the ground floor and the other on the first floor.  The proposed application is for a consent use to allow a double dwelling and not a rezoning application and therefore this application does not seek to change the single residential zoning of the property.

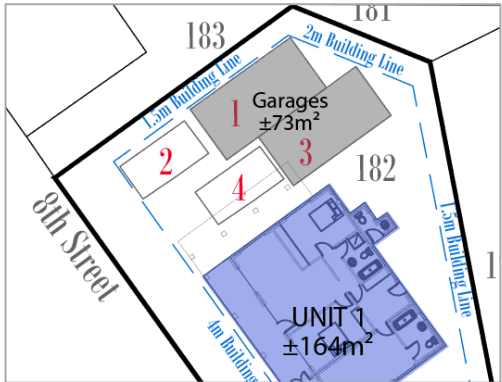
#### **VENNOTE / PARTNERS:**

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.



	ultimate objective. Therefore I strongly object to the removal of the single residential zoning on Erf 182.	
	<p>2. Should this Erf achieve sectional title zoning, the bulk coverage and height permitted would change. The value of surrounding single residential erven would be negatively impacted. They would no longer enjoy the tranquil atmosphere of a seaside village which is highly valued. This, together with views and the proximity to a safe swimming beach, add great value to properties.</p>	<p>2. As mentioned above, this application does not seek to change the zoning of the property but rather to apply for a consent use to allow a double dwelling on the property.</p> <p>This therefore does not change the parameters of the property. The coverage and height permitted does not get impacted by this application. The double dwelling still displays as a single residential entity with all the exiting parameters of a Residential Zone 1 property.</p> <p>Furthermore, the owner of Erf 182 will be subject to the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019). All residents of the dwelling units will need to adhere to these regulations as well. This will ensure low noise pollution.</p>
	<p>3. The municipal services, especially sewerage, are not at present coping with the dual living on the property. Densification certainly will add to additional demand which cannot be met.</p>	<p>3. This application is subject to comments from Swartland Municipality's Engineering Department who will determine if the service infrastructure is adequate to handle this proposed development. It is important to note that these dwellings are existing and therefore will not place additional pressure on the service infrastructure.</p> <p>Additionally, the owner of the property is likely to pay for the pressure placed on the service infrastructure in the form of development charges subject to Swartland Municipality's Engineering Department comment on this application.</p>



	<p>4. Eighth Street is a very short road with three double driveways taking access off of it. There are red no parking markings on half the left lane to the beach. Presently this creates a hazardous situation for parking in the road. It is a major beach access road which will become more hazardous with additional demands.</p>	<p>4. In terms of Section 13 of the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020), 2 parking bays per dwelling unit and 1 additional bay need to be provided for an additional dwelling unit. Two garages (2 parking bays) is provided on-site along with 2 parking spaces in the driveway. Therefore, more than enough parking bays are provided on Erf 182, Yzerfontein, in accordance with the Swartland Municipal By-Law on Land Use Planning (PG 8226) as shown in the figure below.</p> 
	<p>5. Thank you for the opportunity to object to the removal of restrictive conditions and the changing of consent use on Erf 182, both of which will negatively affect the community. For the above-mentioned reasons, as a direct neighbour, my personal lifestyle will also be negatively impacted, as will the value of my property. I therefore trust that my objection will be favourably considered.</p>	<p>5. Noted.</p>
Marie Durr	<p>6. My answer is no to the removal of the restrictive condition on Erf 182, Yzerfontein.</p>	<p>6. Noted. There were no reasons given for this comment.</p>
Edward Gibbens	<p>7. During peak seasons, the parking in the area is a problem already. With two units on one plot, the parking cannot be enough to accommodate guests, The fact that the property is on the corner, makes it even worse, as they will not be able to park in the street. If they do park in the</p>	<p>7. Please refer to comment 4 above.</p>

**VENNOTE / PARTNERS:**

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.



	street, it creates a safety risk. Keep in mind that Yzerfontein is a holiday destination and have many pedestrians.	
	8. With double the number of occupants on one plot, I can only imagine that the sewage infrastructure (conservancy tank capacity) is insufficient, especially if it has not been upgraded recently to conform to the latest municipal regulations.	8. Please refer to comment 3 above regarding the service infrastructure.
	9. The noise levels of having double the amount of people than normal, will be unacceptable.	9. The owner of Erf 182, Yzerfontein, will be subject to the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019). All residents of the dwelling units will need to adhere to these regulations as well. This will ensure low noise pollution.
	10. I believe it will impact the value of my property negatively for the reasons listed above. If give consent to one neighbour, it will be difficult to not do so for others. I did not buy my property to be surrounded by double dwellings as it will have a very negative impact on our privacy.	<p>10. The Each property owner has the right to develop his/her property to its full potential in accordance with the development parameters as set out in the <i>Swartland Municipal By-Law on Land Use Planning (PG 8226)</i>. If future development is within the parameters set out in the mentioned By-law it will not negatively affect the surrounding neighbours.</p> <p>Furthermore, the relevant authority may not restrict the application on grounds of the potential financial implications as specified under Section 59(1)(f) of Chapter VI of the Land Use Planning Act: "acompetent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its decretion solely on the ground that the value of the land or property will be affected by the outcome of the application</p>

This office is of the opinion that this application will have no negative impact on the surrounding properties but rather fulfil the proposals of the Swartland SDF to increase density for next 20 years (which ends in 2028)

**VENNOTE / PARTNERS:**

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

# CK RUMBOLL & VENNOTE / PARTNERS



PROFESSIONAL SURVEYORS~ ENGINEERING AND MINE SURVEYORS~ TOWN AND REGIONAL PLANNER~ SECTIONAL TITLE CONSULTANTS

---

from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein. Densify in accordance with zone proposals through: Subdivision (sectional title), Infill development, Renewal, restructuring and Sectional title subdivision of existing houses on single residential erven. This is done with minimal impact whilst providing additional housing opportunities in Yzerfontein.

We trust you find the above in order.  
Friendly greeting,

A handwritten signature in black ink, appearing to read 'Zanelle' or 'Nortje'.

---

Christopher van der Walt/Zanelle Nortje  
FOR CK RUMBOLL & PARTNERS

---

#### VENNOTE / PARTNERS:

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

---

ADDRESS/ ADRES: [planning2@rumboll.co.za](mailto:planning2@rumboll.co.za) / PO Box 211 / Rainierstr 16, Malmesbury, 7299  
MALMESBURY (T) 022 482 1845 (F) 022 487 1661





31 January 2022

15/3/4-14/Erf 1192

15/3/5-14/Erf 1192

15/3/10-14/Erf 1192

WARD: 5

## ITEM 6.2 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 9 FEBRUARY 2022

LAND USE PLANNING REPORT PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE ON ERF 1192, YZERFONTEIN					
Reference number	15/3/4-14/Erf 1192 15/3/5-14/Erf 1192 15/3/10-14/Erf 1192	Submission date	22 October 2021	Date finalised	31 January 2022

PART A: APPLICATION DESCRIPTION					
<p>An application for removal of restrictive title conditions on Erf 1192, Yzerfontein, in terms of section 25(2)(f) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. It is proposed that restrictive condition B7(a) and B7(b), of Deed of Transfer T48073/2018 be removed. The purpose of the application is to remove restrictive condition regarding the use of the premises and building lines.</p> <p>An application for consent use for a double dwelling on Erf 1192, Yzerfontein in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) has been received. The proposal entails that the existing dwelling be converted with additions in order to accommodate a double dwelling house. A double dwelling is a structure that forms one architectural unit but contains 2 dwelling units.</p> <p>The application for a departure of the development parameters on Erf 1192, Yzerfontein in terms of section 25(2)(b) of Swartland Municipality : Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) has been received. The departure entails the departure of the 4m street building line to 3,4m.</p> <p>The applicant is C.K. Rumboll and Partners and the property owners are R &amp; LL Jansen van Rensburg.</p>					
PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	ERF 1192 YZERFONTEIN				
Physical address	18 Seaview Crescent		Town	Yzerfontein	
Current zoning	Residential Zone 1	Extent (m <sup>2</sup> )	m <sup>2</sup>	Are there existing buildings on the property?	<input checked="" type="checkbox"/> N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	Dwelling house		Title Deed number & date	T48073/2018	
Any restrictive title conditions applicable	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	If Yes, list condition number(s)	B 7(a) This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purpose 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 7 (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 meters 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.....
Any third party conditions applicable?	Y	N	If Yes, specify	
Any unauthorised land use/building work	Y	N	If Yes, explain	The existing dwelling have not been erected as approved on the building plan. This specifically impacts the street building line where stairs and a pergola have been erected 3,4m from the street boundary

#### PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning		Permanent departure	✓	Temporary departure		Subdivision	
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions	✓
Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval	
Determination of zoning		Closure of public place		Consent use	✓	Occasional use	
Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use			

#### PART D: BACKGROUND

A building plan was approved on the 6<sup>th</sup> of August 2019 for a new dwelling to be built on the subject property. Building work commenced and minor alterations was proposed on an "as-built" plan dated February 2020. On the submission of the as-built plan the applicant was advised that an application for the removal of restrictions need to be made given that the fact that the dwelling was erected 4,5m from the street in lieu of the 5m title deed restriction. Please refer to the copies of the plans attached as annexure C and D. On the 22<sup>nd</sup> of October 2021 the Municipality received the said application, however it also included a departure of the street building line as well as a consent use in order to convert the existing dwelling into a double dwelling house with additions proposed to the rear of the property. Please refer to the photos below as well as the proposed building plan attached as Annexure E.

The property is currently zoned Residential zone 1. A double dwelling house is permitted as a consent use under the Residential zone 1 zoning.





#### PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y

N

If yes, provide a brief summary of the outcomes below.

#### PART F: SUMMARY OF APPLICANT'S MOTIVATION

(Please note that this is a summary of the applicant's motivation and it, therefore, does not express the views of the author of this report)

The applicant motivates that in their opinion the proposed removal of restrictive title conditions, departure and consent use will not influence the property or the surrounding environment negatively. Secondly the proposed development is supported by the Swartland Spatial Development Framework (SDF) that guides sustainable future development in Yzerfontein.

The applicant motivates that the proposal is consistent with the planning principles of SPLUMA and LUPA as follows;

Spatial Justice

The use of the property for residential purposes is in line with the applicable zoning regulations as well as SDF proposals for the area in which the property is located.

Spatial Sustainability	The application for the removal of restrictive title deed conditions and relaxation of the street building line will not adversely impact the property or the surrounding environment. No land use change is proposed and the status quo on the property will remain the same.
Efficiency	Without the restrictive conditions, the property can be developed to its full potential in accordance with the Swartland SDF (2019) and Zoning Scheme Regulations set out in Schedule 2 of the Municipal Land Use Planning By-Law (2020). The zoning scheme regulations can be considered sufficient in regulating future development.
Spatial resilience	The spatial resilience of the property is increased with the proposed removal of restrictive conditions seeing as the property will not be restricted to certain development parameters. More flexible development opportunities promote sustainable livelihoods.
Good administration	All decision-making regarding the outcome of the application will be guided by relevant statutory land use planning systems.

The applicant is also of opinion that the Swartland Municipal Land Use Planning By-Law, SDF and Zoning scheme are sufficient to guide development in the Swartland area and therefore the restrictions registered against the title deed are not necessary.

According to the applicant the property will be allowed to be developed to its full potential and the proposal will not have a negative impact on surrounding owners, as the status quo on the property will remain the unchanged.

Furthermore, all services on the subject property will remain the same and is not affected by the proposed application.

Access to the property is also obtained from Seaview Crescent on the eastern side of the property. There is, according to the applicant, sufficient parking provided on the property to accommodate both units of the double dwelling house.

In terms of the Removal of restrictions the applicant motivates that:

- The conditions were imposed by the Administrator for the benefit of the town and had no financial or other value for the beneficiary. The value of the conditions relates to land use restrictions that preserve and protect the character of the built environment. The Swartland Zoning Scheme consist over similar land use provisions that have the same effect in preserving and protecting the character of areas, thus keeping the restrictive conditions have no value to the township anymore.
- There are no personal benefits to the holder of rights seeing as the rights are in favour of the town as explained in the previous point.
- The inclusion of the said restrictive conditions in the title deed of Erf 1192, results in restrictions being placed on development possibilities for the property of which the restrictions are not always in line with the new planning philosophies such as densification, effectiveness and resilience. The removal of said restrictive conditions will enable the property to be developed to its full potential as determined and guided by spatial policies such as the Swartland SDF.
- There is no social benefit if the restrictive conditions remains in place in its existing form as it will not allow the property owners to exercise their land use rights to utilise the property to its full potential, for example, a double dwelling house.
- This will result in more compact, diverse and resilient development on the property in the future and enable the property to be developed to its full potential.
- Not all rights in favour of the Administrator is proposed for removal, only the rights relating to development parameters seeing as the need and desirability of development opportunities for Erf 1192, Yzerfontein, have changed over time.

For the departure the applicant motivates that;


- The proposal will not negatively affect the privacy of the surrounding properties, as the dwelling unit encroaches onto the street building line.
- Since Erf 1192 is not located on a street corner, the small encroachment to the street building line will not adversely affect the view of traffic.
- Due to the slope of the area, the relaxation of the street and side building lines will not adversely affect the sea view of the surrounding properties;
- The dwelling unit has been erected ±3 years ago with no formal complaint or accidents reported.
- The property is located in a quiet neighbourhood with very limited traffic, the relaxation will therefore not have an adverse impact on the flow of traffic in the area.

*Note: The applicant does state that the purpose of this motivational report is to apply for a consent use on Erf 1192, Yzerfontein, in order to transform the existing building into a double dwelling house. From the proposed building plans it is however very clear that the proposal includes a whole new extension to the existing building.*

PART G: SUMMARY OF PUBLIC PARTICIPATION					
Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?				Y	N
<p>The application was advertised in the local newspapers and Provincial Gazette on 2 November 2021 and a total of 29 registered notices were issued to affected parties. Where e-mail addresses were available, affected parties were notified via e-mail as well.</p> <p>Please refer to Annexure F for public participation map.</p>					
Total valid comments	2		Total comments and petitions refused	0	
Valid petition(s)	Y	N	If yes, number of signatures		
Community organisation(s) response	Y	N	Ward councillor response	Y	N
			The application was forwarded to councillor Rangasamy, but no comments were received.		
Total letters of support	2				

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Date received	Summary of comments	Recommendation	
			Positive	Negative
Building Control	03-11-2021	Building plans to be submitted to for consideration of approval	Comments only	
Electrical Engineering Services	26-10-2021	No comments	No comment	
Protection Services	02-11-2021	No comments	No comment	
Department: Civil Engineering Services	11 March 2021	1. <u>Water</u>  The property be provided with a single water connection;	Comments only	
		2. <u>Sewerage</u>  The property be provided with a conservancy tank with a minimum capacity of 8000 litres that is accessible for the service vehicle from the street.		
		3. Streets and Storm water  In order		
		3. <u>Other</u>  That the fixed cost capital contributions be made as follows:		



PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
Werner Rooven 	<p>Mr van Rooyen first would like clarity with regards to the application and therefore asks that should the dwelling be converted into two dwellings and be used for rental purposes or the operation of a guesthouse, then he objects to the proposal.</p>		<p>It is clearly stated in the notice that application is made for a double dwelling house. A double dwelling house is defined as a building erected for residential purposes that is designed as a single architectural entity containing two dwelling units on one land unit;</p> <p>A dwelling unit on the other hand is defined as a self-contained inter-leading group of rooms with not more than one kitchen, used for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith;</p>
	<p>1. Mr van Rooyen is of opinion that the municipality must in its decision making consider the preservation of the community, the neighbourhood as well as its people. Swartland Municipality must therefore, according Mr van Rooyen take responsibility as well as preventative measures regarding the disturbance to the current neighbourhood, the protection of the quality of life for the true residents of Yzerfontein as well as the environment, by preventing an increase in accommodation units within neighbourhoods.</p>	<p>1. The Swartland SDF (2019) guides future development within the municipal area through strategic policy guidelines. The SDF identifies the area in which Erf 1192 is located as Zone B.</p> <p>Zone B, Pearl Bay area, consists mainly of low density residential uses along the coastal stretch to the south, with a proposed node along the beach front as well as areas for medium and high density housing opportunities.</p> <p>The Swartland SDF encourages the following:</p> <ul style="list-style-type: none"> <li>• Increase density for next 20 years (which ends in 2028) from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein.</li> </ul> <p>Densify in accordance with zone proposals through: Subdivision (sectional title), Infill development, Renewal, restructuring and Sectional title subdivision of existing houses on single residential erven.</p> <ul style="list-style-type: none"> <li>• Protect the character and historical context of surrounding environments and densify by means of infill development and willingness of owners to subdivide keeping in mind existing zonings, the character of surrounding environments and the unique sense of place and historical context of specific areas.</li> </ul> <p>The proposed development supports the notion of infill development by adding an additional unit to the property. The proposal also supports densification</p>	<p>1. The applicant does not state whether the second dwelling is proposed to be used by a family member or whether it will be rented out. It can however be confirmed that it cannot be used as a guesthouse as the owner of erf 1192, will first need special consent from the Municipality in order to do so.</p> <p>There are a number of considerations / general criteria that the Municipality must have regard to when considering an application.</p> <p>The proposed double dwelling will not have a negative impact on the character of the area nor will it result in the disturbance of the peace or the quality of life for the existing residents in the area. Secondly, the second dwelling is a form of densification which is supported by local as well as provincial planning policy.</p>

	<p>2. Mr van Rooyen also questions the total allowable coverage for dwelling units.</p> <p>3. Lastly, Mr van Rooyen states that he opposes the application if there is a safety risk or any potential safety risk with regard to the proposed application for any member of the community or residents of the dwelling at erf 1192 or residents of adjoining houses.</p>	<p>while maintaining a "single residential" character and without further subdivision of the property. This approach to densification eliminates the need for developing natural areas in order to achieve higher densities.</p> <p>Since the Swartland Spatial Development Framework encourages and supports infill development in this area, and only one additional unit is proposed, it is highly unlikely that the quality of life of the surrounding land owners will be adversely affected.</p> <p>2. Residential Zone 1 properties may have a coverage of 50%. The coverage of the proposed double dwelling house will be <math>\pm 49.87\%</math>. It therefore complies with the development parameters for Residential Zone 1 properties.</p> <p>3. The proposal complies with all the development parameters for Residential Zone 1 properties, except for the departure of street building lines of the existing building. The departure will also not be a safety risk due to the following:</p> <ul style="list-style-type: none"> <li>• Since Erf 1192 is not located on a street corner, the small encroachment to the street building line will not adversely affect the view of traffic.</li> <li>• The dwelling unit has been erected <math>\pm 3</math> years ago with no formal complaint or accidents reported.</li> <li>• The property is located in a quiet neighbourhood with very limited traffic, the relaxation will therefore not have an adverse impact on the flow of traffic in the area.</li> </ul>	<p>2. The total percentage for residential zone 1 is 50% if the property is smaller than 1000m<sup>2</sup>.</p> <p>3. The proposed application does not pose a safety risk or potential safety risks for any member of the community.</p>
W.S. Conradie as owner of erven 1126 & 1127	<p>Mr Conradie strongly objects against the proposed application for the removal of restrictions, consent use as well as departure on erf 1192, Yzerfontein for the following reasons:</p> <p>4. Mr Conradie questions how the existing dwelling was authorised if it was built over the required building lines.</p> <p>Mr Conradie states that it is concerning that application is made</p>	<p>4. The existing dwelling house on Erf 1192, Yzerfontein, has been built over both the street building lines and the restrictive title building lines. Part of this application is to authorise the existing building which was wrongly built, while also applying for a double dwelling unit to contribute to residential accommodation in Yzerfontein.</p>	<p>4. On the 6th of August 2019 building plan approval was granted for a proposed dwelling that complies with all the parameters and title deed restrictions. It is clear from the proposed application that the dwelling was not erected in accordance with the approved plans as it is positioned much closer to the street. Occupying</p>

	<p>for a removal of restriction, consent use and departure however the existing dwelling has not yet been approved as well as that the owners have been occupying the dwelling for almost 2 years.</p> <p>5. Secondly, Mr Conradie objects on the grounds that the application does not state the purpose of the second dwelling as well as what it will be used for.</p> <p>6. Mr Conradie is also concerned that the owners of the subject property as well as the neighbouring property, erf 1125, applies for high density housing which negatively affect their privacy.</p> <p>7. Thirdly, Mr Conradie states that the second dwelling high density is unacceptable as it will restrict the view of erf 1199, 1200 as well as 1189.</p>	<p>As mentioned in point 3 above, the departure of street building lines to accommodate the existing building will not have an adverse impact on any of the surrounding properties, and should therefore be supported. New building plans will be submitted once the land use application is finalised.</p> <p>5. The proposed double dwelling house will be utilised for additional residential purposes as supported and encouraged by the Swartland SDF.</p> <p>6. Refer to point 1. A double dwelling house is considered a consent use under Residential Zone 1 properties. The SDF encourages higher density development in this area.</p> <p>7. The proposal is within the development parameters for Residential Zone 1 properties and none of these two land owners objected to the application. The proposal should therefore be supported.</p>	<p>a building without an occupation certificate is an offence.</p> <p>5. As mentioned above the second dwelling unit can only be used for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith</p> <p>6. The proposed double dwelling house on erf 1192 will not affect the privacy of the neighbouring properties negatively, especially the objectors property due to it being situated quite some distance away.</p> <p>7. As mentioned by the applicant, the affected property owners were all given the opportunity to comment or object to the proposal. Mr van Rooyen, owner of erf 1199 did object but was not concerned about the impact of the proposal on their view. It should be noted that although the proposal complies with the development parameters of Residential zone 1 it does not comply with the title deed restrictions and specifically the 3m rear building line restriction. It may be argued that the only impact on erf 1199 is the fact that the proposal is to remove the 3m building line restriction.</p>
--	---	---	---



	8. Lastly Mr Conradie appeals that in his opinion the tranquil nature of the neighbourhood is threatened by these applications.	8. Refer to point 1	8. The proposal will not have a negative impact on the character / nature of the area.
Henda Pretorius as neighbouring property owner of erf 1199, Yzerfontein	Mr / Mrs Pretorius indicated that he or she takes note of the proposed application and that he / she has no objection to it.		Noted
Mr Jaco van der Merwe as owner of neighbouring property erf 1125, Yzerfontein	Mr van der Merwe indicates that they support the proposed application		Noted

## PART J: MUNICIPAL PLANNING EVALUATION

### 1. Type of application and procedures followed in processing the application

The application was submitted in terms of the By-law on 22<sup>nd</sup> October 2021. The public participation process commenced on the 2<sup>nd</sup> of November 2021 and ended on the 6<sup>th</sup> of December 2021. Objections were received and referred to the applicant for comment on the 10<sup>th</sup> of December 2021. The municipality received the comments on the objection from the applicant on the 14<sup>th</sup> of December 2021.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision-making.

### 2. Legislation and policy frameworks

#### 2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

- a) Spatial Justice: The proposed double dwelling supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society;
- b) Spatial Sustainability: The proposed development will promote the intensive utilisation of engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification;
- c) Efficiency: The development proposal will promote the optimal utilisation of services on the property and enhance the tax base of the Municipality;
- d) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The proposed double dwelling creates more affordable housing typologies in Yzerfontein.

It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned legislative measures.

#### 2.2. Provincial Spatial Development Framework (PSDF, 2014)

The PSDF describes tourism as one of the underpinning factors within the urban space economy. The development proposal can contribute to providing in the need for tourist accommodation in Yzerfontein, while minimally impacting on the character of its environment. The PSDF, 2014 also supports densification.

The development proposal may therefore be deemed consistent with the PSDF.

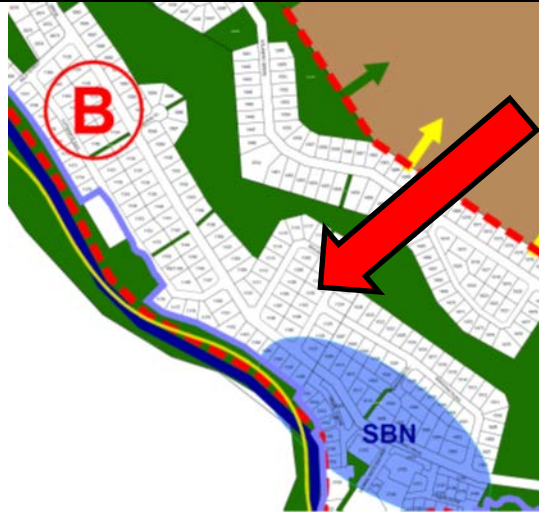
#### 2.3 West Coast District SDF (WCDSDF, 2014)

Yzerfontein is one of the major tourist attractions throughout the West Coast District. One of the strategies contained in the WCDSDF is to promote and develop tourism infrastructure within the District. The development proposal can provide in the need for accommodation by various tourists who visit the district, and thus contribute to the income derived from tourism.

