



Kantoor van die Munisipale Bestuurder
5 Junie 2025

Die Lede van die Munisipale Beplanningstribunaal, te wete –

Interne lede:

Munisipale Bestuurder, mnr J J Scholtz (voorsitter)
Direkteur: Beskermingsdienste, mnr P A C Humphreys

Tegniese Adviseur:

Snr Bestuurder: Ontwikkelingsbestuur, mnr A M Zaayman

Eksterne lede:

Me C Havenga
Mnr C Rabie

Kennis geskied hiermee ingevolge paragraaf 85 van die Swartland Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning dat 'n vergadering van die Munisipale Beplanningstribunaal gehou sal word in die **KOMITEEKAMER: KORPORATIEWE DIENSTE** op **WOENSDAG, 11 JUNIE 2025** om **14:00**.

SAKELYS / AGENDA

1. **OPENING / OPENING**
2. **VERLOF TOT AFWESIGHEID / APOLOGIES**
3. **VERKLARING VAN BELANGE / DECLARATION OF INTERESTS**
4. **NOTULE / MINUTES**
 - 4.1 **NOTULE VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAALVERGADERING GEHOU OP 14 MEI 2025 / MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD 14 MAY 2025**..... bl 1-2
5. **SAKE VOORTSPRUITEND UIT NOTULE VAN 'N VERGADERING VAN DIE MUNISIPALE BEPLANNINGSTRIBUNAAL GEHOU OP 9 APRIL 2025 / MATTERS ARISING FROM THE MINUTES OF A MUNICIPAL PLANNING TRIBUNAL HELD ON 9 APRIL 2025**

Geen/None
6. **SAKE VIR OORWEGING / NUWE SAKE / MATTERS FOR CONSIDERATION / NEW MATTERS**
 - 6.1 **VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 1623, YZERFONTEIN / PROPOSED CONSENT USE ON ERF 1623, YZERFONTEIN (15/3/10-14) (WYK 5)** bl 3-24
 - 6.2 **VOORGESTELDE OPHEFFING VAN BEPERKENDE TITELVOORWAARDES EN VERGUNNINGSGEBRUIK OP ERF 63, YZERFONTEIN / PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND CONSENT USE ON ERF 63, YZERFONTEIN (15/3/5-14, 15/3/10-14) (WYK 5)** bl 25-56
 - 6.3 **AANSOEK OM OPHEFFING VAN BEPERKENDE TITELVOORWAARDES OP ERF 2537, YZERFONTEIN / APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS ON ERF 2537, YZERFONTEIN (15/3/5-14) (WYK 5)** bl 57-277

(get) J J SCHOLTZ
VOORSITTER



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY,
14 MAY 2025 AT 14:00**

PRESENT

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)
Director: Corporate Services, Ms M S Terblanche
Director: Protection Services, Mr P A C Humphreys

External members:

Ms C Havenga
Mr C Rabie

Other officials:

Director: Development Services, Ms J S Krieger
Senior Manager: Development Management, Mr A M Zaayman
Town and Regional Planner, Ms A de Jager
Manager: Secretariat and Record Services (secretary)

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

No apologies were received.

3. DECLARATION OF INTEREST

RESOLVED that the declaration by Ms C Havenga be noted in respect of Item 5.1 to the extent that the objector is known to Ms Havenga, however Ms Havenga confirmed that there were no discussions on the item.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 9 APRIL 2025

RESOLUTION

(proposed by Ms C Havenga, seconded by Ms M S Terblanche)

That the minutes of a Municipal Planning Tribunal Meeting held on 9 April 2025 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

**5.1 PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE ON ERF 28,
YZERFONTEIN (15/3/6-14) (WARD 5)**

The chairperson requested Ms A de Jager to highlight the amendments in the report as the matter was discussed in detail at the meeting of the Municipal Planning Tribunal held on 9 April 2025. Ms de Jager mentioned the following:

- (1) The report was compiled with both the reasoning for the approval of the removal of the restrictive condition (as considered by the Municipal Planning Tribunal on 9 April 2025) and the refusal of the restrictive condition (as resolved by the Municipal Planning Tribunal

on 9 April 2025 to amend the report to accommodate the refusal) and therefore a transparent and justifiable decision can be reached;

- (2) With the re-evaluation of the application the following matters were taken into account:
- (i) Additional photographs during a site inspection;
 - (ii) Case Law;
 - (iii) Unauthorised construction of the pergola without an approved building plan and land use approval;
 - (iv) Requirements of Section 42 of SPLUMA, Chapter VI of LUPA and Paragraph 43 of the By-Law.

RESOLUTION

- A.** The application for departure on Erf 28, Yzerfontein, be refused 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, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

B1 TOWN PLANNING AND BUILDING CONTROL

- (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;
- (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.

6. MATTERS FOR CONSIDERATION

None.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**



28 Mei 2025

15/3/10-14/Erf_1623

WYK: 5

**ITEM ...6.1.. VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL
WORD OP WOENSDAG, 11 JUNIE 2025**

| LAND USE PLANNING REPORT PROPOSED CONSENT USE ON ERF 1623, YZERFONTEIN | | | | | |
|---|---------------------|-----------------------------|---------------|-----------------------|-------------|
| Reference number | 15/3/10-14/Erf_1623 | Application submission date | 25 March 2025 | Date report finalised | 30 May 2025 |

| PART A: APPLICATION DESCRIPTION | | | | | | |
|---|--|-----------------------------|---|---|--|---|
| An application for a consent use for a double dwelling on erf 1623, Yzerfontein in terms of section 25(2)(o) of Swarthland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), has been received. The applicant is CK Rumboll & Partners and owner is LJ & J van Wyk. | | | | | | |
| PART B: PROPERTY DETAILS | | | | | | |
| Property description (in accordance with Title Deed) | Erf 1623, Yzerfontein, in the Swarthland Municipality, Division Malmesbury, Province of the Western Cape | | | | | |
| Physical address | 8 Sunbird Crescent | | Town | Yzerfontein | | |
| Current zoning | Residential zone 1 | Extent (m ² /ha) | 689m ² | Are there existing buildings on the property? | Y | N |
| Applicable zoning scheme | Swarthland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020) | | | | | |
| Current land use | Vacant | | Title Deed number & date | T2530/2025 | | |
| Any restrictive title conditions applicable | Y | N | If Yes, list condition number(s) | | | |
| Any third party conditions applicable? | Y | N | If Yes, specify | | | |
| Any unauthorised land use/building work | Y | N | If Yes, explain | | | |
| PART C: LIST OF APPLICATIONS (TICK APPLICABLE) | | | | | | |
| Rezoning | Permanent departure | | Temporary departure | | Subdivision | |
| Extension of the validity period of an approval | Approval of an overlay zone | | Consolidation | | Removal, suspension or amendment of restrictive conditions | |
| Permissions in terms of the zoning scheme | Amendment, deletion or imposition of conditions in respect of existing approval | | Amendment or cancellation of an approved subdivision plan | | Permission in terms of a condition of approval | |

| | | | |
|---|---|---|--|
| Determination of zoning | Closure of public place | Consent use | <input checked="" type="checkbox"/> Occasional use |
| Disestablish a home owner's association | Rectify failure by home owner's association to meet its obligations | Permission for the reconstruction of an existing non-conforming use | |

PART D: BACKGROUND

Erf 1623, Yzerfontein is currently vacant. It is the intention of the owner to develop the erf with a double dwelling.

See below a photo of the erf.



See below the plans of the proposed double dwelling.



PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y N

PART F: SUMMARY OF APPLICANT'S MOTIVATION

The proposed consent use is considered desirable on the basis of the following:

1. The proposed development enhances the principles of LUPA and SPLUMA.
2. The proposal complies with the Swartland Spatial Development Framework (2023) as the main forward planning document for Yzerfontein and the Swartland Municipal Area as a whole.
3. The development proposal will complement the character of the area and not adversely affect any natural conservation areas or surrounding agricultural practises.
4. There are no physical restrictions on the property that will negatively affect the proposed use.
5. The proposed development will limit urban sprawl in Yzerfontein.
6. The optimal utilisation of existing services, as it reduces past expenditure on infrastructure.
7. This development uses an existing erf within the urban edge to its optimal potential.
8. Additional housing opportunities are provided through the proposed development.
9. The proposed development supports the notion of infill development.

It is clear that in terms of the above, the application for the proposed development on Erf 1623, Yzerfontein, can be adequately supported. It is therefore requested that the application be considered favourably.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?

Y N

A total of 13 registered notices were send to affected parties by means of registered mail as well as the 13 letters were also send by email.

The public participation process started on 10 April 2025 and ended on 12 May 2025.

The objection was sent to the applicant for comments on 19 May 2025. The comments from the applicant on the objection was received on 20 May 2025.

| | | | |
|------------------------------------|-----|--------------------------------------|--|
| Total valid comments | 1 | Total comments and petitions refused | 0 |
| Valid petition(s) | Y N | If yes, number of signatures | N/A |
| Community organisation(s) response | Y N | Ward councillor response | Y N Comment was requested but no comment received. |
| Total letters of support | 0 | | |

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

1. Department Civil Engineering Services

1.1 Water

a) The property be provided with a single water connection.

1.2 Sewerage

a) The property be provided with a conservancy tank of a minimum capacity of 8 000l which is accessible to the service truck from the street.

1.3 Development Charges

- a) The development charge towards the supply of regional bulk water amounts to R11 514,95 and is payable by the owner/developer 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 development charge towards water reticulation amounts to R1 045,35 and is payable by the owner/developer 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 development charge towards waste water treatment amounts to R12 722,45 and is payable by the owner/developer 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 9/240-183-9210);
- d) The development charge towards sewerage amounts to R5 242,85 and is payable by the owner/developer 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);
- e) The development charge towards streets amounts to R7 200,15 and is payable by the owner/developer 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 development charge towards electricity amounts to R11 762,00 and is payable by the owner/developer 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 9/253-164-9210)
- 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 can be revised thereafter;

2. Division Building Control

- a) Building plans be submitted to the Senior Manager: Development Management for consideration and approval.

| PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION | SUMMARY OF APPLICANT'S REPLY TO COMMENTS | MUNICIPAL COMMENTS ON THE OBJECTIONS |
|--|---|--|
| <p>Ria Holder (owner of erf 1619)</p> <ol style="list-style-type: none"> 1. Although the development will not directly impact my dwelling, the proposed building will however have an impact on the area. <ul style="list-style-type: none"> • Two houses on one erf must be well planned from the outset, as is currently the case next to erf 1623. • Two double-storey houses on one erf is challenging. • Two double-storey houses with a high peaked roof are absolutely excessive. 2. All the houses in the area are either single-storey with peaked roofs or double storey with flat roofs. 3. There are also enough open spaces around the houses where nature plays a role. 4. This house will be built from corner to corner with barely any room for a pet. It is literally a matter of two tall houses being squeezed onto one erf. This will spoil the entire environment as well as the aesthetics in nature, sunset on the horizon, enough light and sunshine around the houses. | <ol style="list-style-type: none"> 1. Noted. It is not anticipated that the proposed double dwelling house will have an adverse impact on the area as there is an existing double dwelling house located adjacent to Erf 1623 on Erf 1624. The character to develop these properties for higher density residential has already been set in the area. <ul style="list-style-type: none"> • The proposed double dwelling is well planned and complies with the development parameters of the zoning of the property. • Noted. The proposal complies with the development parameters of the zoning. • The high peaked roof is still lower than is allowed on the zoning of this property. The impact will therefore be minimal. 2. Noted. As mentioned above, the proposal complies with the building parameters of Residential Zone 1 erven. The proposal is therefore in line with the development of the area. 3. The proposed double dwelling house complies with the applicable coverage of Residential Zone 1 erven. It will consist of a coverage of only ±43.6%. 4. As mentioned above, the proposal complies with the required coverage and height for Residential Zone 1 erven. The impact of the proposed double dwelling house on the surrounding area will be minimal to none. | <ol style="list-style-type: none"> 1. The scale, massing and placement of the proposed double dwelling is in keeping with a single large double storey dwelling which is permitted in terms of the development potential of the property. <p>The development proposal complies with all zoning parameters applicable on erf 1623.</p> <ul style="list-style-type: none"> • The proposed double dwelling will be well planned • Noted • Double dwelling to comply with zoning parameters. 2. The observation is noted. 3. The development proposal on erf 1623 complies with all zoning parameters. 4. The development proposal on erf 1623 complies with all zoning parameters. <p>The impact of the proposed double dwelling on the surrounding area is no other than a single large double storey dwelling.</p> |

| | | | |
|--|---|---|--|
| | <p>5. In light of the fact that these are two separate residential houses, the question arises whether it will be a B&B or a guesthouse. Will it only be a holiday home that is mostly empty or will it be occupied full-time. If it is mostly empty, this means that the permanent residents will have to stare into the barracks arm of a building all the time</p> | <p>5. The current application is solely intended to accommodate the development of two residential units on a single erf. Should a bed and breakfast or guest house be proposed in the future, a separate land use application will be submitted to address those uses. At this stage, it remains uncertain whether the dwellings will be sold, leased, or utilised as holiday or permanent accommodation. However, the units are intended for residential use.</p> | <p>5. The objector is speculating regarding the use of the double dwelling. The land use application does not include rights for a B&B or guest house.</p> |
|--|---|---|--|

PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application

An application for a consent use for a double dwelling on erf 1623, Yzerfontein in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), has been received.

A total of 13 registered notices were sent to affected parties by means of registered mail as well as the 13 letters were also sent by email.

The public participation process started on 10 April 2025 and ended on 12 May 2025.

The objection was sent to the applicant for comments on 19 May 2025. The comments from the applicant on the objection was received on 20 May 2025.

The Division: Land Use & Town Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

- a) Spatial Justice: The proposed development complies with spatial development proposal and guidelines, justifying the right of the owner to develop the land for the proposed residential use. The property concerned will be used to its full potential and will make a positive contribution to housing provision in Yzerfontein.
- b) Spatial Sustainability: The proposal promotes spatial compactness and resource frugal development, whilst protecting the environment. It proposes the sustainable use of resources and limits urban sprawl. The double dwelling will not affect any sensitive vegetation, conservation areas or heritage resources.
- a) Efficiency: The consent use will promote residential and economic opportunities. Creating additional dwelling units promotes a combination of residential densities within the existing area. It further supports the development of more compact towns.
- b) Good Administration: The application was communicated to the affected landowners through registered mail. The application was also circulated to the relevant municipal departments for comment. Consideration was given to all correspondence received and the application was dealt with in a timely manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- c) Spatial Resilience: The development will be resilient in terms of the multiple uses that may be allowed on the property with the relevant authorisation. The proposed development does not limit any future benefits of the properties or the surrounding area. The proposed development will have no negative impact on previously disadvantaged communities.

2.3 Spatial Development Framework(SDF)

A second dwelling/double dwelling on a residential property contributes towards densification which is supported on Municipal and Provincial level. Densification results in the optimal use of existing infrastructure. The application is therefore in compliance with the spatial planning of Yzerfontein.

2.4 Schedule 2 of the By-Law: Zoning Scheme Provisions

The development proposal complies with all the applicable zoning scheme parameters.

2.5 Desirability of the proposed utilisation

Erf 1623, Yzerfontein is zoned Residential zone 1 and is currently vacant.

There are no physical restrictions on the property that will have a negative impact on the application.

The character of the surrounding area includes single and double storey houses. Erf 1624, adjacent to erf 1623 on the north western side is also a double dwelling. The proposed double dwelling complements the character of the area.

The development proposal complies with all the applicable zoning parameters.

The development proposal complies with the definition of a double dwelling unit as it presents a street facade of one large dwelling.

The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding land owners, nor will it negatively impact on environmental assets.

Erf 1623 does not have any title deed restrictions prohibiting the proposed use.

3. Impact on municipal engineering services

Existing services are deemed sufficient to accommodate the proposed double dwelling.

4. Comments of organs of state

N/A

5. Response by applicant

See Annexure M.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights

N/A

PART L: RECOMMENDATION WITH CONDITIONS

The application for a consent use on erf 1623, Yzerfontein be approved in terms of Section 70 of the By-law, subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The consent use authorises a double dwelling house, as presented in the application;
- b) Building plans be submitted to the Senior Manager: Development Management, for consideration and approval;

2. WATER

- a) A single water connection be provided and that no additional connections will be provided;

3. 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, to the satisfaction of the Director: Civil Engineering Services;

4. DEVELOPMENT CHARGES

- a) The development charge towards the supply of regional bulk water amounts to R11 514,95 and is payable by the owner/developer 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 development charge towards water reticulation amounts to R1 045,35 and is payable by the owner/developer 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);
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- e) The development charge towards streets amounts to R7 200,15 and is payable by the owner/developer 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 development charge towards electricity amounts to R11 762,00 and is payable by the owner/developer 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 9/253-164-9210)
- 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 can be revised thereafter;

5. 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;
- b) 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.

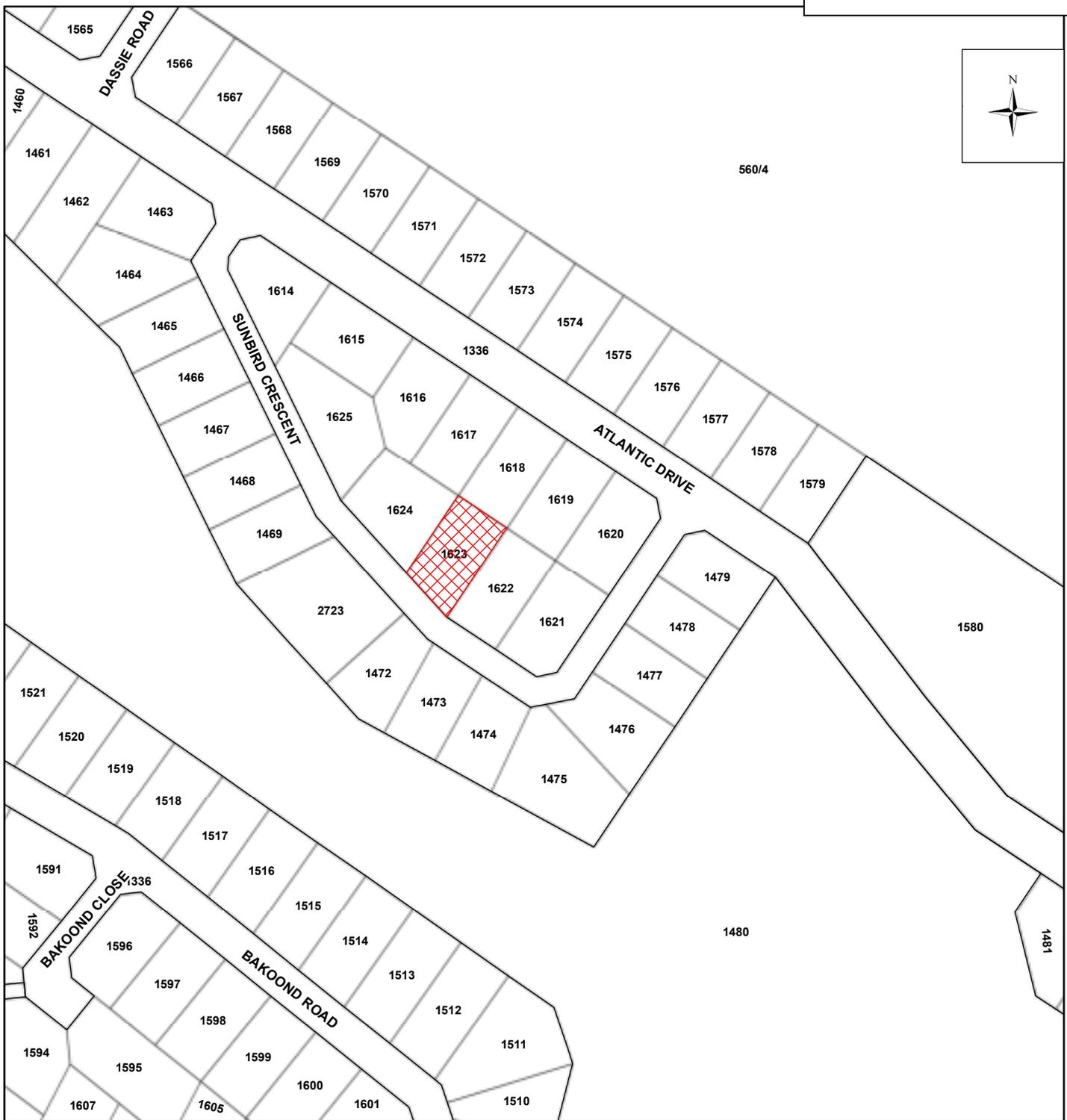
PART M: REASONS FOR RECOMMENDATION

- 1. The proposed double dwelling is consistent with local, provincial and national legislation in support of densification.
- 2. The application area is situated within an area with a residential character where densification is supported by the SDF.
- 3. Erf 1623 has no physical restrictions which impact negatively on the application.
- 4. The impact of the development proposal on the surrounding area is deemed minimal and not considered to be detrimental to the rights of surrounding land owners.
- 5. The double dwelling will appear as one, harmonious architectural unit, similar to a large, single dwelling, and therefore the character of the area will not be negatively impacted.
- 6. The development proposal complies with all the zoning parameters applicable to the property.

