



Lêer verw/ 15/3/5-14/Erf_63
File ref: 15/3/10-14/Erf_63

Navrae/Enquiries:
Ms D N Stellenberg

23 June 2025

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By Registered Mail

Sir/Madam

PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND CONSENT USE ON ERF 63, YZERFONTEIN

Your application with reference YZER/14382/NJdK dated 17 March 2025 on behalf of A W Maritz has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 11 June 2025 to approve the application for removal of a restrictive condition from Title Deed T8622/2020 of Erf 63, 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 consent use on Erf 63, Yzerfontein, is approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. Approval A. and B. be subject to the following conditions:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) Condition B.1.(3) in Title Deed T8622/2020, that reads as follows:

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

be removed from the title deed in its entirety;

- (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) The consent use authorises a double dwelling, as presented in the application;
- (e) The parking bays in front of the dwelling be clearly marked and the surface, including the sidewalk, be finished in a permanent, dust free material such as concrete, tar or paving or any other such material previously approved by the Director: Civil Engineering Services;

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- (f) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

C2 WATER

- (a) The property be provided with a single water connection and that no additional connections be provided;

C3 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 in a location that is accessible to the municipal vacuum truck, to the satisfaction of the Director: Civil Engineering Services;

C4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for the development charge of R11 514,95 towards the supply of regional bulk water at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R1 045,35 towards bulk water reticulation at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R5 242,85 towards sewerage at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R12 722,45 towards waste water treatment 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 owner/developer is responsible for the development charge of R7 200,15 towards roads at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA 9/247-188-9210);
- (f) The owner/developer is responsible for the development charge of R11 762,00 towards electricity at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The Council resolution of May 2024 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and may be revised thereafter;

D. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (b) Should it in future be determined necessary to extend or upgrade any engineering service in order to provide the development with services, it will be for the account 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 the 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. 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.
- (d) 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, Malmesbury, 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.

E. The application be supported for the following reasons:

- (a) The design of the double dwelling is consistent with the definition contained in the By-Law, as it appears as a single architectural unit;
- (b) The proposed double dwelling adheres to all the development parameters of Residential Zone 1 and does not impact on the rights of the abutting land owners;
- (c) The proposal will enable the owner of the property to develop the property in response to the market and personal preference. They will also be able to more efficiently utilise the property, possibly gaining financially through rental income or sale of the second unit;
- (d) The social benefits to amending the condition is foreseen to be substantial, as it will result in the creation of an additional residential opportunity in a well-located area, without detracting from the visual or residential appeal of the area;
- (e) While the proposal promotes densification, the visual impact of the double dwelling is similar to that of a large single residence. The character of the neighbourhood thus remains unaffected as a low-density residential area, consistent with the spatial proposals of the SDF;
- (f) The subject of the condition proposed for removal, is governed by more than one legislative tool. The development will thus not be able to continue unchecked, even after the condition has been removed;
- (g) The development will result in the better utilisation of the property in terms of modern town development and align with various policies which require more efficient use of land and contextually appropriate densification;
- (h) A double dwelling is accommodated as a consent use under Residential Zone 1 of the By-Law;
- (i) The development proposal supports the optimal utilisation of the property;
- (j) The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy;
- (k) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population;
- (l) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services
/ds

Copies : *Director : Civil Engineering Services*
 Director : Financial Services
 Building Control Officer
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