The WCDSDF also supports the principle of densification. A second dwelling/double dwelling promotes the principle, optimising the use of resources and limiting urban sprawl. The proposal is thus consistent with the WCDSDF.

#### 2.4 Municipal Spatial Development Framework(SDF), 2019

The subject property is situated within a residential area, delineated as Zone B, as per the spatial proposals for Yzerfontein contained in the MSDF, 2019. The area is characterised mainly as a low density residential area along the coastal stretch to the south, with a proposed node along the beach front as well as areas for medium and high density housing opportunities. Medium density residential uses are supported in this area.



The proposal is therefore deemed consistent and not in contradiction with the land use proposals of the MSDF, 2019.

#### 2.5 Schedule 2 of the By-Law: Zoning Scheme Provisions

Except for the stairs and pergola, the proposal complies with the parameters of the development management scheme. The departure of the street building line to accommodate the existing stairs and pergola will not have a negative impact on neighbouring affected properties nor does it have a negative impact on the streetscape.

#### 3. Desirability of the proposed utilisation

There are no physical restrictions on the property that will have a negative impact on the application. The overall height of the double dwelling is lower than the maximum permissible height, which is considered a sensitive approach towards the views of surrounding properties.

The proposed application is consistent and not in contradiction with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.

The proposal is spatially resilient, as it proposes housing options that are more affordable.

The character of the surrounding area is that of a low-density residential neighbourhood. The nature of a double dwelling is to provide additional residential opportunities. The proposed land use is thus considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities compatible with that of the existing area.

The proposed activity will have a positive economic impact, as it will generate income for both the landowner, municipality (through rates and taxes) and tourism as a whole, through the spending of the new residents / visitors to the area.

The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental assets.

From the proposal it is clear that access to the property will be obtained directly from Strandloper Street. The impact of the proposal on traffic in the area will be minimal.

The development proposal is considered desirable.

#### 4. Impact on municipal engineering services

The proposed application is intended to optimise the use of existing infrastructure and municipal engineering services. Development charges will be levied in accordance with the Swartland Capital Contribution By-Law for Yzerfontein (2017).

### **PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

#### The financial or other value of the rights

The removal of the restrictive conditions may impact positively on the value of the property, albeit minimal, rather than the restrictive conditions being of any monetary value. Should the 5m street building line restriction not be removed the applicant will suffer a significant financial loss due to a portion of the existing dwelling that would need to be demolished.



The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

The rights do not relate to private rights, but rather to ensure equitable development. The By-Law will continue to perform this function even after restrictions have been removed. The departures will allow the owner to develop the property to its full potential.

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

The only possible social benefits in question are considered to be the privacy of Erf 1193 and 1199 as well as the view of erf 1190. All three property owners did not object to the proposal.

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights

Not the rights of the applicant, nor the rights of the affected property owners will be negatively impacted on. The restrictive conditions in question will be completely removed from the Title Deed, but the development parameters will continue to be regulated by the By-Law.

## **PART L: RECOMMENDATION WITH CONDITIONS**

- A. The application for the removal of title deed restrictions on Erf 1192, Yzerfontein, be 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 remove the restrictive conditions B7(a) & B7(b) registered in Title Deed T48073/2018, subject to the conditions that:

### **1. 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.

- (b) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the removal of the restrictive conditions;

- (c) 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;

- (d) A copy of the amended title deed provided to Swartland Municipality for record purposes, prior to final consideration of building plans;

- B. The application for consent use on Erf 1192, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved, subject to the conditions that:

### **1. TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use authorizes a double dwelling house, as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;

### **2. WATER**

- (a) A single water connection be provided and that no additional connections be provided;



### 3. SEWERAGE

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

### 4. DEVELOPMENT CHARGES

- (a) The development charge towards the supply of regional bulk 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 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The 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 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge towards waste water treatment amounts to R8 280,00, and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-183-9210);
- (d) The 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 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- (e) The 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 2021/2022 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge towards storm water amounts to R3 192,40 and is payable by te owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/248-144-9210);
- (g) The development charge towards electricity amounts to R10 419,00 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/253-164-9210);
- (h) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to 4.(a).
- C. The application for departure of the street building line on Erf 1192, Yzerfontein, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:


### 1. TOWN PLANNING AND BUILDING CONTROL




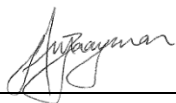
- (a) The 4m street building line be departed from  and reduced to 3,4m,  order to accommodate the existing stairs and pergola to encroach on the building line;

### D. 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 met with before the double dwelling comes into operation and the occupancy certificate be issued after which the 5 years period will no longer be applicable.
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c) The applicant/objectors be notified of this outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law.

## PART M: REASONS FOR RECOMMENDATION

- 1) The proposed double dwelling is a residential use and is therefore consistent with the proposals of the SDF.
- 2) A double dwelling is accommodated as a consent use under Residential Zone 1 of the By-Law.
- 3) The development proposal supports the optimal utilisation of the property.
- 4) The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy.
- 5) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population.
- 6) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the large  Yzerfontein.
- 7) The departure of the street building line to accommodate the existing stairs and pergola will not have a negative impact on neighbouring affected properties nor does it have a negative impact on the streetscape.

PART N: ANNEXURES				
Annexure A	Locality Plan			
Annexure B	Site Development Plan			
Annexure C	Approved building plans			
Annexure D	Proposed building plans			
Annexure E	As-build building plans (not yet approved)			
Annexure F	Public Participation Map			
Annexure G	Copy of title deed			
Annexure H	Objections from W van Rooyen			
Annexure I	Objections from WS Conradie			
Annexure J	Support H Pretorius			
Annexure K	Support J v.d. Merwe			
Annexure L	Comments on the objections received			
PART O: APPLICANT DETAILS				
First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	R & LL Jansen van Rensburg.	Is the applicant authorised to submit this application:	Y	N
PART P: SIGNATURES				
<b>Author details:</b> Herman Olivier Town Planner SACPLAN: A/204/2010				Date: 1 February 2021 
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001		Recommended <input checked="" type="checkbox"/>	Not recommended <input type="checkbox"/>	Date: 2 February 2021 
				



# ANNEXURE A

## Locality of Erf 1192, Yzerfontein

Legend



Scale: 1:18 056

Date created: January 21, 2021

Compiled with CapeFarmMapper

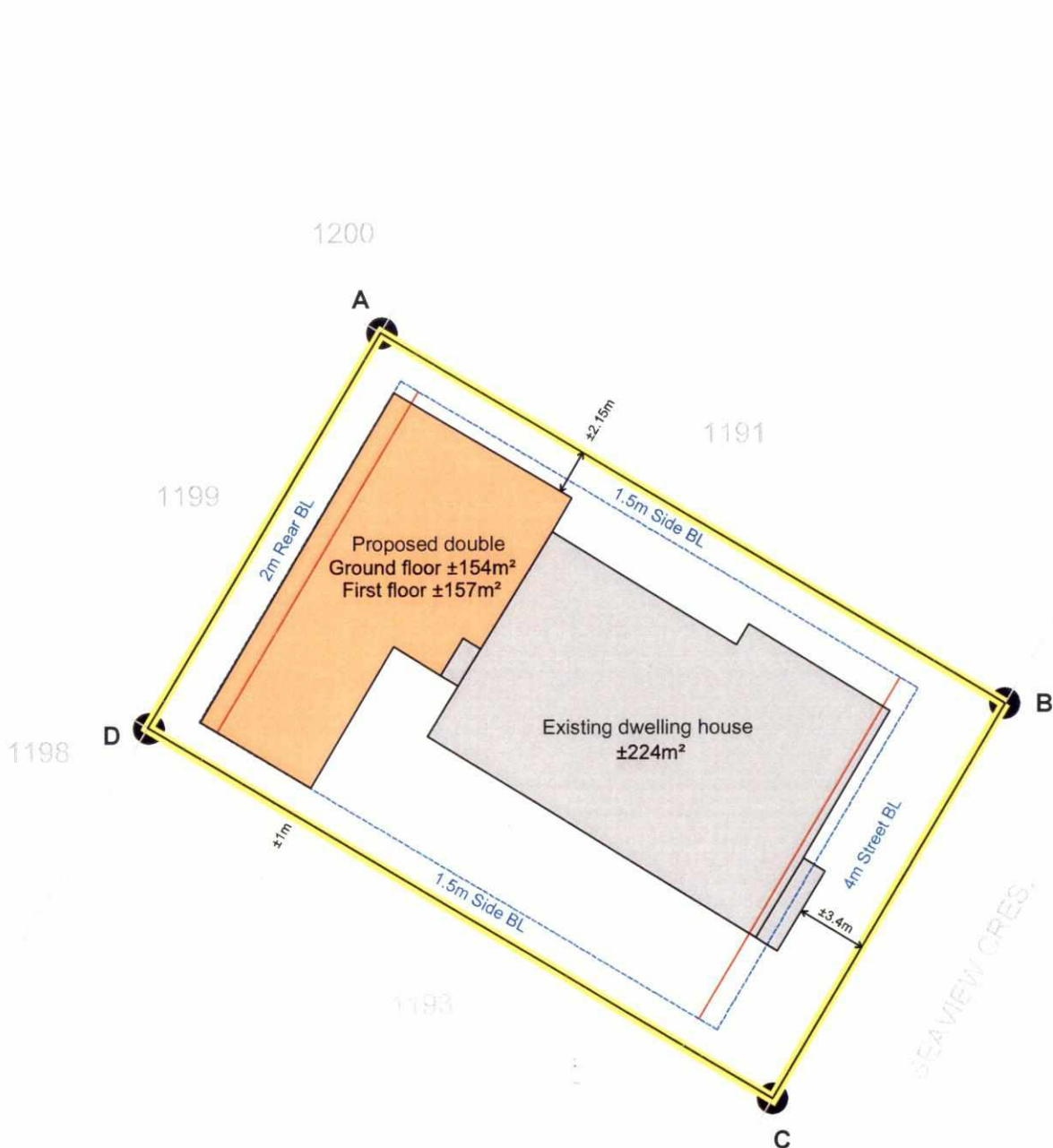


**Western Cape  
Government**

Agriculture

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

## SITE DEVELOPMENT PLAN OF ERF 1192, YZERFONTEIN



### NOTES:

- Figure A B C D represents Erf 1192, Yzerfontein measuring  $\pm 770\text{m}^2$
- Zoning: Residential zone 1

### LEGEND:

- Erf boundary
- Existing structures
- Residential Zone 1 building lines
- Restrictive Title building lines
- Proposed Double dwelling house



**CK RUMBOLL & PARTNERS**

18 Skarper Street, Midrand  
T: 022 462 1840 E: info@ckrumboll.co.za

**Site Development Plan  
Erf 1192, Yzerfontein**

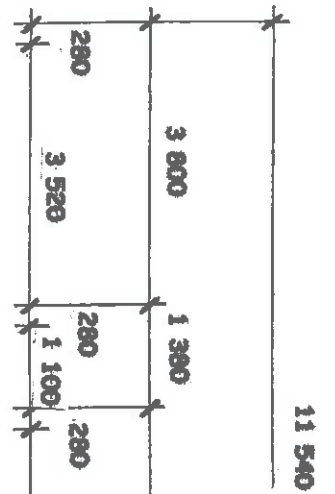
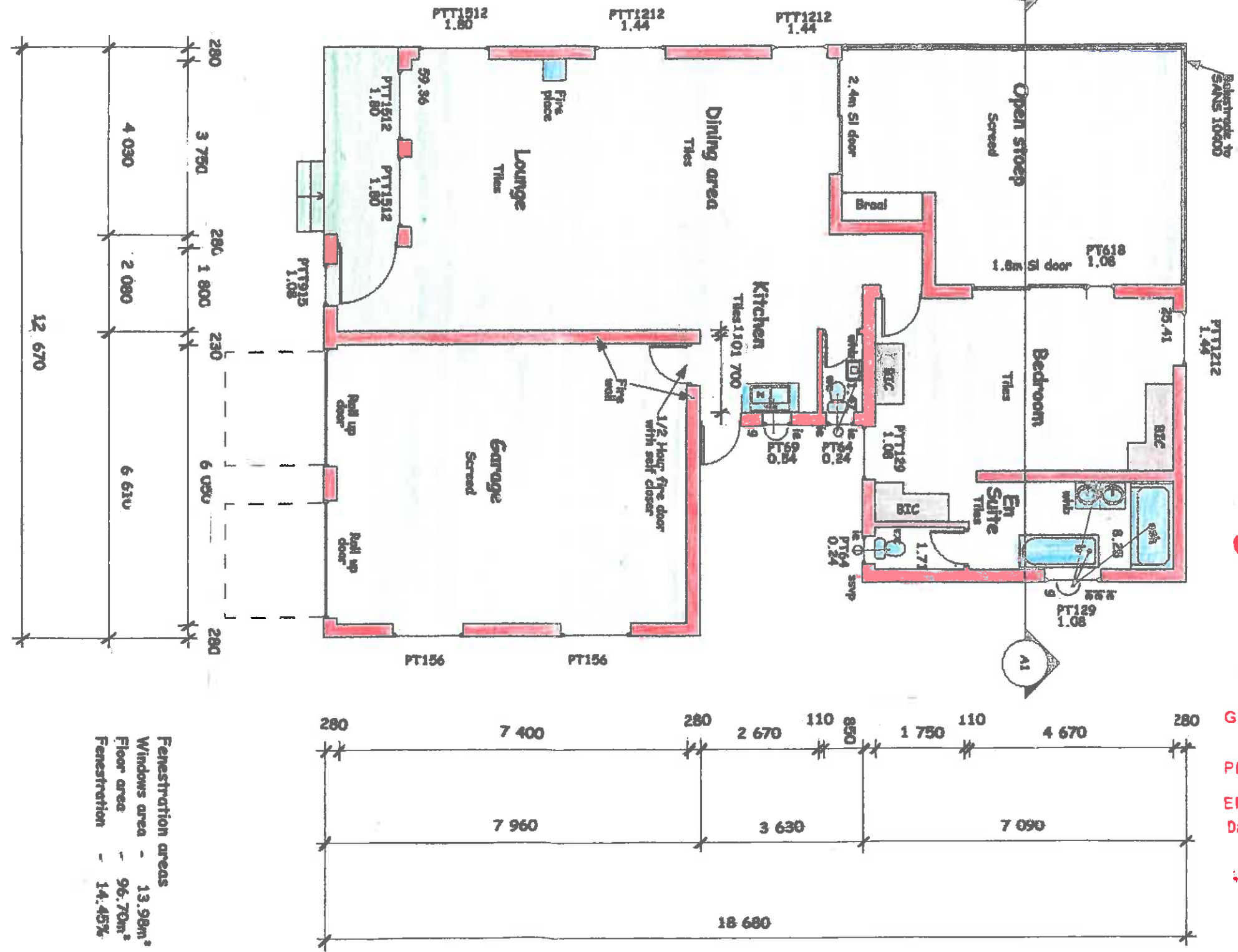
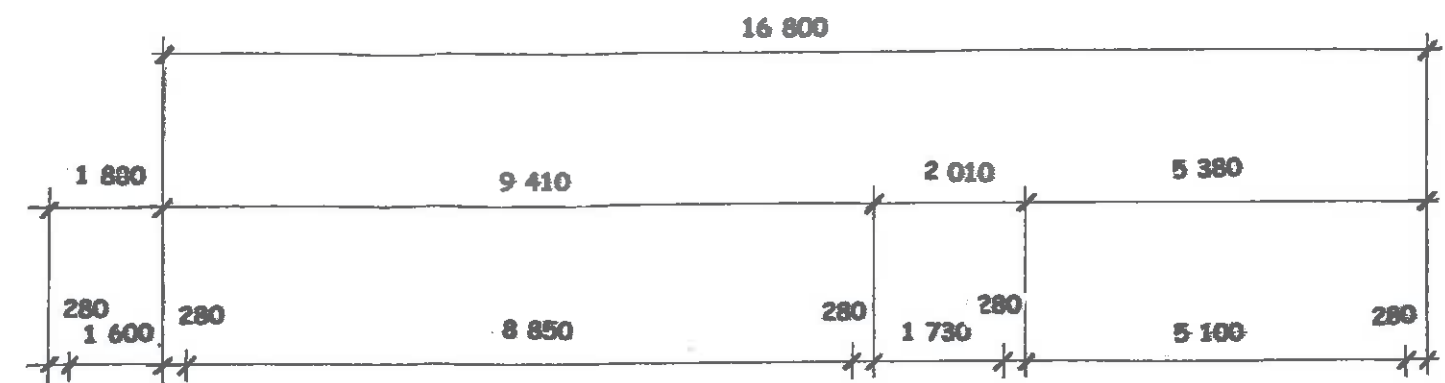
REF: Yzer/11807/NJdK  
Date: 21/01/2020



GEEN GEBOU MAG VOLGENS ARTIKEL 14 (4) BEWOON OF GEBRUIK WORD VOOR DIE UITREIKING VAN 'N OKKUPASIE SERTIFIKAT. NIE. (SKULDIG AAN 'N MISDRYF)

NO BUILDING IS ALLOWED ACCORDING TO ARTICLE 14 (4) TO BE OCCUPIED BEFORE ISSUING OF A CERTIFICATE OF OCCUPANCY (GUILTY OF AN OFFENCE).

Ground Storey  
Scale 1:100



Goedkeuring geldig vir een jaar  
Approval valid for one year  
PLAN NR 698/19  
ERF NR 1192  
Datum van goedkeuring / Date of approval 06/08/2019

*[Signature]*  
27 JUN 2019

Fenestration areas  
Windows area - 13.98m²  
Floor area - 96.70m²  
Fenestration - 14.45%

GRENSBAKENS MOET AAN DIE BOUINSPEKTEUR UITGEWYS WORD VOOR AANVANG VAN BOUWERKE.  
BOUNDARY BEACONS MUST BE INDICATED TO THE BUILDING INSPECTOR BEFORE COMMENCEMENT

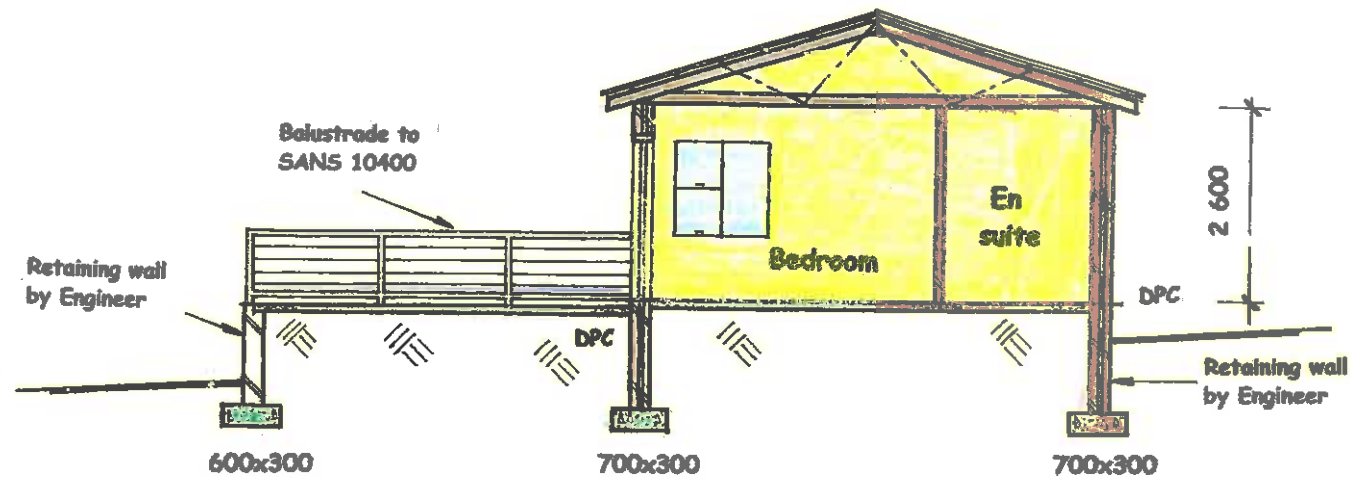
Client name: R. van der Merwe		Contact nr:	
Address: 18 Seaview Crescent		Yzerfontein	
Project: New dwelling on Erf 1192 Yzerfontein		Registration number: D 0606	
Author: M. Erasmus		081 089 4392	
53 Bagona Street		Medunbury	
Drawing type: Ground storey		Drawing type: Ground storey	
Page	Scale	Date drawn	
1-4	As shown	June 19	
Client signature:			
Author signature:			
Author registration nr: D0606			
Ground Storey additions - 213.96m²		Areas	
New Footprint - 198.90m²			
Erf area - 770.00m²			
Coverage - 27.76%			
Total area - 213.96m²			

# Roof notes

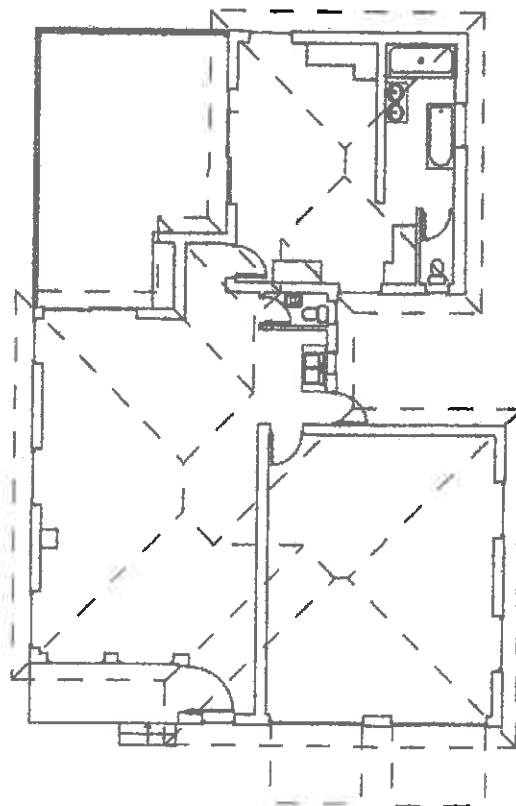
Cements roof tiles on 38x38 battens @ 320c/c on pre-manufactured gang nailed trusses @ 760c/c fixed to 114x38 wall plate fixed to wall with hoop iron 600 deep into brick work. Roof pitch to be min 17°

# Ceiling notes

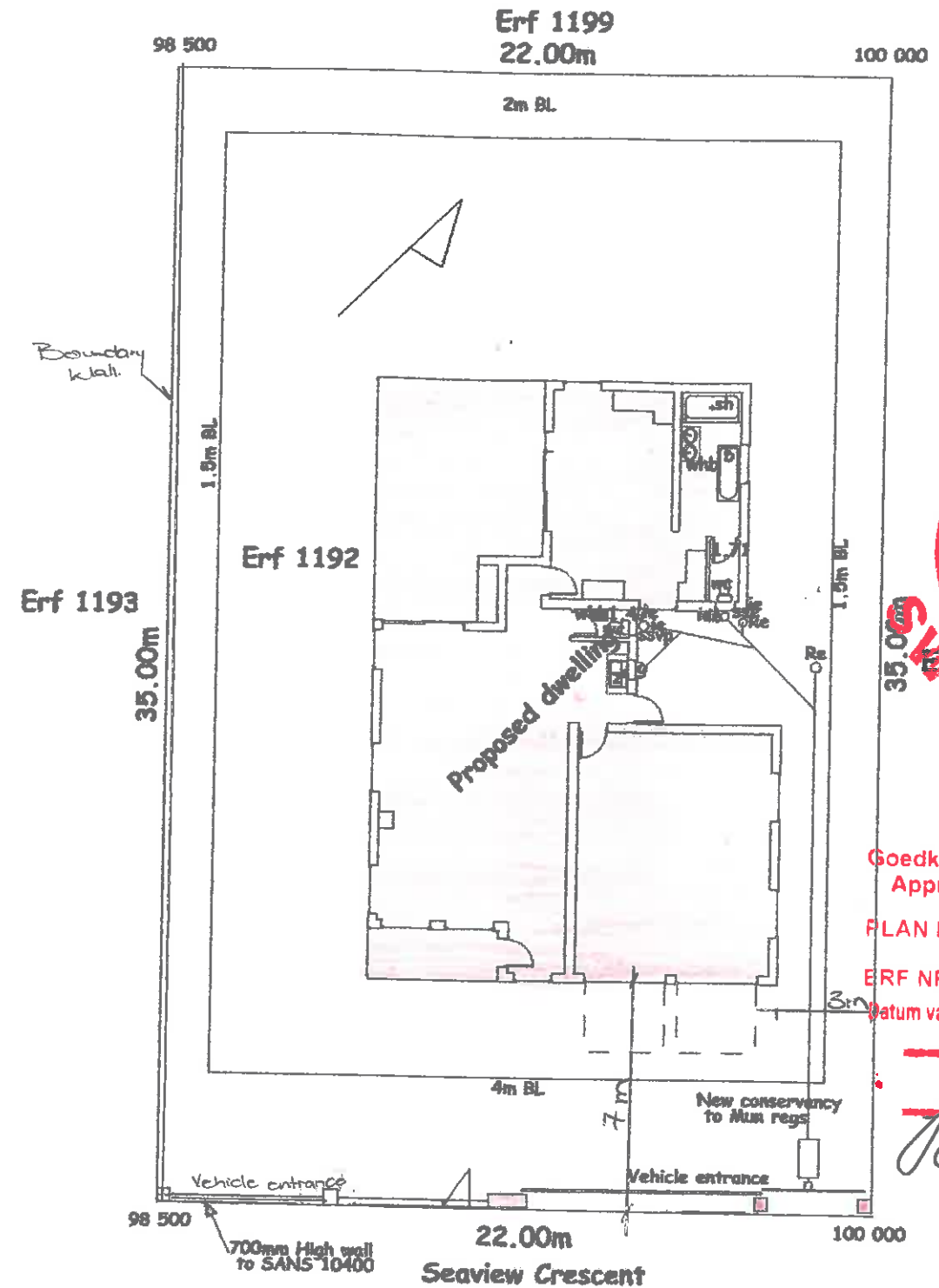
Rhino board ceiling on 38x38 bracing fixed to roof beams @ 300c/c. 135mm Fibre insulation above ceiling.