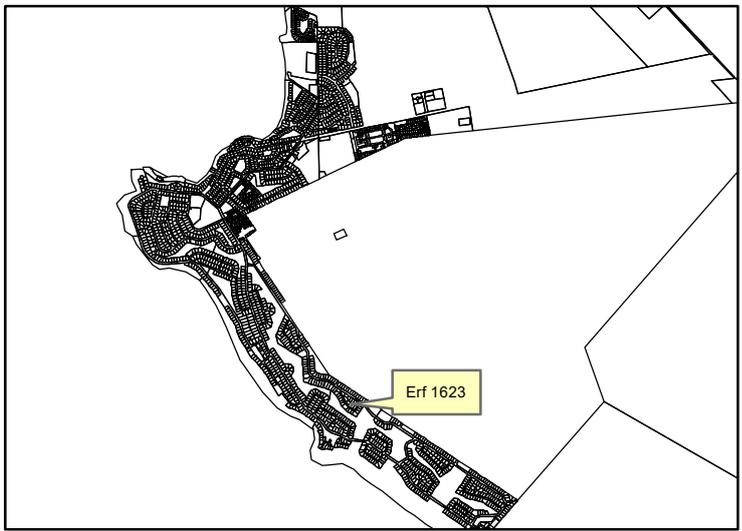
PART N: ANNEXURES

| | |
|------------|--|
| Annexure A | Locality Plan |
| Annexure B | Site development plan |
| Annexure C | Plan indicating the public participation process |
| Annexure D | Plan indicating the position of the objector |
| Annexure E | Objection from Ria Holder |
| Annexure F | Comment from the applicant on the objections |

| PART O: APPLICANT DETAILS | | | | |
|---|------------------------------------|--|-------------------------------------|-----------------|
| First name(s) | CK Rumboll & Partners – NJ de Kock | | | |
| Registered owner(s) | LJ & J van Wyk | Is the applicant authorised to submit this application: | Y | N |
| PART P: SIGNATURES | | | | |
| Author details: AJ Burger Chief Town & Regional Planner SACPLAN: B/8429/2020 | |  | Date: 28 May 2025 | |
| Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001 | | Recommended | <input checked="" type="checkbox"/> | Not recommended |
| | |  | Date: 30 May 2025 | |



Proposed consent use
Erf 1623, Yzerfontein
Locality plan
Scale: N/A





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ACTS OF PARLIAMENT
 All Contractors shall ensure that, before any work is put in hand, they comply with all the necessary Acts of Parliament of the Republic of South Africa.

| SCHEDULE OF AREAS | EXTERNAL FINISHES | | |
|----------------------------|----------------------------|----------------|--|
| A-GROUND STOREY | 133.6m ² | roof | corrugated - charcoal |
| A-FIRST STOREY | 100.3m ² | gutters | continuous alum- white |
| B-GROUND STOREY | 165.3m ² | fascias | fiber cement - white |
| B-FIRST STOREY | 135.4 m ² | walls | smooth plastered - painted app. colour |
| TOTAL BUILDING AREA | 535.6 m² | windows | epoxy - charcoal for app. |
| SITE AREA | 687 m² | doors | epoxy - charcoal for app. |
| COVERAGE | 43.6 % | boundary walls | smooth plastered - painted app. colour |
| BULK | | paving | cement pavers |
| BUILDING LINES | | | |
| side building lines 1500 | | | |
| rear building lines 2000 | | | |
| front building lines 4000 | | | |

Alex Ferreira: 082 826 0303

182 828 0303
 Fax: (021) 418 9835
 e-mail: info@ama-arch.co.za

PROJECT: PROPOSED DEVELOPMENT FOR MR J VAN WYK

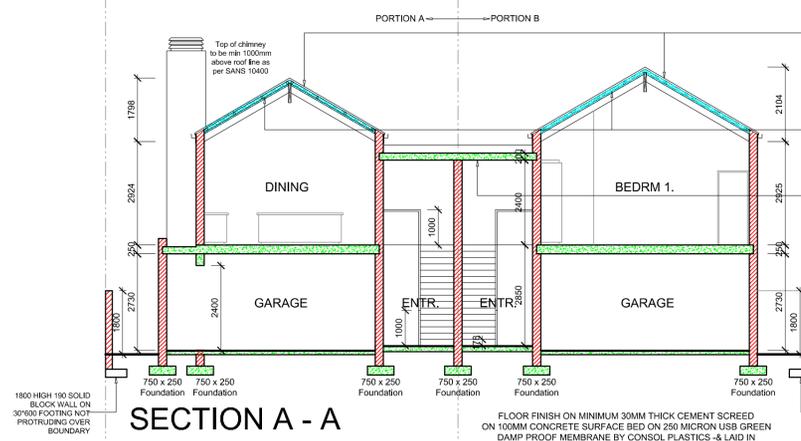
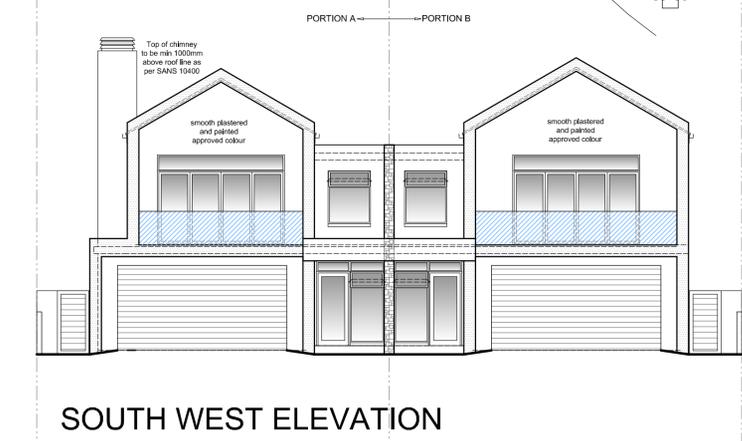
ERF: 1623 YZERFONTEIN

Suite # 100 Private Bag 44 Limpitane 7357

TITLE: MUNICIPAL SUBMISSION

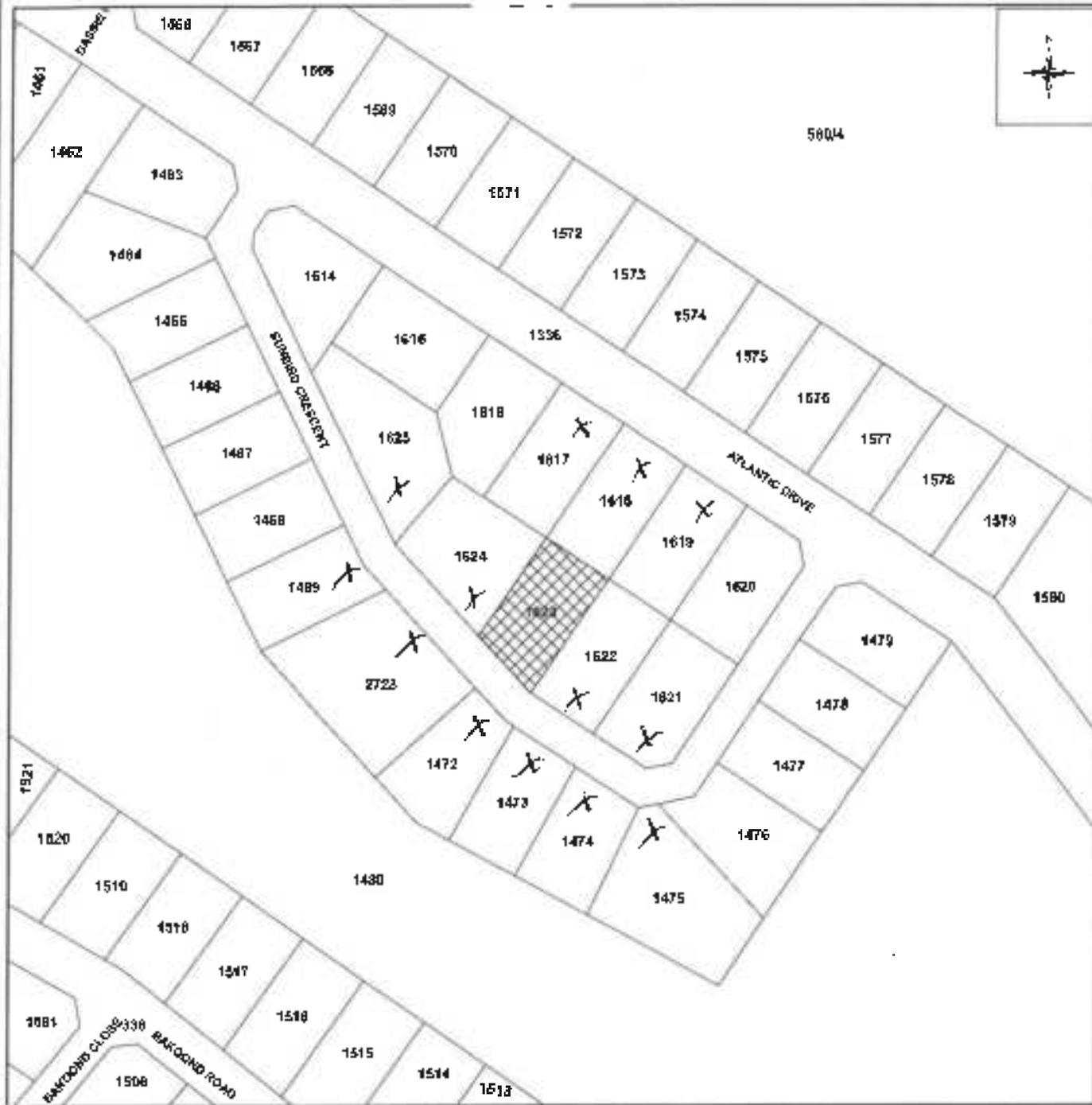
GROUND STOREY & SERVICE PLAN

FIRST STOREY & SERVICE PLAN

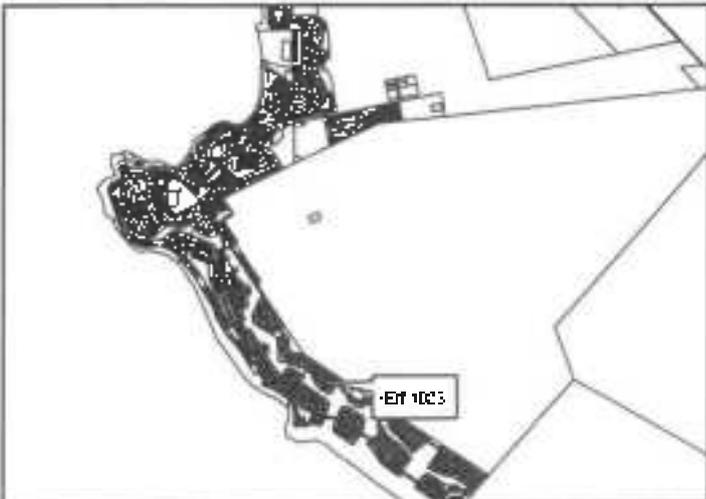


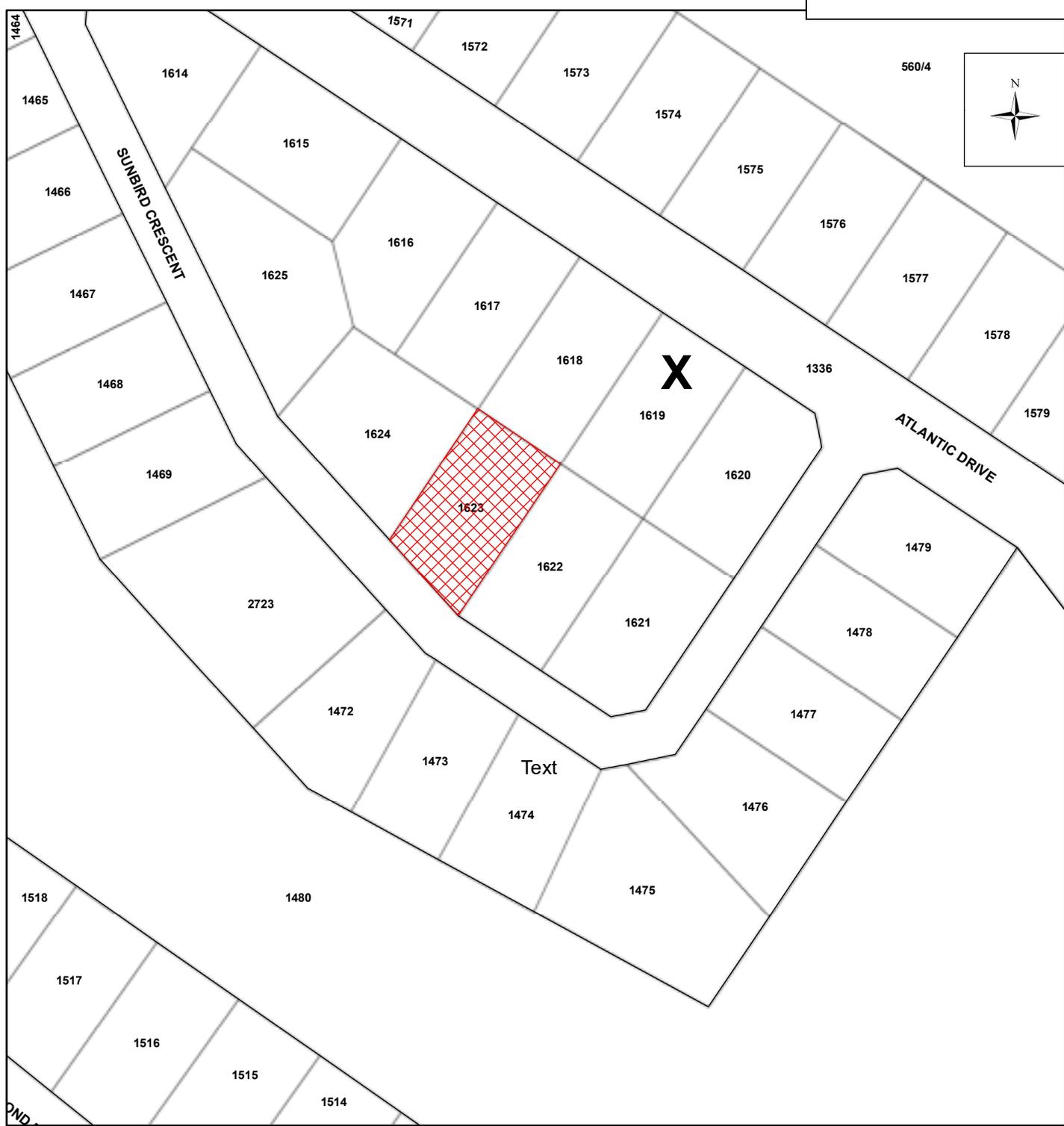
Glass notes:
 Thickness of ordinary glass in a vertical position:
 3mm max pane size - 0.75m²
 4mm max pane size - 1.50m²
 5mm max pane size - 2.10m²
 6mm max pane size - 3.20m²
 All safety glass panels bigger than 1m² and lower than 500mm from the fit to comply with Part N of NBR
 Glass types as per attached A4 calculations to comply with SANS 2048, SANS 10400-XA
 All bathrooms must receive obscure glass.

Liggingsplan

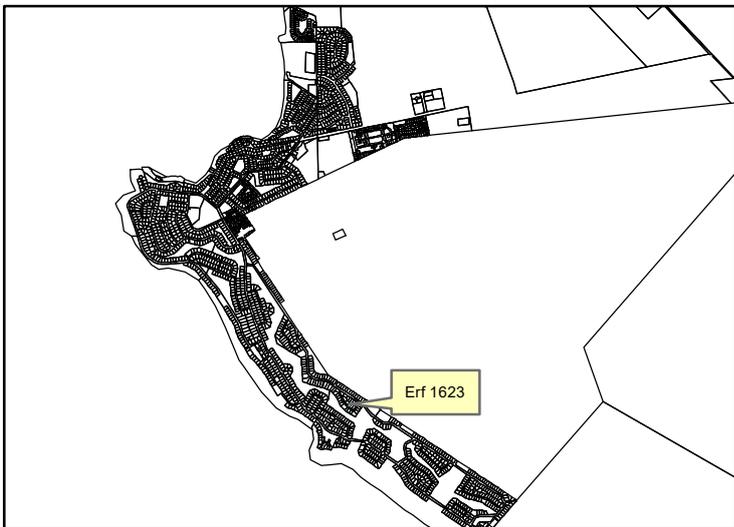


Voorgestelde vergunningsgebruik
Erf 1623, Yzerfontein
Publieke deelname
Skaal: NVT





Proposed consent use
Erf 1623, Yzerfontein
Position of objector marked "X"
Scale: N/A



From: Ria Holder <holderfam@gmail.com>

Sent: Monday, 14 April 2025 12:58

To: Registrasie Email <RegistrasieEmail@swartland.org.za>

Subject: KOMMENTAAR OP VOORGESTELDE VERGUNNINGSGEBRUIK ERF 1623

Die Munisipale Bestuurder

Wie dit mag aangaan

Hiermee wens ek my kommentaar/beswaar teen bg voorgestelde ontwikkeling aan u voor te lê.

Alhoewel die ontwikkeling nie soseer n direkte impak op my woning gaan hê nie, is ek tog van mening dat die gebou op sigself heel uit pas met die omgewing sal wees.

- Twee huise op een erf moet uit die staanspoor soos tans die geval langs erf 1623 goed beplan word

- Twee dubbelverdieping huise op een erf is uitdagend

- Twee dubbelverdieping huise met n hoë spitsdak is absoluut buitensporig

Al die huise in die omgewing is of enkelvlak met spitsdakke of dubbelverdieping met plat dakke. Daar is ook genoeg oop ruimtes rondom die wonings waar die natuur n rol speel. Hierdie woning gaan van hoek tot kant toegebou word met skaars plek vir n troeteldier. Dit is letterlik n kwessie van twee hoë huise wat op een erf ingedruk gaan word. Dit gaan die hele omgewing bederf asook die estetika in die natuur, sonsak op die horison, genoeg lig en sonskyn rondom die wonings. In die lig van die feit dat dit twee afsonderlike woonhuise is, ontstaan die vraag of dit n B&B of gastehuis gaan wees. Gaan dit slegs n vakansiehuis wees wat meestal leeg staan of gaan dit voltyds bewoon wees. As dit meestal leeg gaan wees beteken dit dat die permanente inwoners deurentyd in die kasarm van n gebou sal moet vaskyk.

Ek is van mening dat hierdie gebou totaal en al onvaspas vir die omgewing en erf is.

Groete

Mev MMJ Holder

Erf 1619

Korrespondeer asb met my via epos.

CK RUMBOLL & VENNOTE / PARTNERS

PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATE: **20 May 2025**

Your Ref: **15/3/10-14/Erf_1623**

PER HAND AND EMAIL

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
YZERFONTEIN
7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED CONSENT USE ON ERF 1623, YZERFONTEIN

Your letter dated 19 May 2025 refers (see annexure A attached). Please find attached our comments to objections.

This office has been instructed by the owners of Erf 1623 to handle all town planning actions regarding the application for consent use of Erf 1623, Yzerfontein.

During the public participation period, comments were received from the following objectors:

- Ria Holder

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845

| Objector | Objection | Comment from CK Rumboll & Partners |
|------------|--|---|
| Ria Holder | <p>1. Although the development will not directly impact my dwelling, the proposed building will however have an impact on the area.</p> <p>1.1 Two houses on one erf must be well planned from the outset, as is currently the case next to erf 1623.</p> <p>1.2 Two double-storey houses on one erf is challenging.</p> <p>1.3 Two double-storey houses with a high peaked roof are absolutely excessive.</p> | <p>1. Noted. It is not anticipated that the proposed double dwelling house will have an adverse impact on the area as there is an existing double dwelling house located adjacent to Erf 1623 on Erf 1624. The character to develop these properties for higher density residential has already been set in the area.</p> <p>1.1 The proposed double dwelling is well planned and complies with the development parameters of the zoning of the property.</p> <p>1.2 Noted. The proposal complies with the development parameters of the zoning.</p> <p>1.3 The high peaked roof is still lower than is allowed on the zoning of this property. The impact will therefore be minimal.</p> |
| | <p>2. All the houses in the area are either single-storey with peaked roofs or double-storey with flat roofs.</p> | <p>2. Noted. As mentioned above, the proposal complies with the building parameters of Residential Zone 1 erven. The proposal is therefore in line with the development of the area.</p> |
| | <p>3. There are also enough open spaces around the houses where nature plays a role.</p> | <p>3. The proposed double dwelling house complies with the applicable coverage of Residential Zone 1 erven. It will consist of a coverage of only ±43.6%.</p> |
| | <p>4. This house will be built from corner to corner with barely any room for a pet. It is literally a matter of two tall houses being squeezed onto one erf. This will spoil the entire environment as well as the aesthetics in nature, sunset on the horizon, enough light and sunshine around the houses.</p> | <p>4. As mentioned above, the proposal complies with the required coverage and height for Residential Zone 1 erven. The impact of the proposed double dwelling house on the surrounding area will be minimal to none.</p> |

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

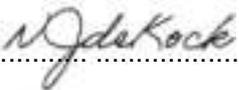
MALMESBURY (T) 022 482 1845

| | | |
|--|--|--|
| | <p>5. In light of the fact that these are two separate residential houses, the question arises whether it will be a B&B or a guesthouse. Will it only be a holiday home that is mostly empty or will it be occupied full-time. If it is mostly empty, this means that the permanent residents will have to stare into the barracks arm of a building all the time.</p> | <p>5. The current application is solely intended to accommodate the development of two residential units on a single erf. Should a bed and breakfast or guest house be proposed in the future, a separate land use application will be submitted to address those uses.</p> <p>At this stage, it remains uncertain whether the dwellings will be sold, leased, or utilised as holiday or permanent accommodation. However, the units are intended for residential use.</p> |
|--|--|--|

In conclusion, the proposed consent use to accommodate a double dwelling house on the property complies with the development parameters of the Residential Zone 1 zoning and is supported and encouraged by the Swartland SDF. The proposal can therefore be seen in a positive light.

We trust you will find the above in order when considering the application

Kind regards



.....

NJ de Kock
For *CK RUMBOLL AND PARTNERS*

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845

Annexure A



11

Lêervan: 15/3/10-14/Erf_1623

Navrae:
Me D N Stellenberg

19 May 2025

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Sir/Madam

PROPOSED CONSENT USE ON ERF 1623, YZERFONTEIN

Your application with reference YZER/14230/NJdK dated 25 March 2025 refers.

Kindly find attached the objections received by Ria Holder during the commenting period.

Your comment on the objections is requested within 30 days from the date of this letter in order for Swartland Municipality to make a decision.

Yours faithfully

MUNICIPAL MANAGER
via Department Development Services

/ds

- Swartland vooruitdenkend 2040 - waar mense hul drome uilloof!
- Swartland forward thinking 2040 - where people can live their dreams
- ISwartland ijonge phambili ku2040 -apho sbantu baza kufezekisa amachupho sbo!

15/3/10-14/Erf_1623

From: Ria Holder <holderfam@gmail.com>

Sent: Monday, 14 April 2025 12:58

To: Registrasie Email <RegistrasieEmail@swartland.org.za>

Subject: KOMMENTAAR OP VOORGESTELDE VERGUNNINGSGEBRUIK ERF 1623

Die Munisipale Bestuurder

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- Twee dubbelverdieping huise op een erf is uitdagend
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Ek is van mening dat hierdie gebou totaal en al onvaspas vir die omgewing en erf is.

Groete



29 May 2025

15/3/5-14/Erf 63
15/3/10-14/Erf 63

WYK: 5

ITEM 6.2 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 11 JUNE 2025

| LAND USE PLANNING REPORT PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND CONSENT USE ON ERF 63, YZERFONTEIN | | | | | |
|---|---------------------------------------|-----------------|---------------|----------------|-------------|
| Reference number | 15/3/5-14/Erf 63 15/3/10-14/Erf 63 | Submission date | 17 March 2025 | Date finalised | 29 May 2025 |

| PART A: APPLICATION DESCRIPTION | | | | | |
|--|--|--|--|--|--|
| <p>Application for the removal of restrictive title deed conditions on Erf 63, Yzerfontein, in terms of Section 25(2)(f) of the Swarthland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), is made in order to remove a restrictive condition from Title Deed T8622/2020 as follows:</p> <p>Restriction B.I.(3) that reads: <i>"...That not more than one dwelling, together with the necessary outbuildings and appurtenances be erected on the erf. ..."</i> be removed from the title deed in its entirety;</p> <p>Application for a consent use on Erf 63, Yzerfontein, is made in terms of Section 25(2)(o) of the Swarthland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to establish a double dwelling on the property.</p> <p>The applicant is C.K. Rumboll and Partners and the property owner is A.W. Maritz.</p> | | | | | |

| PART B: PROPERTY DETAILS | | | | | |
|--|--|----------------------------------|---|---|--|
| Property description (in accordance with Title Deed) | ERF 63 YZERFONTEIN, In the Swarthland Municipality, Western Cape Province | | | | |
| Physical address | 10 Second Avenue (locality plan attached as Annexure A). | Town | Yzerfontein | | |
| Current zoning | Residential Zone 1 | Extent (m ² /ha) | 517m ² | Are there existing buildings on the property? | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| Applicable zoning scheme | Swarthland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020) | | | | |
| Current land use | The property is developed with an existing double storey dwelling. | Title Deed number & date | T8622/2020 | | |
| Any restrictive title conditions applicable | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | If Yes, list condition number(s) | Condition B.I.(3) (Deed attached as Annexure D) | | |
| Any third party conditions applicable? | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | If Yes, specify | | | |
| Any unauthorised land use/building work | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | If Yes, explain | | | |

| PART C: LIST OF APPLICATIONS (TICK APPLICABLE) | | | | | | |
|---|--|---|--|---|--|--|
| Rezoning | | Permanent departure | | Temporary departure | | Subdivision |
| Extension of the validity period of an approval | | Approval of an overlay zone | | Consolidation | | Removal, suspension or amendment of restrictive conditions |
| Permissions in terms of the zoning scheme | | Amendment, deletion or imposition of conditions in respect of existing approval | | Amendment or cancellation of an approved subdivision plan | | Permission in terms of a condition of approval |
| Determination of zoning | | Closure of public place | | Consent use | | Occasional use |
| Disestablish a home owner's association | | Rectify failure by home owner's association to meet its obligations | | Permission for the reconstruction of an existing building that constitutes a non-conforming use | | |

PART D: BACKGROUND

Erf 63 is located in Second Avenue, in the northern portion of Yzerfontein. The neighbourhood is amongst the oldest and established in Yzerfontein, the erven having been formally surveyed during the township establishment of 1936. The Swartland Municipal Spatial Development Framework (MSDF, 2023) delineates the area as Zone E, the character of which is predominantly residential, with social and recreational facilities and a secondary business node. The erf is one block removed from the ocean front and within walking distance of the beach.



