



Lêer verw/ 15/3/4-14/Erf 310
15/3/5-14/Erf 310
15/3/10-14/Erf 310

Navrae/Enquiries:
Ms D N Stellenberg

21 April 2026

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MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS, CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 310, YZERFONTEIN

Your application with reference YZE/14071/MH dated 19 November 2025 on behalf of Hoffie Basson Trust has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 16 April 2026 to approve application for the removal of title deed restrictions on Erf 310, Yzerfontein, 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 C.I.3 registered in Title Deed T65461/1994, subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

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

"... C I. 3. That not more than one dwelling, together with the necessary outbuildings and appurtenances be erected on the erf..."

- (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 be provided to Swartland Municipality for record purposes, prior to final consideration of building plans;

- B. The application for the consent use on Erf 310, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), is approved, subject to the conditions:

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- iSwartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorizes a double dwelling house, as presented in the application;
- (b) The double dwelling adheres to the applicable development parameters and the lower ground level not be used as a third dwelling unit;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) Any revised design comply with applicable building lines or be re-applied for, together with any previously omitted building line deviations. The new application be subject to a new public participation process to the satisfaction of the Senior Manager: Development Management;

B2 WATER

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

B3 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;

B4 DEVELOPMENT CHARGES

- (a) The development charge towards the supply of regional bulk water amounts to R 12 263, 60 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 2025/2026 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge towards bulk water reticulation amounts to R1 114, 35 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge towards sewerage amounts to R 5 584, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge towards wastewater treatment amounts to R 13 549, 30 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 2025/2026 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The development charge towards streets amounts to R 7 632, 55 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge towards electricity amounts to R 11 927, 67 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and may be revised thereafter;

- C. The application for departure of the development parameters on Erf 310, Yzerfontein, is refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) for the reasons as set out below;

D. GENERAL

- (a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (b) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;

- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5-year validity period starts from the date of outcome of the decision against the appeal;
- (d) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued and failing to do so the approval will lapse. Should all conditions of approval be met within the 5-year period; the land use becomes permanent, and the approval period will no longer be applicable;
- (e) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5 000,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

E. In terms of the removal of restriction application the proposal is supported for the following reasons:

- (a) It is determined that the restrictive condition serves a legitimate purpose, namely regulating dwelling numbers to protect the coordinated character of the township. Its purpose has been fully considered and acknowledged, and the Municipality accepts that such conditions carry reciprocal rights for all property owners in the township. However, in this particular case, the extent to which the condition continues to provide material benefit to surrounding property owners is limited, as all other protective mechanisms, such as height, coverage, building lines, and general development parameters, remain fully applicable under the development management scheme;
- (b) The removal of the restriction does not result in a significant deprivation of rights of neighbouring affected properties;
- (c) The social benefit of retaining the restriction is limited, as dwelling-number controls no longer function as the primary mechanism for protecting neighbourhood character. That role is now fulfilled by uniform zoning parameters. Retention would therefore not meaningfully enhance public interest beyond what the development management scheme already regulates. Neighbouring owners continue to enjoy all remaining restrictions in the title deed as well as the full protection of the zoning scheme;
- (d) Removal of the condition enables the applicant to apply for a land use (double dwelling) that is expressly contemplated as a consent use under Residential Zone 1 and is consistent with the spatial planning instruments of the Municipality and Province. This supports efficient use of serviced urban land, aligned with the applicable spatial policy and SPLUMA principles;

F. In terms of the consent use application the proposal is supported for the following reasons:

- (a) The use is compatible with the predominantly residential character and represents context-appropriate densification supported by the policy direction toward compact growth as contained in municipal, district as well as provincial Spatial Development Frameworks;
- (b) A double dwelling is accommodated as a consent use under Residential Zone 1 of the development management scheme;
- (c) The development proposal supports the optimal utilisation of the property as well as the use of existing municipal engineering services;
- (d) The second dwelling provides in a need for a larger variety of housing opportunities to the wider population.
- (e) The development proposal will not negatively impact on the character of Yzerfontein;
- (f) The development will not have a significant impact on traffic volumes or safety, and with sufficient on-site parking being provided the proposed access from Junction Road as well as Main Street is deemed safe and appropriate for a residential use;
- (g) No substantiated, policy-based objection was lodged against the land use itself; objections targeted the departures;

G. In terms of the application for departure of the development parameters:

- (a) The applicant did not demonstrate why compliance cannot reasonably be achieved on-site; the Municipality is satisfied that the stated need can be accommodated without relaxation;
- (b) The motivation references "established built form" created by unauthorised structures; such works cannot justify new encroachments;
- (c) The submitted plan indicates an additional side building line shortfall (first-floor main bedroom at 1.37 m vs 1.5 m) that was not included or advertised as part of the application, which independently prevents approving the departures as tabled;
- (d) Approving non-essential departures where compliance is feasible would unnecessarily erode the orderly application of the development management scheme. The refusal preserves the spatial order intended by building lines without undermining the supported double-dwelling land use.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services
/ds

Copies : Director : Infrastructure and Civil Engineering Services
Director : Financial Services
Building Control Officer
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