Section A - A  
Scale 1:100



Roof Plan  
Scale 1:200



Site Plan  
Scale 1:200



Goedkeuring geldig vir een jaar  
Approval valid for one year

PLAN NR 698/19

ERF NR 1192

Datum van goedkeuring / Date of approval

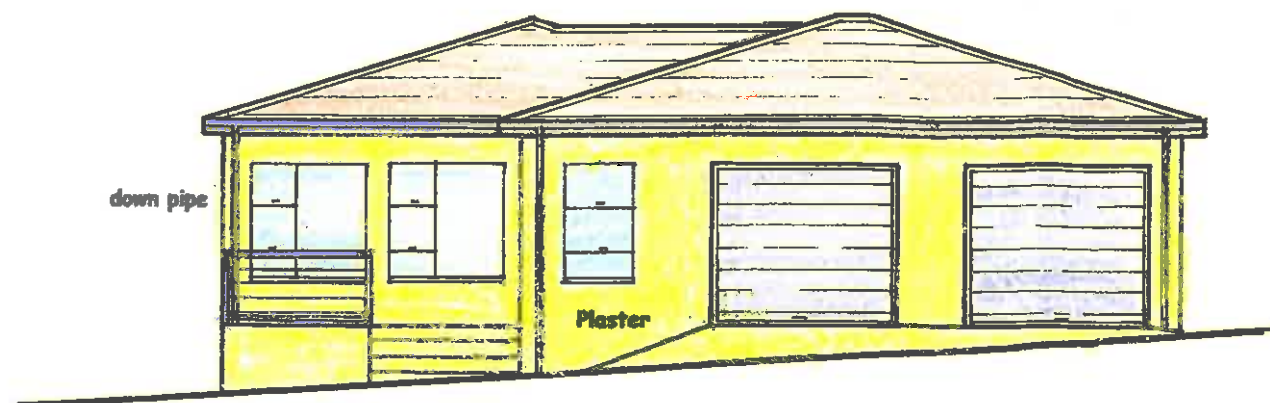
06/08/2019

*[Signature]*

27 JUN 2019

Client name: R. VAN JAARSVELD, JANSSEN VAN RENSBURG			Contact nmbr:	
Address: 18 Seaview Crescent Yzerfontein				
Project: New dwelling on Erf 1192 Yzerfontein				
Registration number : D 0606			Areas	
Author: M. Erasmus 081 089 4392			Ground Storey additions - 213.96m²	
53 Begonia Street Malmesbury			New Footprint - 198.90m²	
Drawing type: Section and Site plan Roof plan			Erf area - 770.00m²	
Page	Scale	Date drawn	Coverage - 27.78%	
2-4	As shown	June 19	Total area - 213.96m²	
Client signature: <i>[Signature]</i>				
Author signature: <i>[Signature]</i>				
Author registration nmbr: D0606				





South East view  
Scale 1:100

#### Drainage and Plumbing

- All drainage to be done according NBR
- All levels and dimensions to be checked and verified with the author before commencement of any works
- All drainage pipes under building and closer than 450mm to ngl, to be enclosed in 200x200 concrete casing
- Re to all ends
- Is to all bends
- Soil pipe to be minimum 110mm thick
- Conservancy tank to be 2m away from boundaries
- Waste pipes to be minimum 50mm thick
- Min fall of all pipes to 1:40
- All material used to be SABS approved
- Fit gutters and down pipes where necessary
- Disposal of storm water to comply to the requirements of Part R of NBR and BS (Act 103 of 1977)



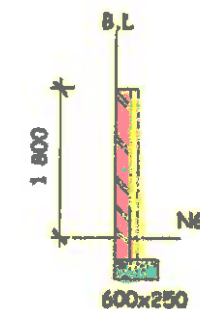
North East view  
Scale 1:100

#### Note to owner and builder

- 1) As discussed verbally between client and author, inspections on  
i) Foundations,  
ii) Halfway window height,  
iii) window height  
iv) when hoop iron is built into walls, I must be notified during these phases to do inspections
- 2) Should I not be contacted for any of the above inspections, I cannot be held responsible for any damage to building in that regard and I CANNOT issue completion certificate for the works.
- 3) In order for me to supply Completion certificate, all these inspections must be done. For double storeys the above will be 2x.



Typical elevation of boundary wall  
Scale 1: 100



Section B - B  
Scale 1: 100

Boundary wall specs  
140mm Solid boundary wall 1.8m high  
with 590x390 columns @ 2.5c/c on  
600x250 strip foundation not  
to protrude any boundaries.



Goedkeuring geldig vir een jaar  
Approval valid for one year

PLAN NR 698/19

ERF NR 1192

Datum van goedkeuring / Date of approval

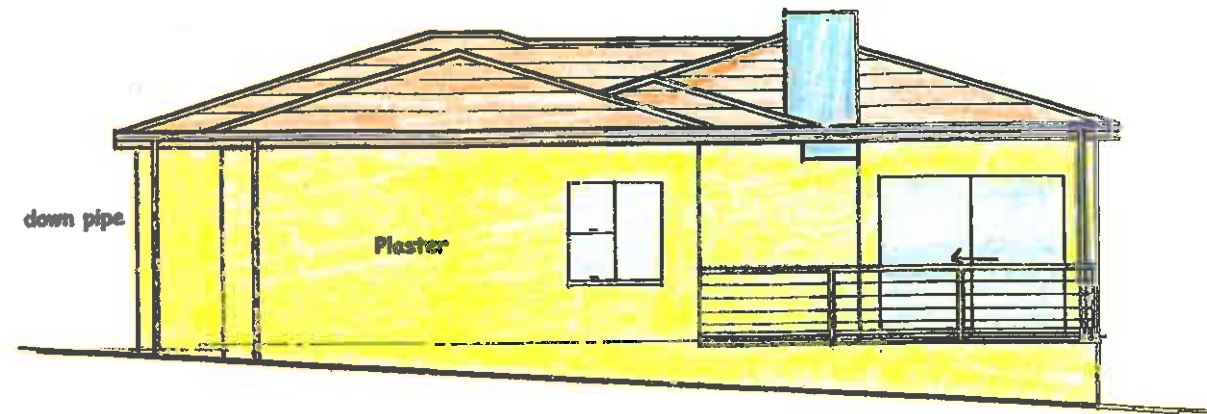
06/08/2019

*[Signature]*

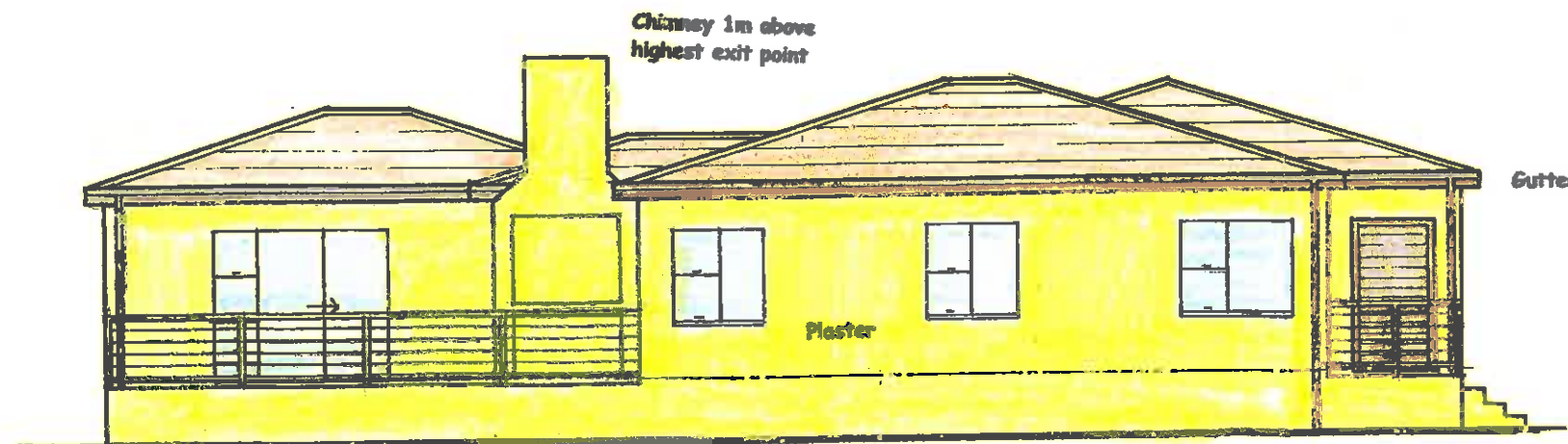
27 JUN 2019

Client name: <u>K. VAN SPAKVELD JANSSEN VAN RENSBURG</u>		
Address: <u>18 Seaview Crescent</u> <u>Yzerfontein</u>		Contact nmbr:
Project: <u>New dwelling on Erf 1192 Yzerfontein</u>		
Registration number : D 0606		Areas
Author: M. Erasmus 081 089 4392 53 Begonia Street Malmesbury		Ground Storey additions - 213.96m²
Drawing type: Elevations		New Footprint - 198.90m²
		Erf area - 770.00m²
Page	Scale	Date drawn
3-4	As shown	June/19
Client signature: <i>[Signature]</i>		Coverage - 27.78%
Author signature: <i>[Signature]</i>		Total area - 213.96m²
Author registration nmbr: D0606		

Copy right is vested in this plan. No unauthorised copies of or part of this plan or amendments is to be made without the written consent of the author of this plan.



North West View  
Scale 1:100



South West view  
Scale 1:100

#### General notes

- All levels and dimensions to be checked, corrected and verified with the author before commencements of any works
- All works to be done according NBR
- Brick force in every 3<sup>rd</sup> course
- Pre-stressed concrete lintels over all openings of less than 3m
- Light area to be min 10% and ventilation area to be 5% of all habitable rooms
- All glazing to comply to part N of the NBR
- Safety glass in all panes bigger than 1m<sup>2</sup> and closer than 500mm to floor
- DPC to be min 375 mic SABS approved
- DPM to be min 250 mic SABS approved
- All timber build into brick work to be coated with pink primer
- Flashing to be applied to all roof joints with a min overlap of 300mm
- Parapet walls to be min 300mm above roof covering and max 300mm high on roof to comply with the rule KK3.3 ii of the NBR
- Parapet walls to be plastered sloped on top to the inside and covered with an approved waterproof sealer
- Brick force in every row of bricks above lintels
- DPC in all window frames
- All stair treads to be min 250mm and risers 200 mm max
- 135mm Flexible fibre glass insulation in roof
- All walls to be plastered and painted to manufacturers specs
- Specify plaster and paint finish to all walls facing the adjoining property
- No foundations to stretch beyond any boundaries
- All retaining walls to comply with the NBR.
- All walls, floors and roofs to be insulated according to SANS 10 400
- All chimneys to be min 1m above highest exit point on roof and max 3.5m high.
- Frosted glass to bathrooms.



Munisipaliteit  
Municipality  
Umasipala

Goedkeuring geldig vir een jaar  
Approval valid for one year

PLAN NR 698/19

ERF NR 1192

Datum van goedkeuring / Date of approval

06/08/2019

*[Signature]*

*[Signature]*

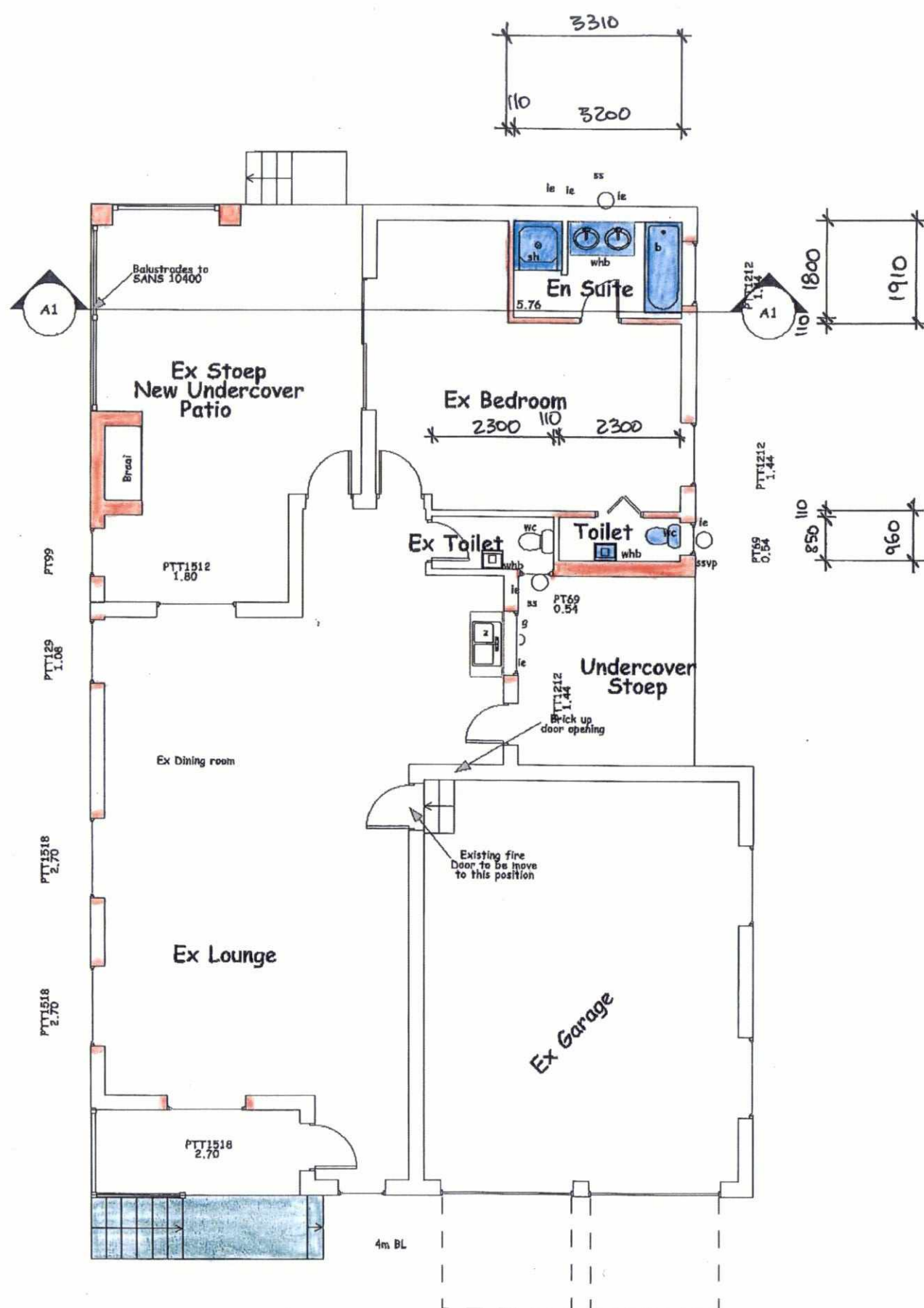
27 JUN 2019

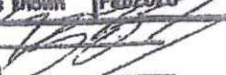
Client name: R VAN JAARVELD JANSSEN VAN RENSBURG			
Address: 18 Seaview Crescent Yzerfontein		Contact nmbr:	
Project: New dwelling on Erf 1192 Yzerfontein			
Registration number : D 0606		Areas	
Author: M. Erasmus 081 089 4392 53 Begonia Street Malmesbury			
Drawing type:Elevations			
Page	Scale	Date drawn	Ground Storey additions - 213.96m <sup>2</sup>  New Footprint - 198.90m <sup>2</sup> Erf area - 770.00m <sup>2</sup>  Coverage -27.78%  Total area - 213.96m <sup>2</sup>
4-4	As shown	June 19	
Client signature: [Signature]			
Author signature: [Signature]			
Author registration nmbr: D0606			

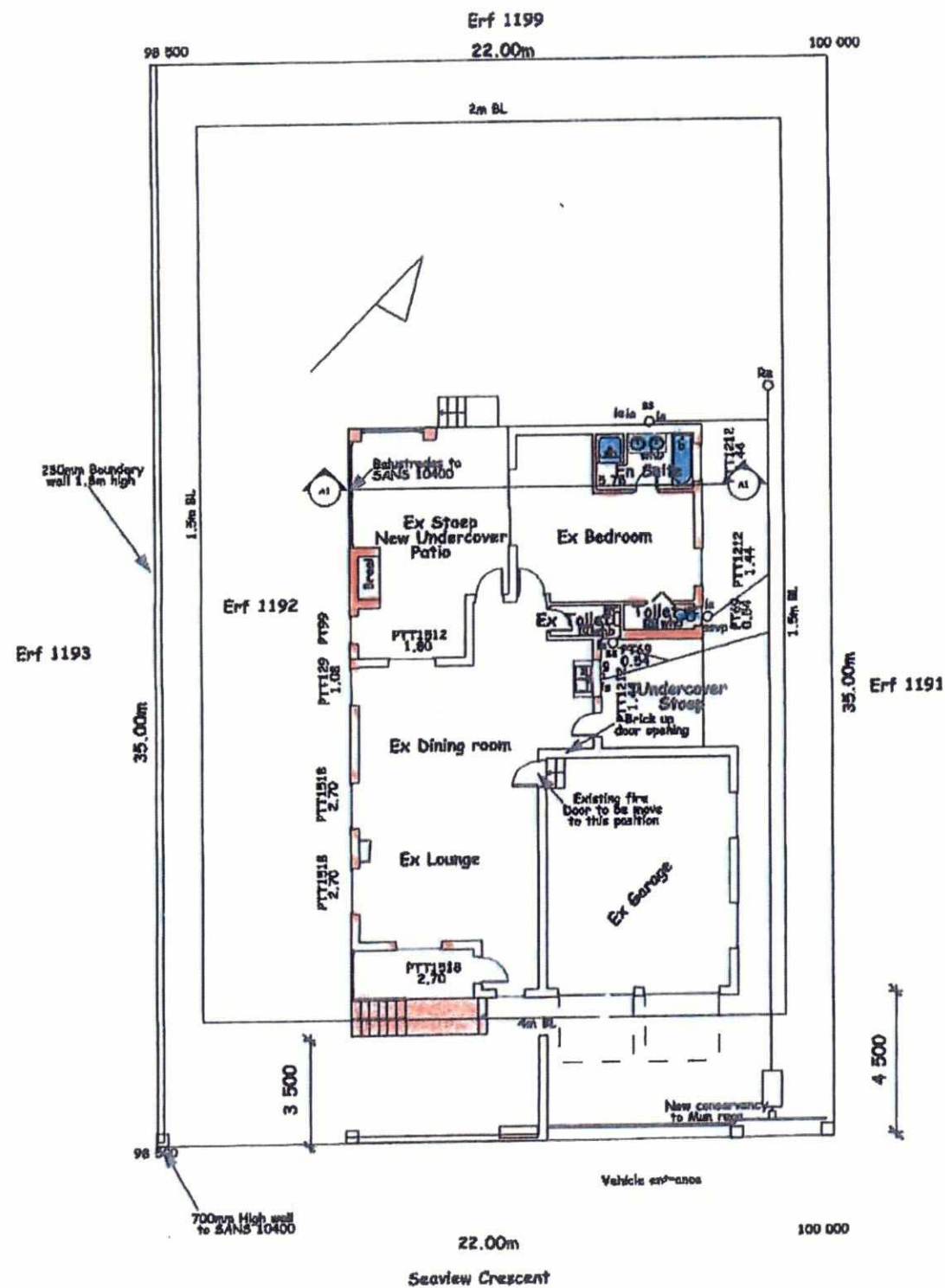


Note to town planning

Structures @ the back of the property is a tent and a caravan that have been removed.



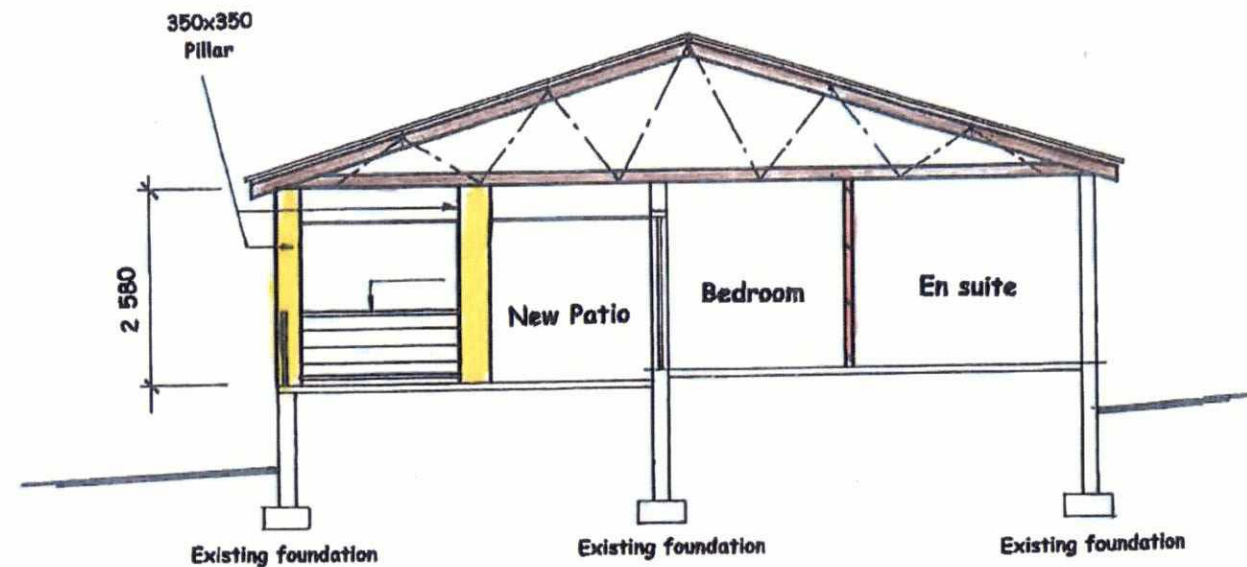
Client name: Mr Janse Van Rensburg			Contact nr:
Address: 18 Seaview Crescent Yzerfontein			
Project: Rider plan on Erf 1192 Yzerfontein			Areas
Registration number : D 0606			
Author: M. Erasmus 081 0894392 53 Begonia Street Malmesbury			Existing dwelling - 165.87m <sup>2</sup> Undercover Stoop - 12.16m <sup>2</sup> Patio - 35.49m <sup>2</sup> Total new footprint - 213.52m <sup>2</sup> Erf area - 770.00m <sup>2</sup> Coverage - 27.72%
Drawing type:			Total new area - 47.65m <sup>2</sup>
Page	Scale	Date drawn	
	As shown	Feb 2020	
Client signature: 			
Author signature: _____			
Author registration nr: D0606			



Ground Storey and Site Plan  
Scale 1:200

#### Roof notes

Cement roof tiles on 38x38 battens @ 320c/c  
on pre-manufactured gang nailed trusses @ 760c/c  
fixed to 114x38 wall plate fixed to wall with hoop iron  
600 deep into brick work.  
Roof pitch to be 17°