Figure 1: MSDF Map (2025)

Erf 63 is zoned Residential Zone 1 and is developed with an existing double storey dwelling. Building plans have been approved for the dwelling, as well as various additions and alterations that were made over time. All building work to date have been completed in accordance with the approved building plans, adhering to the development parameters such as height, building lines and coverage.

The proposal is to expand the existing dwelling towards the south-east, in order to create a square footprint, which is then proposed to be separated into two rectangular dwelling spaces by a communal wall. The title deed restricts the use of the property to one dwelling, thus the restriction is proposed to be removed, in order to facilitate the development. The building proposal is illustrated in Figures 2a - f.

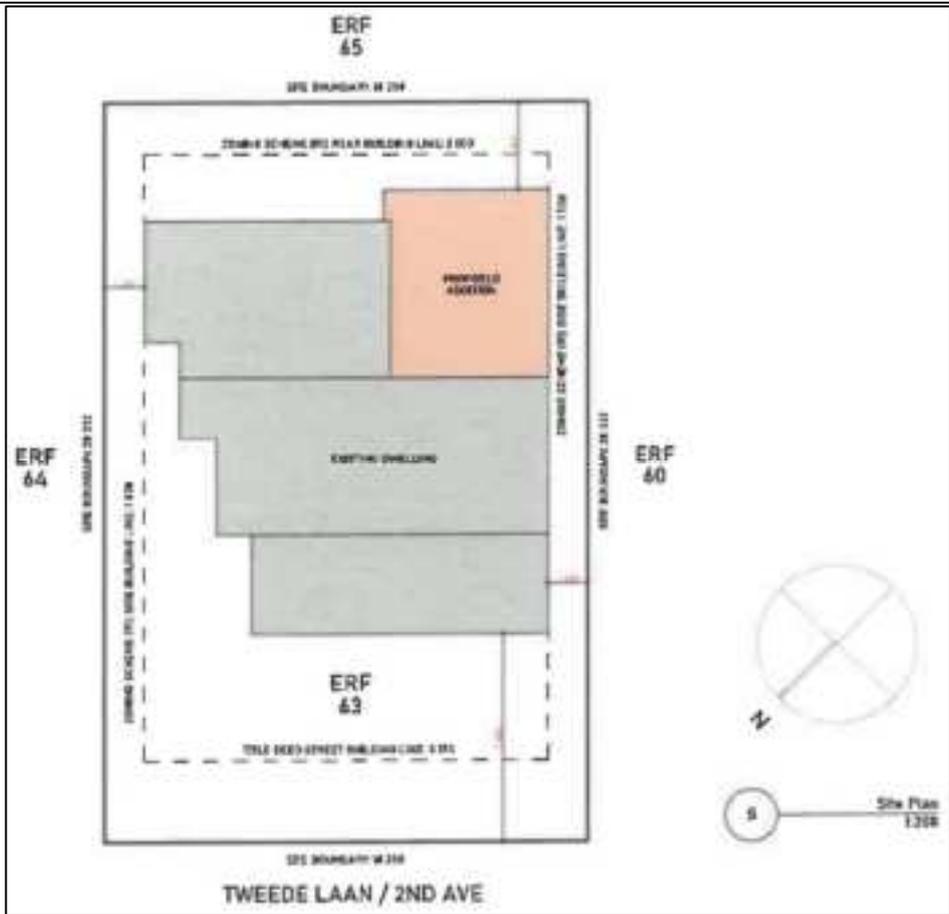


Figure 2a: Site Plan



Figure 2b: Ground floor



Figure 2c: North-west elevation (street view)



Figure 2d: North-east elevation (side view)

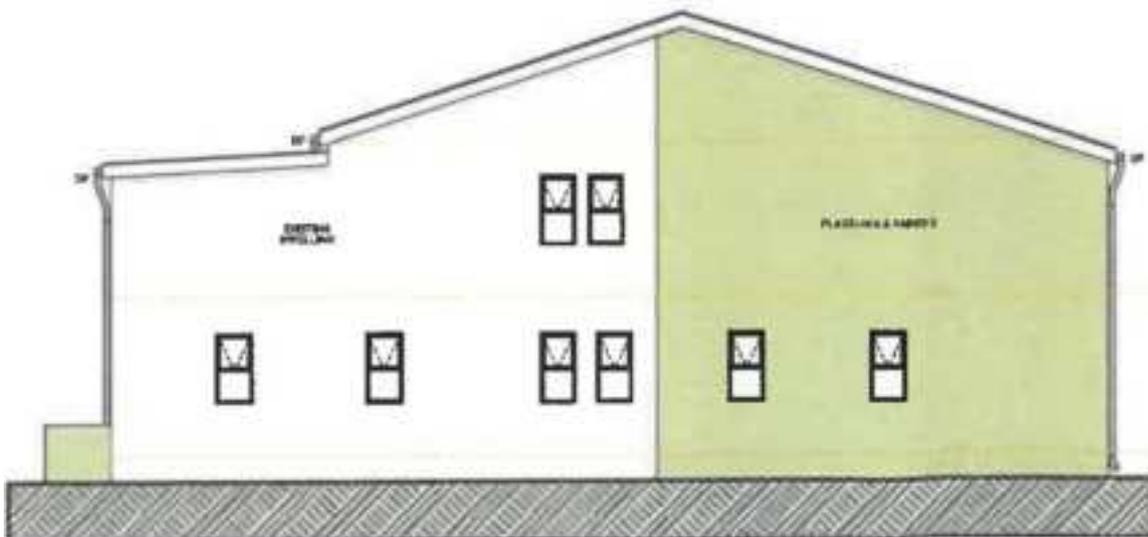


Figure 2e: South-west elevation

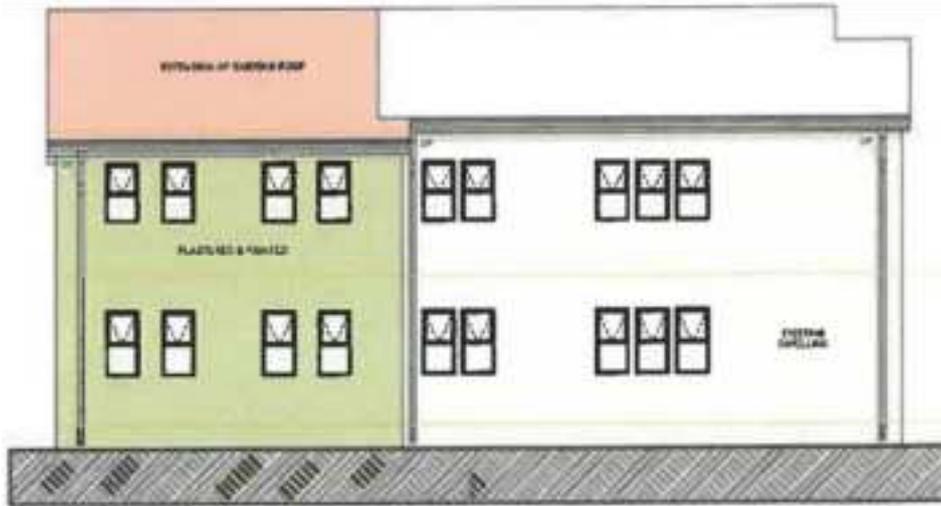


Figure 2f: South-east elevation

The design adheres to the development parameters of Residential Zone 1, as well as to the By-Law definition of a double dwelling, reading: *“a building erected for residential purposes that is designed as a single architectural entity containing two dwelling units on one land unit.”*

The photographs below reflect the current form of the dwelling to compare with the development proposal.



PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

| | | | |
|---|---|---|--|
| Has pre-application consultation been undertaken? | Y | N | If yes, provide a brief summary of the outcomes below. |
|---|---|---|--|

PART F: SUMMARY OF APPLICANT’S MOTIVATION

1. Introduction

The aim of the proposal is to remove the restrictive title deed condition limiting the property to a single dwelling unit and subsequently to apply for a consent use to convert the existing dwelling into a double dwelling house.

Section 1.1(b) of the By-Law makes provisions for a double dwelling or second dwelling unit as a consent use under the current zoning. Furthermore, the SDF encourages the increase of the current density in Yzerfontein through infill development, sectional title and renewal and restructuring. The proposal is therefore aligned with the By-Law and the MSDF. The documents govern and coordinate sustainable development in the Swartland sufficiently, without the additional need for restrictive title conditions.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

- a) Spatial Justice: The proposed development complies with spatial development proposals and guidelines, justifying the right of the owner to develop the land for the proposed residential use. The property concerned will be used to its full potential and will make a positive contribution to housing provision in Yzerfontein. The proposed development does not support further segregation within the community. Facilities and services are considered in the proposed development as there are sufficient services available to accommodate the proposed uses on the property. The development proposal is consistent with the *Swartland Spatial Development Framework (2023)* as a spatial instrument that directs future development at a Local Municipal level.
- b) Spatial Sustainability: The development of this property falls within the densification proposal suggested within urban boundaries of all towns in the Western Cape. The proposed development will be sustainable, seeing that the population growth in the Western Cape is high. The proposed application supports spatial compactness, sustainable use of resources and falls within an administrative area earmarked for residential use. The proposed development will have no negative effects on any agricultural land. Furthermore it will not affect any endangered vegetation or conservation areas. The development is within the Environmental Management requirements by developing land within the existing urban edge and leaving the surrounding natural areas untouched. Urban sprawl is contained by creating new housing opportunities within the urban edge. No heritage resources will be influenced by the development.
- c) Efficiency: The proposal seeks to maximise the potential of the property by establishing a use that will offer more opportunities than the existing land use. By creating a double dwelling unit within an existing neighborhood, it optimizes the use of existing resources and infrastructure that is available in the area. Creating additional dwelling units promotes a combination of residential densities within the existing area. It further supports the development of more compact towns.
- d) Spatial Resilience: The development will be resilient in terms of the multiple uses that may be allowed on the property with relevant authorization. The proposed development does not limit any future benefits of the property or surrounding area. This proposed development will have no negative impact on the disadvantaged communities.
- e) Good administration: Swartland Municipality will manage the administrative process and public participation processes consistent with the requirements of the By-Law.

2.2 Swartland Municipal Spatial Development Framework (SDF, 2023)

The application property is located in Area E of the SDF, that identifies the area for low, medium and high-density residential opportunities. The proposed land use is thus consistent with the proposals of the SDF.

| YZERFONTEIN LAND USE ZONES | | Low Density Residential Uses | Medium Density Residential Uses | High Density Residential Uses | Secondary Educational Uses | Place of Education | Professional Uses | Business Uses | Secondary Business Uses | Place of Worship | Institution | Guest houses | Authority | Sport/Recreational Facilities | Industries & Service Trade |
|----------------------------------|--|------------------------------|---------------------------------|-------------------------------|----------------------------|--------------------|-------------------|---------------|-------------------------|------------------|-------------|--------------|-----------|-------------------------------|----------------------------|
| E | Zone E is the residential area around the main beach with supporting community, sport and tourist facilities and a secondary business node. Allows area for residential expansion. | X | X | X 5 | X | X | X | X 1,2 9 | X 1,2 9 | X | X | X | X | Sport Facility X 6 | |

The table below summarises the SDF objectives for Yzerfontein, in order to “Protect, Change and Develop Place Identity” for the town, as set out in the SDF.

| Change | Comments |
|--|---|
| Increase density by 2027 from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein. | The proposed development supports the notion of infill development though adding an additional unit to the property. Infill development will result in efficient use of land and services. |
| Protect the character and historical context of surrounding environments and densify by means of infill development and willingness of owners to subdivide keeping in mind existing zonings, the character of surrounding environments and the unique sense of place and historical context of specific areas. | The proposal supports densification while maintaining a “single residential” character and without further subdivision of the property. This approach to densification eliminates the need for developing natural areas in order to achieve higher densities. |
| Spatially allow for adequate areas for provision of different residential types. | Provides a different housing typology as opposed to the normal freestanding single dwelling. It will have the appearance of single living unit |
| Densify in accordance with zone proposals through: Subdivision (sectional title); Infill development, and; Renewal and restructuring. | The proposal will contribute to infill development by means of sectional title use which will provide two dwelling units on one residential erf. |
| Sectional title subdivision of existing houses on single residential erven. | The existing dwelling house (with some additions) will be transformed into a double dwelling house on a single Residential Zone 1 property. |

2.3 Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 2020):

The removal of the restrictive conditions can further be considered favourably based on the guidelines contained in Section 43(5)(a-f) of the By-Law:

| | |
|---|--|
| When the municipality considers the removal, suspension or amendment of a restrictive condition, the municipality must have regard for the following: | |
| a. The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement. | The conditions were imposed by the Administrator for the benefit of the town and had no financial or other value for the beneficiary. The values of the conditions relate to land use restrictions that preserve and protect the character of the built environment. The By-Law and SDF contain similar provision that have the same effect in preserving and protecting the character of areas. |
| b. The personal benefits which accrue to the holder of the rights in terms of the restrictive condition. | None. |
| c. The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed. | The inclusion of restrictive conditions in the title deed of Erf 63, Yzerfontein, counteracts the development possibilities on the property and does not align with contemporary planning policies, such as densification, effectiveness and resilience. The removal of the condition will enable the development of the property to its full potential, as determined and guided by current spatial policies. |

| | |
|---|--|
| d. The social benefit of the restrictive condition remaining in place in its existing form. | There is no social benefit if the restrictive condition remains in place in its existing form as it will not allow the property owner to exercise the right to utilise the property for additional residential purposes. |
| e. The social benefit of the removal, suspension or amendment of the restrictive condition. | The proposal will result in more compact, diverse and resilient development on the property and enable the property to be developed to its full potential. |
| f. Will the removal, suspension or amendment of the restrictive condition completely remove all rights enjoyed by the beneficiary or only some of the rights. | No rights in favour of the Administrator is proposed for removal, only the right relating to the proposed development parameters, seeing as the need and desirability of development opportunities for Erf 63, have changed over time. |

2.4 Schedule 2 of the By-Law (Zoning Scheme Provisions)

A double dwelling is a consent use that may be considered within the zoning category of Residential Zone 1. The proposal is consistent with all the development parameters of the By-Law.

PART G: SUMMARY OF PUBLIC PARTICIPATION

| | | |
|---|----------|---|
| Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning? | Y | N |
| The application was advertised in the local newspapers and Provincial Gazette on 4 April 2025. A total of 21 registered notices were issued to affected parties on 4 April 2025. The same notices were also sent via e-mail, where possible. Please refer to Annexure C for public participation map. | | |

| | | | |
|------------------------------------|----------|--------------------------------------|--|
| Total valid comments | 2 | Total comments and petitions refused | 0 |
| Valid petition(s) | Y | N | If yes, number of signatures |
| Community organisation(s) response | Y | N | Ward councillor response |
| | Y | N | The application was forwarded to councillor Rangasamy, but no comments were forthcoming. |
| Total letters of support | 1 | | |

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

| Department | Date | | Recomm./Not recomm. | | | | | | | | | | | | |
|--|---------------|---|---|------------|-------------------------|-----------|-------|-----------|------|------------|-------|-----------|-------------|------------|---|
| Department: Development Services | 27 March 2025 | Building plans be submitted to the Senior Manager: Development Management, for consideration and approval; |  | | | | | | | | | | | | |
| Department: Civil Engineering Services | 31 March 2025 | <p>1. Water Die erf voorsien word van 'n enkele wateraansluiting;</p> <p>2. Riolering Die erf voorsien word van 'n rioolsuigtenk met 'n minimum kapasiteit an 8000 liter, wat vir die diensvragmotor vanuit die straat toeganklik is;</p> <p>3. Ontwikkelingsbydraes Die vaste kapitale bydraes as volg gemaak word:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Bulk Water Supply</td> <td style="text-align: right;">R11 514,95</td> </tr> <tr> <td>Bulk Water Reticulation</td> <td style="text-align: right;">R1 045,35</td> </tr> <tr> <td>Sewer</td> <td style="text-align: right;">R5 242,85</td> </tr> <tr> <td>WWTW</td> <td style="text-align: right;">R12 722,45</td> </tr> <tr> <td>Roads</td> <td style="text-align: right;">R7 200,15</td> </tr> <tr> <td>Electricity</td> <td style="text-align: right;">R11 762,00</td> </tr> </table> | Bulk Water Supply | R11 514,95 | Bulk Water Reticulation | R1 045,35 | Sewer | R5 242,85 | WWTW | R12 722,45 | Roads | R7 200,15 | Electricity | R11 762,00 |  |
| Bulk Water Supply | R11 514,95 | | | | | | | | | | | | | | |
| Bulk Water Reticulation | R1 045,35 | | | | | | | | | | | | | | |
| Sewer | R5 242,85 | | | | | | | | | | | | | | |
| WWTW | R12 722,45 | | | | | | | | | | | | | | |
| Roads | R7 200,15 | | | | | | | | | | | | | | |
| Electricity | R11 762,00 | | | | | | | | | | | | | | |

| PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION | SUMMARY OF APPLICANT'S REPLY TO COMMENTS | MUNICIPAL ASSESSMENT OF COMMENTS |
|---|--|--|
| <p>M.E. Maritz (Erf 64) Annexure E</p> <ol style="list-style-type: none"> 1. Second Avenue in Yzerfontein is in the upmarket area at the Main Beach. 2. It is to the detriment of the image of the area and the value of the properties if restrictive conditions and permitted use are lifted. 3. The application will create a precedent for requesting further liftings. | <ol style="list-style-type: none"> 1. Noted. 2. It is not clear as to how the proposal will have a negative impact on the image or value of the surrounding properties, as the extension of the dwelling to accommodate the double dwelling unit will be located at the south eastern side of Erf 63, away from the road and Erf 64. The impact on the image of the area will be limited to none. <p>Furthermore, the Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other principles, Section 59 (1), which divulges principles of spatial justice, specifies in subsection (f) that: "A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome."</p> <ol style="list-style-type: none"> 3. Every application should be considered on its own merits. This will not create a precedent for future removals or consent uses. | <ol style="list-style-type: none"> 1. All Residential Zone 1 properties possess the same land use rights afforded by the By-Law. Similarly, the right to act in accordance with legislation, such as to submit a land use application, is universal, regardless of the 'exclusivity' of an area. 2. The proposed double dwelling is consistent with the definition of the By-Law that describes a double dwelling as "<i>a building erected for residential purposes that is designed as a single architectural entity containing two dwelling units on one land unit.</i>" The proposed double dwelling is designed in such a manner that it resembles a large single residence. The proposal is thus considered unlikely to impact negatively on the image or character of the surrounding neighbourhood. <p>The statement that property values will be negatively impacted is conjecture, not supported by proof. The most recent Swartland General Valuation process resulted in an increase in property values for the entire Yzerfontein.</p> <p>The applicant's statement is supported.</p> <ol style="list-style-type: none"> 3. Town Planning legislation is not subject to precedent, but rather applied on a case-to-case basis, reliant on site specific circumstances to inform decision making. <p>The restrictive condition proposed for removal is specific to the development proposal. The impacts thereof on the rights of affected property owners, as well as the ability of the authorities to effectively govern development in the future, are thoroughly assessed. Should the removal of the condition prove not to negatively affect the rights of all parties involved, the removal may be considered desirable.</p> |

| | | | |
|--|---|--|--|
| <p>P.A. Johnson (Erf 67) Annexure F</p> | <p>4. Second Avenue is heavily used by pedestrians, vehicles and visitors.</p> <p>5. Parking is also becoming a problem with a double unit on the size of Erf 63.</p> <p>6. Some of our views are also being taken away on the proposed plans for Erf 63.</p> <p>7. Erf has been set aside for the construction of a single dwelling house.</p> | <p>4. Noted. Residential uses have the lowest traffic impact of any development. Since only one additional residential unit will be added to the area, it is not anticipated that the proposal will have any adverse impact on traffic flow.</p> <p>5. The property will provide a total of 4 parking bays which complies with the regulations of the Swartland Municipality: Municipal Land Use Planning By-Law (2020).</p> <p>6. The proposal complies with all the development parameters of the Swartland Municipality: Municipal Land Use Planning By-Law (2020). The impact on the neighbouring property will therefore be limited to none.</p> <p>7. The inclusion of the said restrictive conditions in the title deed of Erf 63, Yzerfontein, results in restrictions being placed on development possibilities for the property - the restrictions are not always aligned with the new planning philosophies such as densification, effectiveness and resilience. The removal of said restrictive title condition will enable the property to be developed to its full potential as determined and guided by spatial policies such as the Swartland SDF.</p> | <p>Once desirability is established, it is determined whether alternative measures are available to govern and standardise development parameters on properties.</p> <p>While title deeds remain the highest order legal documents associated with properties, zoning schemes have been developed over time to address land use issues on a large scale.</p> <p>4. The traffic impact is not expected to be more noticeable than that of a large residence. Second Avenue is a public road.</p> <p>5. Sufficient on-site parking is available for both of the dwelling units in accordance with the requirements of the By-Law.</p> <p>6. It is unclear how the double dwelling will impact on the views from Erf 63. Regardless, the statement is evaluated and it is found that the development proposal is consistent with the development parameters of Residential Zone 1. Impact on view only becomes a legal issue if the applicant acts outside of the bounds set by the development parameters, such as departing from building lines, coverage, height restrictions, etc. The objection is thus considered unfounded.</p> <p>7. Both the objector and the applicant raise valid arguments, thereby emphasising the importance of evaluating the impact of a removal on the rights of all the affected parties.</p> <p>The proposed removal of title restrictions is evaluated in terms of section 43 of the By-Law and concluded to not impede on the social, financial, health or safety rights enjoyed by the affected parties. Additionally, the removal will afford the erf owner the opportunity to develop the property to its full potential, which is a right afforded by means of the By-Law, as well as local, provincial and national policy promoting densification.</p> |
|--|---|--|--|

| | | | |
|--|--|---|--|
| | <p>8. Due to planned renovations (laborers) there is usually an increase in burglaries in the immediate area.</p> <p>9. There is already too much traffic due to visitors and holidaymakers in Tweedelaan, it is not a desirable decision to worsen this.</p> <p>10. There will also be an increase in dust and noise during the period of the additions.</p> <p>11. Our environment has been developed for years and we do not want to change that.</p> | <p>8. This objection is irrelevant to the application.</p> <p>9. Refer to response 4.</p> <p>10. This objection is irrelevant to the application as this may happen with any building work on any property.</p> <p>11. The following are extracts from the Swartland SDF:</p> <ul style="list-style-type: none"> a. Increase density by 2027 from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein. b. Densify in accordance with zone proposals through: Subdivision (sectional title); Infill development, and; Renewal and restructuring. <p>The Swartland Spatial Development encourages the densification of areas through sectional title (as proposed). The proposal is therefore in line with the SDF for the area.</p> <p>The Swartland Spatial Development encourages the densification of areas through sectional title (as proposed). The proposal is therefore aligned with the SDF for the area.</p> | <p>Taking both the aforementioned data sets into account, ensures that the applicable legislative requirements are addressed and the development aligned with current spatial policy.</p> <p>8. The objection is unfounded.</p> <p>9. Refer to point 4.</p> <p>10. Noted.</p> <p>11. The argument made by the applicant is compelling and strongly supported. Also refer to point 7.</p> |
|--|--|---|--|



Figure 4: Location of applicant vs objectors

PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application

Application for the removal of restrictive title deed conditions on Erf 63, Yzerfontein, in terms of Section 25(2)(f) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), was made in order to remove a restrictive condition from Title Deed T8622/2020 as follows:

Restriction B.1.(3) that reads:

"...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;

Application for a consent use on Erf 63, Yzerfontein, was also made in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to establish a double dwelling on the property.

