



Lêer verw/ 15/3/4-14/Erf_28
File ref: 15/3/5-14/Erf_28

Navrae/Enquiries:
Ms D N Stallenberg

10 June 2025

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE ON ERF 28, YZERFONTEIN

Your application with reference YZE/11582/ZN/MV dated 26 November 2024 on behalf of Lomien Beleggings Pty.Ltd., has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 14 May 2025 to refuse the application for departure on Erf 28, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. The application for the removal of restrictive conditions registered against Title Deed T28340/2017 of Erf 28, Yzerfontein, is refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

B1 REASONS FOR REFUSAL

- (a) The development proposal contradicts the spatial principles of section 42 of SPLUMA and Chapter VI of LUPA and therefore cannot be supported;
- (b) The proposal contradicts the criteria cited in section 47 of SPLUMA, section 39 of LUPA and section 43 of the By-Law;
- (c) Erf 28 is already developed to its optimal potential;
- (d) The proposed departure and removal of restrictions are not essential to assert the rights of the applicant;
- (e) The departure from the 4m street building line impacts negatively on the view from Erf 29, Yzerfontein. A view is not a right, unless the structure 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;
- (f) The imposition of the restrictive title deed condition relating to the street building line created a wide, unobstructed visual corridor along St Cross Street. The character of the street will be negatively impacted by both the current and potential encroachment of the street building line;
- (g) The proposed removal of the Title Deed conditions negatively impacts on the rights enjoyed by both the property owners of Erf 29, as well as the broader community and thus cannot be positively motivated or supported;

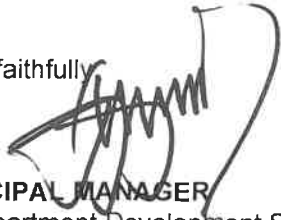
• Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
• Swartland forward thinking 2040 - where people can live their dreams!
• !Swartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

- (h) The owner/developer is instructed to remove the pergola within thirty (30) calendar days from the registration of the approval letter.

C. GENERAL

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, 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
via Department Development Services

/ds

Copies : Lomien Beleggings Pty. Ltd., P O Box 5, Malmesbury, 7299, e-mail : eddie@dupmos.co.za