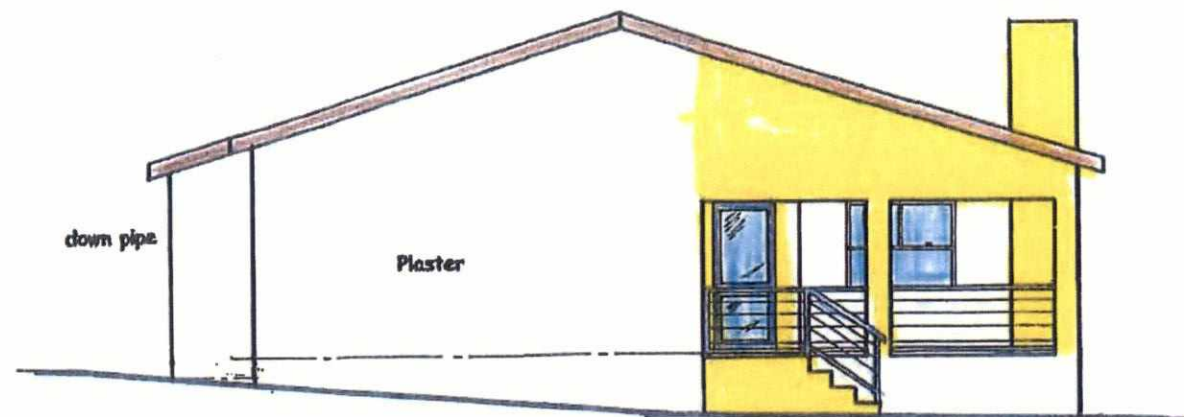


Section A - A  
Scale 1:100

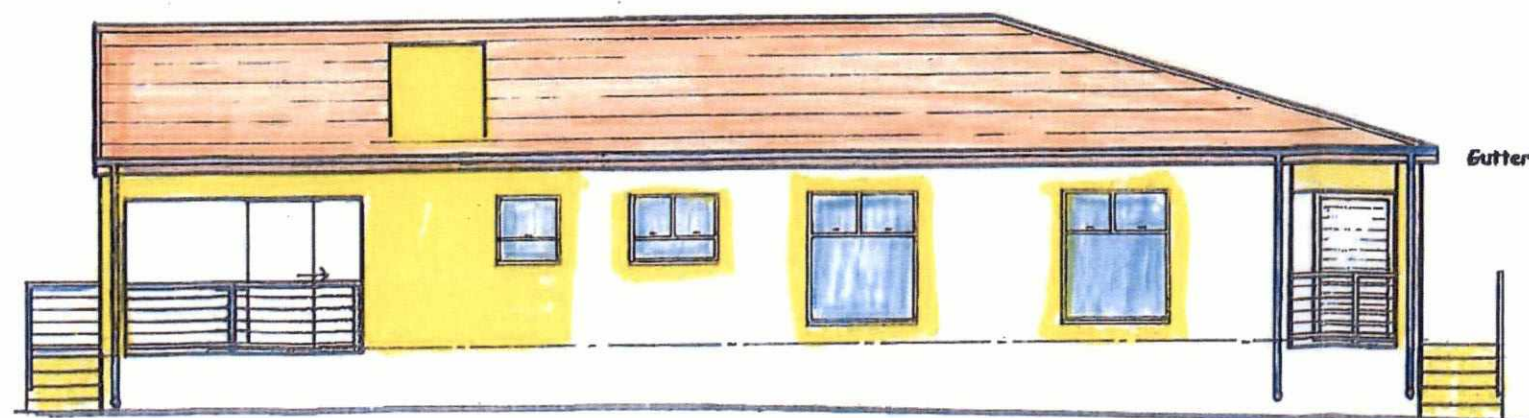
Floor notes  
Existing floor

Client name: Mr Janse Van Rensburg	
Address: 18 Seaview Crescent Yzerfontein	Contact nrnr:
Project: Rider plan on Erf 1192 Yzerfontein	
Registration number: D 0606	Areas
Author: M. Erasmus 081 0894392 53 Begonia Street Malmesbury	Existing dwelling - 165.87m²
	Undercover Stoep - 12.16m²
	Patio - 35.49m²
	Total new footprint - 213.52m²
Drawing type: Ground Storey, Site Plan	Erf area - 770.00m²
Section	Coverage - 27.72%
Page 1-3	Total new area - 47.65m²
Scale As shown	
Date drawn Feb 2028	
Client signature: [Signature]	
Author signature: [Signature]	
Author registration nrnr: D0606	





North West View  
Scale 1:100

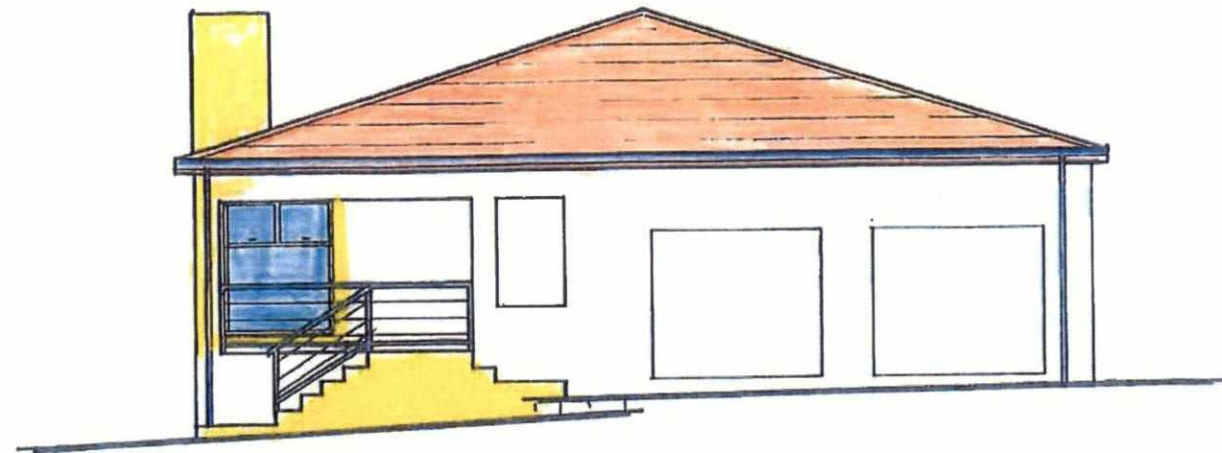


South West view  
Scale 1:100

#### General notes

- All levels and dimensions to be checked, corrected and verified with the author before commencements of any works
- All works to be done according NBR
- Brick force in every 3<sup>rd</sup> coarse
- Pre stressed concrete lintels over all openings of less than 3m
- Light area to be min 10% and ventilation area to be 5% of all habitable rooms
- All glazing to comply to part N of the NBR
- Safety glass in all panes bigger than 1m<sup>2</sup> and closer than 500mm to FFL.
- DPC to be min 375 mic SABS approved
- DPM to be min 250 mic SABS approved
- All timber build into brick work to be coated with pink primer
- Flashing to be applied to all roof joints with a min overlap of 300mm
- Parapet walls to be min 300mm above roof covering and max 300mm high or to comply with the rule KK3.3 ii of the NBR
- Parapet walls to be plastered sloped on top to the inside and covered with an approved waterproof sealer
- Brick force in every row of bricks above lintels
- DPC in all window frames
- All stair treads to be min 250mm and risers 200 mm max
- 135mm Flexible fibre glass insulation in roof
- All walls to be plastered and painted to manufacturers specs
- Specify plaster and paint finish to all walls facing the adjoining property
- No foundations to stretch beyond any boundaries
- All retaining walls to comply with the NBR.
- All walls, floors and roofs to be insulated according to SANS 10 400
- All chimneys to be min 1m above highest exit point on roof and max 3.5m high.
- Frosted glass to bathrooms.

Client name: Mr Janse Van Rensburg		
Address: 18 Seaview Crescent		Contact nmb:
Yzerfontein		
Project: Rider plan on Erf 1192 Yzerfontein		
Registration number : D 0606		Areas
Author: M. Erasmus 081 0894392		Existing dwelling - 165.87m <sup>2</sup>
53 Begonia Street		Undercover Stoep - 12.16m <sup>2</sup>
Malmesbury		Patio - 35.49m <sup>2</sup>
Drawing type: Elevations		Total new footprint - 213.52m <sup>2</sup>
Page	Scale	Date drawn
2-3	As shown	Feb 2020
Client signature:		Erf area - 770.00m <sup>2</sup>
Author signature:		Coverage - 27.72%
Author registration nmb: D0606		Total new area - 47.65m <sup>2</sup>

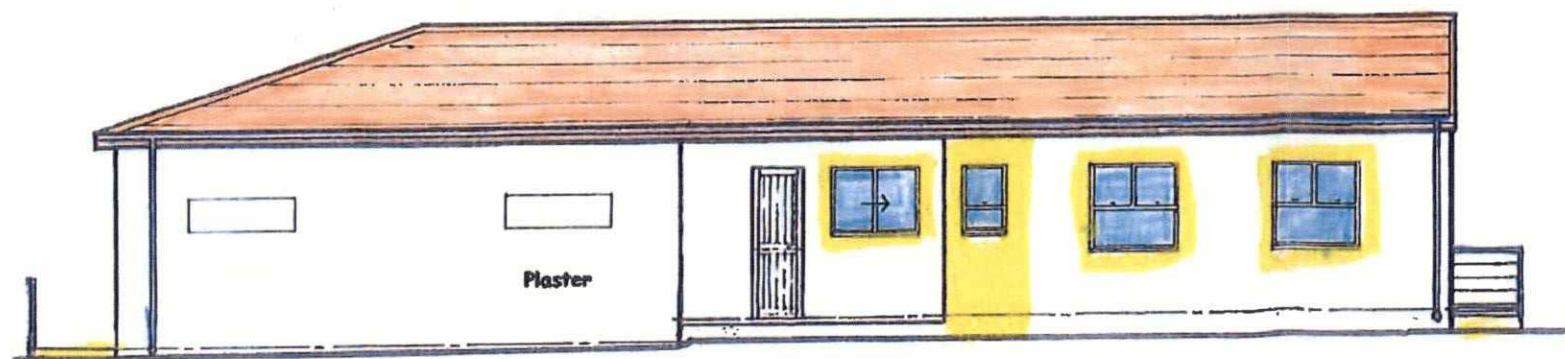


South East view  
Scale 1:100

**Note to owner and builder**

- 1) As discussed verbally between client and author, inspections on
  - i) Foundations,
  - ii) Halfway window height,
  - iii) window height
  - iv) when hoop iron is built into walls, I must be notified during these phases to do inspections
- 2) Should I not be contacted for any of the above inspections, I cannot be held responsible for any damage to building in that regard and I CANNOT issue completion certificate for the works.
- 3) In order for me to supply Completion certificate, all these inspections must be done. For double storeys the above will be 2x.

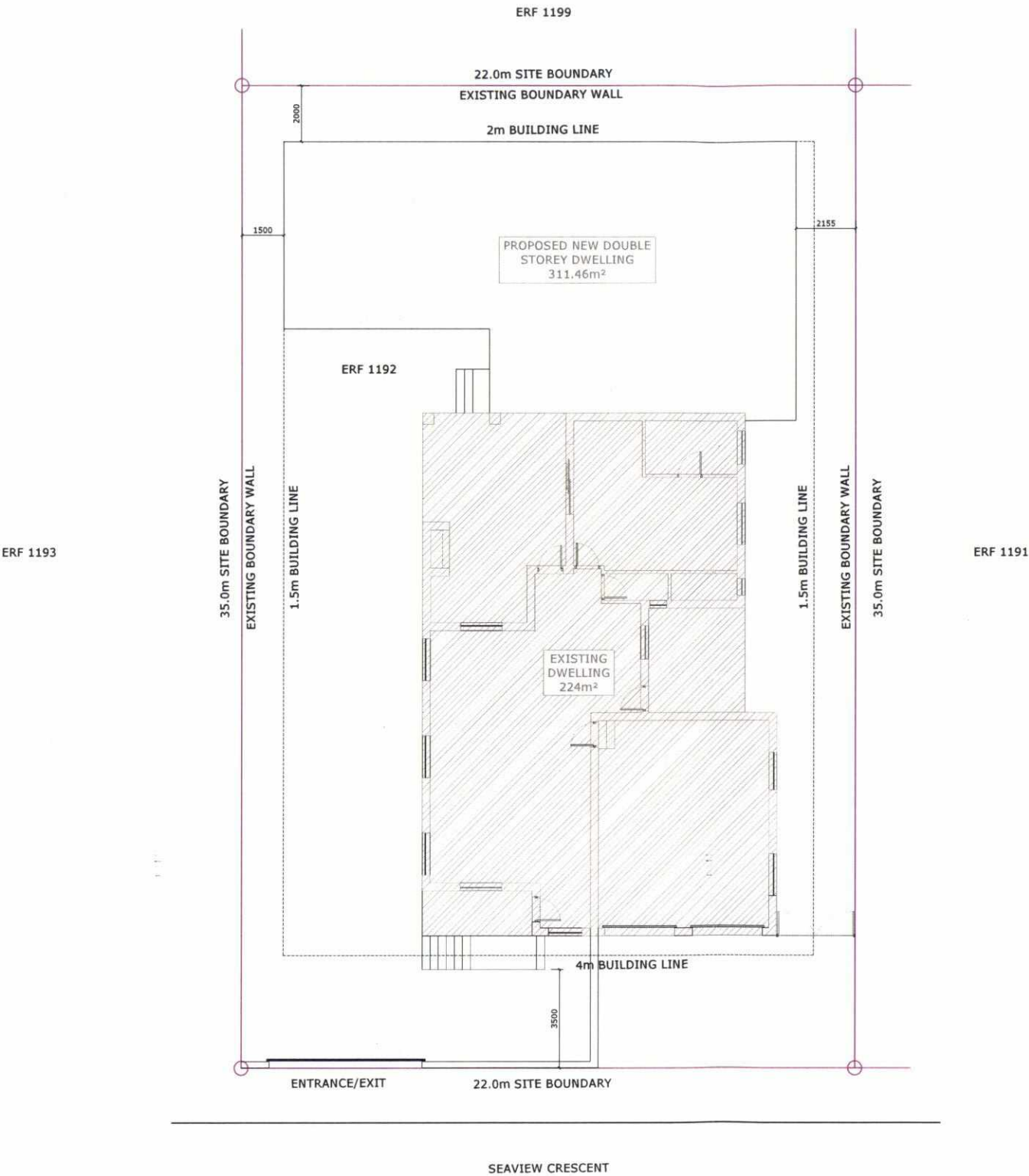
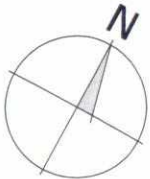
Copy right is vested in this plan. No unauthorised copies of or part of this plan or amendments is to be made without the written consent of the author of this plan.



North East View  
Scale 1:100

Client name: Mr Janse Van Rensburg	
Address: 18 Seaview Crescent Yzerfontein	Contact nmbr:
Project: Rider plan on Erf 1192 Yzerfontein	
Registration number : D 0606	Areas
Author: M. Erasmus 081 0894392 53 Begonia Street Malmesbury	Existing dwelling - 165.87m <sup>2</sup>
Drawing type: Elevations	Undercover Stoep - 12.16m <sup>2</sup>
	Patio - 35.49m <sup>2</sup>
	Total new footprint - 213.52m <sup>2</sup>
	Erf area - 770.00m <sup>2</sup>
	Coverage - 27.72%
	Total new area - 47.65m <sup>2</sup>
Page	Scale
3-3	As shown
Date drawn	Feb 2020
Client signature:	
Author signature:	
Author registration nmbr: D0606	





SITE PLAN  
SCALE 1:100

AREA NOTES	
ERF:	770m²
NEW:	
PROPOSED NEW DWELLING:	311.46m²
TOTAL ADDITIONS:	311.46m²
EXISTING:	
EXISTING DWELLING:	224m²
TOTAL AREA:	544m²
TOTAL COVERAGE:	384m²
% COVERAGE:	49.87%
ZONING:	RESIDENTIAL

NOTE TO OWNER OF STRUCTURE

THE OWNER'S ATTENTION IS DRAWN TO THE FOLLOWING PARAGRAPHS OF SECTION 9 OF THE CONSTRUCTION REGULATIONS 2003 OF THE OCCUPATIONAL HEALTH AND SAFETY ACT 1993:

(4) ANY OWNER OF A STRUCTURE SHALL ENSURE THAT INSPECTIONS OF THAT STRUCTURE UPON COMPLETION ARE CARRIED OUT PERIODICALLY BY COMPETENT PERSONS IN ORDER TO RENDER THE STRUCTURE SAFE FOR CONTINUED USE. PROVIDED THAT THE INSPECTIONS ARE CARRIED OUT AT LEAST ONCE EVERY SIX MONTHS FOR THE FIRST TWO YEARS AND THEREAFTER YEARLY AND RECORDS OF SUCH INSPECTIONS ARE KEPT AND MADE AVAILABLE TO AN INSPECTOR UPON REQUEST.

(5) ANY OWNER OF A STRUCTURE SHALL ENSURE THAT THE STRUCTURE UPON COMPLETION IS MAINTAINED IN SUCH A MANNER THAT THE STRUCTURE REMAINS SAFE FOR CONTINUED USE AND SUCH MAINTENANCE RECORDS SHALL BE KEPT AND MADE AVAILABLE TO AN INSPECTOR UPON REQUEST.

PLAN CODES	
PLAN NAME	SHEET NUMBER
GENERAL NOTES	00
SITE LAYOUT	+
DEMOLITION LAYOUT	+
FLOOR LAYOUT	+
ELECTRICAL LAYOUT	+
CEILING LAYOUT	+
WATER LAYOUT	+
SEWER LAYOUT	+
ROOF LAYOUT	+
MECHANICAL LAYOUT	+
SECTIONS	+
ELEVATIONS	+
WINDOW AND DOOR SCHEDULE	+
FIRE PROTECTION LAYOUT	+
DETAILS	+
COLUMN LAYOUT	+
FOUNDATION LAYOUT	+
BEAM AND SLAB LAYOUT	+
STORMWATER LAYOUT	+
SLEEVE LAYOUT	+
SERVICE LAYOUT	+
KITCHEN LAYOUT	+
CANOPY LAYOUT	+
SITE SECTION	+
SETOUT LAYOUT	+
ROAD MARKINGS AND SIGNS LAYOUT	+

DRAWING TITLE DESCRIPTION	
PROJECT	PROJECT NUMBER
PP	PROJECT PHASE
WS	WORK STAGE:
	CD CONCEPT DEVELOPMENT
	CP COUNCIL PACK
	WD WORKING DRAWING
REV	REVISION NUMBER
AMDT	AMENDMENT
SHEET	SHEET NUMBER

DATE	REF	DESCRIPTION
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---

CLIENT

MR J VAN RENSBURG

CLIENT SIGNATURE

COMPANY DIRECTOR: N.J. de Kock PRINCIPAL ARCHITECT: L.S. van Deventer  
c: 082 574 3107 | e: ns@dekock.co.za c: 082 940 8146 | e: ls@dekock.co.za  
SACAP reg: PRACTICE 10329 SACAP reg: PRACTICE 24750177  
ECOA reg: Pr. Tech Eng 230570021

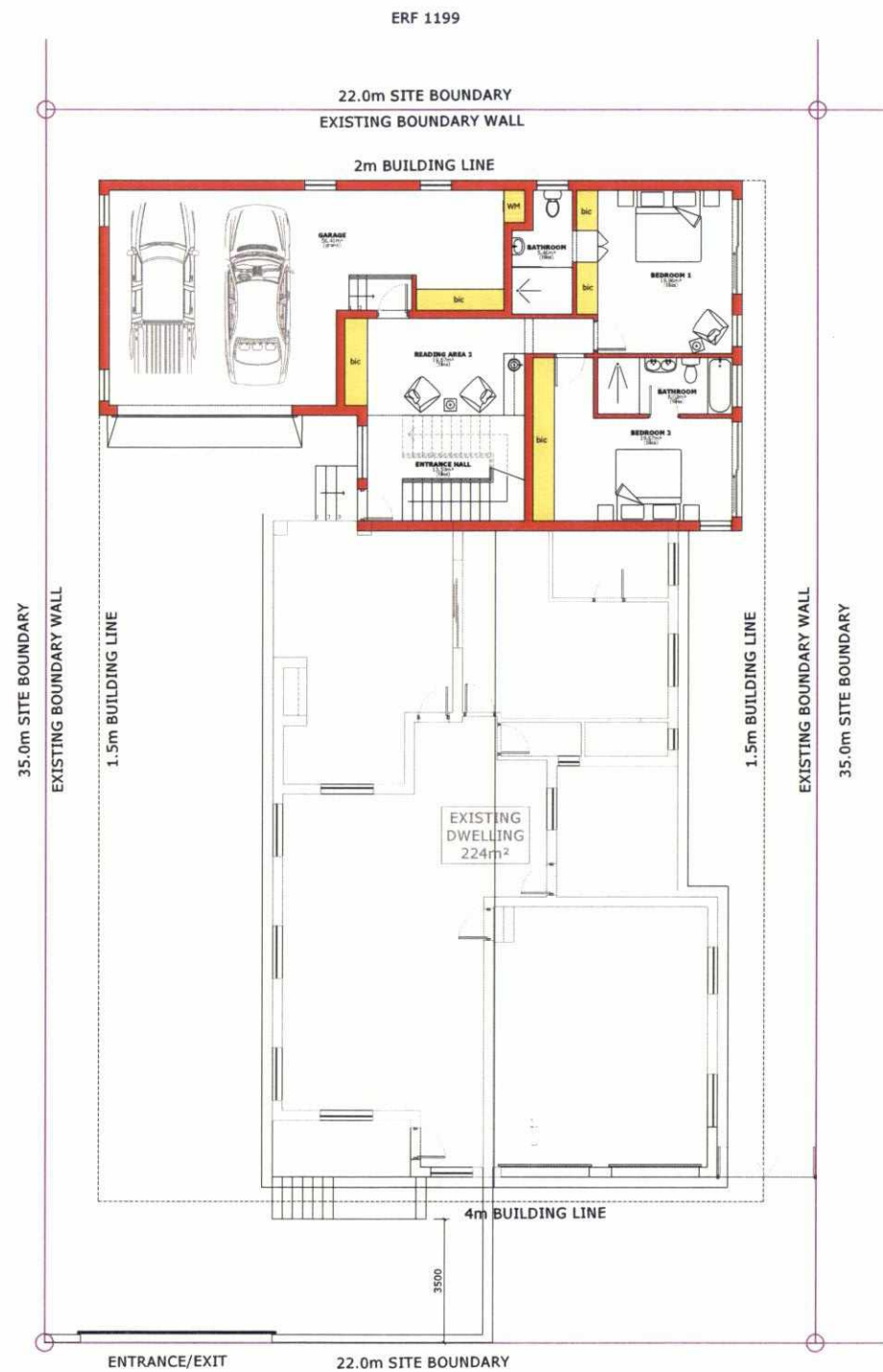
Western Cape Branch  
4 Rensvale Street  
Villiers  
7501  
T: 021 864 1255

Northern Cape Branch  
Shop 4, One Two Workshop  
Upington  
8001  
T: 034 333 1090

DE KOCK & VENNOTE ASSOCIATES  
RAADGEWEND: SNIEL STRUKTUREEL, ARGITEKTUUR EN PROJEKTBESTUUR  
REGISTERED WITH SACAP AND ECOA

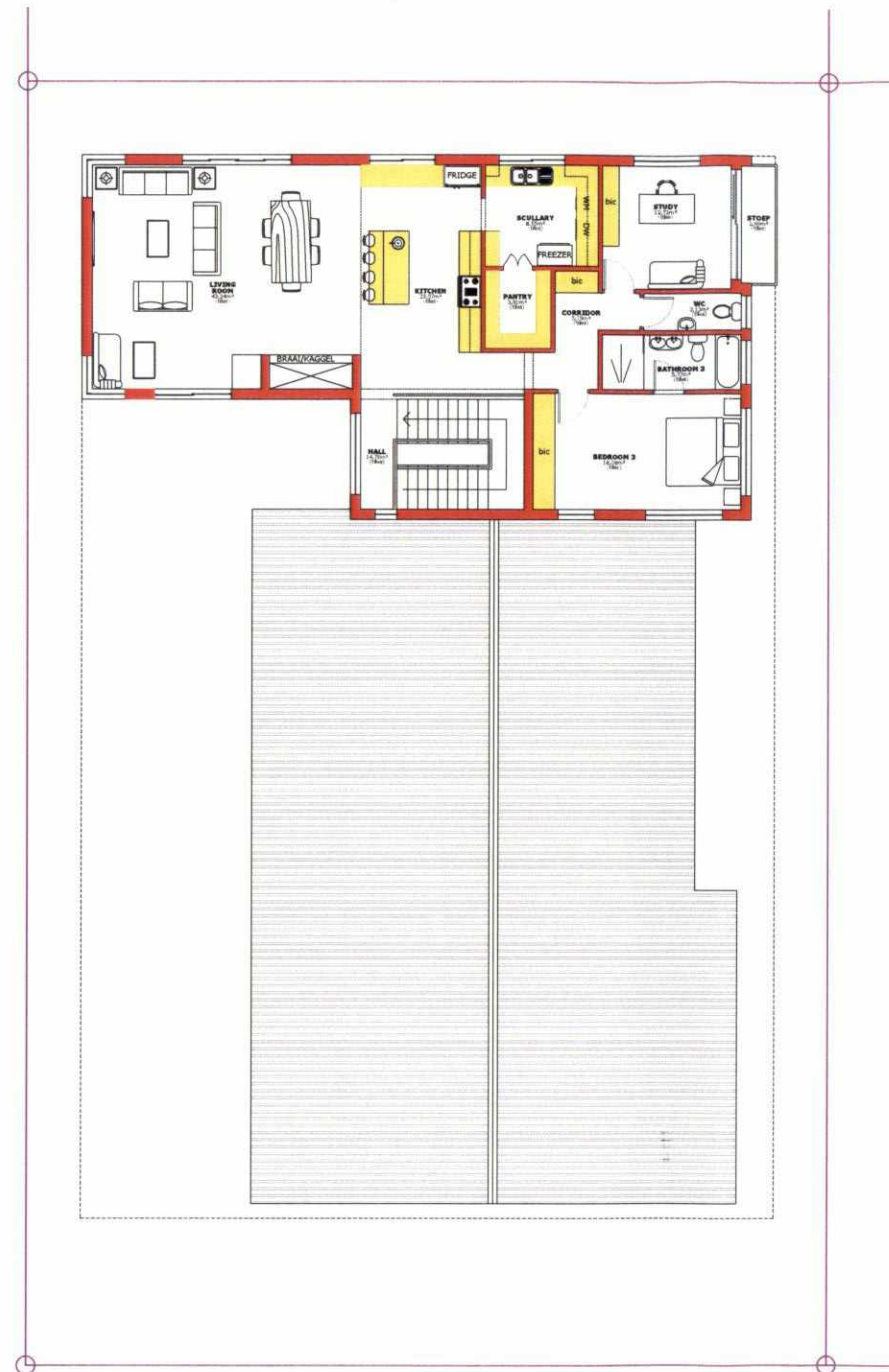
PROJECT DESCRIPTION	
PROPOSED NEW ADDITIONS AT ERF 1192	
SITE DEVELOPMENT LAYOUT	
APPROVED BY DKV	
PrArch 24750177	
REG. NO.	
CONCEPT DRAWINGS	
ENGINEER/ARCHITECT	REG. NO.
SCALE	AS SHOWN
DESIGNED	L.S. VAN DEVENTER [PrArch]
CHECKED	L.S. VAN DEVENTER [PrArch]
PROJECT	PP
WS	REV
AMDT	SHEET
SHEET	DATE
H3825-00-CD-00-00_1	01 SP
5-Aug-21	

LAYOUT  
SCALE 1:100

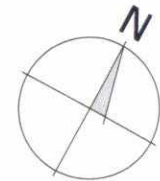


SEAVIEW CRESCENT

ERF 1191



AREA NOTES	
ERF:	770m²
NEW:	
PROPOSED NEW DWELLING:	311.46m²
TOTAL ADDITIONS:	311.46m²
EXISTING:	
EXISTING DWELLING:	224m²
TOTAL AREA:	544m²
TOTAL COVERAGE:	384m²
% COVERAGE:	49.87%
ZONING:	RESIDENTIAL



**COPYRIGHT**

THIS DRAWING IS COPYRIGHT RESERVED AND REMAINS THE PROPERTY OF THE ARCHITECT / ENGINEER.