The application was advertised in the local newspapers and Provincial Gazette on 4 April 2025. A total of 21 registered notices were issued to affected parties on 4 April 2025. The same notices were also sent via e-mail, where possible.

The public commenting period closed on 5 May 2025 and a total two objections were received. The objections were forwarded to the applicant on 9 May 2025 and the response to the objections were received back on the same day.

The applicant is C.K. Rumboll and Partners and the property owner is A.W. Maritz.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

a) Spatial Justice: Neither the rights of the applicant nor the objectors will be negatively impacted by the removal of the restrictive condition. The removal may rather ensure improved alignment and consistency with national, provincial and local policy en legislation.

The proposed consent use for a double dwelling supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society and promoting security of tenure;

b) Spatial Sustainability: The proposed removal of restrictions, as well as the consent for a double dwelling promote contextually appropriately densification, contributing to spatial and environmental sustainability by reducing pressure on valuable agricultural and natural land. Such applications effectively act to reduce urban sprawl and result in the improved use of land – which is a scarce resources – and existing municipal services.

c) Efficiency: The development proposal will promote the optimal utilisation of services on the property and enhance the tax base of the Municipality;

d) Spatial Resilience: The removal of restrictions allows for contextually appropriate densification. The proposed double dwelling creates diversification of assets which may contribute to withstanding possible future environmental and financial shocks. The double dwelling can also be reconstructed back into a large single dwelling, should the need arise.

e) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained;

It is subsequently clear that the development proposal is consistent with spatial planning principles referred to in LUPA and SPLUMA.

2.2. Provincial Spatial Development Framework (PSDF, 2014)

The PSDF describes tourism as one of the underpinning factors within the urban space economy. The development proposal can contribute to providing in the need for tourist accommodation in Yzerfontein, while minimally impacting on the character of its environment.

The development proposal may therefore be deemed consistent with the PSDF.

2.3 West Coast District SDF (WCDSDF, 2014)

Yzerfontein is one of the major tourist attractions throughout the West Coast District. One of the strategies contained in the WCDSDF is to promote and develop tourism infrastructure within the District. The development proposal can provide in the need for accommodation by various tourists who visit the district, and thus contribute to the income derived from tourism.

The WCDSDF also supports the principle of densification. A second dwelling/double dwelling promotes the principle, optimising the use of resources and limiting urban sprawl. The proposal is thus consistent with the PSDF.

2.4 Swartland Spatial Development Framework (SDF, 2023)

The application property is situated within a residential node, delineated as Area E, as per the spatial proposals for Yzerfontein contained in the SDF. The area is characterised by residential developments of various densities, with recreational and ancillary uses and a secondary business node.

The removal of the restrictive condition and the subsequent development of a double dwelling on Erf 63 is consistent with a number of goals and principles identified by the SDF:

- a. The proposal supports the goal of increased density by 2027 from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein;
- b. The character of the area is protected by contextually appropriate infill development and densification, while retaining the sense of place of the specific area;
- c. The double dwelling promotes the provision of different residential typologies;

2.5 Schedule 2 of the By-Law: Zoning Scheme Provisions

The existing dwelling, as well as the addition are proposed to adhere to all the development parameters of Residential Zone 1 and the zoning will remain unchanged.

A double dwelling may be accommodated within the zoning category as a consent use and the proposed design ensures that the proposed double dwelling is consistent with the definition of a double dwelling. The combined units will appear as one architectural entity, having the effect of a large single residence.

3. Desirability of the proposed utilisation

There are no physical restrictions on the property that will have a negative impact on the application. The property is relatively flat and is ideal for the proposed development.

The overall height of the double dwelling is lower than the maximum allowable 8m wall plate height. The proposal also adheres to the building lines of Residential Zone 1 and consequently does not obstruct the views from any of the affected properties in the neighbourhood, beyond that which is permitted within the land use rights.

The street façade of the double dwelling is considered to be compatible with that of one large, single dwelling unit, ensuring consistency with the By-Law definition. The intent of the definition is for the double dwelling to blend in seamlessly with the existing residential character of the area and the goal is achieved with the development proposal.

The removal pertains only to the condition directly impacting on the development and all other conditions remain unchanged. The proposed removal of restrictive condition will not negatively impact on the social, financial, health and safety, or any other rights of the holders, including the third party rights of the Municipality.

The removal of the restrictive condition that limits the number of dwellings on the property, will improve the alignment between the Title Deed and national, provincial and local policy and legislation that promote densification, thereby also promoting consistency.

The proposal is spatially resilient, as the property can revert to a dwelling for a single family, should it become necessary in future.

The character of the surrounding area is that of a low density residential neighbourhood. While a double dwelling will contribute to the spatial goal of increasing the density within the area, it will by no means alter the character. The aim of the double dwelling is to provide additional residential opportunities. The proposed land use is thus considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities compatible with that of the existing area.

The proposed activity will have a positive economic impact as it will generate income for both the land owner, and the municipality, through rates and taxes. Should the owner/developer make the property or a portion thereof available as tourist accommodation, the development may promote tourism and the spending of visitors to the area.

The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding land owners, nor will it negatively impact on environmental assets.

Access to the property is obtained directly from Second Avenue with ample parking space in front of the dwelling. The impact on the traffic movement in the area is deemed to be negligible.

The development proposal may be considered desirable.

4. Impact on municipal engineering services

The proposed application is intended to optimise the use of existing infrastructure and municipal engineering services. Development charges will be levied in accordance with the Swartland Municipality Development Charge Policy (2024).

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

Condition B.1.(3) restricts the property owner of optimally developing the erf and increasing the value of the property with a second dwelling unit. The owner is thus not financially benefitted by the restriction remaining in place. The property values of the affected property owners are not proven to be negatively impacted by the removal of the restrictive condition. Property values may be impacted by factors such as obstructed view, if the developer acts outside of the land use rights, but the proposal for the double dwelling is similar to that of a large single dwelling that adheres to all development parameters. The financial or other value of the rights is thus not impacted upon.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

The personal benefits to the holder of rights relate to the character of the area, which is also protected by the Development Management Schem, as well as the remaining title deed conditions. While the double dwelling constitutes densification, the development will by no means create a high density development. The dwelling will appear similar to a large single residential unit, thereby staying in keeping with the low-density residential character of the area.

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.

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

Without removing the restrictive condition, the status quo on the property will remain and no social benefits will be accrued by any party.

However, 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. It will also 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.

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights

The proposal involves the removal of only one restrictive condition, while the remaining conditions remain unchanged. In addition, controls such as those contained in the SDF and Development Management Scheme will continue to ensure that development occurs in term of the development rules.

Due regards has been had to the rights of the affected parties, in terms of the criteria stipulated in section 47 of SPLUMA, section 39 of LUPA and section 43 of the By-Law.

It is concluded that the removal of restrictive conditions will not amount to arbitrary deprivation of property. Densification in an appropriate urban context is deemed to serve the public interest and is deemed desirable.

PART L: RECOMMENDATION WITH CONDITIONS

- A.** The application for the removal of a restrictive condition from Title Deed T8622/2020 of Erf 63, Yzerfontein, be approved 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, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

Approval **A.** and **B.** be subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

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

2. WATER

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

3. 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;

4. 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;

5. 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.

PART M: REASONS FOR RECOMMENDATION

- 1) The design of the double dwelling is consistent with the definition contained in the By-Law, as it appears as a single architectural unit.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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;
- 7) 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.
- 8) A double dwelling is accommodated as a consent use under Residential Zone 1 of the By-Law.
- 9) The development proposal supports the optimal utilisation of the property.
- 10) The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy.
- 11) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population.
- 12) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

PART N: ANNEXURES

| | |
|------------|----------------------------|
| Annexure A | Locality Plan |
| Annexure B | Building Plans |
| Annexure C | Public Participation Map |
| Annexure D | Title Deed |
| Annexure E | Objections from ME Maritz |
| Annexure F | Objections from PA Johnson |
| Annexure G | Response to Comments |

| PART O: APPLICANT DETAILS | | | | |
|---|--|---|--------------------------|---|
| First name(s) | C.K. Rumboll and Partners | | | |
| Registered owner(s) | A.W. Maritz | Is the applicant authorised to submit this application: | Y | N |
| PART P: SIGNATURES | | | | |
| Author details: Annelie de Jager Town Planner SACPLAN: A/2203/2015 |  | | Date: 30 May 2025 | |
| Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001 | Recommended | <input checked="" type="checkbox"/> | Not recommended | |
| |  | | Date: 30 May 2025 | |

Locality of Erf 63 Yzerfontein

Legend



Map Center: Lon: 18°9'49.8"E
Lat: 33°21'10.5"S

Scale: 1:36,112

Date created: 2025/14/03



ANNEXURE A

ANNEXURE C

Liggingsplan

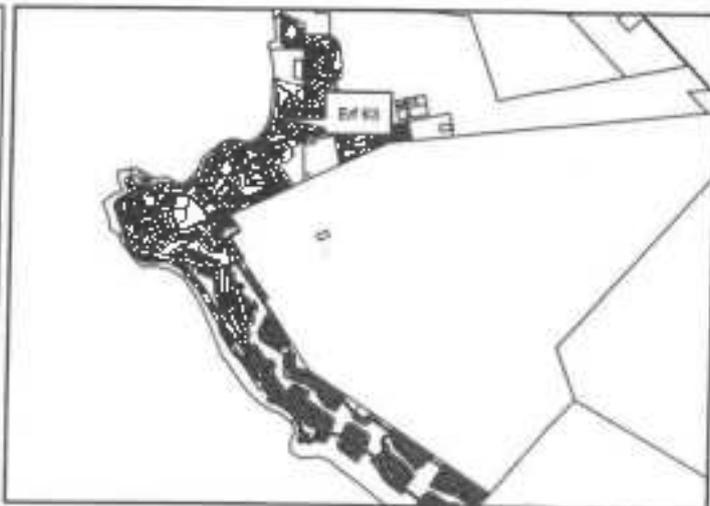


**Voorgestelde opheffing van beperkings
en vergunningsgebruik**

Erf 63, Yzerfontein

Publieke deelname

Skaal: NYT

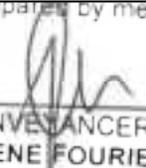


ANNEXURE D

83

Bornman & Hayward Inc
2 Reiger Street
Stellenberg
Bellville
7530

Prepared by me,


CONVEYANCER
JOHLENE FOURIE

| Deeds Office Registration fees as per Act 47 of 1937 | | |
|--|--------------------|--|
| | Amount | Office Fee |
| Purchase Price | R 2850 000,00 | R 1588,00 |
| All other | | |
| Reason for exemption | Category Exemption | Exemption It c. Sec/Rag Acc/Proc |



T 000008622 / 2020

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

DANIEL PIERRE FOURIE

appeared before me, Registrar of Deeds, at CAPE TOWN, the said Appearer, being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at BRACKENFELL on 11TH FEBRUARY 2020 and granted to him/her by

THE EXECUTRIX IN ESTATE
LATE STEPHANUS HENDRIK MARITZ
ESTATE NUMBER 3573/2019



Bornman & Hayward Inc

LegalSuite (Version 4.5038)
Deceased Estate - Conventional Deed of Transfer (to Will).doc

AND the said Appearer declared that:-

WHEREAS STEPHANUS HENDRIK MARITZ who died **testate** on 08 February 2019 is the registered owner of the hereinafter mentioned property;

AND **WHEREAS** the said late **STEPHANUS HENDRIK MARITZ** bequeathed the hereinafter mentioned property to **ALETTA WILHELMINA MARITZ** in terms of his/her Last Will and Testament dated 15 October 2018;

NOW THEREFORE the said Appearer, in his/her capacity aforesaid, did, by virtue these presents, cede and transfer to and on behalf of:-

ALETTA WILHELMINA MARITZ
Identity Number 480209 0043 08 9
Unmarried

Her heirs, executors, administrators or assigns in full and free property

ERF 63 YZERFONTEIN
In the Swartland Municipality, Division Malmesbury, Western Cape Province

IN EXTENT: 517 (FIVE HUNDRED AND SEVENTEEN) Square Metres

FIRST TRANSFERRED by Deed of Transfer Number T21521/1967 with Diagram No. 594/1937 relating thereto and HELD by Deed of Transfer Number T77896/2017.

- A. **SUBJECT** to the conditions referred to in said Deed of Transfer Number T94858/2003.
- B. **SUBJECT FURTHER** to the special conditions contained in Deed of Transfer Number T21521/1967 and imposed by the Administrator in terms of Section 18(3) of Ordinance No. 33 of 1934 when approving of the aforesaid Township, namely:-
- I. As being in favour of the registered owner of any Erf in the said Township-
- (1) That the erf be used for residential purposes only;
 - (2) That the erf shall not be subdivided;
 - (3) That no more than one dwelling, together with the necessary outbuildings and appurtenances be erected on the erf;
 - (4) That not more than one-half the area of the erf be build upon;
 - (5) That no building shall be erected within 3.15 metres of any street line which forms a boundary of the erf, or within 3.15 metres of the open space where it forms a boundary of the erf on the sea front;

(6) That when any of the existing buildings are demolished, the building line laid down in (5) shall apply.

II. As being in favour of the local authority:-

(7) That the owner of each erf, whether the applicant for the establishment of the township or any future owner, shall be obliged to allow the drainage or sewerage of any other erf or erven to be conveyed over such erf if deemed necessary by the local authority and in such manner and in such position as may from time to time be reasonably required by the local authority.

C. **SUBJECT FURTHER** to the following conditions imposed by the Transferor's Company in favour of itself, as long as it owns any erven in Yzerfontein Township held by Deed of Transfer Number T3729 dated 17 April 1937, and in favour of any local authority which may be established in Yzerfontein Township, and any registered owner of an erf in the said Township, as contained in Deed of Transfer Number T21521/1967, namely:-

1. That no building shall be erected on any erf until the plans and specifications thereof have been submitted to and approved by the Company or in the event of a local authority and no structure of a temporary or semi-permanent nature may be erected on any erf;

D. **ENTITLED** to the benefits of the following conditions contained in Deed of Transfer Number T21521/1967 and imposed by the Transferor's Company for the benefit of the Transferee and his Successors in Title, viz. :-

"That the owner of this erf or his successors in title shall be entitled with the other owners of erven in Yzerfontein Township Site to take an equal share of the water reservoirs erected by the Company on Lot No 102, Yzerfontein Township Site."

E. **SUBJECT** to condition 4 contained in the Last Will and Testament of the said late **STEPHANUS HENDRIK MARITZ** dated 15 October 2018, namely:-

"Alle voordele wat aan 'n begunstigde kragtens die bepalings van hierdie Testament toeval, sal die uitsluitlike eiendom en tot alleen-voordeel van die begunstigde wees en bly, en dit of enige gedeelte daarvan of voordeel daarvan of opbrengs daarvan of vervanging daarvan sal nie deel uitmaak van enige gemeenskap binne goedere nie en/of aanwas van goedere of wins wat voortspruit uit die gemene reg of wetgewing (insluitend die aanwasbedeling soos ingestel deur die Wet op Huweliksgoedere, 1984, of enige soortgelyke bepaling) op grond van enige huwelik wat deur die begunstigde gesluit is of gesluit mag word nie."

WHEREFORE the said Appearer, renouncing all the right, title and interest which the said

Estate Late STEPHANUS HENDRIK MARITZ

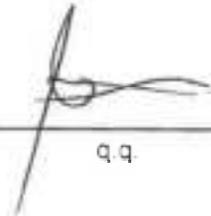
Heretofore had to the premises, did in consequence also acknowledge the Estate to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents, the said

ALETTA WILHELMINA MARITZ

Her heirs, executors, administrators or assigns now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the value of the property to be **R2,850,000.00 (TWO MILLION EIGHT HUNDRED AND FIFTY THOUSAND RANDS)**.

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at **CAPE TOWN** on *10th March 2020*



q.q.

In my presence:



REGISTRAR OF DEEDS

D

D

A

ANNEXURE E

----- Original message -----

From: men@yebo.co.za

Date: Sat, 03 May 2025, 10:35 pm

To: Nabrashka Van Nelson <PlanIntern1@swartland.org.za>

Subject: Re:Voorgestelde opheffing van beperkende voorwaardes en vergunningsgebruike op erf 63, Yzerfontein

VIR AANDAG:

VERANTWOORDELIKE AFDELING WAT DIE OPHEFFINGSAANGELEENTHEID HANTEER.

Beswaar.

TEENKANTING TEEN OPHEFFING VAN BEPERKENDE VOORWAARDES EN VERGUNNINGSGEBRUIK OP ERF 63, YZERFONTEIN.

Kennisgewing 65/2024/25

HIERMEE teken ek,

Maria Elizabeth Maritz, ID 4705180073082

eienaar van aangrensende ERF 64, Tweedelaan 12, Yzerfontein BESWAAR aan teen die VERGUNNINGSGEBRUIK vir n dubbeleenheid op ERF 63, Yzerfontein en VERWERP OPHEFFING VAN BEPERKENDE VOORWAARDES EN VERGUNNINGSGEBRUIK OP ERF 63, YZERFONTEIN.

Belangrike redes vir beswaar vir die verwerping van OPHEFFING van BEPERKENDE VOORWAARDES is:

Tweedelaan in Yzerfontein is in die spoggebied area by die Hoofstrand.

Dit is tot nadeel van die beeld van die area en waarde van die eiendom indien BEPERKENDE VOORWAARDES EN VERGUNNINGSGEBRUIK opgehef word.

Dit sal n president skep vir versoek tot verdere opheffings.

Tweedelaan word baie gebruik deur voetgangers, voertuie en besoekers.

Parkering word ook n probleem met n dubbeleenheid op die groot te van ERF 63,.

Van ons uitsig word ook weg geneem op die voorgestelde planne van ERF 63.

My kontakbesonderhede is my e-posadres:

men@yebo.co.za

Posadres:

Bloemstraat 91

TOWNSENDLANDGOED

Goodwood

7460

Selnr: 083 321 4073

By voorbaat dank

Vriendelike groete.

Die uwe

Mev M. E. Maritz

ANNEXURE F

From: estelle@craigmore.co.za <estelle@craigmore.co.za>
Sent: Saturday, 03 May 2025 11:19
To: 'swartlandmun@swartland.org.co.za' <swartlandmun@swartland.org.co.za>
Subject: Erf 63, Yzerfontein

Die Munisipale Bestuurder
Swartland Munisipaliteit
MALMESBURY

Goeidag,

Ek maak sterk beswaar teen die voorgestelde veranderinge op Erf nr. 63, Yzerfontein soos volg:

- 1 Erf is uitgesit vir die oprigting van 'n enkel woonhuis.
- 2 As gevolg van verbouings beplan (arbeiders) is daar gewoonlik 'n verhoging van inbrake in die onmiddellike omgewing.
- 3 Daar alreeds te veel verkeer as gevolg van besoekers en vakansiegangers in Tweedelaan, is dit nie 'n wenslike besluit om dit te vererger nie.
- 4 Daar sal ook 'n verhoging van stof en geraas gedurende die tydperk van die aanbouings.
- 5 Ons omgewing is al jare ontwikkel en nie wenslik om dit te verander nie.

Baie dankie

PA JOHNSON
9 Paradyskloof Villas
Paradyskloof Pad,
STELLENBOSCH
7600

E-POS: estelle@craigmore.co.za

CK RUMBOLL & VENNOTE / PARTNERS

PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATE: 9 May 2025

Your Ref: 15/3/5-14/Erf_63

PER HAND AND EMAIL

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
YZERFONTEIN
7300

Sir

COMMENTS ON OBJECTIONS

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

Your letter dated 9 May 2025 refers (see annexure A attached). Please find attached our comments to objections.

This office has been instructed by the owners of Erf 63 to handle all town planning actions regarding the application for the removal of the restrictive title deed conditions and consent use of Erf 63, Yzerfontein.

During the public participation period, comments were received from the following objectors:

- M E Maritz (Erf 64)
- P A Johnson

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845

| Objector | Objection | Comment from CK Rumboll & Partners |
|------------------------|---|--|
| M E Maritz (Erf 64) | 1.1 Second Avenue in Yzerfontein is in the upmarket area at the Main Beach | 1.1 Noted. |
| | 1.2 It is to the detriment of the image of the area and the value of the properties if restrictive conditions and permitted use are lifted. | 1.2 It is not clear as to how the proposal will have a negative impact on the image or value of the surrounding properties, as the extension of the dwelling to accommodate the double dwelling unit will be located at the south eastern side of Erf 63, away from the road and Erf 64. The impact on the image of the area will be limited to none. Furthermore, the Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other principles, Section 59 (1), which divulges principles of spatial justice, specifies in subsection (f) that: <i>“A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome.”</i> |
| | 1.3 This will create a precedent for requesting further liftings. | 1.3 Every application should be considered on its own merits. This will not create a precedent for future removals or consent uses. |
| | 1.4 Second Avenue is heavily used by pedestrians, vehicles and visitors. | 1.4 Noted. Residential uses have the lowest traffic impact of any development. Since only one additional residential unit will be added to the area, it is not anticipated that the proposal will have any adverse impact on traffic flow. |
| | 1.5 Parking is also becoming a problem with a double unit on the size of ERF 63, | 1.5 The property will provide a total of 4 parking bays which complies with the regulations of the Swartland Municipality: Municipal Land Use Planning By-Law (2020). |

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845

| | | |
|-------------|---|--|
| | 1.6 Some of our views are also being taken away on the proposed plans for ERF 63. | 1.6 The proposal complies with all the development parameters of the Swartland Municipality: Municipal Land Use Planning By-Law (2020). The impact on the neighbouring property will therefore be limited to none. |
| P A Johnson | 2.1 Erf has been set aside for the construction of a single dwelling house. | 2.1 The inclusion of the said restrictive conditions in the title deed of Erf 63, Yzerfontein, results in restrictions being placed on development possibilities for the property of which the restrictions is not always in line with the new planning philosophies such as densification, effectiveness and resilience. The removal of said restrictive title condition will enable the property to be developed to its full potential as determined and guided by spatial policies such as the Swartland SDF. |
| | 2.2 Due to planned renovations (laborers) there is usually an increase in burglaries in the immediate area- | 2.2 This objection is irrelevant to the application. |
| | 2.3 There is already too much traffic due to visitors and holidaymakers in Tweedelaan, it is not a desirable decision to worsen this. | 2.3 Refer to point 1.4 above. |
| | 2.4 There will also be an increase in dust and noise during the period of the additions. | 2.4 This objection is irrelevant to the application as this may happen with any building work on any property. |
| | 2.5 Our environment has been developed for years and we do not want to change that. | 2.5 The following are extracts from the Swartland SDF: <ul style="list-style-type: none"> • Increase density by 2027 from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein. • Densify in accordance with zone proposals through: Subdivision (sectional title); Infill development, and; Renewal and restructuring. |

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845

| | | |
|--|--|---|
| | | The Swartland Spatial Development encourages the densification of areas through sectional title (as proposed). The proposal is therefore in line with the SDF for the area. |
|--|--|---|

In conclusion, the proposed removal of restrictive title deed conditions and consent use to accommodate a double dwelling house on the property to increase the density of the area is supported and encouraged by the Swartland SDF. The proposal can therefore be seen in a positive light.

