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Lêer verw/ 15/3/5-14/Erf\_515  
File ref: 15/3/3-14/Erf\_515

Navrae/Enquiries:  
Ms D N Stallenberg

17 August 2022

C K Rumboll & Partners  
P O Box 211  
MALMESBURY  
7299

By Registered Mail

Sir/Madam

**PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND REZONING ON ERF 515, YZERFONTEIN**

Your application with reference YZR/12240/NJdk dated 29 March 2022 on behalf of 515 On Buitenkant Propriety Limited has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 10 August 2022 to approve the application for the removal of title deed restrictions on Erf 515, Yzerfontein, in order to remove the restrictive conditions C3 and C6(a) registered in Title Deed T51963/2021, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

**A1 TOWN PLANNING AND BUILDING CONTROL**

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

3. *No building on this erf shall be used or converted to use for any purpose other than permitted in terms of these conditions.*

6. (a) *This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.*

- (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;

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

- (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 rezoning of Erf 515, Yzerfontein from Residential Zone 1 to Business Zone 2, has been approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

**B1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The use of the business premises be restricted to shops and/or offices;
- (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;

**B2 WATER**

- (a) A single water connection be provided and no additional water connections 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 STREETS AND STORMWATER**

- (a) The proposed parking area, including the access to Buitenkant Street, be provided with a permanent dust free surface in accordance with the plan in Annexure "C". The materials used be pre-approved by the Director: Civil Engineering Services on building plan stage;

**B5 REFUSE REMOVAL**

- (a) A built refuse area be constructed and provided with clean running water as well as a catchment point for dirty water that is connected to the sewer network. The refuse should be easily accessible to refuse removal workers but should not be accessible to animals / birds and unauthorised individuals;

**B6 DEVELOPMENT CHARGES**

- (a) The development charge towards the regional bulk supply of water amounts to R9 788.80 and be for the account of the owner/developer payable at building plan stage. The amount is due to the Swartland Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The fixed development charge towards bulk water reticulation amounts to R7 985.60 and be for the account of the owner/developer payable at building plan stage. The amount is due to the Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The fixed development charge towards wastewater treatment to the amount of R16 486,40 be for the account of the owner/developer payable at building plan stage. The amount is due to the Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA 9/240-183-9210);
- (d) The fixed development charge towards sewerage amounts to R 11 076.80 and be for the account of the owner/developer payable at building plan stage. The amount is due to the Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA 9/240-184-9210);
- (e) The fixed development charge towards streets amounts to R12 880,00 and be for the account of the owner/developer payable at building plan stage. The amount is due to the Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The fixed development charge towards storm water to the amount of R15 198,40 be for the account of the owner/developer payable at building plan stage. The amount is due to the Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA 9/248-144-9210);
- (g) The Council resolution of May 2022 provides for a 35% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2022/2023 and may be revised thereafter. The discount is not applicable to B6(a);

### C. GENERAL

- (a) Should it be necessary to upgrade any existing services in order to accommodate the access or service connections of the proposed development, the cost thereof be for the developer's account;
- (b) The approval is, in terms of section 76(2)(w) of the By-Law, valid for a period of 5 years. The owner/developer be responsible to ensure that every condition of approval is complied with. Should all conditions not be met by the end of 5 years, the land use approval will lapse. However, should the conditions of approval be met before the 5 year period lapses, the land use will be permanent and the approval period will not be applicable anymore;
- (c) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal, within 21 days of the notice, in terms of section 89(2) of the By-Law;

D. The application be supported for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application;
- (b) The SDF, 2019 supports the accommodation of professional services, business uses as well as secondary business uses along activity streets or at the existing node. Buitenkant Street is an identified activity street;
- (c) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
- (d) The proposed application will not have a negative impact on the character of the area;
- (e) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets;
- (f) The proposal will not have a significant impact on traffic in Buitenkant Street;
- (g) The amended site plan was approved by the Director: Civil Engineering Department with regard to the parking layout.

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 as well as the objectors have a right to appeal within 21 days of date of registration of this letter to the appeal authority of the Swartland Municipality against Council's decision.

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 if the applicant/objector does appeal, an appeal fee of R4 500-00 is payable. The appeal must be accompanied by the proof of payment and only then will the appeal be regarded as valid.

Yours faithfully

1 Harry

**MUNICIPAL MANAGER**

via Department Development Services

 $/ds$ 

Copies :            Director : Civil Engineering Services

*Building Control Officer*

*Director : Financial Services*