**NOTE TO OWNER OF STRUCTURE**

THE OWNER'S ATTENTION IS DRAWN TO THE FOLLOWING PARAGRAPHS OF SECTION 9 OF THE CONSTRUCTION REGULATIONS 2003 OF THE OCCUPATIONAL HEALTH AND SAFETY ACT 1993:

(4) ANY OWNER OF A STRUCTURE SHALL ENSURE THAT INSPECTIONS OF THAT STRUCTURE UPON COMPLETION ARE CARRIED OUT PERIODICALLY BY COMPETENT PERSONS IN ORDER TO RENDER THE STRUCTURE SAFE FOR CONTINUED USE; PROVIDED THAT THE INSPECTIONS ARE CARRIED OUT AT LEAST ONCE EVERY SIX MONTHS FOR THE FIRST TWO YEARS AND THEREAFTER YEARLY AND RECORDS OF SUCH INSPECTIONS ARE KEPT AND MADE AVAILABLE TO AN INSPECTOR UPON REQUEST.

(5) ANY OWNER OF A STRUCTURE SHALL ENSURE THAT THE STRUCTURE UPON COMPLETION IS MAINTAINED IN SUCH A MANNER THAT THE STRUCTURE REMAINS SAFE FOR CONTINUED USE AND SUCH MAINTENANCE RECORDS SHALL BE KEPT AND MADE AVAILABLE TO AN INSPECTOR UPON REQUEST.

PLAN CODES	
PLAN NAME	SHEET NUMBER
GENERAL NOTES	00
SITE LAYOUT	1
DEMOLITION LAYOUT	2
FLOOR LAYOUT	3
ELECTRICAL LAYOUT	4
CEILING LAYOUT	5
WATER LAYOUT	6
SEWER LAYOUT	7
ROOF LAYOUT	8
MECHANICAL LAYOUT	9
SECTIONS	10
ELEVATIONS	11
WINDOW AND DOOR SCHEDULE	12
FIRE PROTECTION LAYOUT	13
DETAILS	14
COLUMN LAYOUT	15
FOUNDATION LAYOUT	16
BEAM AND SLAB LAYOUT	17
STORMWATER LAYOUT	18
SLEEVE LAYOUT	19
SERVICE LAYOUT	20
KITCHEN LAYOUT	21
CANOPY LAYOUT	22
SITE SECTION	23
SETOUT LAYOUT	24
ROAD MARKINGS AND SIGNS LAYOUT	25

**DRAWING TITLE DESCRIPTION**

PROJECT	PROJECT NUMBER
PP	PROJECT PHASE
WS	WORK STAGE
CD	CONCEPT DEVELOPMENT
CP	COUNCIL PACK
WD	WORKING DRAWING
REV	REVISION NUMBER
AMDT	AMENDMENT
SHEET	SHEET NUMBER

DATE	REF	DESCRIPTION
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---
---	---	---

**CLIENT**

**MR J VAN RENSBURG**

**CLIENT SIGNATURE**

COMPANY DIRECTOR: NJ de Kock PRINCIPAL ARCHITECT: LS van Deventer  
t: 082 874 2097 | e: hansen@dekok.co.za c: 082 940 9188 | e: ls@vandeventer.co.za  
SACAP reg. PROJECT 10228 SACAP reg. PROJECT 24750177  
RCSA reg. No. 2005/00009

**DE KOCK & VENNOTE ASSOCIATES**  
RAADGEWEND: SNIEL STRUKTUREEL, ARGITEKTUUR EN PROJEKTBESTUUR  
REGISTERED WITH SACAP AND ECSA

**Western Cape Branch**  
4 Ransburg Street  
Villiersburg  
7613  
T: 053 846 1203

**Northern Cape Branch**  
Shop 4, One Two One  
Spring  
8160  
T: 054 323 1089

**PROJECT DESCRIPTION**

PROPOSED NEW ADDITIONS AT ERF 1192

**SITE DEVELOPMENT LAYOUT**

**APPROVED BY DKV**

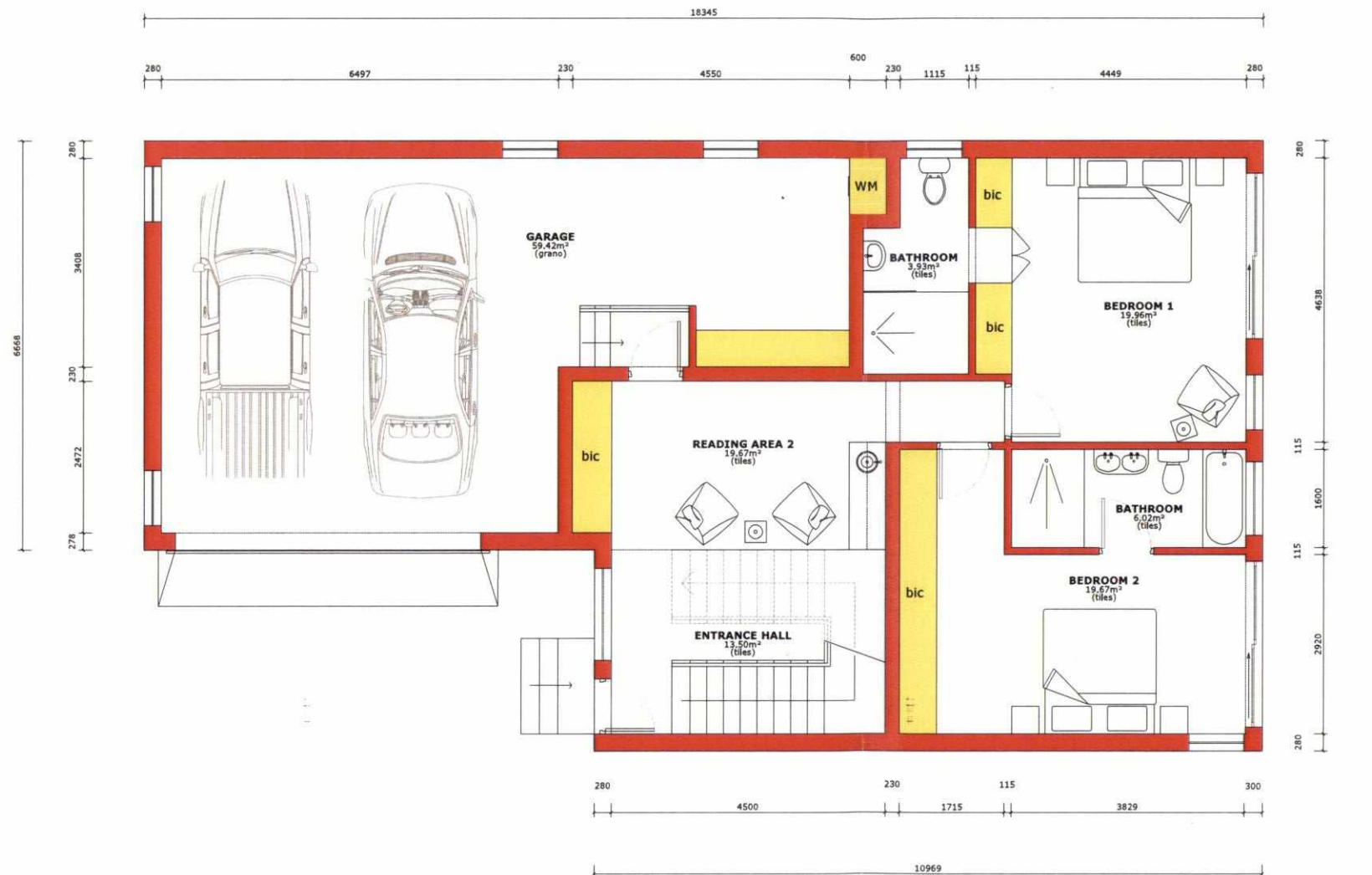
PrArch 24750177

ENGINEER/ARCHITECT REG. NO. **CONCEPT DRAWINGS**

SCALE	AS SHOWN	DRAWN	S v ROOYEN
DESIGNED	L.S. VAN DEVENTER (PrArch)	CHECKED	L.S. VAN DEVENTER (PrArch)

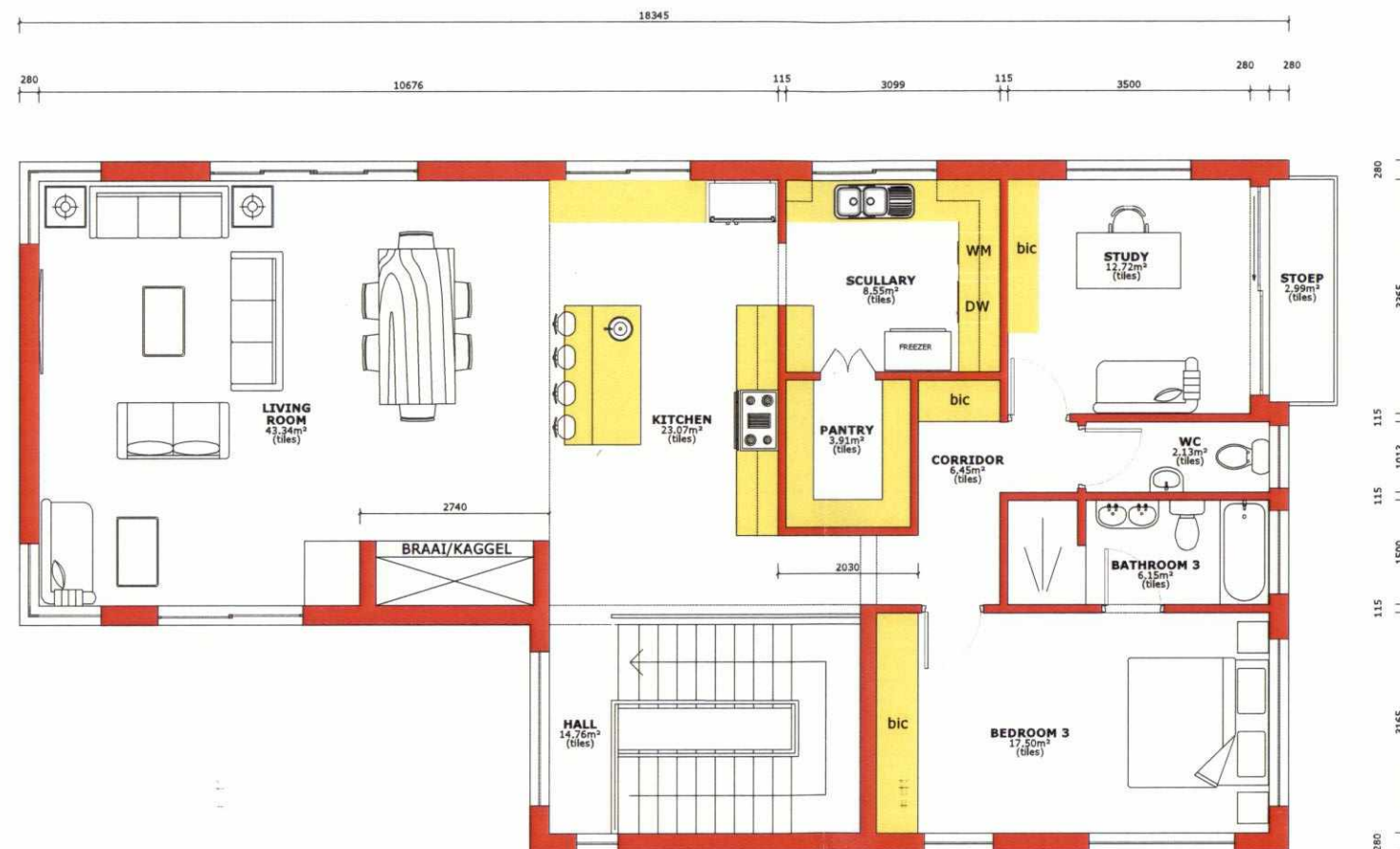
PROJECT	PP	WS	REV	AMDT	SHEET	DATE
H3825-00-CD-00-00_102 SP						5-Aug-21





**-68-**

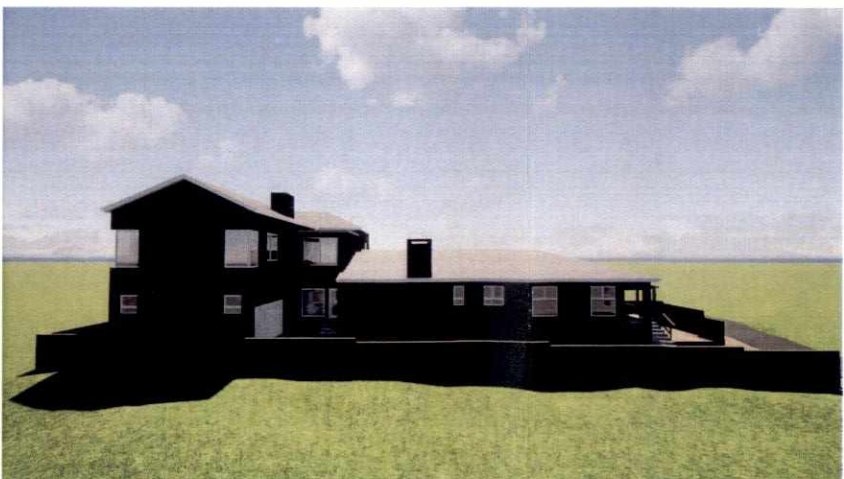
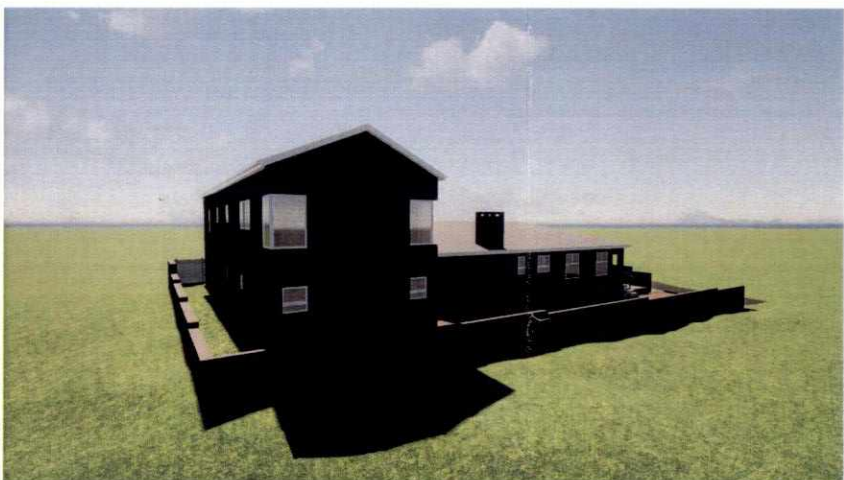
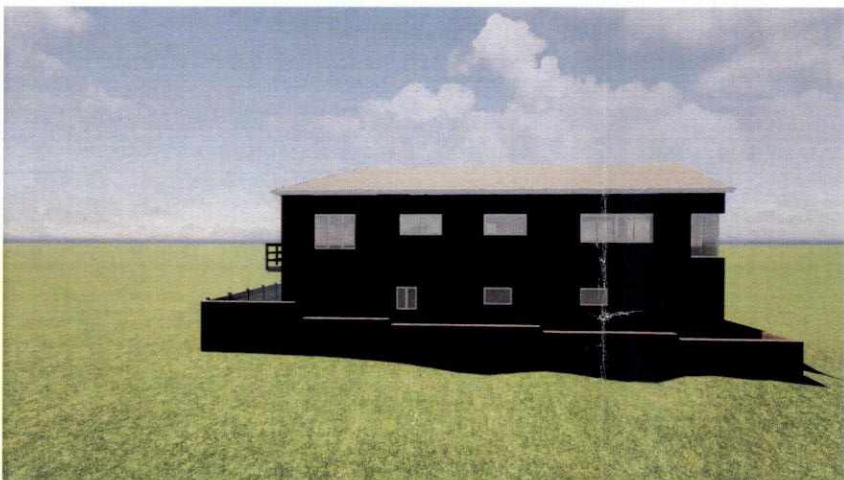
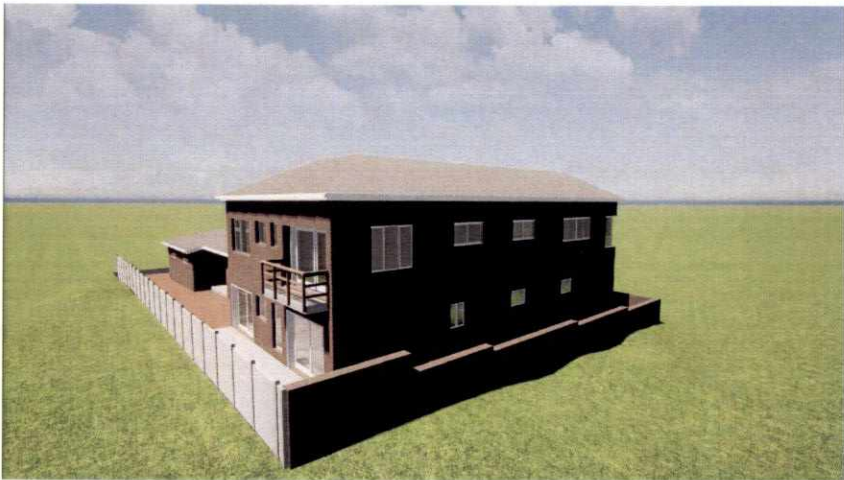
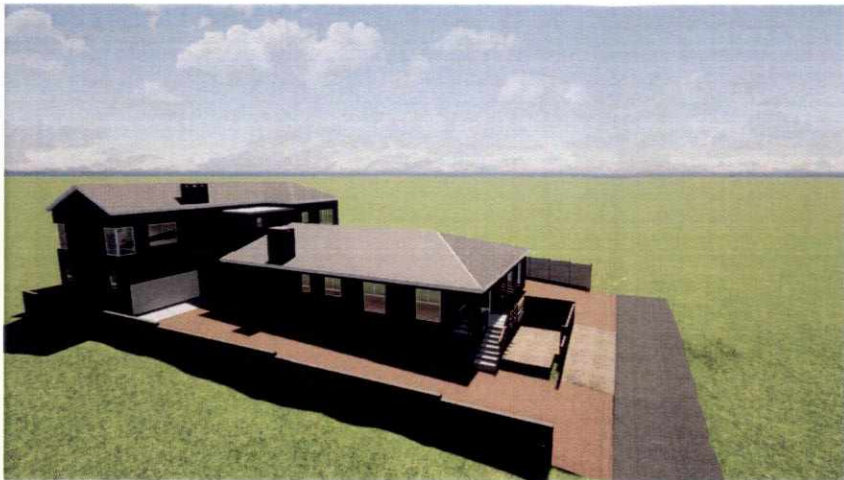
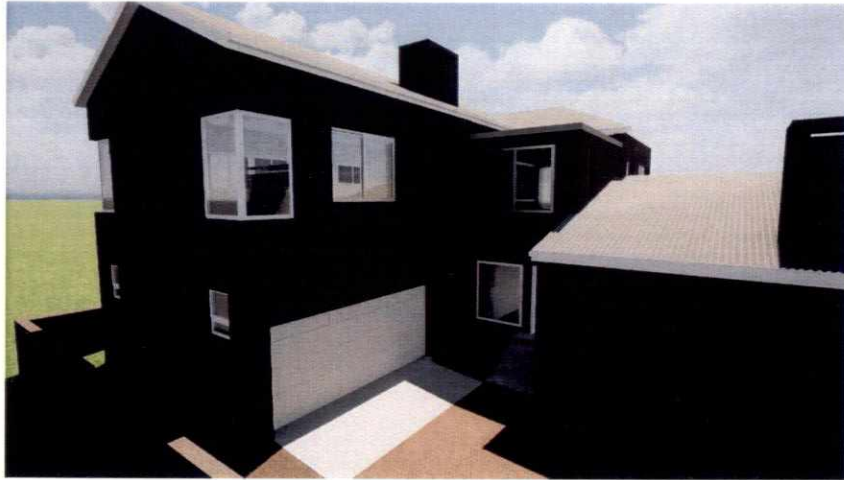
[illegible]



**-69-**

[illegible]





**COPYRIGHT**

THIS DRAWING IS COPYRIGHT RESERVED AND REMAINS THE PROPERTY OF THE ARCHITECT / ENGINEER.

**NOTE TO OWNER OF STRUCTURE**

THE OWNER'S ATTENTION IS DRAWN TO THE FOLLOWING PARAGRAPHS OF SECTION 9 OF THE CONSTRUCTION REGULATIONS 2003 OF THE OCCUPATIONAL HEALTH AND SAFETY ACT 1993:

(4) ANY OWNER OF A STRUCTURE SHALL ENSURE THAT INSPECTIONS OF THAT STRUCTURE UPON COMPLETION ARE CARRIED OUT PERIODICALLY BY COMPETENT PERSONS IN ORDER TO RENDER THE STRUCTURE SAFE FOR CONTINUED USE: PROVIDED THAT THE INSPECTIONS ARE CARRIED OUT AT LEAST ONCE EVERY SIX MONTHS FOR THE FIRST TWO YEARS AND THEREAFTER YEARLY AND RECORDS OF SUCH INSPECTIONS ARE KEPT AND MADE AVAILABLE TO AN INSPECTOR UPON REQUEST.

(5) ANY OWNER OF A STRUCTURE SHALL ENSURE THAT THE STRUCTURE UPON COMPLETION IS MAINTAINED IN SUCH A MANNER THAT THE STRUCTURE REMAINS SAFE FOR CONTINUED USE AND SUCH MAINTENANCE RECORDS SHALL BE KEPT AND MADE AVAILABLE TO AN INSPECTOR UPON REQUEST.