We trust you will find the above in order when considering the application

Kind regards



.....

NJ de Kock
For *CK RUMBOLL AND PARTNERS*

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Departement: Ontwikkelingsbestuur

30 Mei 2025

15/3/5-14/Erf_2537

WYK: 5

ITEM 6.3 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 11 JUNIE 2025

| LAND USE PLANNING REPORT | | | | | |
|---|--------------------|------------------------------------|-----------------|------------------------------|-------------|
| APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS ON ERF 2537 | | | | | |
| <i>Reference number</i> | 15/3/5-14/Erf_2537 | <i>Application submission date</i> | 24 January 2025 | <i>Date report finalised</i> | 3 June 2025 |

PART A: APPLICATION DESCRIPTION

Application is made for the removal of restrictive title on erf 2537, Yzerfontein in terms of section 25(2)(f) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). It is proposed that conditions II.C(a)(3) be removed from Title Deed T15012/2013 to do away with the street building line restriction.

The applicant is CK Rumboll and Partners and the owner of the subject property is the Lochner Eksteen Trust.

PART B: PROPERTY DETAILS

| | | | | | |
|--|--|----------------------------------|--|---|--|
| Property description (in accordance with Title Deed) | Erf 2537, Yzerfontein in the Swartland Municipality, Malmesbury Division, Province of the Western Cape | | | | |
| Physical address | 2 Beach Road. Please see Annexure A for the location plan. | | Town | Yzerfontein | |
| Current zoning | Business zone 2 with a consent use for a Restaurant | Extent (m ² /ha) | 798m ² | Are there existing buildings on the property? | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| Applicable zoning scheme | Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020) | | | | |
| Current land use | Restaurant | | Title Deed number & date | T15012/2013 | |
| Any restrictive title conditions applicable | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | If yes, list condition number(s) | I.B.6, II.B.6, II.C.(a).1-3. | | |
| Any third-party conditions applicable? | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | If yes, specify | | | |
| Any unauthorised land use/building work | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | If yes, explain | Please refer to the background information | | |

| PART C: LIST OF APPLICATIONS (TICK APPLICABLE) | | | | | | | |
|---|--|--|--|---|--|--|--|
| Rezoning | | Permanent departure | | Temporary departure | | Subdivision | |
| Extension of the validity period of an approval | | Approval of an overlay zone | | Consolidation | | Removal, suspension or amendment of restrictive conditions | |
| Permissions in terms of the zoning scheme | | Amendment, deletion, or imposition of conditions in respect of existing approval | | Amendment or cancellation of an approved subdivision plan | | Permission in terms of a condition of approval | |
| Determination of zoning | | Closure of public place | | Consent use | | Occasional use | |
| Disestablish an owner's association | | Rectify failure by owner's association to meet its obligations | | Permission for the reconstruction of an existing building that constitutes a non-conforming use | | | |

PART D: BACKGROUND

The renovation of the well-known Beaches and Boathouse Restaurants in Yzerfontein first came to light with the submission of a building plan by the owner of the property, on the 16th of May 2024. It was determined that the property was sold, and that the new owner intended to upgrade and modernise the facility. Comments on the building plan included that, unfortunately, a 6.3m building line is applicable as determined in the title deed and that an application to remove the conditions must first be made before the municipality could consider the building plan.

An inspection was conducted on the 18th of June 2024, and it was found that the renovations already commenced. As the building plans have not yet been approved, the illegal activity was given through to the building control office for action. A follow up inspection was held on the 20th of June 2024 where building control, law enforcement as well as town planning were present, together with the owner as well as his Architect. At this point the owner had confirmed that during the renovations it was found that a large portion of the front façade as well as the existing deck is structurally unsafe and requested that building work continue to ensure the integrity of the structure. It was explained that all work done without building plan approval is done on the owners own risk, although it is recognised that it is in the interest of all parties that the owner does what is necessary to make the existing structure safe.

Building plans for the internal alterations were submitted on the 26th of June 2024 and were ultimately approved on the 2nd of August 2024. The approval specifically excluded all alterations inside the title deed building line restriction areas as the owner was advised that he should deal with that on a separate application.

During this time several discussions followed between the municipality and the owner, specifically regarding the title deed with no application forth coming as well as the owner seeking legal advice on the matter. In October 2024 it was determined that the owner had illegally converted a portion of a nearby residential property into a parking lot for the restaurant. A compliance notice was issued where the owner of Erf 150 was instructed to submit the necessary land use application as well as to cease the illegal land use.

A second building plan was submitted in November 2024 indicating additional internal alterations as well as an addition of a 27.79m² kitchen extension and a covered walkway of 11.86m² to the existing ablutions. Please refer to the site development plan attached herewith as Annexure B. To date, this plan has not yet been approved due to outstanding comments. However, all building work has already been done, and that the Restaurant is in operation.

It is important to note that with the approval of the Yzerfontein Township in 1936 the subject property was earmarked for business purposes. This was determined as one of the restrictions as contained in the title deed. That the property

may only be used for business purposes. On further investigation it was found that, the conditions as contained in the establishment of the Yzerfontein Township in 1935 included erven 190 as well as 191 as properties that may only be used for business purposes. Please refer to an extract of these conditions attached as Annexure C as well as a copy of the title deed of the subject property attached as Annexure D.

From the records available at the municipality, it is not clear when the structures on erf 2537 (previously erf 193) were built, however in 1998, the Yzerfontein Council approved a building plan for an as-built dwelling house, including outbuildings with a total extent of 316m². That same date building plans were also submitted and then later approved for the conversion of the dwelling into a restaurant. The Yzerfontein council did not scrutinise the title deed of the property at that time, they did however follow a public participation process where owners of neighbouring property consented to the use of the property as a restaurant. Please refer to Annexure E attached herewith.

In 2010, building plans were again submitted for alterations to the existing buildings converting the existing outbuildings into a second restaurant. Parking was an issue highlighted at the time warranting the relocation of property boundary in Ninth Street. This was done through a land swap with the Municipality. At that time the Municipality, with the consideration of the building plan, also did not scrutinise the title deed of the property, as building work was approved within the said 6.3m title deed building line restriction area. Please refer to Annexure F attached.

As the Municipality became aware of this issue with the submission of the building plan in 2024, the owner was advised that the condition had to be removed from the title deed in order fix this issue as well as to accommodate any alterations within the building line restriction areas.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

| | | | |
|---|---|---|--|
| Has pre-application consultation been undertaken? | Y | N | If yes, provide a summary of the outcomes below. |
|---|---|---|--|

PART F: SUMMARY OF APPLICANTS MOTIVATION

(Please note that this is a summary of the applicant's motivation and it, therefore, does not express the views of the author of this report)

The applicant motivates that the owner recently undertook additions and alterations to the existing buildings including the replacement of the existing covered deck on the northern street boundary with a new covered deck. The replacement of the existing deck requires the need to remove restrictive title deed conditions registered against the property.

According to the applicant, the condition, when read together with the remaining conditions, were created to ensure a co-ordinated and harmonious layout creating a particular character for the area. Title Deed T15012/2013 in respect of Erf 2537, Yzerfontein contains the following condition which has a direct impact on the development proposal and refer to the extract below as well as the provisional building plan attached to the application.

"...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..."

In terms of access and parking the applicant motivates that Erf 2537 Yzerfontein currently obtains access from 9th Street. As per the approved building plan dated August 2024, a total of 12 on-site/partially on-site parking bays are provided. The applicant confirms that the parking requirements in terms of the Development Management Scheme will be dealt with as a separate matter.

The applicant motivates further that desirability from a planning viewpoint is described as the degree of acceptability of the development of land for a particular purpose and provides the following reasons why the proposal is deemed desirable:

- The proposal aims to enhance and optimise the established use, enabling the property to be utilised to its full potential in line with its zoning rights.
- There are no physical restrictions on the property that will have a negative impact on this application.
- It is not foreseen that the proposal will have a significant impact on external municipal engineering services.
- The proposal is deemed to be consistent with the Swartland MSDF.

The applicant refers to the relevant considerations for removal, suspension or amendment of restrictive title deed conditions. It is stated that the municipality must have regard to when considering an application for the removal restrictive title deed conditions application:

1. The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person, as the owner of a dominant tenement;

The restrictive conditions hold no financial value to the holders of the rights as it only relates to building setbacks. These conditions were imposed during a time when municipal land use planning was lacking and development of properties was largely governed by title deed restrictions.

2. The personal benefits which accrue to the holder of rights in terms of the restrictive condition.

The title deed condition was imposed by the Administrator of the Province of the Cape of Good Hope as part of the approval of Yzerfontein Dorp, for the purpose of ensuring a co-ordinated and harmonious layout for township development. Personal benefits of the holders of rights are protected by the Land Use Planning By-Law and Development Management Scheme.

3. The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition if it is amended, suspended, or removed;

The proposed removal will afford the owner the opportunity to develop the property to its full potential.

4. The social benefit of the restrictive condition remaining in place in its existing form;

Retaining the restrictive condition serves no social benefit, as the use of the property aligns fully with its existing zoning rights.

The proposal seeks solely to enhance and optimise the established use, and the owner should be allowed to exercise this right in accordance with current land use planning legislation, including the By-Law and Development Management Scheme.

5. The social benefit of the removal, suspension or amendment of the restrictive condition;

The removal of the title deed condition will allow the property owner to enhance and optimise the established use, enabling the property to be utilised to its full potential in line with its zoning rights. Furthermore, this will contribute to strengthening Yzerfontein's position as a prime tourism destination within the Swartland, supporting local economic growth and development.

6. Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights;

Conditions relating to the use and further subdivision of the property remain within the title deed. In addition, it should be noted that development of the property remains subject to the Swartland Municipality Development Management Scheme.

Considering the above, the removal of restrictive title deed condition II.C(a)(3) contained in Title Deed T15012/2013 in respect of Erf 2537, Yzerfontein, is considered to outweigh the benefits of preserving it in the title deed.

In terms of the impact of the Development Management Scheme on the proposal the applicant states that the parking requirements will be dealt with as a separate application.

Considering the above, the applicant concludes that the application is desirable and should be considered favourably.

PART G: SUMMARY OF PUBLIC PARTICIPATION

| | | |
|---|----------|---|
| Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning | Y | N |
|---|----------|---|

The application was published in local newspapers and the Provincial Gazette on the 12th February 2025, in terms of Section 55 of the By-law. The commenting period, for or against the application, closed on 14th of March 2025.

In addition to the publication, a total of 8 written notices were sent via registered mail to the owners of property directly affected by the application, in term of Section 56(1) & (2) of the By-Law (refer to Annexure G). Although a total of 4 notices were returned un-claimed it should be noted that the letters were also sent electronically.

| | | | |
|----------------------|----------|--------------------------------------|----------|
| Total valid comments | 2 | Total comments and petitions refused | 0 |
|----------------------|----------|--------------------------------------|----------|

| | | | | |
|-------------------|---|----------|------------------------------|----------|
| Valid petition(s) | Y | N | If yes, number of signatures | 0 |
|-------------------|---|----------|------------------------------|----------|

| | | | | | | | |
|---|---------------|----------|----------------------------------|--------------------------|---|----------------|----------------------------|
| Community organisation(s) response | Y | N | N/A | Ward councillor response | Y | N | No comments were received. |
| Total letters of support | 0 | | | | | | |
| PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS | | | | | | | |
| Name | Date received | | Summary of comments | | | Recommendation | |
| Division: Building Control | 31/01/2025 | | No comments | | | No comments | |
| Department: Civil Engineering Services | 11/03/2025 | | In order | | | Recommended | |
| Department: Electrical Engineering Services | 24/01/2025 | | No comments | | | No comments | |
| Department Protection Services | 27/01/2025 | | No objection in terms of traffic | | | Recommended | |

| PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION | SUMMARY OF APPLICANT'S REPLY TO COMMENTS | MUNICIPAL ASSESSMENT OF COMMENTS | |
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| <p>Mr Eddie Janse on behalf of the Yzerfontein Residents Association. Attached as Annexure H</p> | <p>The Yzerfontein Residents Association objects to the proposed application for the following reasons:</p> <p>The objection is based on the fact that this property requires a removal to operate an existing business for which approval has already been granted.</p> <p>The association is concerned that if this amendment were to arise because the operation and use of the property had changed, and this now negatively affects the previous approval, it would affect a general trend of amendments in Yzerfontein. They question why a complete scoping survey was not conducted before the changed business was planned.</p> | <p>The applicant wishes to highlight the following points:</p> <p>The owner has carried out certain renovations to the existing restaurant, which included the renewal and reinforcement of the previous covered outdoor seating area with a new structure.</p> <p>It is important to note that building plan approval has already been obtained for the previous covered outdoor seating area. This renewal and reinforcement were necessary to ensure safety and structural compliance.</p> <p>The applicant emphasizes that that the purpose of this application is not to permit new land use rights or uses. The sole purpose is to remove the restrictive title deed condition, namely the 6.3-metre street building line. The property will continue to function as a restaurant, as per the current land use rights.</p> | <p>The title deed restrictions can only be removed through a land use application process. The issue was communicated to the applicant on the submission of the first plans for the proposed renovations. Please refer to the background mentioned above.</p> |
| <p>AF Conradie on behalf of the Hec Mer Trust owner of erven 190, 191 and 192, Yzerfontein Attached as Annexure I</p> | <p>The removal of this restriction will have significant consequences, including the legitimization of the covered deck, which was unlawfully constructed within the 6.3-meter street building line and is 42.63 square meters in extent. This structure exacerbates existing issues concerning parking and nuisance flowing from the over-commercialization of Erf 2537 which is situated in a predominantly residential area.</p> <p>The objector states that they believe that it is important for the following information, which is relevant to the application and their objection, to be put on record first.</p> <p>1. The objector is of opinion that the current use of Erf 2537 for restaurant and take-away purposes is unlawful. According to the objector, it did not at its inception in 1998 comply with the statutory parking requirements prescribed in Scheme Regulations then and currently does not comply with the statutory parking requirements prescribed in the By-law</p> | <p>The applicant states that it should be noted that the six statutory criteria were already addressed in the land use application. The purpose of this document is to respond to the objections received, with reference to the six statutory criteria- and, where necessary, to supplement the information provided in the submitted application.</p> <p>There applicant states that there is no legal obligation to respond to any objections irrelevant to the application. Non-dealing with other factors outside the perimeter cannot be construed as admissions and or concessions. The applicant therefore wishes to highlight the following key points:</p> | <p>It is recognised that the Yzerfontein council as well as Swartland Municipality overlooked the restrictions as contained in the title deed when considering and approving the building plans in 1998 and 2010, respectively for the subject property. It was found that the same applies to the objector's property.</p> <p>On record, the Yzerfontein Council as well as Swartland Municipality have approved building plans for residential purposes on erf 191 where the title deed specifically restricts the use for business purposes. It is however not clear why the building line restriction for the erven are not the same with the street building line restriction on the objectors' property being only 3.15m and the subject property being 6.3m,</p> |

applicable today. Reference is made to Annexure A of the objection which could be summarised as follows:

The information provided as part of Annexure A argues that the current use of erf 2537 for restaurant and take-away purposes is unlawful, specifically due to the non-compliance with statutory parking requirements under the applicable land use regulations over time. The Annexure is structured into four main sections:

(a) History of land use regulations in the jurisdiction of Swartland Municipality:

The objector first explains their interpretation of the evolution laws applicable to land use planning and especially those applicable to Swartland Municipality.

These include the Township Ordinance of 1934, the Land Use Planning Ordinance of 1985 up to the Spatial Planning and Land Use Management Act (SPLUMA, 2013) and the Western Cape Land Use Planning Act (LUPA, 2014). Reference is made to the Swartland Land Use Planning By-Laws that were adopted by the municipality in 2017 and 2020.

The point the objector wishes to make is that they view the use of the subject property as a non-conforming use and once a non-conforming use is altered or extended, the entire property must comply with the current regulations, unless a formal departure is granted.

(b) Parking requirements over time:

The objector states that the section 8 scheme regulations, along with additional provisions regarding parking and access, required that at least 1 parking bay be provided per 25m² of floor space.

In their interpretation the objector also state that the Section 8 regulations provided the owner with options with regards to the provision of the prescribed parking. Firstly, the parking should be provided off-street on the owners' property. Secondly the owner could have secured property situated nearby and registered a notarial servitude in favour of the public over such land or thirdly, pay the

1. Erf 2537 Yzerfontein is and has been zoned Business Zone 2, with a consent use for a restaurant. The current land use is therefore totally compliant with the existing zoning rights.
2. The previous deck was refurbished and structurally strengthened with mostly the same materials on the same footprint. Find attached herewith a letter from Geospec Engineers confirming that the deck needed to be refurbished, attached as Annexure A. The refurbished and strengthened deck does not constitute an expansion of the existing land use. It is important to note that building plan approval has already been obtained for the previous deck.
3. The applicable street building line for properties zoned Business Zone 2 in accordance with the Swartland Municipality Development Management Scheme is 0metres. Accordingly, the position of the refurbished and structurally reinforced deck complies with the street building line parameter as set out in the current Scheme. The deck does not encroach beyond what is permitted under the zoning scheme, and the only reason a land use application is required is due to the more restrictive title deed condition.

FINANCIAL OR OTHER VALUE OF THE RIGHTS IN TERMS OF THE RESTRICTIVE CONDITION

Erf 2537 Yzerfontein is zoned Business Zone 2 which was conferred by title deed condition II.C(a)(1) in Title Deed T1316/1938, which allows for the use of the property exclusively for business purposes. The restaurant is therefore compliant with the existing zoning rights. This zoning already anticipates a higher intensity of

however we need to deal with it. Please refer to Annexure L for a copy of the title deed of erf 191.

The same applies with regards to the use of the road reserve for access and parking. It is clear from the images below that the objector is also enjoying the benefit of a fairly large road reserve in front of their property for parking and access. The concept was generally accepted in the past, however it is true that stricter controls need to be in place to ensure pedestrian and vehicular safety and the development management scheme, under Par 13, provides parameters which the municipality needs to enforce. In this case the site development plan indicating the 12 parking bays was agreed upon and approved by the municipality.



