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File ref: 15/3/4-14/Erf 2073  
15/3/5-14/Erf 2073

Enquiries:  
A. de Jager

26 June 2024

CK Rumboll and Partners  
P.O. Box 211  
MALMESBURY  
7299

By Registered Mail

Dear Sir/Madam

## PROPOSED DEPARTURE AND AMENDMENT OF RESTRICTIVE CONDITIONS ON ERF 2073, YZERFONTEIN

Your application, with reference YZE/13669/NJdK, dated 20 February 2024, on behalf of G.I. van Niekerk, refers.

- A. By virtue of the authority delegated to the Senior Manager: Development Management in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for the amendment of restrictive condition B.8. in Title Deed T39298/2016, of Erf 2073, Yzerfontein, is approved in terms of Section 70 of the By-Law;

### 1. TOWN PLANNING AND BUILDING CONTROL

- a) Condition B.8. in Title Deed T39298/2016 that reads as follows:

*"...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: ..."*

be amended to read as follows:

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

- 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 must be provided to the Deeds Office in order to consider the application, namely:
- Copy of the approval by Swartland Municipality;
  - Original Title Deed, and

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](mailto: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

- 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.
- B. By virtue of the authority delegated to the Senior Manager: Development Management in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for building line departure on Erf 2073, Yzerfontein, is approved in terms of Section 70 of the By-Law, subject to the conditions that:

## 1. TOWN PLANNING AND BUILDING CONTROL

- a) The building line departure authorises the encroachment of the 4m eastern street building line to a distance of 3,36m from the property boundary;
- b) The departure be restricted to the portion of the proposed garage extension that encroaches on the building line, as presented in the application;
- c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

## 2. GENERAL

- a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- b) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation/or the occupancy certificate be issued and failing to do so will cause the approval to 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.
- c) The applicant/objector 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, Yzerfontein, 7299 or by e-mail to [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za), within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

Yours faithfully

  
**MUNICIPAL MANAGER**  
per Department Development Services  
Add/ds

Copies:                      *Department: Civil Engineering Services*  
                                    *Building Control Officer*  
                                    *G.I. van Niekerk, P.O. Box 971, Yzerfontein. 7351*