PLAN NAME	SHEET NUMBER
GENERAL NOTES	00
SITE LAYOUT	01
DEMOLITION LAYOUT	02
FLOOR LAYOUT	03
ELECTRICAL LAYOUT	04
CEILING LAYOUT	05
WATER LAYOUT	06
SEWER LAYOUT	07
ROOF LAYOUT	08
MECHANICAL LAYOUT	09
SECTIONS	10
ELEVATIONS	11
WINDOW AND DOOR SCHEDULE	12
FIRE PROTECTION LAYOUT	13
DETAILS	14
COLUMN LAYOUT	15
FOUNDATION LAYOUT	16
BEAM AND SLAB LAYOUT	17
STORMWATER LAYOUT	18
SLEEVE LAYOUT	19
SERVICE LAYOUT	20
KITCHEN LAYOUT	21
CANOPY LAYOUT	22
SITE SECTION	23
SETOUT LAYOUT	24
ROAD MARKINGS AND SIGNS LAYOUT	25

**DRAWING TITLE DESCRIPTION**

PROJECT	PROJECT NUMBER
PP	PROJECT PHASE
WS	WORK STAGE:
	CD CONCEPT DEVELOPMENT
	CP COUNCIL PACK
	WD WORKING DRAWING
REV	REVISION NUMBER
AMDT	AMENDMENT
SHEET	SHEET NUMBER

DATE	REF	DESCRIPTION

**MR J VAN RENSBURG**

CLIENT SIGNATURE: \_\_\_\_\_

COMPANY DIRECTOR: NI de Kock      PRINCIPAL ARCHITECT: LS van Deventer  
(1) 083 974 3087 | 083 974 3087 | 083 974 3087 | 083 974 3087 | 083 974 3087 | 083 974 3087 | 083 974 3087 | 083 974 3087 | 083 974 3087 | 083 974 3087  
SACAP reg. PrArch 24750177      SACAP reg. PrArch 24750177      SACAP reg. PrArch 24750177      SACAP reg. PrArch 24750177      SACAP reg. PrArch 24750177  
BCSA reg. Pr. Tech Reg. 2000000000      BCSC reg. Pr. Tech Reg. 2000000000      BCSC reg. Pr. Tech Reg. 2000000000      BCSC reg. Pr. Tech Reg. 2000000000      BCSC reg. Pr. Tech Reg. 2000000000

**DE KOCK & VENNOTE ASSOCIATES**  
 RAADGEWENDE, STREEK, STRUKTUREEL, ARGITEKTUUR EN PROJEKTBESTUUR  
REGISTERED WITH SACAP AND BCSC

Western Cape Branch  
 4 Rensselaers Street  
 7900  
 T: 021 944 1201

Northern Cape Branch  
 Shop 4, One Ton Kramers  
 7800  
 T: 054 332 1059

**PROPOSED NEW ADDITIONS AT ERF 1192**

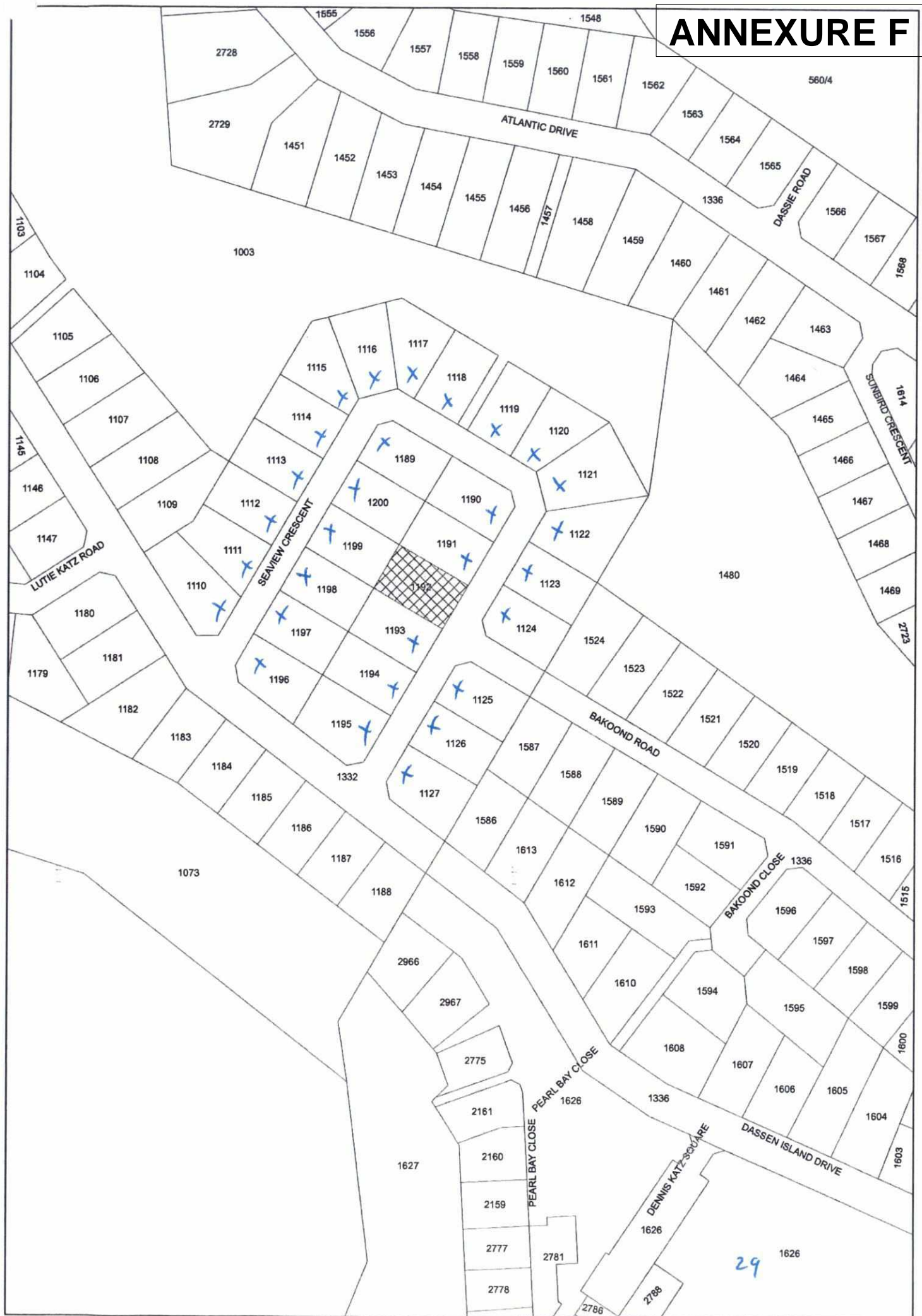
**SITE DEVELOPMENT LAYOUT**

ENGINEER/ARCHITECT	REG. NO.	CONCEPT DRAWINGS
AS SHOWN	S v ROOYEN	
LS. VAN DEVENTER	LS. VAN DEVENTER	
[PrArch]	[PrArch]	

PROJECT	PP	WS	REV	AMDT	SHEET	DATE
H3825-00-CD-00-00_105 VR					105 VR	5-Aug-21



## ANNEXURE F



**335****ATTORNEYS WEST & ROSSOUW**

33 Longboat Street  
Cnr Ou Kaapseweg Noordhoek  
Cape Town  
Sunnydale  
Tel: 27217852277

Prepared by me

*[Signature]*  
CONVEYANCER  
SHARON CAROLINE WEST

Amount	750 000.00	85200
Interest		
Stamp Duty		
Transfer Fee		

Amount	2 000 000.00
Registration Number	00022802 / 2018
Date	17 OCT 2018

T 000048073 / 2018

**DEED OF TRANSFER**

BE IT HEREBY MADE KNOWN THAT

~~SHARON CAROLINE WEST~~

ANTON LUTHER POSTHUMUS

DATA / VERIFY
2018 -10- 18
PUMELELA MNAMATA

appeared before me, the Registrar of Deeds at Cape Town, the said appearer, being duly authorised thereto by a power of attorney granted to her by

LAURIKA LOUISA HEFER  
Identity Number 650819 0135 08 3  
and  
FREDERICK CAREL HEFER  
Identity Number 660920 5249 08 1  
Married in community of property to each other

DATA / CAPTURE
18 OCT 2018
MARLYN BARLOW

signed at NOORDHOEK on 11 September 2018

And the appearer declared that:

Whereas the Transferors had truly and legally sold the undermentioned property on 23 July 2018 by Private Treaty

Now therefore the Appearer on behalf of the Transferors, did by these presents, cede and



transfer to and on behalf of

RIAAN JANSEN VAN RENSBURG  
Identity Number 700823 5187 08 1  
and  
LINDIE LOUISE JANSEN VAN RENSBURG  
Identity Number 740314 0012 08 8  
Married in community of property to each other

their heirs, executors, administrators or assigns, in full and free property

ERF 1192 YZERFONTEIN,  
SITUATE IN THE SWARTLAND MUNICIPALITY,  
DIVISION MALMESBURY, PROVINCE OF THE WESTERN CAPE

IN EXTENT 770 (SEVEN HUNDRED AND SEVENTY) SQUARE METRES

FIRST TRANSFERRED AND STILL HELD BY DEED OF TRANSFER T109792/2000  
WITH GENERAL PLAN NUMBER TP11828 RELATING THERETO

**A. SUBJECT** to the conditions contained in Deed of Transfer No. T17863/1945.

**B. SUBJECT FURTHER** to the following conditions contained in Deed of Transfer no. T109792/2000 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance No. 33 of 1934, when approving the Yzerfontein Township Extension No 5, namely:

1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Administration Notice No. 623 dated 14 August 1970.
2. In the event of a Town Planning Scheme or any portions thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any condition of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 17 of Ordinance No 19 of 1976, as amended.
3. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
4. The owner of this erf shall, without compensation be obliged to allow gas mains, electricity, telephone and television cables and/or wires an main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if deemed necessary by the local or any other statutory authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any work connected with the above.

5. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
  6. This erf shall be used only for purposes as are permitted by the Town Planning Scheme of the local authority and subject to the conditions and restrictions stipulated by the scheme.
  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;
  - (d) In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the condition herein set forth as if it were the original erf.
- C. **SUBJECT** to the following conditions imposed by the Transferor, Yzerfontein Seaside Estates (Proprietary) Limited to its benefit as

owner of the remainder of Erf 1332 Yzerfontein held by  
abovementioned Certificate of Registered Title No T4850/1988:

1. Hierdie erf mag nie onderverdeel word nie.
2. Hierdie ref sal uitsluitlik gebruik word vir enkel residensiele doeleindes.
3. Nog die oordragnemer of sy opvolgers in title mag aansoek doen by the Plaaslike Oorgangsraad van Yzerfontein of enige ander owerheid om die eiendom te herzoneer nie.



WHEREFORE the appearer, renouncing all the right and title the said



LAURIKA LOUISA HEFER and FREDERICK CAREL HEFER, Married to each other  
as aforesaid

heretofore had to the premises, did, in consequence also acknowledge them to be entirely  
dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said

RIAAN JANSEN VAN RENSBURG and LINDIE LOUISE JANSEN VAN RENSBURG,  
Married to each other as aforesaid

their heirs, executors, administrators or assigns, now are and henceforth shall be entitled  
thereto, conformably to local customs; the State, however, reserving its rights, and finally  
acknowledging that the purchase price is the amount of R750 000,00 (Seven Hundred and  
Fifty Thousand Rand).

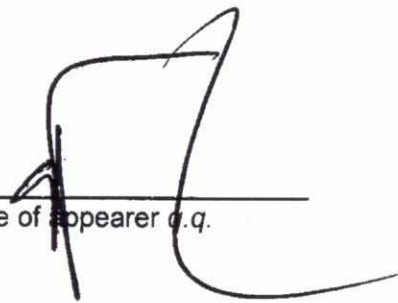
IN WITNESS WHEREOF I, the said Registrar, together with the appearer, have subscribed  
to these presents, and have caused the seal of office to be affixed thereto.

THUS SIGNED, EXECUTED AND SEALED at the Office of the Registrar of Deeds at Cape  
Town on  17 OCT 2018 

In my presence



Registrar of Deeds

Signature of appearer *a.q.* 

**From:** [vanrooyen.werner@gmail.com](mailto:vanrooyen.werner@gmail.com) <[vanrooyen.werner@gmail.com](mailto:vanrooyen.werner@gmail.com)>  
**Sent:** Monday, 06 December 2021 16:14  
**To:** 'swartlandmun@swartland.org.za.' <[swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za).>  
**Subject:** RE: Voorgestelde opheffing van beperkende voorwaardes, vergunningsgebruik en afwyking op Erf 1192, Yzerfontein

Geagte Mnr Alwyn Burger en Mnr Herman Olivier,

Naam: Mnr Werner van Rooyen

Adres: 16 Seaview Crescent

Voorkeur kommunikasie: Epos

Hiermee verneem ek uitklaring t.o.v die voorgestelde opheffing van beperkende voorwaardes, vergunningsgebruik en afwyking op Erf 1192, Yzerfontein.

Indien die woonhuis omskep word in twee woonhede en gebruik word vir verhuurings doeleindes of bedryf van n gastehuis of gedeeltelike akkommodasie , staan ek die aansoek teen.

Die munisipaliteit se oorweging moet geskied te behouing van die gemeenskap, die buurt en sy mense. Swartland munisipaliteit moet die verantwoordelikheid neem en voorkomings maatreëls tref rondom

verstoring aan die huidige buurt, die beskerming van kwaliteit lewe vir die ware inwoners van Yzerfontein en die natuur, deur n toename in akkommodasie eenhede tussen woonbuurte te verhoed.

My ander vraag is, wat is die toelaatbare persentasie wat enige wooneenhede mag opneem van die totale erf oppervlak?

Indien daar veiligheids risiko is of enige potensiële veiligheids risiko t.o.v die die opheffing van beperkende voorwaardes op Erf 1192,

die vergunnings gebruik vir n dubbelwoonhuis of die afwyking van ontwikkelings parameters op Erf 1192, vir enige lid van die gemeenskap of inwoners van die woonhuis te Erf 1192 of

inwoners van aangrensende huise, staan ek ook die aansoek teen.

Groete,

Werner van Rooyen

084 230 8116

MBA/Bcomm Hons/BA Hons

Van: WS Conradie  
PO Box 5303  
Tygervally  
7536  
2 Desember 2021

Aan: Me D N Stellenberg/ Munisipale bestuurder Swartland Munisipaliteit

**PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITION, CONSENT TO USE AND DEPARTURE ON ERF 1192, YZERFONTEIN (NOTICE 36/2021/2022)**

Aansoeker: CK Rumbill & Vennote, Posbus 211, Malmesbury, 7299  
Tel no 022-4821845

Eienaar: R & LL Janse van Rensburg, Posbus 915, Yzerfontein, 7531  
E-pos: [riaanivr@ctpex.co.za](mailto:riaanivr@ctpex.co.za)

Verwysingsnommer: 15/3/5-14/Erf\_1192/15/3/10-14/Erf\_1192

Eiendomsbeskrywing: Erf 1192, Yzerfontein

Fisiese Adres: Geleë te Seaview Crescent 18, Yzerfontein

**Volledige beskrywing van aansoek:**

---

Lêerverw: 15/3/5-14/Erf\_1192  
15/3/10-14/Erf\_1192  
15/3/4-14/Erf\_1192

---

**VOORGESTELDE OPHEFFING VAN BEPERKENDE VOORWAARDES, VERGUNNINGSGEBRUIK EN AFWYKING OP ERF 1192, YZERFONTEIN (KENNISGEWING 36/2021/2022)**

Hiermee word ten sterkste beswaar aangeteken in geheel teen die voorgestelde opheffing van beperkende voorwaardes, vergunningsgebruik en afwyking op Erf 1192, Yzerfontein.

As eienaar van Erf 1126 en Erf 1127, grond ek my beswaar op die volgende redes:

1. Die eienaars het reeds in die huis ingetrek gedurende 2020 en dit blyk dat daar tot op hede nog geen okkupasie sertifikaat uitgereik of huidige strukture afgeteken is nie (kommunikasie met Mnr Bertus Keulder verwys). Hoe is die huidige geboude huis se planne dan goedgekeur as dit oor die grens is?

Dit is uiteraard kommerwekkend dat daar vir bogenoemde opheffing, vergunningsgebruik en afwyking gevra word maar die huidige woning is nog nie goedgekeur nie en die eienaars bly alreeds byna twee jaar in die woning.

2. Die tweede beswaar is gegrond op die feit dat daar geen melding gemaak word wat die doel van die twee wooneenhede is en waarvoor dit gebruik gaan word nie.
3. Dit is ook kommerwekkend dat eienaars bv Erf 1125 en erf 1192 in Seaview Crescent aansoek doen vir afwyking van 'n beperkende voorwaardes rakende die gebruik van die perseel en boulyne, wat neerkom op hoë digtheidsbehuising wat inbreuk maak op ons privaatheid.
4. Hierdie is enkel residensiele erwe, waarvoor 2de woning hoë digtheid aansoek gedoen word- dis is onaanvaarbaar.
5. Dit gaan ook die uitsig van erf 1199 erf 1200 en erf 1189 belemmer.
6. Die rustige aard van die woonbuurt word bedreig deur hierdie aansoeke en ook aangesien geen verdere inligting verskaf word rakende die verwysingsgebruik nie, is ons gekant hierteen.

W.S. Conradie  
Posbus 5303  
Tygervallei  
7536  
eienaars van Erf 1126 en Erf 1127

E-pos: [wsconsulting@mweb.co.za](mailto:wsconsulting@mweb.co.za) (voorkeurwyse van Kommunikasie)



From: Henda Pretorius <hendapret@gmail.com>  
Sent: Wednesday, November 17, 2021 1:01 PM  
To: Chanice Dyason <PlanIntern1@swartland.org.za>  
Subject: Re: Voorgestelde opheffing van beperkende voorwaardes, vergunningsgebruik en afwyking op Erf 1192, Yzerfontein

Goeiedag,

Ons neem kennis en het geen besware nie.

Vriendelike groete

Henda Pretorius

On Tue, 02 Nov 2021, 12:38 pm Chanice Dyason <PlanIntern1@swartland.org.za> wrote:

Goeiedag / Good day

Attached find removal of restrictive title, consent use and departure on Erf 1192, Yzerfontein for your attention.

Aangeheg vind skrywe rakende opheffing van beperkende voorwaardes, vergunningsgebruik en afwyking op Erf 1192, Yzerfontein vir u aandag.

Groete

Chanice Dyason

Intern: Division Planning, Department Development Services

T: 022 487 9400 | F: 022 487 9440 |

COVID-19 Vaccine Email Eng

From: jaco@synsso.co.za <jaco@synsso.co.za>  
Sent: Tuesday, 02 November 2021 13:12  
To: Chanice Dyason <PlanIntern1@swartland.org.za>; Registrasie Email  
<RegistrasieEmail@swartland.org.za>  
Cc: riaanivr@ctpex.co.za  
Subject: FW: Voorgestelde opheffing van beperkende voorwaardes, vergunningsgebruik en afwyking  
op Erf 1192, Yzerfontein

Goeie middag Chanice

Dankie vir die aanhegte.

Kan ek sommer op die epos reageer? Indien wel, ons as eienaars van erf 1125 is TEN GUNSTE VAN  
die aansoek

Vriendelike groete

Jaco van der Merwe  
On behalf of: erf 1125  
083 2751597  
eric.vdme@vodamail.co.za or jaco@synsso.co.za  
PO Box 65 Darling 7345





Figure 1: Erf 1192 and surrounding objectors.

Objector	Objection	Comment from CK Rumboll & Partners
Werner van Rooyen	1. Swartland Municipality must take responsibility and take preventive measures around disturbance to the current neighborhood, the protection of quality of life for the true inhabitants of Yzerfontein and nature, by preventing an increase in accommodation units between neighbourhoods	1. The Swartland SDF (2019) guides future development within the municipal area through strategic policy guidelines. The SDF identifies the area in which Erf 1192 is located as Zone B. Zone B, Pearl Bay area, consists mainly of low density residential uses along the coastal stretch to the south, with a proposed node along the beach front as well as <b>areas for medium and high density housing opportunities.</b>

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: [admin@rumboll.co.za](mailto:admin@rumboll.co.za) / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845



		<p>The Swartland SDF encourages the following:</p> <ul style="list-style-type: none"> <li>• <b>Increase density for next 20 years</b> (which ends in 2028) from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein.</li> <li>• Densify in accordance with zone proposals through: Subdivision (sectional title), <b>Infill development</b>, Renewal, restructuring and Sectional title subdivision of existing houses on single residential erven.</li> <li>• Protect the character and historical context of surrounding environments and <b>densify by means of infill development</b> and willingness of owners to subdivide keeping in mind existing zonings, the character of surrounding environments and the unique sense of place and historical context of specific areas.</li> </ul> <p>The proposed development supports the notion of infill development by adding an additional unit to the property. The proposal also supports densification while maintaining a "single residential" character and without further subdivision of the property. This approach to densification eliminates the need for developing natural areas in order to achieve higher densities.</p> <p>Since the Swartland Spatial Development Framework encourages and supports infill development in this area, and only one additional unit is proposed, it is highly unlikely that the quality of life of the surrounding land owners will be adversely affected.</p>
	<p>2. What is the total permissible percentage that any dwelling unit may occupy of the total area of the erf?</p>	<p>2. Residential Zone 1 properties may have a coverage of 50%. The coverage of the proposed double dwelling house will be <math>\pm 49.87\%</math>. It therefore complies with the development parameters for Residential Zone 1 properties.</p>

---

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: [admin@rumboll.co.za](mailto:admin@rumboll.co.za) / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845

---

	<p>3. If there is a safety risk or any potential safety risk I oppose the application.</p>	<p>3. The proposal complies with all the development parameters for Residential Zone 1 properties, except for the departure of street building lines of the existing building. The departure will also not be a safety risk due to the following:</p> <ul style="list-style-type: none"> <li>• Since Erf 1192 is not located on a street corner, the small encroachment to the street building line will not adversely affect the view of traffic.</li> <li>• The dwelling unit has been erected <math>\pm 3</math> years ago with no formal complaint or accidents reported.</li> <li>• The property is located in a quiet neighbourhood with very limited traffic, the relaxation will therefore not have an adverse impact on the flow of traffic in the area.</li> </ul>
W.S. Conradie	<p>4. The owners have been living in the house since 2020 and it seems like no occupation certificate has been issued for the existing structures. How can the existing building plans be approved if the building exceeds the building lines? It is worrying that application is made as proposed above, but the existing building is not yet approved.</p>	<p>4. The existing dwelling house on Erf 1192, Yzerfontein, has been built over both the street building lines and the restrictive title building lines. Part of this application is to authorise the existing building which was wrongly built, while also applying for a double dwelling unit to contribute to residential accommodation in Yzerfontein.</p> <p>As mentioned in point 3 above, the departure of street building lines to accommodate the existing building will not have an adverse impact on any of the surrounding properties, and should therefore be supported. New building plans will be submitted once the land use application is finalised.</p>
	<p>5. No mention is made of what the second dwelling unit will be used for.</p>	<p>5. The proposed double dwelling house will be utilised for additional residential purposes as supported and encouraged by the Swartland SDF.</p>
	<p>6. These are single residential erven. The application for second dwelling will transform the property to high density residential- this is unacceptable</p>	<p>6. Refer to point 1. A double dwelling house is considered a consent use under Residential Zone 1 properties. The SDF encourages higher density development in this area.</p>

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: [admin@rumboll.co.za](mailto:admin@rumboll.co.za) / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845



	7. The development will obstruct the view of Erven 1199 and 1200.	7. The proposal is within the development parameters for Residential Zone 1 properties and none of these two land owners objected to the application. The proposal should therefore be supported.
	8. The peaceful nature of the neighbourhood is threatened by these applications and also no further information is provided regarding the use, therefore we are opposed to this.	8. Refer to point 1.

Considering the above, the proposal complies with the proposals and guidelines of the Swartland Spatial Development Framework to ensure sustainable development. The application should therefore be encouraged by the municipality.

We trust you will find the above in order when considering the application

Kind regards

  
.....

NJ de Kock  
For CK RUMBOLL AND PARTNERS

---

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: [admin@rumboll.co.za](mailto:admin@rumboll.co.za) / PO Box 211 / Rainierstr 16, Malmesbury, 7299  
MALMESBURY (T) 022 482 1845

---

## Annexure A

---

**VENNOTE / PARTNERS:**

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

---

**ADDRESS/ ADRES:** [admin@rumboll.co.za](mailto:admin@rumboll.co.za) / PO Box 211 / Rainierstr 16, **Malmesbury**, 7299  
**MALMESBURY** (T) 022 482 1845



CLEAN AUDITS SINCE 2010/11



*Ons gee gestalte aan 'n beter toekoms!  
We shape a beter future!  
Sibumba ikamva elingcono!*

File ref: 15/3/5-14/Erf\_1192  
15/3/10-14/Erf\_1192  
15/3/4-14/Erf\_1192

Enquiries:  
Ms D N Stallenberg

10 December 2021

C K Rumboll & Partners  
P O Box 211  
MALMESBURY  
7299

Dear Sir/Madam

**PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS, CONSENT USE AND DEPARTURE  
ON ERF 1192, YZERFONTEIN**

Your application with reference YZER/11807/AC/NJdk dated 20 October 2021 refers.