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| | <p>municipality an agreed amount to provide the parking elsewhere.</p> <p>The owner of the property did not have the option, when submitting building plans or otherwise, to reach an agreement with the municipality allowing fewer parking bays than required or for any of the required parking bays to be located on a public street. The objector is of opinion that such an agreement would have been in contradiction with the Section 8 regulations and is unlawful and invalid.</p> <p>(c) History of zoning and use of Erf 2537:</p> <p>In terms of the zoning of the subject property the objector refers to the property being zoned Business zone 1 in terms of LUPO but after the By-Law were enacted the zoning changed to Business zone 2 with a consent use for a restaurant. The objector then also refers to the objective of the Business Zone 2 zoning under paragraph 39 of the objection. The objector points out that the subject property is the only property in the area which is used for business purposes. The rest of the properties consist of single-family homes.</p> <p>With that in mind the objector provides clarity on how the zoning came to be with reference to the condition in the title deed which restricts the use of the property to business purposes along with the 6.3m street building line restriction limiting development of the property.</p> <p>Despite the above restrictions the objector state in their interpretation, the municipality approved building plans that violated these restrictions.</p> <p>The objector puts light on the matter stating that the restaurant was established in 1998 without meeting the parking requirements and in 2011 building plans were approved for alterations to the existing buildings with a total floor area of 316m² requiring 15 on-site parking bays. Only 6 parking bays were provided on-site, and some were provided partially in the road reserve, which the objector is of opinion as being unlawful and invalid.</p> <p>The objector further wishes to point out that even the 6 bays that were provided on-site were not provided lawfully</p> | <p>use compared to surrounding residential properties. The continued operation of the restaurant, along with the refurbishment and structural strengthening of an approved existing deck (due to structural concerns) in the same position as the previous one, does not represent an intensification of land use. Rather, it constitutes a continuation of the existing and approved use, thereby maintaining the status quo.</p> <p>No evidence is provided to support the statement that the removal of the 6.3-meter street building line, directly results in a loss of market value of surrounding properties. On the contrary, investment in the maintenance and improvement of the restaurant has in fact enhanced the visual appeal of the area, all of which can positively influence the value of the neighbourhood.</p> <p>Moreover, concerns raised regarding noise and odours are regulated through municipal by-laws and other applicable legislation. In support of ongoing compliance, a compliance certificate for the restaurant issued by the West Coast District Municipality is attached as Annexure B. It is important to understand that these issues are not directly dependent on the existence of the 6.3m street building line.</p> <p>It is important to emphasise that the restrictive condition under consideration pertains solely to the 6.3-meter street building line and does not restrict or regulate the use of the property.</p> <p>Therefore, allegations contained in paras 10.6 – 10.16 are unfounded, speculative, not supported by facts, without merits and irrelevant to this application.</p> | <p>The purpose of the application under consideration is to align the title deed with the current zoning and development parameters under the applicable development management scheme as well as that, already approved, 27 years ago.</p> <p>We respect the attention to detail the objector provides with regards to the history of planning legislation as well as the history of the issues related to the subject property. The application and enforcement of town planning regulations have grown with the profession over the years resulting in orderly planning as well as sustainable development. Where the applicable regulations are being challenged the amendment of the regulations should be considered for it to remain relevant.</p> <p>Business zone 2 makes provision for neighbourhood business uses and includes a business premises, shopping centre, medical consulting rooms, offices, flats, public parking, animal clinic, rooftop base station and filming as primary use rights.</p> <p>Of critical importance that the relevant parameters applicable to the Business zone 2 zoning be noted.</p> <p>In terms of development parameters, the zoning allows a floor factor not exceeding 1.5 as well as a coverage of 75% all within a height restriction of 2 storeys. The objective of the Business Zone 2 zoning is also acknowledged but as indicated above, the deck as well as extension of the kitchen and covered walkway to the ablution facilities, does not have a significant impact on the use and does not</p> |
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| | <p>as they did not meet the further requirements as contained in the scheme regulations relating to access.</p> <p>The objector argues that the use of erf 2537 for restaurant purposes, without complying with the parking space requirements was therefore unlawful. The regulations do determine that an existing land use, that was lawful in terms of a previous zoning scheme but that does not comply with the By-Laws could continue, however since the use was not lawful, it does not qualify as a “non-conforming use” and is not entitled to protection, and it remains un-lawful.</p> <p>The objector further states that if the use had been argued to be lawful the By-Law requires that an application under section 25(2) be submitted for any alteration or extension to buildings or structures. The objector notes that a new roofed structure was constructed which extended the existing buildings by 39.55m².</p> <p>(d) Legal interpretation and oversight:</p> <p>The municipality’s interpretation of the regulations is criticized. The objector argues that the use was never lawful and that the by-law does not support the municipalities interpretation that only new extensions must comply and as previously mentioned, any alteration triggers the need for full compliance with the current laws.</p> <p>The restaurant now seats 151 patrons and requires a total of 38 on-site parking bays according to the objector an application in terms of section 25(2)(b) would need to be submitted for consideration and the unlawful use of the property should be prohibited and not assisted by granting the application.</p> <p>2. The problems caused by the unlawful development and use of Erf 2537 for restaurant purposes was primarily caused by the Swartland Municipality and its predecessors’ municipal oversight failures. The objector refers to the document Annexure B attached to the objection.</p> <p>Annexure B outlines the objectors’ interpretation of the municipality’s failure to exercise proper oversight and maintains that the issues surrounding the subject property did not arise in isolation or overnight but are a result of a pattern</p> | <p>PERSONAL BENEFITS ACCRUING TO THE HOLDER OF RIGHTS</p> <p>The applicant states that, Erf 2537 Yzerfontein is zoned Business Zone 2, as conferred by the Development Management Scheme and the applicable title deed. The objective of Business Zone 2 supports the integration of residential and commercial land uses. Accordingly, personal expectations of a purely residential environment must be balanced against the legitimate development rights associated with the property’s current zoning. The deck structure in question is not a new addition but a refurbishment and structural strengthening of an existent deteriorated structure, refurbished and strengthened as such in the same position, to ensure structural integrity and safety. This did not constitute a material intensification of use but rather the continued lawful use of the property in accordance with its zoning.</p> <p>The concerns raised by the objector—relating to noise, odours and flies—are noted. However, these concerns do not stem from the existence of the 6.3-meter street building line. Instead, they pertain to the general operation of the restaurant, which is lawful under the current land use rights. These operational aspects are regulated through the applicable municipal by-laws and environmental health legislation, as confirmed by Annexure B.</p> <p>Consequently, the allegations contained in paras 11.4 – 11.9 are unfounded, speculative, subjective, not supported by facts, without merits and irrelevant to this application.</p> <p>PERSONAL BENEFITS TO THE APPLICANT IF THE RESTRICTION IS REMOVED</p> | <p>result in the over-commercialisation of the property.</p> <p>The issue regarding the lack of parking is acknowledged as well as the applicants attempts to mitigate (even though unauthorised and which will be dealt with as a separate matter). As highlighted by the objector the number of parking bays required in terms of previous regulations were 1 parking bay for every 25m² of floor area. In the implementation of the scheme regulations the shortcoming was recognised, and the regulations were later amended to calculate parking for restaurants differently than that of shops and offices etc.</p> <p>The restaurant is existing, operating legally for more than 26years. One cannot ignore the existing rights on the property and especially the use restriction as contained in the title deed as well as the approved site development plan dated 2010, where the parking layout was specifically approved.</p> <p>It would be unreasonable to not consider the extent of the historically approved buildings as well as the confirmation of the number of chairs that were available during the previous owners’ tenure. Please refer to the copy of the building plan approved in 2011 attached as Annexure F indicating the parking as agreed upon by the municipality and the owner at that time.</p> <p>Problems caused by oversight failures:</p> <p>Although it does not justify the fact that the conditions in the title deed were not considered during the evaluation and approval of the previous building plans, the same applies to the objector who is using the property in contradiction with</p> |
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| <p>of regulatory failures, poor enforcement and decisions that have disregarded the established planning framework.</p> <p>These failures include:</p> <p>(a) Failure to enforce the title deed conditions</p> <p>The municipality repeatedly approved building plans that violated these restrictions, enabling the unlawful development and expansion of commercial activities.</p> <p>(b) Failure to ensure proper parking compliance</p> <p>The original approval of the Restaurant did not ensure sufficient on-site parking leading to persistent congestion, illegal parking and obstruction of neighbouring properties. Later development also failed to meet updated parking requirements and the objector state that the Municipality allegedly made informal or unauthorised agreements regarding parking, worsening the issue.</p> <p>(c) Inconsistent and arbitrary application of By-Laws</p> <p>The Municipality has applied its land use regulations inconsistently, allowing certain unauthorized developments to proceed while failing to protect the interests of affected property owners.</p> <p>(d) Failure to conduct proper public participation and consultation</p> <p>The concerns of residents, including their client, have been repeatedly ignored or dismissed without due process.</p> <p>The objector state that, despite repeated complaints about noise, traffic, and parking, the Municipality took no meaningful action.</p> <p>(e) Failure to prevent unauthorised construction and retrospective approvals.</p> <p>The objector claims that unauthorized alterations were allowed without prior approval, and that the applicant now seeks retrospective approval, bypassing legal</p> | <p>The personal benefits to the Applicant emanate way back from the approved building plans. The Applicant complied with its` legal obligation by attending to the refurbishment and structural strengthening of an existing deck, which was found to be an unsafe and deteriorated structure. The key consideration is whether such refurbishment and strengthening cause undue harm to surrounding properties. In this instance, the application is being pursued through a formal land use planning process and seeks to align the existing deck with current legislation. The Applicant's benefit arises not from avoiding regulatory requirements, but from actively complying with them — thereby reinforcing lawful land use management.</p> <p>Furthermore, it is important to note that the property is zoned Business Zone 2, which allows for the operation of a restaurant. This application does not seek a change in land use or intensification, beyond what is reasonable within the development rights that are applicable to the subject property.</p> <p>Consequently, the allegations contained in paragraph 12 are unfounded, speculative, vexatious, subjective, not supported by facts, without merits and irrelevant to this application.</p> <p>SOCIAL BENEFIT OF MAINTAINING THE RESTRICTIVE CONDITION</p> <p>The applicant states that it is essential to consider the broader context in which this application is being made and explains that the application entails the removal of a particular restrictive condition from the title deed, and it is not unique. The applicant is of opinion that similar applications have been approved by the</p> | <p>the conditions in their title deed as alluded to earlier. The new owner of the subject property, is attempting to get the necessary authorisation without burdening the economic viability of the business, ensuring economic growth and job creation for not only his business but also for Yzerfontein as a whole.</p> <p>The use of the property is not deemed a non-conforming use. Should it be determined that an application is necessary for departure in terms of Section 25 of the By-Law the applicant will be duly informed and the necessary public participation followed. It is however recommended that the applicant seek alternative parking in the vicinity of Erf 2537 to mitigate the negative seasonal impact of the facility on neighbouring properties as well as the safety of road users.</p> <p>The objection regarding the failure to conduct proper public participation is rejected. Swartland Municipality followed the correct procedures and public participation with the consideration of the application.</p> <p>The application does not seek to change land use, increase building coverage, or intensify commercial activity. It is a technical alignment of the title deed with the zoning scheme. The deck complies with the 0-meter building line allowed under the development management scheme.</p> <p>Most of the other issues mentioned by the objector is regulated in terms of other legislation for example, environmental health and noise and public nuisance and pest control. The impact of the deck and the amount of seating it provides under the circumstances is deemed minimal.</p> |
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| | <p>procedures. This approach according to the objector undermines the integrity of planning laws.</p> <p>3. The problems caused by the unlawful development and use of Erf 2537 for restaurant purposes resulting in great discomfort for their clients. In this regard the objector refers to Annexure C of the objection document.</p> <p>(a) Traffic congestion and pedestrian safety</p> <p>The objector disputes the applicants claims that the restaurant's seating was reduced with the improvements that were made.</p> <p>The objector notes that the renovations included:</p> <ol style="list-style-type: none"> i. A 40m² extensions ii. Two new patios iii. Conversion of residential space to restaurant use iv. A larger covered deck v. Removal of internal walls to increase seating <p>The objector states that due to the above it is reasonable to expect the renovated restaurant would have a significant higher seating capacity and the municipality's unquestioning acceptance of the applicant's assertion, appears naive and lacking in diligence.</p> <p>The objector refers to the SANS 10400 standards resulting in the actual seating capacity being 265 (one person per m²) requiring 66 parking bays.</p> <p>According to the objector only one legal on-site parking bay exists, others are partially on the road reserve and patrons to the restaurant park in the streets, sidewalks, lawns and driveways to the detriment of the safety of road users including pedestrians (especially children) as well as a loss of neighbourhood tranquillity.</p> <p>The above is exacerbated by the fact that Erf 2537 contains no loading bays, which means that delivery vehicles also park in the surrounding streets, aggravating the traffic congestion.</p> <p>(b) Unpleasant and persistent odours as well as waste management issues.</p> | <p>Municipality to the extent that a precedent has been created.</p> <p>The applicant firstly notes that the deck that triggered this application did not introduce a new structure or use. An existing approved, structurally unsound deck in the same position has been refurbished and strengthened with mostly the same materials. As such, it did not result in an intensification of commercial activity beyond what was historically present. Instead, it represents the maintenance and formalisation of an established component of the restaurant.</p> <p>Secondly, the subject property is already zoned Business Zone 2, which allows for the operation of a restaurant. The purpose of this application is not to introduce new land use rights or uses, but simply to remove a restrictive title deed condition, namely the 6.3m street building line. Consequently, the allegations contained in par 13 are unfounded, speculative, not supported by facts, nonsensical, without merits and irrelevant to this application.</p> <p>SOCIAL BENEFIT OF REMOVING THE RESTRICTIVE CONDITION</p> <p>The applicant responds in stating that the restaurant in question has become part of the local social and economic environment. It provides employment opportunities, supports local suppliers, and serves as a community gathering space for both residents and visitors. The refurbished and strengthened deck reconfirms this function by improving the usability of the space—making it safer, more accessible, and more comfortable—without altering the fundamental nature of the existing use.</p> | <p>The number of parking bays required cannot be calculated by the SANS regulations as it is a land use provision in terms of the applicable development management scheme.</p> <p>In terms of the statutory criteria for evaluating a removal or amended of a title deed restriction, the author of this report wishes to respond as follows:</p> <ol style="list-style-type: none"> 1. Financial or other value of the restrictive condition: There is no evidence that the removal of the 6.3m restriction will negatively impact surrounding property values. On the contrary, the investment in maintaining and improving the restaurant enhances the visual and economic appeal of the area and as indicated by the objector the current market value is significantly more than the municipal valuation. 2. Personal benefits to the objector: While the objector seeks to preserve a purely residential character, this must be balanced against the lawful commercial rights of the applicant. The deck's refurbishment does not significantly increase noise, odours, or traffic beyond what is already permitted and regulated. 3. Personal benefits to the applicant: The benefit is not financial gain through expansion, but rather compliance with regulations. The deck was refurbished due to structural concerns, not to increase capacity. From experience it could be argued that due to the arrangement of the seating on the deck, it may now accommodate less patrons than before. |
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| | <p>The objector state that strong seafood odours emanate from the kitchen chimney and extractor fans which negatively affect neighbouring properties.</p> <p>Secondly, reference is made to up to 12 refuse bins with seafood waste being stored near the objectors' home, emitting foul smells. Further, the wastewater from cleaning the bins adds to the stench.</p> <p>The increased business activity has led to more frequent septic tank pumping with the service truck parking in front of the objectors' property.</p> <p>(c) Thirdly, the objector refers to the refuse bins attracting large numbers of flies creating hygiene and comfort issues.</p> <p>(d) Fourthly the objector refers to the poor placement of the refuse site. The bins are placed adjacent to bedrooms and an outdoor shower on their client's property, worsening the impact of odours and flies.</p> <p>(e) The objector states that the cumulative effect of noise, odours, flies and traffic, significantly reduce his client's ability to enjoy their home especially during the holiday season.</p> <p>(f) No meaningful action, despite the objector's proposal for practical solutions.</p> <p>The objector states that his client contacted the owner of the restaurant in January 2025 with practical suggestions e.g. sealing bins, relocating refuse site, pest control, increasing the frequency of refuse removal, improving kitchen ventilation and odour control as well as possibly raising the boundary wall in an attempt to mitigate the above concerns, with no response as well as no meaningful action by Mr Breytrenbach.</p> <p>In conclusion to the above mentioned, the objector states that removing the covered deck won't solve all problems, it would reduce the negative impacts and offer some relief for their client.</p> <p>With the above on record the objector states that under the Swartland Municipality: Municipal Land Use Planning By-laws—</p> | <p>Statements made by the objector that the deck constitutes "overdevelopment" should, in the applicants' opinion, be contextualised. The structure is a refurbishment and strengthening of an existing approved, deteriorated element and does not significantly expand the built footprint or operational intensity of the property. Instead, it reflects a refurbishment and strengthening of an established component, rather than an introduction of new impacts. The social benefit therefore lies in the formalisation and regularisation of this refurbished and strengthened deck.</p> <p>Therefore, the applicant is of opinion that the allegations contained in par15 are unfounded, speculative, inconsiderate, not supported by facts, without merits, and irrelevant to this application. In addition, par 15.1 purports to be made on behalf of other registered owners without a valid mandate and misleading as such.</p> <p>IMPACT ON RIGHTS ENJOYED BY BENEFICIARIES OF THE ESTRICITION</p> <p>The restrictive condition in question relates only to a 6.3-metre street building line. Its removal affects only one development parameter — namely, the permissible distance between a building and the street boundary. It does not eliminate all rights to a regulated or peaceful environment, in other words, it does not suddenly open the door to unrestricted development.</p> <p>Surrounding property owners will continue to benefit from:</p> | <p>4. Social benefit of maintaining the restriction: The rights of the neighbouring affected property owners are recognised however should the 6.3m building line be maintained it will have a detrimental impact on economic viability of the facility. Given the site specific and historical circumstances of the subject property enforcing the restriction is not in the interest of the public.</p> <p>5. Social benefit of removing the restriction: The restaurant contributes to local employment, tourism and community life. Removing the restriction formalizes an existing structure and supports the continued safe operation of a valued local business.</p> <p>6. Impact on rights of beneficiaries: The removal of the restriction does not eliminate the rights of surrounding owners. All other development parameters, including height, coverage, and parking, remain in force and enforceable.</p> <p>The application is a minor technical adjustment that aligns the title deed with the current zoning as well as that which was previously approved.</p> <p>It does not introduce new impacts, nor does it undermine the rights of surrounding property owners. The objections raised are largely speculative and unrelated to the specific restriction under consideration.</p> |
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| <p>2020 (the By-laws), an application for the removal of a restrictive title condition must be assessed against the following six statutory criteria, namely:</p> <p>1. The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity;</p> <p>The 6.3m building line restriction protects the value, privacy, tranquillity and overall quality of life of the owners of neighbouring properties. The objectors' properties are of high value exceeding R13mil of which the objector notes that the market value of his clients' properties are substantially higher than the municipal valuations.</p> <p>The restriction therefore helps preserve the peaceful, low-density residential character of the area and removing it would result in the increased commercialization, noise, traffic, and other nuisances, thereby reducing property values.</p> <p>The objector continues to state that the retrospect approval of an unlawful structure also set a dangerous precedent, undermining property rights and expectations of orderly development.</p> <p>2. The personal benefits which accrue to the holder of rights in terms of the restrictive condition;</p> <p>The HecMer Trust has used their properties for nearly 27 years as a family holiday retreat and since the expansion of the restaurant in 2024, the family's enjoyment has been severely impacted by noise, odours, flies, traffic and safety concerns.</p> <p>The continued existence of the restriction ensures that commercial activity does not intrude beyond its historical approved scope, preventing the negative externalities as mentioned above.</p> <p>Removing it on the other hand would strip them of the protections and cause ongoing harm.</p> <p>3. The personal benefits which will accrue to the person seeking the removal of the restrictive condition if it is removed;</p> <p>The objector states that the applicant stands to gain financially by legitimizing an unlawful deck, increasing the seating by approximately 28 seats.</p> | <ul style="list-style-type: none"> • The overarching provisions of the Land Use Planning By-Law and the Development Management Scheme; • Municipal by-laws governing health, noise, and public safety; • Development parameters relating to building height, coverage limits, building line setbacks, and the provision of parking applicable to the current zoning. <p>In the specific circumstances of this application, removing the 6.3m street building line restriction is a small, focused change that makes sense given the context, such as the current zoning, use of the property, and the built environment. It does not undo the wider protections that exist for surrounding residential properties.</p> <p>CONCLUSION</p> <p>To conclude, the applicant emphasizes that the six statutory criteria were already addressed in the original land use application. A copy of the motivation report is attached herewith as Annexure K. It is stated that their comment on the objection aims to clarify and supplement the application, not to respond to irrelevant or speculative objections. Lastly, the application concerns only the removal of a 6.3-meter street building line restriction from the title deed, not a change in land use.</p> <p>The applicant argues that the restaurant's operation is lawful and consistent with zoning rights. The deck in question was refurbished and structurally strengthened, not newly constructed or expanded. No evidence supports claims that removing the restriction would reduce surrounding property values. On the contrary, improvements to the restaurant may enhance the area's appeal. Issues like noise and odours are regulated by municipal by-laws</p> | |
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| <p>In the objector's opinion the subject property is already overdeveloped with 52% of the land covered by buildings as well as that is lacks sufficient on-site parking and loading facilities. The financial gains to the applicant must be weighed against the detriment caused to affected property owners. The objector also notes that the applicant has shown disregard for planning laws and seeks to benefit from non-compliance. In granting the application the municipality would reward non-compliance and encourage further violations in the future.</p> <p>The objector state that the applicants gain will be all the surrounding owners' loss and that they cannot find any compelling reason why the applicant should receive a financial benefit at the expense of the surrounding owners.</p> <p>4. The social benefit of the restrictive condition remaining in place in its existing form;</p> <p>The objector notes that the restriction preserves the residential nature of the area, and the enforcement of building line restrictions ensures a buffer zone between residential and commercial uses.</p> <p>Maintaining the restriction, in the objector's opinion, serves multiple social benefits, including:</p> <ul style="list-style-type: none"> (a) Protecting property values which will encourage further investment in the area and sustained and increased rates revenue for the Municipality. (b) The protection of pedestrians, especially young children by preventing traffic congestion and by avoiding a reduction in visibility. (c) Preventing the intensification of commercial activity beyond what was originally intended. (d) Preventing the aesthetic and spatial character of the area (e) Mitigating conflicts between commercial and residential land use (f) Ensuring fair and consistent application of municipal zoning and planning regulations. <p>The objector states that the removal of the restriction would undermine these principles, creating a precedent for unchecked commercial expansion at the expense of residents.</p> <p>Erf 2537 is zoned Business zone 2, a zoning which objective is described in the By-Laws as to be limited in extent and able to integrate with the adjacent precinct without adversely affecting the area. The objector continues to state that even without the deck,</p> | <p>and are not tied to the building line restriction. Other planning and zoning regulations remain in place to protect surrounding properties. The change is minor and contextually appropriate. The applicant argues that objections are largely speculative, irrelevant, or based on misunderstandings of the scope and impact of the application.</p> | |
|---|--|--|

erf 2537 has already been overdeveloped in breach of the objectives of its zoning.

5. The social benefit of the removal of the restrictive condition; and

The objector is of opinion that Yzerfontein has no shortage of restaurants and that restaurant patrons in Yzerfontein are spoiled for choice and have alternative restaurants to frequent should the Restaurant be unable to accommodate them without the covered deck and the employees of the Restaurant will have other employment opportunities should they be affected by the deck's closure.

The objector is of opinion that although the applicant argues that the proposed application will promote business growth, it is outweighed by the social costs.

Removing the restriction would worsen traffic, parking shortages, noise and disturbance as well as land use conflicts.

Changes to an existing use that impact new development parameters must comply with the latest legislation.

6. Whether the removal of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

The objector is of opinion that the removal of the restriction would extinguish the rights enjoyed by our client and other property owners to a properly regulated residential environment. These rights include:

- (a) Protection from intrusive commercial expansion.
- (b) The ability to enjoy a property without excessive nuisance and congestion.
- (c) Preservation of property values and neighbourhood character.

The Applicant has unlawfully extended its commercial footprint without due process and now seeks to retroactively justify it by requesting the removal of a restrictive condition.

Such an approach according to the objector is procedurally and substantively flawed and must be rejected to uphold the principles of proper town planning and fairness.

In conclusion the objector states that:

| | | |
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| <p>The Applicant has failed to provide any substantive justification for the removal of the restrictive condition beyond its own financial interest. It has also disregarded existing planning frameworks, bypassing proper procedures and is seeking approval only after unauthorized alterations were made.</p> <p>While the Applicant may argue that the covered deck is a minor extension, this ignores the cumulative impact of repeated deviations from zoning and title conditions. The failure to provide adequate parking is a direct consequence of incremental overdevelopment and further demonstrates why strict enforcement of restrictions is necessary.</p> <p>For the reasons outlined above, the objector respectfully urges the municipality to reject the application for the removal of the restrictive condition and concludes that the retention of the 6.3m street building line restriction is essential to uphold the principles of lawful land use, town planning integrity, and the rights of affected property owners.</p> | | |
|---|--|--|

PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application.

The application was submitted in terms of the By-law on 24th of January 2025. The public participation process commenced on the 12th of February 2025 and ended on the 14th of March 2025. Objections were received and referred to the applicant for comment on the 18th of March 2025. The municipality received a request from the applicant for extension of the commenting period which was granted up to the 2nd of May 2025. The comments on the objection from the applicant was received on the 2nd of May 2025.

Division: Town Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision-making.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

The application is evaluated according to the principles of spatial planning, as contained in the abovementioned legislation.

- Spatial Justice: All the relevant facts and considerations surrounding the application are considered during the decision-making process. The proposal does not cause any inequality nor exclusion of any groups. It could be argued that the proposal does affect the rights enjoyed by affected property owners. Most of which did not object to the proposed application. This is a unique case where the site specific and historical circumstances should be recognised. Most of the structures situated within the 6.3m title deed building line area has been there for more than 27 years. Approved by the Yzerfontein Council as well as Swartland Municipality by means of a building plan. The application is a minor technical adjustment that aligns the title deed with the current zoning parameters and which was previously approved. It does not introduce new impacts, and it is therefore argued that it does not undermine the rights of surrounding property owners. The objections raised are largely speculative and unrelated to the specific restriction under consideration. The issues regarding parking / the lack thereof, is seasonal and can be mitigated. Therefore, the application is deemed consistent with the principle of spatial justice.
- Spatial Sustainability: The proposal is to remove the condition registered against the title deed however, the parameters of the development management scheme is still applicable. No new services will need to be provided, and the development proposal is not foreseen to put an additional financial burden on the municipality. The willingness of the applicant to work with the municipality to seek solutions to the parking issue is acknowledged.
- Efficiency: The application intends to make the title deed less restrictive. This will enable the owner of the property to develop the property within the parameters of the applicable development management scheme.
- Good Administration: The application was communicated to the affected landowners through registered mail, email and advertisement in local newspapers and the Gazette. The application was also circulated to the relevant municipal departments for comment. Consideration is given to all correspondence received and the application is dealt with in a timeous manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- Spatial Resilience: The removal of the restriction will ensure the economic viability and sustainability of a facility that has been in operation for at least 27 years. It is argued that should the restriction be enforced and the structure removed it will have a negative impact on surrounding property. The structures situated within the building line area, as previously approved, contributes significantly to the visual appeal of the restaurants. The renovations and reinforcement done by the applicant was also deemed necessary to ensure the safety of visitors to the facility. The proposal is thus deemed spatially resilient.

