



Lêer verw/
File ref: 15/3/5-14/Erf_2537

Navrae/Enquiries:
Ms D N Stellenberg

20 June 2025

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS ON ERF 2537, YZERFONTEIN

Your application with reference YZE/14193/MH dated 2 December 2024 on behalf of Lochner Eksteen Trust has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 11 June 2025 to approve the application for removal of restrictive condition II.C.6(a)3. of Title Deed T15012/2013 of erf 2537, Yzerfontein in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Condition II.C.6(a)3. in Title Deed T15012/2013, that reads as follows:

"...II.C(a)3. Dat geen geboue opgerig mag word binne 6,30 meter van enige straat wat aan die erf grens, of binne 6,30 meter van enige oop plek waar dit aan die erf grens aan die seefront..."

be removed from the Title Deed in its totality;

- (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) A copy of the amended Title Deed be provided to Swartland Municipality for record purposes.

B. GENERAL

- (a) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;

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

- (b) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from 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;
- (c) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued and failing to do so the approval will 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/objectors 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 the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

C. The application be supported for the following reasons:

- (a) Erf 2537 is zoned Business Zone 2 with a consent use for a restaurant, which permits the current use;
- (b) The restaurant has been in legal operation for over 26 years, with building plans approved in 1998 and 2010;
- (c) The deck in question is a refurbishment of an existing, previously approved structure, not a new addition;
- (d) Past municipal approvals did not enforce the title deed restriction, creating a legitimate expectation for continued use;
- (e) The deck was refurbished due to structural instability, as confirmed by the engineering report;
- (f) The work was done to ensure public safety, not to expand or intensify the use of the property. The specific portion may be argued to accommodate less patrons due to the new seating arrangement;
- (g) The removal of the restriction does not increase the building footprint beyond what is already permitted under zoning. Any additions / extensions will be considered in terms of the applicable regulations and processes as required in terms of the applicable legislation;
- (h) Noise, odour, and traffic concerns are regulated under separate municipal by-laws and are not directly tied to the building line restriction;
- (i) The restaurant in its unique setting is a key contributor to local tourism and employment in Yzerfontein. Removing the restriction supports the economic viability of a long-standing business and enhances the town's appeal as a tourist destination;
- (j) The removal affects only one development parameter (the street building line) and does not eliminate other rights or protections for surrounding owners. All other development controls, such as height, coverage, and parking remain enforceable;
- (k) The additional evaluation criteria for the removal of restrictions were also taken into consideration.

Yours faithfully


MUNICIPAL MANAGER
 via Department Development Services
 /ds

Copies : *Lochner Eksteen Trust, 2 Beach Road, Yzerfontein, 7351, e-mail : hayleybreytenbach@icloud.com*