Kindly find attached the objection received by Werner van Rooyen & WS Conradie during the commenting period.

Your comment on the objections is requested within 30 days from the date of this letter in order for Swartland Municipality to make a decision.

Yours sincerely

**MUNICIPAL MANAGER**  
per Department Development Services

/ds

*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

**From:** [vanrooyen.werner@gmail.com](mailto:vanrooyen.werner@gmail.com) <[vanrooyen.werner@gmail.com](mailto:vanrooyen.werner@gmail.com)>  
**Sent:** Monday, 06 December 2021 16:14  
**To:** 'swartlandmun@swartland.org.za.' <[swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)>  
**Subject:** RE: Voorgestelde opheffing van beperkende voorwaardes, vergunningsgebruik en afwyking op Erf 1192, Yzerfontein

Geagte Mnr Alwyn Burger en Mnr Herman Olivier,

Naam: Mnr Werner van Rooyen

Adres: 16 Seaview Crescent

Voorkeur kommunikasie: Epos

Hiermee verneem ek uitklaring t.o.v die voorgestelde opheffing van beperkende voorwaardes, vergunningsgebruik en afwyking op Erf 1192, Yzerfontein.

Indien die woonhuis omskep word in twee woonhede en gebruik word vir verhuurings doeleindes of bedryf van n gastehuis of gedeeltelike akkommodasie , staan ek die aansoek teen.

Die munisipaliteit se oorweging moet geskied te behouing van die gemeenskap, die buurt en sy mense. Swartland munisipaliteit moet die verantwoordelikheid neem en voorkomings maatreëls tref rondom

verstoring aan die huidige buurt, die beskerming van kwaliteit lewe vir die ware inwoners van Yzerfontein en die natuur, deur n toename in akkommodasie eenhede tussen woonbuurte te verhoed.

My ander vraag is, wat is die toelaatbare persentasie wat enige wooneenhede mag opneem van die totale erf oppervlak?

Indien daar veiligheids risiko is of enige potensiële veiligheids risiko t.o.v die opheffing van beperkende voorwaardes op Erf 1192,

die vergunnings gebruik vir n dubbelwoonhuis of die afwyking van ontwikkelings parameters op Erf 1192, vir enige lid van die gemeenskap of inwoners van die woonhuis te Erf 1192 of

inwoners van aangrensende huise, staan ek ook die aansoek teen.

Groete,

Werner van Rooyen

084 230 8116

MBA/Bcomm Hons/BA Hons

Van: WS Conradie  
PO Box 5303  
Tygervally  
7536  
2 Desember 2021

Aan: Me D N Stellenberg/ Munisipale bestuurder Swartland Munisipaliteit

**PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITION, CONSENT TO USE AND DEPARTURE ON ERF 1192, YZERFONTEIN (NOTICE 36/2021/2022)**

Aansoeker: CK Rumbill & Vennote, Posbus 211, Malmesbury, 7299  
Tel no 022-4821845

Eienaar: R & LL Janse van Rensburg, Posbus 915, Yzerfontein, 7531  
E-pos: [riaanivr@ctpex.co.za](mailto:riaanivr@ctpex.co.za)

Verwysingsnommer: 15/3/5-14/Erf\_1192/15/3/10-14/Erf\_1192

Eiendomsbeskrywing: Erf 1192, Yzerfontein

Fisiese Adres: Geleë te Seaview Crescent 18, Yzerfontein

**Volledige beskrywing van aansoek:**

---

Lêerverw: 15/3/5-14/Erf\_1192  
15/3/10-14/Erf\_1192  
15/3/4-14/Erf\_1192

---

**VOORGESTELDE OPHEFFING VAN BEPERKENDE VOORWAARDES, VERGUNNINGSGEBRUIK EN AFWYKING OP ERF 1192, YZERFONTEIN (KENNISGEWING 36/2021/2022)**

Hiermee word ten sterkste beswaar aangeteken in geheel teen die voorgestelde opheffing van beperkende voorwaardes, vergunningsgebruik en afwyking op Erf 1192, Yzerfontein.

As eienaar van Erf 1126 en Erf 1127, grond ek my beswaar op die volgende redes:

1. Die eienaars het reeds in die huis ingetrek gedurende 2020 en dit blyk dat daar tot op hede nog geen okkupasie sertifikaat uitgereik of huidige strukture afgeteken is nie (kommunikasie met Mnr Bertus Keulder verwys). Hoe is die huidige geboude huis se planne dan goedgekeur as dit oor die grens is?



Dit is uiteraard kommerwekkend dat daar vir bogenoemde opheffing, vergunningsgebruik en afwyking gevra word maar die huidige woning is nog nie goedgekeur nie en die eienaars bly alreeds byna twee jaar in die woning.

2. Die tweede beswaar is gegrond op die feit dat daar geen melding gemaak word wat die doel van die twee wooneenhede is en waarvoor dit gebruik gaan word nie.
3. Dit is ook kommerwekkend dat eienaars bv Erf 1125 en erf 1192 in Seaview Crescent aansoek doen vir afwyking van 'n beperkende voorwaardes rakende die gebruik van die perseel en boulyne, wat neerkom op hoë digtheidsbehuising wat inbreuk maak op ons privaatheid.
4. Hierdie is enkel residensiele erwe, waarvoor 2de woning hoë digtheid aansoek gedoen word- dis is onaanvaarbaar.
5. Dit gaan ook die uitsig van erf 1199 erf 1200 en erf 1189 belemmer.
6. Die rustige aard van die woonbuurt word bedreig deur hierdie aansoeke en ook aangesien geen verdere inligting verskaf word rakende die verwysingsgebruik nie, is ons gekant hierteen.

W.S. Conradie  
Posbus 5303  
Tygervallei  
7536  
eienaar van Erf 1126 en Erf 1127

E-pos: [wsconsulting@mweb.co.za](mailto:wsconsulting@mweb.co.za) (voorkeurwyse van Kommunikasie)



12 January 2022

15/3/5-8/Erf\_1585

WYK: 10

**ITEM 6.3 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 9 FEBRUARY 2022**

LAND USE PLANNING REPORT PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS ON ERF 1585, MALMESBURY					
Reference number	15/3/5-8/Erf_1585	Submission date	29 September 2021	Date finalised	14 January 2022

PART A: APPLICATION DESCRIPTION	
Application for the removal of restrictive conditions on Erf 1585, Malmesbury, is made in terms of Section 25(2)(f) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020). It is proposed that condition C(c) of Deed of Transport T44200/2020 be removed. The application aims to remove restrictive conditions regarding the permissible amount of dwelling units on the property.	
The applicant is C.K. Rumboll and Partners and the property owner is MVN & B Bester.	

PART B: PROPERTY DETAILS	
Property description (in accordance with Title Deed)	ERF 1585 MALMESBURY, SITUATED IN THE SWARTLAND MUNICIPALITY DIVISION MALMESBURY; PROVINCE WESTERN CAPE
Physical address	75 Bergzicht Street
Town	Malmesbury
Current zoning	Residential Zone 1
Extent (m <sup>2</sup> /ha)	1606m <sup>2</sup>
Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2021)
Current land use	Dwelling house and outbuildings
Title number & date	T44200/2020
Any restrictive title conditions applicable	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N If Yes, list condition number(s)
Condition C(c) – Net een woning, tesame met die nodige buitegeboue , mag op hierdie erf opgerig word;	
Any third party conditions applicable?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N If Yes, specify
Any unauthorised land use/building work	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N If Yes, explain

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)	
Rezoning	<input type="checkbox"/> Permanent departure <input type="checkbox"/> Temporary departure <input type="checkbox"/> Subdivision
Extension of the validity period of an approval	<input type="checkbox"/> Approval of an overlay zone <input type="checkbox"/> Consolidation <input checked="" type="checkbox"/> Removal, suspension or amendment of restrictive conditions
Permissions in terms of the zoning scheme	<input type="checkbox"/> Amendment, deletion or imposition of conditions in respect of existing approval <input type="checkbox"/> Amendment or cancellation of an approved subdivision plan <input type="checkbox"/> Permission in terms of a condition of approval
Determination of zoning	<input type="checkbox"/> Closure of public place <input type="checkbox"/> Consent use <input type="checkbox"/> Occasional use

Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		
---	--	---	--	---	--	--

**PART D: BACKGROUND**

Erf 1585, Malmesbury is zoned Residential zone 1 and is developed with a dwelling house, second dwelling and outbuildings. A site inspection was conducted on 13 January 2022. See the photos below.

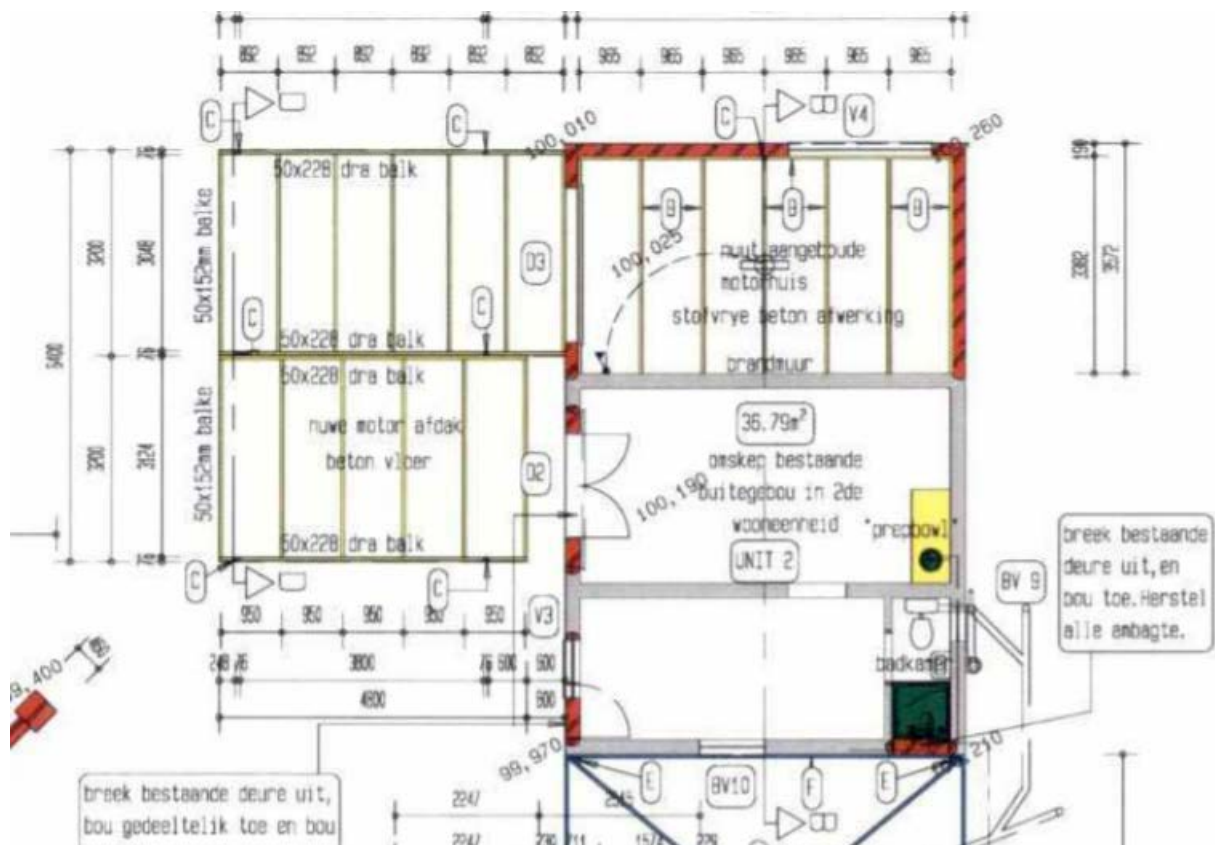






According to the owner (Mr & Mrs Bester) the outbuilding has already been converted into a second dwelling when they took ownership of the property in 2020.

The second dwelling (smaller than 60m<sup>2</sup> - ±37 in extent) is an additional use right under the Residential zone 1 zoning. Please an extract from the building plan below.



Condition C(c) of Deed of Transfer no T44200/2020 restricts the permitted number of dwellings on the property to only 1 dwelling.

This application is therefor to remove the restrictive condition to permit the second dwelling as allowed for as land use right by the Swartland Planning By-law.

**PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)**

Has pre-application consultation been undertaken?	Y	N	If yes, provide a brief summary of the outcomes below.
---	---	---	--



**PART F: SUMMARY OF APPLICANT'S MOTIVATION**

The applicant provides the following motivation:

1. Additional housing opportunities are provided.
2. The proposal combats urban sprawl.
3. The second dwelling supports sustainable densification without altering the urban grain.
4. The second dwelling supports the objectives of the MSDF.
5. The second dwelling is aligned with the principles of SPLUMA and LUPA.
6. Existing services are used to their full potential.

**PART G: SUMMARY OF PUBLIC PARTICIPATION**

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?

**Y**

N

A total of 12 registered notices were issued to affected parties, of which 8 of the same notices were also sent via e-mail. 2 posted notices were returned uncollected, but emails were sent to the owners.

Total valid comments	<b>1</b>		Total comments and petitions refused	<b>0</b>	
Valid petition(s)	Y	<b>N</b>	If yes, number of signatures		
Community organisation(s) response	Y	<b>N</b>	Ward councillor response	Y	<b>N</b>
Total letters of support			<b>0</b>		

The application was forwarded to the ward councillor, but no comments were forthcoming.

**PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS**

Name	Date received	Summary of comments	Recommendation	
			Positive	Negative
Department: Civil Engineering Services	4 October 2021	1. <u>Water</u>  Die erf gebruik maak van die bestaande aansluiting en dat geen addisionele aansluitings voorsien sal word nie.	X	
		2. <u>Riool</u>  Die erf gebruik maak van die bestaande rioolaansluiting en dat geen addisionele aansluitings voorsien sal word nie.		
		3. <u>Ander kommentaar</u>  Dat vaste kapitale bydraes as volg gemaak word:		

**PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION**
**SUMMARY OF APPLICANT'S REPLY TO COMMENTS**
**MUNICIPAL ASSESSMENT OF COMMENTS**

Adriaan Truter, owner of erf 1584	<p>1. As eienaar in een van die oudste buurte in Malmesbury is dit vir my van groot belang om die landelike gevoel van ons dorp te behou. Ons erwe is groot en gee die ruimte wat ander erwe nie kan bied nie. Daar is al so baie erwe opgesnipper om mense/besighede te akkomodeer wat die landelike gevoel heeltemal laat kwyn.</p>	<p>1. Neem kennis. Die aansoek behels nie 'n voorstel vir onderverdeling van Erf 1585 Malmesbury nie. Die aansoek motiveer alleenlik die opheffing van 'n beperkende titelvoorwaarde wat verhoed dat 'n tweede woning gevestig mag word op die eiendom. Die grootte van die erf sal gevolglik ooreenstem met dié van omliggende erwe. Die skep van 'n tweede woning bied juis verdigtingsgeleenthede sonder om eiendomme te onderverdeel en word daarom beskou as 'n volhoubare verdigtingstrategie wat nie die karakter - met betrekking tot erf groottes, van die area negatief sal beïnvloed nie.</p>	<p>1. Neem kennis. Hierdie aansoek het nie ten doel om die erf te onderverdeel nie. Die grondgebruiksregte van Erf 1585 maak voorsiening vir 'n tweede wooneenheid kleiner as 60m<sup>2</sup> as 'n addisionele gebruiksreg. Die doel van die aansoek is om 'n beperkende in die titel akte van Erf 1585 te verwyder wat slegs 1 woonhuis op die erf magtig.</p> <p>Die tweede wooneenheid is akkomodeer in 'n bestaande gebou. Die karakter van die omliggende area gaan geensins beïnvloed word deur die tweede wooneenheid nie.</p>
---	---	--	--

		<p>Verder, spesifiseer Swartland Munisipaliteit se Verordening insake Munisipale Grondgebruikbeplanning onder afdeling 1.1.4(b)(vii) dat die bestaan van 'n tweede woning nie geag word as voldoende rede vir die munisipaliteit om 'n onderverdelingsaansoek goed te keur nie. Die wettiging van 'n tweede woning bevorder dus nie die potensiaal om die eiendom te onderverdeel nie.</p>	
	<p>2. Die opheffing is slegs tot voordeel van die eienaar en hou geen voordeel vir ons ander inwoners in nie.</p>	<p>2. Die skep van 'n tweede woning bied 'n behuisingsgeleentheid wat finansieël meer toeganklik is in vergelyking met tradisionele, losstaande enkelresidensiële behuisings. Deur meer bekostigbare behuisingsgeleenthede te bied dra die aansoek by tot ruimtelike en ekonomiese veerkragtigheid by wyse van 'n versterking van Malmesbury se kapasiteit om ekonomiese rampe en bevolkingsgroei te weerstaan.</p>	<p>2. Die stelling van die beswaarmaker is korrek, maar aan die anderkant het dit ook geen negatiewe impak of benadeel ander inwoners nie.</p>
	<p>3. Ons straat het alreeds 'n motorverkoper op die hoek wat 'n geweldige impak op die verkeer het wat deur die ontwikkelaars ontken sou word ten tye van die aansoek. Ek bly egter oorkant hulle en kan u verseker die straat kort nie NOG verkeer nie.</p>	<p>3. Neem kennis. 'n Tweede woning sal nie lei tot 'n drastiese verkeerstoename nie siende dat die gemiddelde huishouding 2 voertuie het. 'n Residensiële eiendom kry nie so baie besoekers soos 'n besigheid nie.</p>	<p>3. Die ritopwekking van 1 addisionele voertuig na Erf 1585 wat moontlik genereer gaan word deur die tweede wooneenheid, word geag om 'n baie lae impak te hê op Bergzichtstraat.</p>
	<p>4. Die eienaar gaan heel moontlik die huis verkoop en ons as besorgde bure los met n moontlike kopseer/steurnis.</p>	<p>4. Inwoners van die hoof- asook tweede woning, selfs al wissel die eienaarskap, sal steeds aangemoedig word om bedagsaam op te tree en te voldoen aan Swartland se Verordening insake Openbare Oorlaste.</p>	<p>4. Die stelling is spekulatief. Dit is ook nie duidelik waarna verwys word met "...moontlik kopseer/steurnis...".</p>
	<p>5. Ek het 20 jaar gelede my huis gekoop vir die spasie en rustigheid en voel dit onregverdig om dit ontnem te word.</p>	<p>5. Neem kennis. Die aansoek sal nie spasie van Mnr. Truter ontnem nie siende dat sy eiendom se grootte nie geaffekteer word deur die voorstel nie. Die doel van die aansoek is om 'n tweede wooneenheid te akkommodeer sonder om die regte van die omliggende grondeienaars te affekteer. Die posisie van die voorgestelde tweede woning voldoen aan Erf 1585 Malmesbury se boulyne en respekteer Mnr. Truter se regte met spesifieke verwysing na sonlig en privaatheid.</p>	<p>5. Soos reeds genoem by punt 1 sal die tweede wooneenheid geen impak hê op die karakter van die omgewing nie.</p>

## PART J: MUNICIPAL PLANNING EVALUATION

### 1. Type of application and procedures followed in processing the application

Application for the removal of restrictive conditions on Erf 1585, Malmesbury, is made in terms of Section 25(2)(f) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020). It is proposed that condition C(c) of Deed of Transport T44200/2020 be removed. The application aims to remove restrictive conditions regarding the permissible amount of dwelling units on the property.

A total of 12 registered notices were issued to affected parties, of which 8 of the same notices were also sent via e-mail. 2 posted notices were returned uncollected, but emails were sent to the owners. The commenting period for the application concluded on 15 November 2021 and 1 objection was received.

The objection received was referred to the applicant for comment on 18 November 2021 and the response to objections were provided to the Municipality on 26 November 2021.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

### 2. Legislation and policy frameworks

#### 2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

- a) Spatial Justice: The proposed second dwelling supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society.
- b) Spatial Sustainability: The proposed second dwelling will promote the intensive utilisation of engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification.
- c) Efficiency: The proposed second dwelling will promote the optimal utilisation of services on the property and enhance the tax base of the Municipality.
- d) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained.
- e) Spatial Resilience: Not addressed.

It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned legislative measures.

#### 2.2 Spatial Development Framework(SDF)

The application property is situated in Zone C in terms of the spatial proposals for Malmesbury as contained in the SDF. Zone C has a mixed land use character consisting of low and medium density residential uses and also supporting functions like crèches, schools, hostels and a hospital. Densification and mixed uses are allowed for in the transition areas next to the commercial and industrial areas and along the activity streets. Second dwellings are specifically consistent with the character of the zone, as such a development will not alter the residential zoning of the property.

#### 2.3 Schedule 2 of the By-Law: Zoning Scheme Provisions

The application property is zoned Residential Zone 1 with a second dwelling smaller than 60m<sup>2</sup> as an additional use right. The proposal complies with the development parameters determined by the By-Law.

Please note that there are minor building works on the property which encroaches the rear and side building lines. These structures are illegal building work and needs to be removed. This issue will be addressed at building plan stage.

### 2. Impact on municipal engineering services

The proposed application is intended to optimise the use of existing infrastructure and municipal engineering services. Development charges will be levied in accordance with the Swartland Capital Contribution By-Law for Malmesbury at building plan stage.



## PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

### The financial or other value of the rights

The restrictive conditions were imposed in favour of the neighbourhood and no person or entity is foreseen to profit financially from the removal.

The conditions were imposed during a time when land use management measures were lacking at a municipal level and land use was largely governed by title deed restrictions. The consideration of the unauthorised structures on the erf will remain subject to the development parameters contained in the By-Law.

### The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

The restrictive conditions were imposed in favour of the larger development/township establishment. The personal benefit for the applicant will be the unencumbered use of the legalised structures.

### The social benefit of the restrictive condition remaining in place, and/or being removed/amended

The proposed removal will not entail social benefits.

### Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights

Only the restrictions pertaining to land use management and that can be regulated by means of the By-Law, are proposed for removal.

## PART L: RECOMMENDATION WITH CONDITIONS

**A.** The application for the removal of restrictive condition C(c) registered against Erf 1585, Malmesbury, as contained in Title Deed T44200/2020, is hereby approved in terms of section 70 of the By-Law

The following process needs to be followed:

- (a) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the removal of the restrictive conditions;
- (b) 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;
- (c) A copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans;

### **B. 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 within the 5 year period and that failing to do so will result in the lapsing of this approval;
- b) In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 8226 of 25 March 2020), affected parties have a right to appeal the abovementioned decision within 21 days of date of registration of this letter to the appeal authority of the Swartland Municipality against Council's decision.


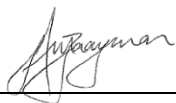
Should affected parties decide to appeal, you can write to the following address:

The Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299

Please note that an appeal fee of R2260-00 is payable should you wish to appeal the decision. The appeal must be accompanied by the proof of payment and only then will the appeal be regarded as valid.

## PART M: REASONS FOR RECOMMENDATION

- 1. The second dwelling smaller than 60m<sup>2</sup> is an additional use right under the Residential zone 1 zoning.
- 2. The removal of the relevant restrictive condition will enable a second dwelling on the property as provided for by the land use rights applicable to the property.
- 3. The second dwelling is foreseen not to have an impact on the character of the surrounding area.

4.	The removal of the relevant restrictive condition will not impact negatively or disadvantage surrounding/affected owners.			
5.	The impact of additional traffic to and from the property as a result of the second dwelling is deemed to be very low.			
<b>PART N: ANNEXURES</b>				
Annexure A: Locality plan Annexure B: Building plan Annexure C: Public participation plan Annexure D: Objection from Adriaan Truter Annexure E: Comments from the applicant on the objections				
<b>PART O: APPLICANT DETAILS</b>				
First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	MVN & B Bester	Is the applicant authorised to submit this application:	<b>Y</b>	<b>N</b>
<b>PART P: SIGNATURES</b>				
<b>Author details:</b> AJ Burger Senior Town & Regional Planner SACPLAN: B/8429/2020				Date: <b>14 January 2022</b>
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001		Recommended	<input checked="" type="checkbox"/>	Not recommended
				Date: <b>18 January 2022</b>



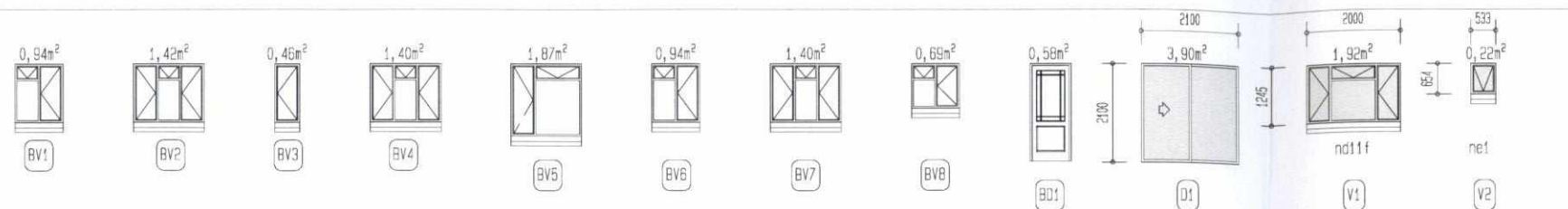
Scale: N/A











# UNIT 1

Aluminium skuifdeur en staal vensters toegerus met 6,38mm veiligheids glas waar nodig soos voorgeskryf in SANS 10400 deel N.

