



CONSECUTIVE CLEAN AUDITS



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File ref. 15/3/5-14/Erf\_1189

Enquiries:  
Mr HL Olivier

7 May 2021

C K Rumboll & Partners  
P.O. Box 211  
MALMESBURY  
7299

**By Registered Mail**

Sir / Madam

**PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS ON ERF 1189, YZERFONTEIN**

Your application dated 24 February 2021, with reference YZE/11347/ZN/MV on behalf of the McLachlan Familie Trust, refers.

- A. By virtue of the authority delegated to the Senior Manager: Built Environment 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 2021), the application for the removal of restrictive conditions B7(a), B7(b), B7(b)(i), B7(b)(ii), C2 & C3 registered against Erf 1189, Yzerfontein, as contained in Title Deed T34903/2001, is hereby not approved in terms of section 70 of the By-Law.
- B. By virtue of the authority delegated to the Senior Manager: Built Environment 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 2021), condition B7(b) is hereby amended in terms of section 70 of the By-Law to read as follows:

B7(b) no building or structure or any part 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 1,5m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority:-

The approval is subject to the following process:

- (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;
- (d) The approval is, in terms of section 76(2)(w) of the By-Law, only valid for a period of 5 years. All conditions of approval must be complied with within the 5 year period and failing to do so will result in the approval expiring.

*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**

**C. 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 must be complied with at building plan stage;

**D. REASONS FOR REJECTING THE APPLICATION:**

- (a) Seeing that the development proposal only relates to the 5m street building line restriction, there is not enough motivation to remove all the conditions pertaining to the use of the property, the lateral building lines, the number of dwellings on the property or the restriction that the property may not be rezoned and therefore the removal of restrictive title conditions B7(a), B7(b), B7(b)(i), B7(b)(ii), C2 & C3 of the Deed of Transfer T34903/2001 is refused.

In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 8226 of 25 March 2020), you have a right to appeal against the abovementioned decision within 21 days of date of registration of this letter to the appeal authority of the Swartland Municipality.

Should you 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.

Yours faithfully

  
**MUNICIPAL MANAGER**  
per Department Development Services

HLO/ds

*Copies:*            *Department Financial Services*  
                         *Department Civil Engineering Services*  
                         *Building Control Officer*  
                         *Matt du Toit, 12 Seaview Crescent, YZERFONTEIN, 7351*