2.2 Integrated Development Plan (IDP) and Spatial Development Framework (SDF)

Considered not relevant to this specific application.

2.3 Schedule 2 of the By-Law (Zoning Scheme Provisions)

In what is currently presented in the application, all zoning parameters are complied with. The extension to the kitchen as well as walkway proposed to the ablutions does not increase the number of seats and will therefore not add to the number of parking required for the facility. Should any additional extensions and alterations be considered in the future that application is subject to its own land use as well as public participation process.

3. **The desirability of the proposed utilisation**

The purpose of the restrictive conditions, which the applicant intends to remove, have been registered against the title deed of the subject property clearly to preserve the character of the neighbourhood. This was done for the benefit of all owners in the township. It is acknowledged that restrictive title deed conditions apply to a particular township and are more specific / unique, regardless of the zoning. With previous applications it was determined that the municipality cannot regard the restrictive conditions in a title deed as outdated / invalid. If the title deed restriction is more restrictive than that of the applicable development management scheme, it has preference. Each application is however considered on its own merit. Given the site specific and historical circumstances as well as the balance between the potential negative impact on the area (should the condition be removed) and the negative impact on the property (should the condition be enforced).

The removal of the said condition is not deemed arbitrary and sufficient reasons is provided to support the removal of the said condition. The structures situated within the building line area, as previously approved, contributes significantly to the visual appeal of the restaurants. Currently there are no other restaurant in Yzerfontein that offers visitors / tourists the same experience and view and therefore should the restriction be enforced and the structures removed it will have a significant detrimental impact on the facility aesthetically as well as economically. The renovations and reinforcement done by the applicant was also deemed necessary to ensure the safety of visitors to the facility. Removing the condition from the title deed in this specific case is therefore deemed sustainable.

The removal of the restrictions is therefore deemed desirable.

All cost relating to the application is for the account of the applicant.

4. **Impact on municipal engineering services**

Existing services to erf 2537 are not affected and the internal departments did not object to the proposal.

5. **Response by applicant**

See Part F in terms of the motivation as well as part I in terms of the comments on the objections received.

6. **Comments from other organs of state/departments**

No comments were received.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights.

There is no evidence that the removal of the 6.3m restriction will negatively impact surrounding property values. On the contrary, the investment in maintaining and improving the restaurant enhances the visual and economic appeal of the area and as indicated by the objector the current market value is significantly more than the municipal valuation.

The personal benefits that will accrue to the holder of rights and/or to the person seeking the removal.

While the objector seeks to preserve a purely residential character, this must be balanced against the lawful commercial rights of the applicant. The deck's refurbishment does not significantly increase noise, odours, or traffic beyond what is already permitted and regulated.

The social benefit of the restrictive condition remaining in place, and/or being removed/amended.

The benefit is not financial gain through expansion, but rather compliance with regulations. The deck was refurbished due to structural concerns, not to increase capacity. From experience it could be argued that due to the arrangement of the seating on the deck, it may now accommodate less patrons than before (as far as the deck is concerned).

The rights of the neighbouring affected property owners are recognised however should the 6.3m building line be maintained it will have a detrimental impact on economic viability of the facility. Given the site specific and historical circumstances of the subject property enforcing the restriction is not in the interest of the public.

The restaurant contributes to local employment, tourism, and community life. Removing the restriction formalizes an existing structure and supports the continued safe operation of a valued local business.

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights?

The removal of the restriction does not eliminate the rights of surrounding owners. All other development parameters, including height, coverage, and parking, remain in force and enforceable.

PART L: RECOMMENDATION WITH CONDITIONS

The application for the removal of restrictive condition II.C.6(a)3. of Title Deed T15012/2013 of erf 2537, Yzerfontein be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

1. 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.

2. 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;
- (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.

PART M: REASONS FOR RECOMMENDATION

1. Erf 2537 is zoned Business Zone 2 with a consent use for a restaurant, which permits the current use.
2. The restaurant has been in legal operation for over 26 years, with building plans approved in 1998 and 2010.
3. The deck in question is a refurbishment of an existing, previously approved structure, not a new addition.
4. Past municipal approvals did not enforce the title deed restriction, creating a legitimate expectation for continued use.
5. The deck was refurbished due to structural instability, as confirmed by the engineering report.
6. 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.
7. 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.
8. Noise, odour, and traffic concerns are regulated under separate municipal by-laws and are not directly tied to the building line restriction.
9. 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.
10. 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.

PART N: ANNEXURES

- Annexure A Locality plan
- Annexure B Proposed Building plan
- Annexure C Conditions for the establishment of Yzerfontein town
- Annexure D Copy of the title deed
- Annexure E Previous approval and plans 1998
- Annexure F Previous approval and plans 2010
- Annexure G Public Participation Plan
- Annexure H Objection Yzerfontein Residents Association
- Annexure I Objection AF Conradi obo HecMer Trust
- Annexure J Applicants comment on the objections
- Annexure K Copy of applicants motivation report
- Annexure L Copy of title deed of erf 191

PART O: APPLICANT DETAILS

| | | | | | |
|---------------------|-------------------------|--|--|-----|----|
| Name | CK Rumboll and Partners | | | | |
| Registered owner(s) | Lochner Eksteen Trust | Is the applicant authorised to submit the application? | <table border="1"> <tr> <td style="background-color: #cccccc;">Yes</td> <td>No</td> </tr> </table> | Yes | No |
| Yes | No | | | | |

PART P: SIGNATURES

| | | | | |
|--|--|-------------------------------------|--------------------------|--|
| Author details: Herman Olivier Town Planner SACPLAN: A/204/2010 |  | | Date: 3 June 2025 | |
| Recommendation: Alwyn Zaayman Senior Manager: Development management SACPLAN: B/8001/2001 | Recommended | <input checked="" type="checkbox"/> | Not recommended | |
| |  | | Date: 4 June 2025 | |

LOCALITY PLAN ERF 2537 YZERFONTEIN



Date created: 2024/11/28



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Endorsements

- General:**
- Building to comply to Part S, T and W of the SANS 10400.
 - No construction may extend beyond the boundaries of the property.
- Compliance:**
- The new building must adhere to the SANS 10400-XX:2022 standards for energy efficiency in buildings.
- Engineer's Drawings:**
- Detailed engineer's drawings for all reinforced structural works and structural steel are required before the commencement of such construction.
- Boundary PEGS:**
- A building inspector must evaluate the boundary pegs prior to the start of construction.
- Site Clearance:**
- The site must be cleared of all construction debris upon completion of the work. All earth banks exceeding 12 meters in height must be cut back and trimmed according to the SABS Code of Practice and to the client's satisfaction.
- Sewer Line:**
- The sewer line must be protected during construction in accordance with Part P of SANS 10400.
- Balustrades:**
- Balustrades and handrails are required wherever there is an edge higher than 1 meter. They must be designed to prevent children from climbing over them, in line with Part D of SANS 10400 (2022 Regulations).
- Stormwater Drainage and Sewage Water Control:**
- Stormwater disposal must comply with Part R of the NBR & BS (Act 103 of 1977).
 - Adequate measures must be taken to drain surface and sewage water away from buildings to prevent flooding and damage, fulfilling both local authority and client requirements.
 - Stormwater from the roof, paving, or nearby areas must not damage the building's interior, structure, or structural elements, nor should it accumulate in a way that causes undue inconvenience to occupants. Landscaping around the building should ensure that stormwater drains away from the structure by gravity.
- Fire Inspection:**
- A Fire Inspection to be held by our Fire Chief upon completion of building work before issuing of Certificate of Occupancy.
- Persons With Disabilities:**
- The international symbol shall be exhibited in suitable positions to indicate to persons with disabilities the route to the exit of such facilities.
 - Facilities that are included in a building specifically for use by persons with disabilities, such as wheelchair-accessible parking spaces, wheelchair-accessible toilets, and platform or stair lifts, shall be indicated by the international symbol for access and shall comply with 4.2.2 of Part 5 of SANS 10400.
- Parking:**
- All parking finishes to be constructed with a dust free material.

Pre-Construction Guidelines:

- These drawings should be reviewed in conjunction with the engineer's details, focusing on slabs, staircases, foundations, and beams.
- The contractor must confirm all levels, heights, and dimensions on-site before beginning any work. Any discrepancies or contradictions must be reported immediately.
- All dimensions are provided in millimeters. Please refrain from scaling the drawings.
- All construction must adhere to NBR and SABS 9400-1990 standards, or SANS 10400 where applicable, and receive local authority approval.
- Address any queries to the owner or architect before starting the project.
- Should the contractor wish to deviate from specified suppliers or manufacturers, they must inform the client and provide alternative specifications along with the necessary SABS approval documents for final approval.
- The design depicted in these drawings remains the intellectual property of the designer, with all copyrights reserved.

Health & Safety Protocols:

- De Beyer Design Studio has not been designated as an OHS agent under regulation 4.5 of the Construction by-law, as stipulated in the Occupational Health and Safety Law 85 of 1993. The client/owner is responsible for hiring a certified occupational health and safety officer, and the contractor must liaise with this officer to ensure compliance with all relevant OHS regulations.
- The contractor must account for all necessary items related to OHS compliance at the tender stage.

Setting Out / Levels:

- The contractor is required to hire a registered land surveyor to confirm the following on-site, with written confirmation:
 - Site corner pegs and corner pegs of the proposed structure.
 - Finished floor level.
 - Specified height restrictions.

General Contractor Instructions:

- Main Contractor: Verify details on these drawings to ensure compliance with the highest standards of building practice, especially considering specific requirements due to local and on-site conditions.
- Sub-Contractors: The main contractor must submit a list of all sub-contractors for the project for approval by the client before their appointment.
- Electrical Sub-Contractors: Only registered electricians may perform electrical installations, adhere to local authority regulations and standards. The contractor must ensure the electrical installation is tested and inspected by the local authority upon completion.

Service and Inspection Requirements:

- The contractor must locate and protect existing services on site to prevent any damage during construction.
- It is the contractor's responsibility to ensure all municipal inspections are completed on time and to keep copies of all inspection forms, which might be requested by the owner or De Beyer Design Studio. The contractor is also responsible for obtaining the occupancy certificate.

Project Completion Documentation:

- Upon completion of the project, the contractor must provide the client with the following documents:
 - Original set of approved drawings.
 - ATF Roof Structure Certificate.
 - Occupancy Certificate.
 - Electrical Installation Certificate (C.O.C).
 - Plumbing Installation Certificate (C.O.C).
 - Glazing Certificate.
 - Gas Installation Compliance Certificate.
 - Structural Engineer's Certificate.
 - Guarantees/Warranties.
 - Owner's manuals.

Site Work:

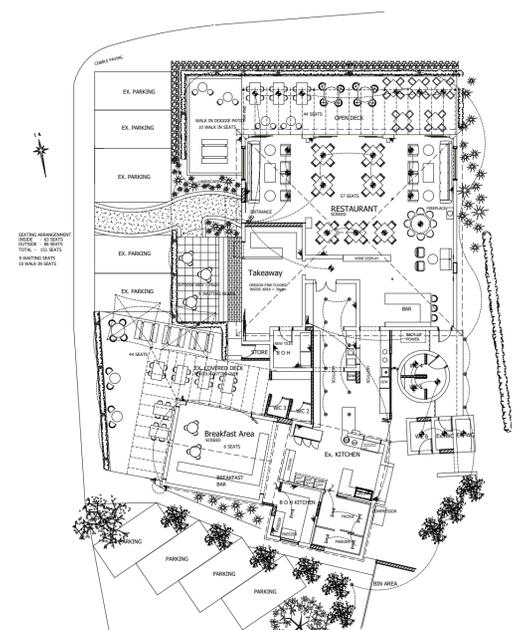
- Clear site vegetation as directed by the owner or architect.
- Any filling must be consolidated and well-compacted, free from vegetation and rubbish.

Excavations & Foundations:

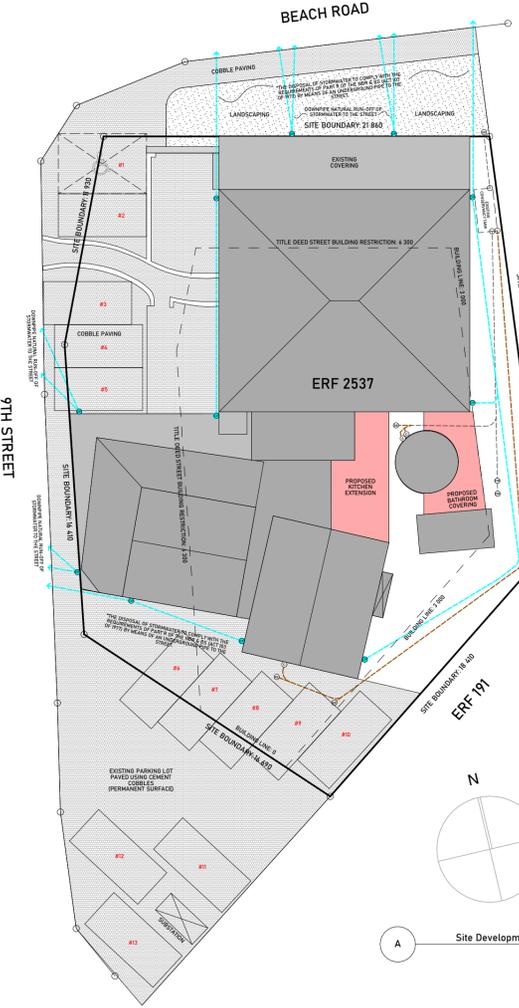
- Conduct excavations as required for approved works and as approved by the local authority.
- Engineer-specific concrete foundations or footings under walls.
- Minimum specifications for concrete strip footings are 600mm below natural ground level, with dimensions as follows:
 - 280mm cavity walls: 750x250mm
 - 230mm internal walls: 750x250mm
 - 115mm internal walls: 450x250mm or slab thickening as required.
- Foundation brickwork for all 280mm cavity walls must be filled with mass concrete up to the underside of the surface bed level, incorporating brickforce every second brick course.
- Foundation walls should be constructed from well-fired NFX 16MPa clay bricks in Class 2 mortar. Engineer must confirm all plinth walls higher than 1m above natural ground level.
- Foundations must not extend beyond boundary lines.
- Excavate for foundations until stable natural ground is reached, excluding back-filled ground. For foundation walls higher than 1500mm, a retaining wall with drainage must be constructed as per engineer's detail.
- An engineer must perform a compaction test prior to laying any foundation. The architect does not assume responsibility for this test.

Surface Bed & Floor Screeds:

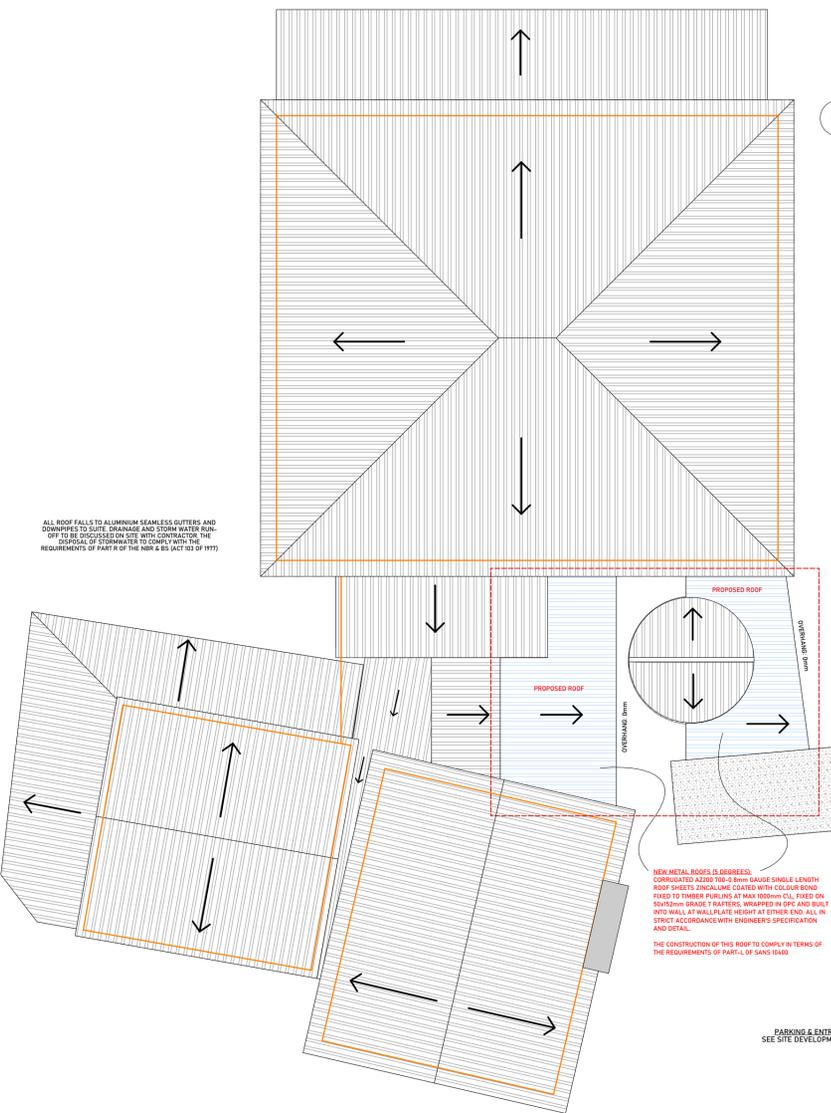
- A 100mm thick concrete surface bed is to be laid on Gumpas (green) 250 micron DPM, over a 50mm fine sandbed layer, on well-compacted hardcore filling (100% Mod AS4570), not exceeding 150mm thick layers. This specification should be read in conjunction with engineer's details.
- All concrete surface beds on fill must include 125 mesh or as per engineer's details.
- Screed to be laid 30mm or more to accommodate for finished floor levels as shown, using a 3:1 sand to cement mix and finished as indicated on layout drawings.
- Floor levels may be adjusted on site, in consultation with the architect and owner, to achieve the most economical level solution.
- The finished floor level (FFL) must be at least 150mm above the external ground levels.



NEW REVISED SEATING LAYOUT



Site Development Plan 1:200



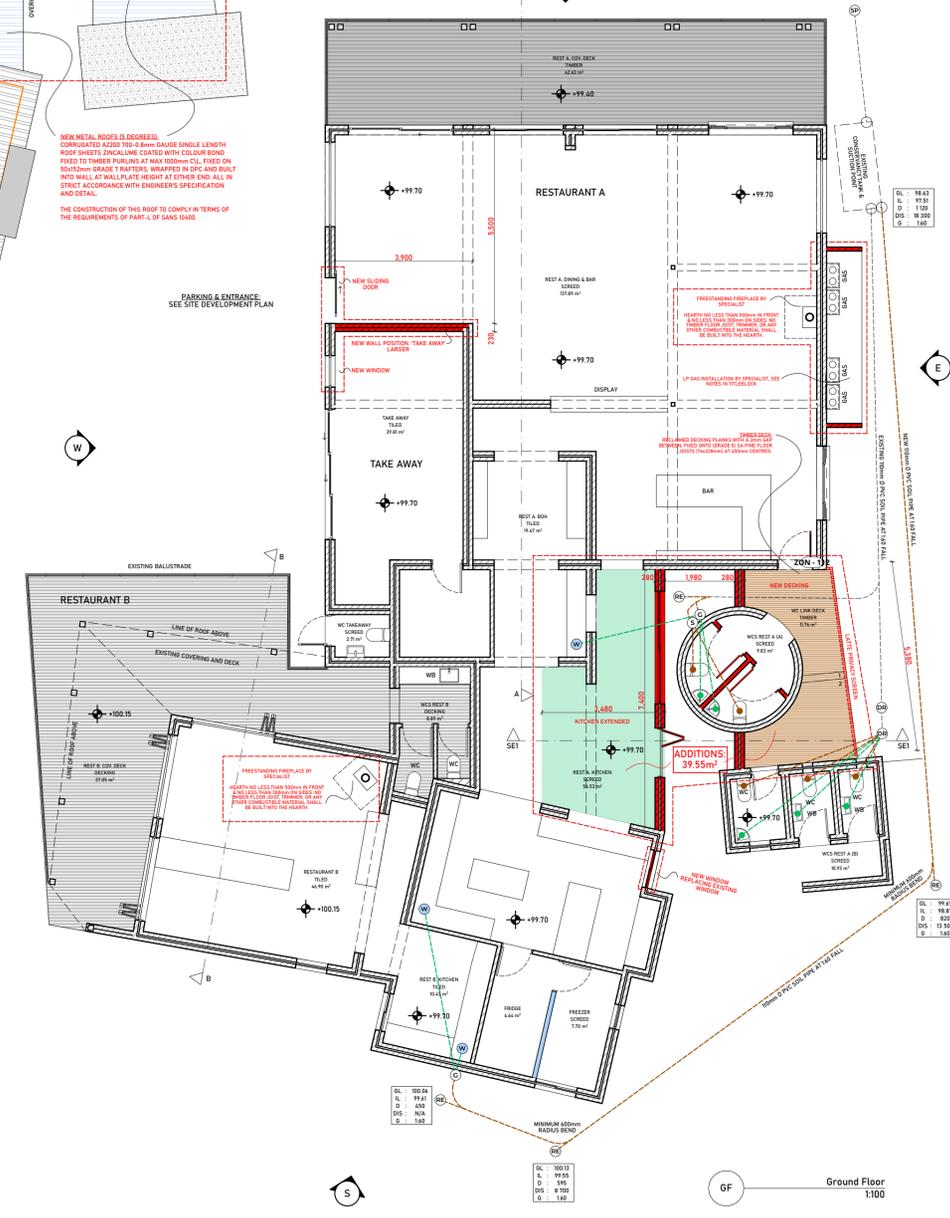
Roof Plan 1:100

ALL ROOF FALLS TO ALUMINIUM SEAMLESS GUTTERS AND DOWNPIPES TO SUITE DRAINAGE AND STORM WATER RUN-OFF TO BE CONSTRUCTED ON SITE BY THE CONTRACTOR TO THE REQUIREMENTS OF PART R OF THE NBR & BS (ACT 103 OF 1977)

NEW METAL ROOFS IS DESIRED. CORRUGATED AZ100 700-8 8mm GAUGE SINGLE LENGTH ROOF SHEETS ZINCALUME COATED WITH COLOUR BOND FIXED TO TIMBER PURLINS AT MAX 1000mm C/L. FIXED ON 50x75mm GRADE 1 MATTERS, WRAPPED IN DPE AND BUILT INTO WALL AT WALLPLATE HEIGHT AT EITHER END. ALL IN STRICT ACCORDANCE WITH ENGINEER'S SPECIFICATION AND DETAIL. THE CONSTRUCTION OF THIS ROOF TO COMPLY IN TERMS OF THE REQUIREMENTS OF PART P OF SANS 10400.

50% VOLUME OF HOT WATER SERVICES FROM ANOTHER SOURCE E.G. SOLAR SYSTEM/HEAT PUMP OR SIMILAR TO COMPLY TO THE REQUIREMENTS OF SANS204.