## VENSTERS EN DEURSKEDULE 1:100

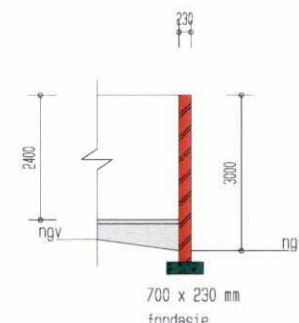
NETT HABITABLE AREA			141,05m <sup>2</sup>
TOTAL AREA OF GLAZING			15,74m <sup>2</sup>
% OF FLOOR AREA			11,16 %
CLIMATIC ZONE			4
PERMISSABLE U-VALUE (AREA X 1,4)			197,47
PERMISSABLE SOLAR HEAT GAIN (AREA X 0,13)			18,34
DESCRIPTION OF FRAME			ALUMINIUM
DISCRIPTION OF GLASS			SINGLE LOW E
WINDOW NO.	WINDOW AREA	U-VALUE (5,73) (CONDUCTANCE)	SHGC (0,66) (SOLAR GAINS)
ADDITION TO EXISTING BUILDING			
best. venst. 1x1 (glas)	0,94m <sup>2</sup>	5,39	0,62
best. venst. 2x1 (glas)	1,42m <sup>2</sup>	8,14	0,94
best. venst. 3x1 (glas)	0,46m <sup>2</sup>	2,64	0,30
best. venst. 4x1 (glas)	1,40m <sup>2</sup>	8,02	0,92
best. venst. 5x1 (glas)	1,87m <sup>2</sup>	10,72	1,23
best. venst. 6x1 (glas)	0,94m <sup>2</sup>	5,39	0,62
best. venst. 7x1 (glas)	1,40m <sup>2</sup>	8,02	0,92
best. venst. 8x1 (glas)	0,69m <sup>2</sup>	3,95	0,46
best. deur 1x1 (glas)	0,58m <sup>2</sup>	3,32	0,38
nuwe deur 1x1 (glas)	3,90m <sup>2</sup>	22,35	2,57
nuwe venst. 1x1 (glas)	1,92m <sup>2</sup>	11,00	1,27
nuwe venst. 2x1 (glas)	0,22m <sup>2</sup>	1,26	0,15
TOTAL	15,74 m <sup>2</sup>	90,19	10,39
A: CONDUCTANCE = (FLOOR AREA X 1,2) = 141,05 X 1,2 = 169,26 > 90,19 (COMPLIES)			
B: SOLAR GAINS = (FLOOR AREA X 0,6) = 141,05 X 0,6 = 84,63 > 10,39 (COMPLIES)			

BV1 = BESTAANDE VENSTER 1  
BV2 = BESTAANDE VENSTER 2  
BV3 = BESTAANDE VENSTER 3  
BV4 = BESTAANDE VENSTER 4  
BV5 = BESTAANDE VENSTER 5  
BV6 = BESTAANDE VENSTER 6  
BV7 = BESTAANDE VENSTER 7  
BV8 = BESTAANDE VENSTER 8  
BD1 = BESTAANDE DEUR 1

V1 = NUWE VENSTER 1  
V2 = NUWE VENSTER 2  
D1 = NUWE DEUR 1

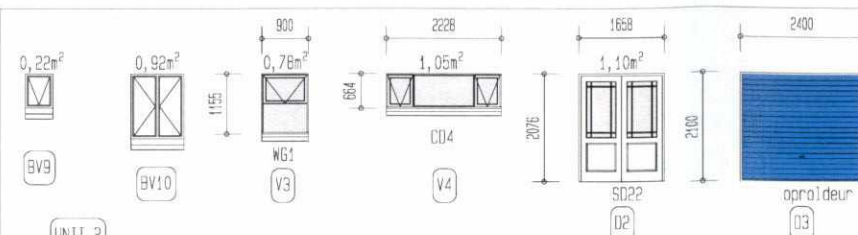


SNIT D-D 1:100



SNIT E-E 1:100  
BUITEBRAAI MUUR

BV9 = BESTAANDE VENSTER 9  
BV10 = BESTAANDE VENSTER 10  
V3 = NUWE VENSTER 3  
V4 = NUWE VENSTER 4  
D2 = NUWE DEUR 2  
D3 = NUWE DEUR 3



# UNIT 2

Hout deur en vensters toegerus met 6,38mm veiligheids glas waar nodig soos voorgeskryf in SANS 10400 deel N.

## VENSTERS EN DEURSKEDULE 1:100

NETT HABITABLE AREA			59,00m²
TOTAL AREA OF GLAZING			4,07m²
% OF FLOOR AREA			6,90 %
CLIMATIC ZONE			4
PERMISSABLE U-VALUE (AREA X 1,4)			82,6
PERMISSABLE SOLAR HEAT GAIN (AREA X 0,13)			7,67
DESCRIPTION OF FRAME			ALUMINIUM
DISCRIPTION OF GLASS			SINGLE LOW E
WINDOW NO.	WINDOW AREA	U-VALUE (5,73) (CONDUCTANCE)	SHGC (0,66) (SOLAR GAINS)
ADDITION TO EXISTING BUILDING			
best. venst. 9x1 (glas)	0,22m²	1,26	0,15
best. venst. 10x1 (glas)	0,92m²	5,27	0,61
nuwe venst. 3x1 (glas)	0,78m²	4,47	0,51
nuwe venst. 4x1 (glas)	1,05m²	6,02	0,69
nuwe deur 2x1 (glas)	1,10m²	6,30	0,73
TOTAL	4,07 m²	23,32	2,69
A: CONDUCTANCE = (FLOOR AREA X 1,2) = 59,0 X 1,2 = 70,80 > 23,32 (COMPLIES)			
B: SOLAR GAINS = (FLOOR AREA X 0,6) = 59,0 X 0,6 = 35,4 > 2,69 (COMPLIES)			

- \*Alle mates en vlakke moet vooraf op terrein nagegaan en aangepas word alvorens enige bouwerk begin word. Geskaalde mates ongeldig.
- \*Alle materiale wat gebruik word moet SABS goedgekeur wees.
- \*Vogwering onder alle mure, vloere, bo en onder alle vensters.
- \*Een lugsteen bokant elke venster. Twee bo badkamervensters.
- \*Betonlateie oor alle openinge groter as 1000mm.
- \*Baksteenwapening in alle mure.
- \*ALLE BOUWERK STRENG VOLGENS SANS 10400-2011 Kodes, PROVINSIALE- EN PLAASLIKE BOUREGULASIES.
- \*Alle glas groter as 1,0vk.m moet voldoen aan SANS 10400-2011 N.
- \*Die kontrakteur moet aan alle voorwaardes en regulasies van die plaaslike owerheid, bouregulasies, Bouplan, ingenieur en die NHBRC voldoen.
- \*Kopiereg voorbehou op alle tekeninge en ontwerpe.
- \*Die kontrakteur op terrein om te voldoen aan die Beroepsgesondheid en Veiligheidswet no.85 van 1993.

EIENAAR : M&B Bester Erf : 1585

NAAM :  
Hiermee bevestig die eienaar van die perseel wat tersnake is dat hy/sy wel die plan bestudeer het en alle verke aan hom/haar verduidelik is indien hy/sy dit nie verstaan het nie.

○ Plafonlig	⊖ Buislig	⊗ Klokke
⊕ Lae plafonlig	⊙ Geyser punt	⊘ Skakelaar
⊖ Muurlig-waterdig	⊙ 15A Stookkontak	⊘ Verdeelbord
⊖ Muurlig	⊙ Stookpunt	⊘ Meterkas
⊙ Plafonlig-versink	⊙ TV-punt	⊘ Koopkrag
⊙ Kollig	⊙ Telefoonpunt	⊘ Skeerpunt
⊙ Rekensarpunt	⊙ Rek. netwerk	

**BOUPLAN** DUTHIESTR 18  
ARGITEKTUUR MALMESBURY 7300  
**TEL. 082 601 0089**  
bouplan2@propertyseeker.co.za

KLIENT. M&B Bester  
PROJEK. Voorgestelde nuwe motorhuis, afdak, buitebraai, skadunet, motor afdak en wysigings te erf 1585, Bergzichtstraat 75, Malmesbury

SACAP. H Hall ST 2019 & L Viljoen PAD 21108

TEK NO. 7300-93-2 DATUM. Januarie 2021

GETEKEN.MC LAMPRECHT SKAAL. soos getoon

KOPIEREG VOORBEHOU DEUR BOUPLAN

## Annexure C

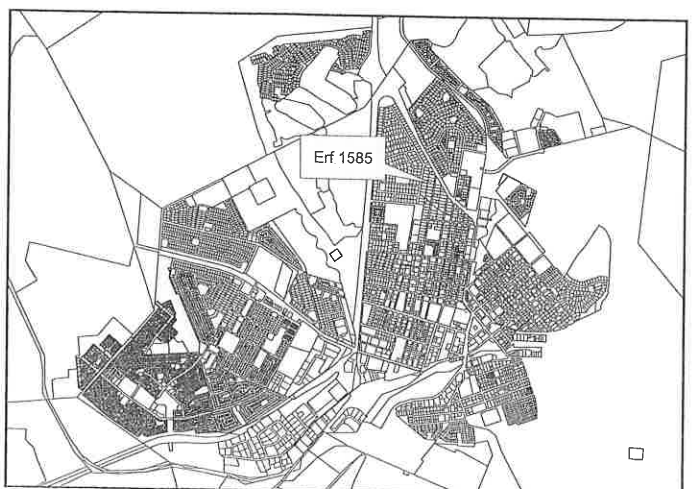



### Voorgestelde opheffing van beperkings

Erf 1585, Malmesbury

Publieke deelname

Skaal: NVT



Ref Number	3672203	//
Meta Type	Correspondence	//
Name	BESWAAR TEEN VOORGESTELDE OPHEFFING VAN ERF 1585,	//
Message	<p>A20</p> <p>15/3/5-8/Erf_1585</p> <p><b>Ulynn Julies</b></p> <p>Administrator   Records &amp; Archives</p> <p>T: 022 487 9400   F: 022 487 9440   M: 073 145 4418</p> <p> COVID-19 Vaccine Email Eng</p> <p><b>From:</b> ATS ATS &lt;atspubmalmesbury@gmail.com&gt;  <b>Sent:</b> Monday, 15 November 2021 14:23  <b>To:</b> Registrasie Email &lt;RegistrasieEmail@swartland.org.za&gt;  <b>Subject:</b> OPHEFFING ERF 1585</p> <p>ADRIAAN TRUTER  BERGZICHT STR 77  MALMESBURY  7300  15-11-21</p> <p>Vir wie dit aangaan,</p> <p>Ek rig hierdie skrywe as eienaar van Bergzichtstr 77 en dus die direkte buurman van die aansoeker. My voorkeur taal is Afrikaans vir korrespondensie.</p> <p>1. As eienaar in een van die oudste buurte in Malmesbury is dit vir my van groot belang om die landelike gevoel van ons dorp te behou. Ons erwe is groot en gee die ruimte wat ander erwe nie kan bied nie. Daar is al so baie erwe opgesnipper om mense/besighede te akkomodeer wat die landelike gevoel heeltemal laat kwyn.</p>	

2.Die opheffing is slegs tot voordeel van die eienaar en hou geen voordeel vir ons ander inwoners in nie.

3.Ons straat het alreeds n motorverkoper op die hoek wat n geweldige impak op die verkeer het wat deur die ontwikkelaars ontken sou word te tye van die aansoek.Ek bly egter oorkant hulle en kan u verseker die straat kort nie NOG verkeer nie.

4.Die eienaar gaan heel moontlik die huis verkoop en ons as besorgde bure los met n moontlike kopseer/steurnis.

Ek doen dus n beroep op U om my besware ter harte te neem en te oorweeg.

Ek het 20 jaar gelede my huis gekoop vir die spatie en rustigheid en voel dit onregverdig om dit ontnem te word.

Groete

Adriaan Truter

0832828301


DISCLAIMER: This E-Mail and any files transmitted with it are private and confidential and are for the sole use of the addressee. It may contain legally privileged material. If you are not the addressee or the person responsible for delivering to the addressee, be advised that you have received this E-Mail in error as such any use, printing, copying or distribution of it is strictly prohibited. Failure to abide by this warning could give rise to legal action and a claim for damages. If you have received this E-Mail in error please notify Swartland Municipality on (27)224879400 or E-Mail swartlandmun@swartland.org.za. Any opinions expressed in the E-Mail are those of the individual writer and not necessarily the Company's unless specifically stated otherwise. There is no intention to create any legally binding contract or other commitment through use of this E-Mail. The content of this E-Mail and any attachments should be virus tested before being downloaded to your computer.

Originating Sub Office		//
Document Date	2021-11-15	//
Department / Section		//
Acknowledge to E-Mail		//
Acknowledge to Cel		//
Business Related ?		//
Service Complaint Category 1	Not Applicable	//
Service Complaint Category 2		//
Service Complaint Category 3		//
Title		//
Language	Afrikaans	//
Email Classification		//
ReturnInvalidEmail		//
Originating Organisation	ADRIAAN TRUTER	//
Originator	ADRIAAN TRUTER	//
To	File File [file@swartland.org.za]	//



File No.	15/3/5-8/Erf_1585	//
Type	E-Mail	//
Received Date	2021-11-15	//
Access Level	Public	//
Stand No	1585	//
Covid Form		//
Covid Form Status		//
Flow Indicator	Incoming	//
Created By	UploadFiledEmail	//
Date Created	2021-11-15 14:35	//

General	Originated From	Acknowledgement	E-Mail	File Plan
---------	-----------------	-----------------	--------	-----------

Stand No	1585	//
Received Date	2021-11-15	//
Document Date	2021-11-15	//
Type	E-Mail	//
Language	Afrikaans	//
File No.	15/3/5-8/Erf_1585	//
Access Level	Public	//
Message	<div>A20</div> <div>15/3/5-8/Erf_1585</div> <div><div>Ulynn Julies</div><div>Administrator   Records &amp; Archives</div><div>T: 022 487 9400   F: 022 487 9440   M: 073 145 4418</div></div> <div><div></div><div>COVID-19 Vaccine Email Eng</div></div> <div><div>From: ATS ATS &lt;atspubmalmesbury@gmail.com&gt;</div><div>Sent: Monday, 15 November 2021 14:23</div><div>To: Registrasie Email &lt;RegistrasieEmail@swartland.org.za&gt;</div><div>Subject: OPHEFFING ERF 1585</div></div>	

ADRIAAN TRUTER  
 BERGZICHT STR 77  
 MALMESBURY  
 7300  
 15-11-21

Vir wie dit aangaan,

Ek rig hierdie skrywe as eienaar van Bergzichtstr 77 en dus die direkte buurman van die aansoeker. My voorkeur taal is Afrikaans vir korrespondensie.

1. As eienaar in een van die oudste buurte in Malmesbury is dit vir my van groot belang om die landelike gevoel van ons dorp te behou. Ons erwe is groot en gee

die ruimte wat ander erwe nie kan bied nie. Daar is al so baie erwe opgesnipper

om mense/besighede te akkomodeer wat die landelike gevoel heeltemal laat kwyn.

2. Die opheffing is slegs tot voordeel van die eienaar en hou geen voordeel vir ons ander inwoners in nie.

3. Ons straat het alreeds n motorverkoper op die hoek wat n geweldige impak op die verkeer het wat deur die ontwikkelaars ontken sou word te tye van die aansoek. Ek bly egter oorkant hulle en kan u verseker die straat kort nie NOG verkeer nie.

4. Die eienaar gaan heel moontlik die huis verkoop en ons as besorgde bure los met n moontlike kopseer/steurnis.

Ek doen dus n beroep op U om my besware ter harte te neem en te oorweeg.

Ek het 20 jaar gelede my huis gekoop vir die spasie en rustigheid en voel dit onregverdig om dit ontnem te word.

Groete

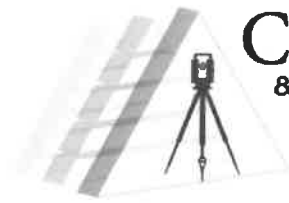
Adriaan Truter

0832828301

DISCLAIMER: This E-Mail and any files transmitted with it are private and confidential and are for the sole use of the addressee. It may contain legally privileged material. If you are not the addressee or the person responsible for delivering to the addressee, be advised that you have received this E-Mail in error as such any use, printing, copying or distribution of it is strictly prohibited. Failure to abide by this warning could give rise to legal action and a claim for damages. If you have received this E-Mail in error please notify Swartland Municipality on (27)224879400 or E-Mail [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za). Any opinions expressed in the E-Mail are those of the individual writer and not necessarily the Company's unless specifically stated otherwise. There is no intention to create any legally binding contract or other commitment through use of this E-Mail. The content of this E-Mail and any attachments should be virus tested before being downloaded to your computer.

		Size	
 image001.png	2021-11-15 14:35	64 KB	

Close



**CK RUMBOLL**  
& PARTNERS

16 Rainier Street, Malmesbury,  
Western Cape, 7299  
022 482 1845  
izak@rumboll.co.za  
www.rumboll.co.za

Verw: MAL/12005/NG

25 November 2021

Vir Aandag: Mnr. A Zaayman

Die Munisipale Bestuurder  
Swartland Munisipaliteit  
Privaatsak X52  
**MALMESBURY**  
7299

**ANTWOORD OP BESWARE:  
ERF 1585 MALMESBURY**

Vir wie dit mag aangaan,

Artikel 65 van die Swartland Munisipaliteit se Verordening insake Munisipale Grondgebruikbeplanning (PG8226) gun die aansoeker 'n geleentheid om skriftelik te reageer op enige kommentaar en/of besware. Hierdie skrywe dien as antwoord op besware ontvang rakende die aansoek vir opheffing van beperkende titelvoorwaardes ten einde 'n tweede wooneenheid te wettig op Erf 1585 Malmesbury. Die antwoordskrywe word in Afrikaans gerig, omdat dit die beswaarmaker se voorkeur taal is.

Tydens die publieke deelname proses was slegs een beswaar geopper teen die aansoek. Die beswaar kom vanaf Mnr. Adriaan Truter, die eienaar van aangrensende Erf 1584 Malmesbury. Mnr. Truter se kommentaar word gevolglik op 'n punt-vir-punt basis aangespreek. Die oorspronklike skrywe is aangeheg as **bylae A**.



1. Erf 1585 Malmesbury vorm deel van een van die oudste buurte in Malmesbury. Dit is belangrik om die landelike gevoel te behou. Groot erwe is 'n eienskap wat hierdie landelike karakter ondersteun. Baie erwe is onderverdeel om mense en besighede te akkommodeer wat lei daartoe dat die landelike karakter verlore gaan.

Neem kennis. Die aansoek behels nie 'n voorstel vir onderverdeling van Erf 1585 Malmesbury nie. Die aansoek motiveer alleenlik die opheffing van 'n beperkende titelvoorwaarde wat verhoed dat 'n tweede woning gevestig mag word op die eiendom. Die grootte van die erf sal gevolglik ooreenstem met dié van omliggende erwe. Die skep van 'n tweede woning bied juis verdigtingsgeleenthede sonder om eiendomme te onderverdeel en word daarom beskou as 'n volhoubare verdigtingstrategie wat nie die karakter - met betrekking tot erf groottes, van die area negatief sal beïnvloed nie.

Verder, spesifiseer Swartland Munisipaliteit se Verordening insake Munisipale Grondgebruikbeplanning onder afdeling 1.1.4(b)(vii) dat die bestaan van 'n tweede woning nie geag word as voldoende rede vir die munisipaliteit om 'n onderverdelingsaansoek goed te keur nie. Die wettiging van 'n tweede woning bevorder dus nie die potensiaal om die eiendom te onderverdeel nie.

2. Die opheffing is slegs tot voordeel van die eienaar van Erf 1585 Malmesbury en hou geen voordeel vir ander inwoners in nie.

Die skep van 'n tweede woning bied 'n behuisingsgeleentheid wat finansieël meer toeganklik is in vergelyking met tradisionele, losstaande enkelresidensiële behuising. Deur meer bekostigbare behuisingsgeleenthede te bied dra die aansoek by tot ruimtelike en ekonomiese veerkragtigheid by wyse van 'n versterking van Malmesbury se kapasiteit om ekonomiese rampe en bevolkingsgroei te weerstaan.

3. Die motorverkoper (Myride) wat op Erf 1581 Malmesbury gevestig is het 'n geweldige impak gehad op verkeer. Bergzichtstraat kort nie nog verkeer nie.

Neem kennis. 'n Tweede woning sal nie lei tot 'n drastiese verkeerstoename nie siende dat die gemiddelde huishouding 2 voertuie het. 'n Residensiële eiendom kry nie so baie besoekers soos 'n besigheid nie.

4. Die eienaar van Erf 1585 Malmesbury gaan heel moontlik die huis verkoop en ons as besorgde bure los met 'n moontlike kopseer/steurnis.

Inwoners van die hoof- asook tweede woning, selfs al wissel die eienaarskap, sal steeds aangemoedig word om bedagsaam op te tree en te voldoen aan Swartland se Verordening insake Openbare Oorlaste.

5. Ek het 20 jaar gelede my huis gekoop vir die spasie en rustigheid en voel dit onregverdig om dit ontnem word.

Neem kennis. Die aansoek sal nie spasie van Mnr. Truter ontnem nie siende dat sy eiendom se grootte nie geaffekteer word deur die voorstel nie. Die doel van die aansoek is om 'n tweede wooneenheid te akkommodeer sonder om die regte van die omliggende grondeienaars te affekteer. Die posisie van die voorgestelde tweede woning voldoen aan Erf 1585 Malmesbury se boulyne en respekteer Mnr. Truter se regte met spesifieke verwysing na sonlig en privaatheid.

Vir die bogenoemde redes is CK Rumboll en Vennote se posisie dat die aansoek nie 'n negatiewe impak op Mnr. Truter se regte sal hê nie en dat Swartland Munisipaliteit die aansoek in 'n positiewe lig kan oorweeg.

Vriendelike Groete



Nical Grobbelaar  
Ck Rumboll & Vennote

BYLAE A



**CLEAN AUDITS SINCE 2010/11**



*Ons gee gestalte aan 'n beter toekoms!  
We shape a beter future!  
Sibumba ikamva elingcono!*

File ref: 15/3/5-8/Erf\_1585

Enquiries:  
Ms D N Stellenberg

18 November 2021

C K Rumboll & Partners  
P O Box 211  
MALMESBURY  
7299

Dear Sir/Madam

**PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS ON ERF 1585, MALMESBURY**

Your application with reference MAL/12005/NG dated 29 September 2021 refers.

Kindly find attached the objection received by Adriaan Truter during the commenting period.

Your comment on the objections is requested within 30 days from the date of this letter in order for Swartland Municipality to make a decision.

Yours sincerely

  
**MUNICIPAL MANAGER**  
per Department Development Services

/ds

*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**



**From:** ATS ATS <atspubmalmesbury@gmail.com>  
**Sent:** Monday, 15 November 2021 14:23  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:** OPHEFFING ERF 1585

ADRIAAN TRUTER

BERGZICHT STR 77

MALMESBURY

7300

15-11-21

Vir wie dit aangaan,

Ek rig hierdie skrywe as eienaar van Bergzichtstr 77 en dus die direkte buurman van die aansoeker. My voorkeur taal is Afrikaans vir korrespondensie.

1. As eienaar in een van die oudste buurte in Malmesbury is dit vir my van groot belang om die landelike gevoel van ons dorp te behou. Ons erwe is groot en gee

die ruimte wat ander erwe nie kan bied nie. Daar is al so baie erwe opgesnipper

om mense/besighede te akkomodeer wat die landelike gevoel heeltemal laat kwyn.

2. Die opheffing is slegs tot voordeel van die eienaar en hou geen voordeel vir ons ander inwoners in nie.

3. Ons straat het alreeds n motorverkoper op die hoek wat n geweldige impak op die verkeer het wat deur die ontwikkelaars ontken sou word te tye van die aansoek. Ek bly egter oorkant hulle en kan u verseker die straat kort nie NOG verkeer nie.

4. Die eienaar gaan heel moontlik die huis verkoop en ons as besorgde bure los met n moontlike kopseer/steurnis.

Ek doen dus n beroep op U om my besware ter harte te neem en te oorweeg.

Ek het 20 jaar gelede my huis gekoop vir die spasie en rustigheid en voel dit onregverdig om dit ontnem te word.

Groete

Adriaan Truter

0832828301