AS BUILT SUBMISSION FOR PLAN NO: 448/24 REFERENCE NO: 132186



Ground Floor 1:100

ANNEXURE B

DE BEYER DESIGN STUDIO

| Ground Floor | |
|----------------------|------------------|
| FREEZER | 7.70 |
| FRIDGE | 6.64 |
| REST A. BOH | 19.47 |
| REST A. COV. DECK | 42.63 |
| REST A. DINING & BAR | 137.89 |
| REST A. KITCHEN | 56.53 |
| REST B. COV. DECK | 37.05 |
| REST B. KITCHEN | 10.43 |
| RESTAURANT B | 46.90 |
| TAKE AWAY | 39.81 |
| WC LINK DECK | 11.76 |
| WC TAKEAWAY | 2.71 |
| WCS REST A (A) | 9.83 |
| WCS REST A (B) | 10.93 |
| WCS REST B | 8.89 |
| Total | 449.17 m² |

ADDITIONS 39.55m²

Area Schedule



Project Details 136

2 Beach Road As Built Plans
 Erf 2537
 Erf Area: 798m²
 Erf Perimeter: 109.05m

Coverage
 Erf Covered Area Under Roof 449.17m²
 Coverage 56.29%
 Business Zone 2 Allowance 75%

Registered Owner/s
Lochner Eksteen Trust

Author

 M. G. de Beyer

Date Issued
07/01/2025

Scale 1:100 on A1
2 Beach Road Council Submission Plans

C1.1

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- Walls:**
- Solid Maxis: Available in 90mm, 180mm, or 230mm with a 50mm cavity.
 - Solid Rok's: Available in 115mm, 230mm, or 280mm with a 50mm cavity.
 - All walls are to be plastered and painted. Wall ties should be placed every fourth course. Horizontal ties should not be more than 1000mm apart, and vertical ties no more than 500mm apart. Ties should be 2.5 per square meter, placed below slabs and above every lintel as directed by structural engineers. Weepholes should be at maximum 900mm centers and at least 150mm above the finished floor level, placed above all lintels and wherever else required. Continuous masonry walls longer than 5 meters should have a structural/expansion joint. Retaining and reinforced concrete walls must adhere to structural engineering drawings.
 - Bricks and brick walls for all masonry units above the surface bed should be built from compliant types with the relevant SABS code, unless specific approval for an alternative type of brick is obtained from the designer.
 - Brickwork should be laid in Class 2 mortar, according to specified thickness and measurements, and to approved course patterns. Brickwork for fireplaces should use Class 1 mortar mixed with fireclay. Sand for mortar must comply with SABS 1090 and be graded 5mm and smaller.
 - Damp proof courses must be a minimum of 150mm above ground level and at least 375 microns thick, SABS approved. The contractor must install approved DPCs for all external walls at each floor, beam, or parapet level and around all windows, doors, grilles, or other openings. Cavity walls must have stepped DPCs.
 - Retaining walls should not be higher than 1 meter above natural ground level.

- Openings & Ventilation:**
- Openings 3 meters or less should have pre-stressed concrete lintels.
 - Openings more than 3 meters wide should have reinforced structural beams designed by an appointed engineer.
 - Brickforce should be installed in every row above lintels.
 - The door between the garage and main dwelling must be at least half-hour fire-rated and equipped with a self-closing mechanism.
 - External doors and windows should be made of aluminum unless otherwise stated in the drawings.
 - Window areas must comprise a minimum of 10% of the respective floor area with at least 5% being operable, as per Part D of SANS 10400.
 - Inside window sills should be plastered and painted, while outside window sills should have cement on bricks on edge, plastered and painted.

- Staircases & Balustrades:**
- Any flight of stairs with more than three risers must comply with Part M (MM3 'A') of SANS 10400.
 - All balustrades accessible to people must be at least 1000mm high and designed to prevent a 100mm diameter ball from passing through, per DD4.4.

- Glazing:**
- All glazing must comply with Part N of SANS 10400.
 - Glass pane thickness must either meet the requirements set out in Tables 1 to 6 or be determined by a competent person in accordance with SANS 10137, based on wind loads as per SANS 10400-B.
 - Safety glazing materials must be permanently marked by the installer to ensure visibility of the marking in each pane after installation.
 - Safety glazing must comply with SANS 1263-1 and be used in specific locations such as doors and sidelights up to 2100mm from the floor, windows with sill heights less than 500mm from the floor, windows in paths of travel less than 800mm from the floor, without a permanent barrier, bath enclosures or shower enclosures, and frameless glass showers as per Table 10 of Part N (N 4.4.4).
 - Provide natural lighting to all habitable rooms inclusive of frames and glazing bars, and ensure a minimum operable area of 5% of the floor area or 0.2m², whichever is greater, to each habitable room.
 - Glazing should be colorless and without metallic films.

- Steel:**
- Any exposed steel must be either hot-dip galvanized or brushed stainless steel.

- Roof (Timber Construction):**
- Roof construction must strictly comply with the latest SANS 10400-L.
 - The roof should be designed and specified by a competent roofing specialist.
 - The roof structure must be inspected and signed off by the appointed engineer before any roof coverings are installed, with direct liaison between the contractor and engineer.
 - Rafter, where required, must be tied down to walls with galvanized hoop iron straps embedded at least 600mm into brickwork.
 - Trusses, where required, must be bolted and fixed in accordance with the specialist's detail tied to a minimum 114x38mm wall plate tied to masonry with galvanized hoop iron built into at least 4 courses at 600cc intervals.
 - All roof tiles or sheets must be fixed strictly according to the manufacturer's specifications.
 - Aluminum seamless guttering should be used throughout, with downpipes to suit unless otherwise specified.
 - A 225x10mm fiber cement fascia must be fixed to rafter ends as prescribed by the manufacturer.
 - Waterproofing should be performed by a specialist.

- Roof (Concrete Construction):**
- The concrete flat roof slab should include upstand beams to the sides as per the engineer's design and specification.
 - All reinforced concrete roof slabs must be screeded to fall and waterproofed by a specialist using a superior torch-down waterproofing product such as Derbigum or Sikal system.
 - Standard full-bore rainwater outlets should be cast into the flat concrete roof slab and connected to matching downpipes. Final details should comply with supplier/plumbing contractor specifications and engineer's approval. All rainwater downpipes must be connected to the proposed underground stormwater system on site. The position and layout of stormwater lines should be checked and confirmed on site, and all must comply with SANS 10400: Part R.

- Chimneys:**
- No combustible materials such as timber joists, trimmers, or roof trusses should be constructed within 200mm of the inside of any chimney flue.

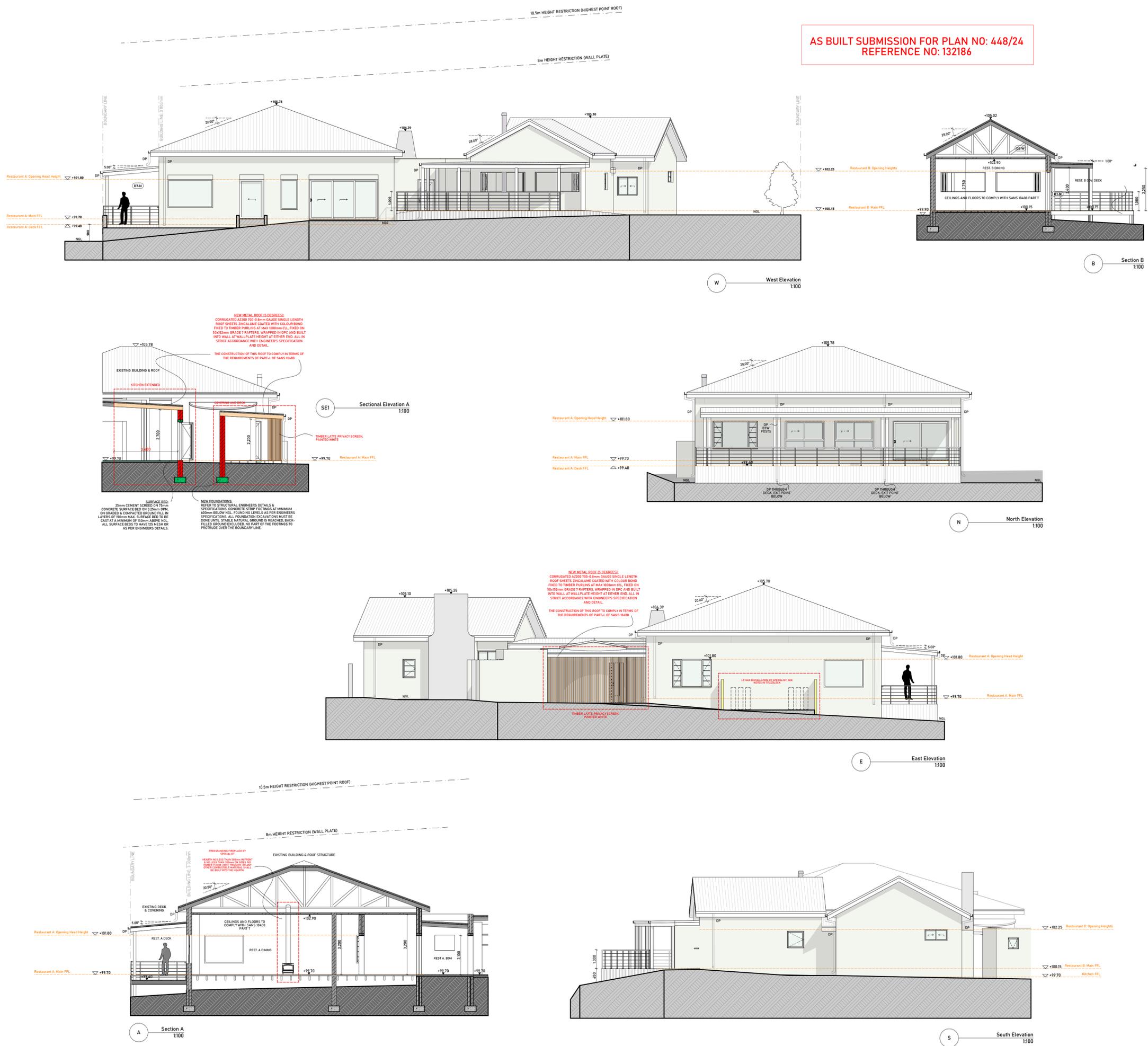
- Parapet Walls:**
- Parapet walls must be a minimum of 150mm above roof coverings and no higher than 500mm, or comply with rule KK303 II of NBR.
 - Parapet walls should be plastered sloped on top to the inside and covered with an approved waterproof sealer.
 - All parapet walls must have flashing where the roof connects.

- Ceilings:**
- 6.4mm gypsum plasterboard must be used on 38x38mm bracing at maximum 400mm centers.
 - Plasterboard should be skimmed and painted.
 - A minimum of 135mm insulation should be installed above ceilings, unless otherwise stated on the drawings.
 - Where no ceilings are specified, a smooth cement and crestone skimmed plaster finish should be applied to the underside of the reinforced concrete floor slabs above.
 - Ceilings must not be lower than 2100mm in accordance with Table 2, Part C of SANS 10400.

- Building Sealing & Insulation:**
- Efforts should be made to minimize air leakage and air infiltration to ceiling voids and attic voids.
 - Dampers and flaps must be installed in chimney flues.
 - Foam or rubber strips should be installed into all exterior doors.
 - All walls, roofs, and floors must be insulated according to SANS 10400.
 - Sialisation, Isoboard, or Alubantek should be used throughout.
 - Thermal insulation must be installed so that it abuts or overlaps adjoining insulation or is sealed, forms a continuous barrier with ceilings, walls, bulkheads, or floors that contribute to the thermal barrier, and does not affect the safe or effective operation of any services, equipment, or lighting installations.

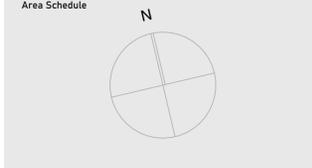
- Relevant Standards Applicable:**
- A comprehensive list of applicable SANS 10400 standards includes general principles and requirements, structural design, dimensions, public safety, demolition work, site operations, excavations, foundations, floors, walls, roofs, stairways, glazing, lighting and ventilation, drainage, non-water-borne sanitary disposal, stormwater disposal, facilities for persons with disabilities, fire protection, refuse disposal, space heating, fire installation, and energy usage in buildings.

AS BUILT SUBMISSION FOR PLAN NO: 448/24
REFERENCE NO: 132186



| Ground Floor | |
|----------------------|-----------------------------|
| FREEZER | 7.70 |
| FRIDGE | 6.64 |
| REST A. BOH | 19.47 |
| REST A. COV. DECK | 42.63 |
| REST A. DINING & BAR | 137.89 |
| REST A. KITCHEN | 56.53 |
| REST B. COV. DECK | 37.05 |
| REST B. KITCHEN | 10.43 |
| RESTAURANT B | 46.90 |
| TAKE AWAY | 39.81 |
| WC LINK DECK | 11.76 |
| WC TAKEAWAY | 2.71 |
| WCS REST A (A) | 9.83 |
| WCS REST A (B) | 10.93 |
| WCS REST B | 8.89 |
| Total | 449.17 m² |

ADDITIONS 39.55m²



Project Details 136
2 Beach Road As Built Plans

2 Beach Road
Tzefontein
Western Cape
South Africa
7351
Erf 2537
Erf Area: 798m²
Erf Perimeter: 109.05m

Coverage
Erf Covered Area Under Roof 798m²
Coverage 449.17m²
Business Zone 2 Allowance 54.29%
75%

Registered Owner/s
Lochner Eksteen Trust

Author
M. G. de Beyer
S.A. 1000
PAJ55905570

Date Issued
07/01/2025

Scale 1:100 on A1
2 Beach Road Council Submission Plans

C1.2

The design on this drawing remains the property of the Designer. Copyright is strictly reserved. © 2024

DORPSVOORWAARDES - PROVINSIALE SEKRETARIS SE BRIEF.
L59A/C/13 GEDATEER 5/6/1935 (MET WYSIGINGS WAT DAAROP GEVOLG
 HET INGELYF.)

In terms of Section 15 of Ordinance No. 13 of 1927, the Administrator has approved the application to establish a township named "Yzerfontein"subject to the requirements of the Lands Department with regard to the provision of water being met by the applicant and to his acquiring ownership of the strip of Crown Land at the highwater mark, and to the following conditions:-

- (1) The condition prescribed by Section 13 of the Township Ordinance of 1927.
- (2) That a water supply to the satisfaction of the Assistant Health Officer at Cape Town be provided on or before 13th April, 1936. NB.
- (3) That all corners at the Junctions of roads be splayed - the distance across the splay to be not less than 21 feet, except the corners of Erven Nos. 56, 137 and 255, which shall be splayed so that the splayed corners measures not less than 50 feet, and the corners of Erven Nos. 82, 93, 94, 163 and 253, which shall be splayed as indicated on the plan.
- (4) That no erf be sold or transferred until the roadway on which such erf abuts, has been cleared, graded and roughly formed to a width of not less than 20 feet and to the extent necessary to give practicable vehicular access to such erf - to work to be carried out to the satisfaction of the local authority.
- (5) That no erf be sold or transferred until such existing buildings as encroach upon the roadways are demolished.
- (6) That erf 176 be reserved for local authority purposes. 173
- (7) That Erf 269 be reserved as a school site.
- (8) That Erven 106A and 194 are redesigned, be reserved for Government purposes.
- (9) That where corner erven are not more than 60 feet in width, additional width be provided to make adequate provision for the building line restriction.
3. (10) That a depositing site and cemetery site to the satisfaction of the local authority be provided at the northern end of the commonage.
- (11) That the area between the erven and the sea be marked "open ^{space}" instead of "commonage". ?
- (12) That the following conditions be inserted, as being in favour of the registered owner of an erf in the township, in the Transfer Deed of each erf except Erven 176, 106A, 194 and 269 which are reserved for local authority, government and educational purposes.
 - (a) That the erf reserved for residential purposes only, except Erven 171 to 175 which may be reserved for either business or residential purposes, and Erven 156, 177, 184, 186, 188, 190 and 191 which shall be reserved for business purposes only - this condition to be adjusted in the respective transfer deed according to the particular erf which each transfer deed conveys. 173

- (b) That the erf be not subdivided.
 - (c) That not more than one dwelling, together with the necessary outbuildings and appurtenances, be erected on a residential erf, or an erf available for either business or residential purposes.
 - (d) That no more than one half of the area of a residential erf be built upon.
 - (e) That no buildings shall be erected within 10 feet of any street line which forms a boundary of the erf or within 10 feet of the open space where it forms a boundary of the erf on the sea-front. → NB
 - (f) That when any of the existing buildings are demolished, the building line laid down in (e) shall apply.
- (13) That the following conditions be inserted in the transfer deed of each erf as being in favour of the local authority:
- (g) That the owner of each erf, whether the applicant for the establishment of the township or any future owner, shall be obliged to allow the drainage or sewerage of any other erf or erven be conveyed over such erf if deemed necessary by the local authority, and in such manner and in such position as may from time to time reasonably be required by the local authority. NB

A. VIR AKTFRESORGER SE GEBRUIK / FOR CONVEYANCER'S USE

(a) Gelyktydiges met ander registrasiekantore/seeblote - Simult with other registries/sections

| Kode | Firma / Firm | Eiensom / Property | Kantoor / Office |
|------|--------------|--------------------|------------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |

(b) Klêre afskrifte van aktes permanent in Aktekantoor getuigbaar
Clear copies of deeds filed permanently in Deeds Office

| Aard en nommer van akte Nature and number of deed | Omslag nr. Cover no. | Parow van ondersoekers Initials of Examiners |
|--|-------------------------|---|
| | | |

(c) Notas / Notes

B. VIR AKTFKANTOOR GEBRUIK / FOR REEDS OFFICE USE

| | | Opmerrings Remarks | Parasif Initials |
|---|--|-----------------------|---------------------|
| <p>Ureëlde oorsake/aktes Unsorted causes/deeds</p> <p>Reëlde Sorted</p> | <p>(1) Oorsake oorgeleë (geproklameer) Causes returned (proclaimed)</p> <p>(2) Reëlde oorsake Sorted causes</p> <p>(3) Oorsake Causes</p> <p>(4) Voorwaarde Conditions</p> <p>(5) Akte Deed</p> <p>(6) Algemeen General Part</p> <p>(7) Tuis Home</p> <p>(8) Versoek tot oorsake Request for causes</p> <p>(9) Oorsake na Causes after</p> | | |
| <p>Ureëlde oorsake/aktes Unsorted causes/deeds</p> <p>Reëlde Sorted</p> | | | |
| <p>Ureëlde oorsake/aktes Unsorted causes/deeds</p> <p>Reëlde Sorted</p> | | | |
| <p>Ureëlde oorsake/aktes Unsorted causes/deeds</p> <p>Reëlde Sorted</p> | | | |

Kantoor instruksies / Office instructions

Seksie / Section:

14

CTN 014

VANDERSPUY
CAPE TOWN
TEL: 412 2649

Datum van indiening / Date of lodgement

560

LODGED

A VIR AKTIFKANTOOR GEBRUIK / FOR DEPOSIT OFFICE

2013-07-15

LODGED
2013-07-16
INGEDIEN

INGEDIEN

2013

| Ondersoekers / Enquirers | Kamers / Rooms | Skakeling / Linking | Verwagte / Expected | Goedgekeurde / Passed |
|--------------------------|----------------|---------------------|---------------------|-----------------------|
| 1 J. ABRAHAM 111 | | | | |
| 2 P.A. KRIEL 1120 | | L L | | |
| 3 | | | | |

D VIR AKTEBESORGER SE GEBRUIK / FOR CONVEYANCER'S USE

(al As of van / Nature of deed)

Leëre / Empty

T00015012 / 2013

Verk. nr. / Ref. no

TEK / D66T (2)

| Skakeling / Linking | Toetskes, ens. binne / Title deeds, etc. within |
|---------------------|---|
| L | 4554/11 |

OPLYKTYDIGES / SIMULS

| No. in reeks / Code | Kode / Code | Name van partye / Names of parties | Naam van firma / Name of firm | Firma no. / Firm no. |
|---------------------|-------------|------------------------------------|-------------------------------|----------------------|
| 1 | T | Mr. Swart and Ekstein | Van VDS | 14 |
| 2 | BE | Kochner / Absin | Van VDS | 14 |
| 3 | T | " / Ekstein | VDS | 14 |
| 4 | BT | Kochner Ekstein - T | VDS | 14 |

HANDELSREGISTER
14 JUL 2013

REGISTRASIE VERSOEN DEUR
REGISTRATION REQUEST BY
DATUM
DATE



Kopie beskikbaar op wettige manier (maks. maks. 1 in. A.M.N.) - Final description of property correctly done in Deeds

E.F. 2013
Van Bontain

Terblanche Slabber Pieters
Postbus 38, Malmesbury, 7209

Opgeset deur [Handwritten Signature]
Transportbesorger
SSD TERBLANCHE

14

WANDERSKIL
REPL TONN

| WANDERSKIL | | |
|--------------|--------------|--------------|
| Wandernummer | Wandernummer | Wandernummer |
| Wandernummer | Wandernummer | 20000 |
| Wandernummer | Wandernummer | Wandernummer |
| Wandernummer | Wandernummer | Wandernummer |

[Faint stamp]

T000015312/2013

SERTIFIKAAT VAN VERENIGDE TITEL

Uitgereik kragtens die bepaling van Artikel 40 van die
Registrasie van Aktes Wet, Wet 47 van 1937

NADEMAAL

LÖCHNER EKSTEEN TRUST
IT1283/2000

10

aansoek gedoen het om die uitreiking van hom van 'n Sertifikaat van Verenigde Titeel kragtens die bepalinge van artikel 40 van die Registrasie van Aktes Wet, Wet 47 van 1937 en nademaal hy die geregistreerde eienaar is van:

1. RESTANT ERF 193 YZERFONTEIN

In die Swartland Munisipaliteit
Afdeling Malmesbury
Provinsie Wes-Kaap

Gehou kragtens Transportakte T58437/2001

2. ERF 2635 YZERFONTEIN

In die Swartland Munisipaliteit
Afdeling Malmesbury
Provinsie Wes-Kaap

Gehou kragtens Transportakte 800015041/2013

WAT verering is tot die grond hieronder beskryf;

SO is dit dat ingevolge die bepalinge van genoemde Wet, ek, die Registrateur van Aktes te Kaapstad, hierby sertifiseer dat voornoemde

LOCHNER EKSTEEN TRUST
IT1263/2000

Sy Opvolgers of Erfverkrygers nou en voortaan die geregistreerde eienaar is van:

ERF 2537 YZERFONTEIN
IN DIE SWARTLAND MUNISIPALITEIT
AFDELING MALMESBURY
PROVINSIE WES-KAAP

GROOT: 795 (SEWEN HONDERD AGT EN NEGENTIG) VIERKANTE METER

SOOS AANGEDUI op Diagram 4454/2011

I. **WAT BETREFF** die figuur AaF op aangehegde Diagram 4554/2011:

A. **ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte T

000015312 / 2019

B. **ONDERHEWIG VERDER** aan die volgende spesiale voorwaardes vervat in Kroongrondbrief T78/1936, naamlik:

6. "Dat geen gebou op die grond binne vyftien komma sewe vier (15,74) meter van die hoogwatermerk van die see opgerig sal word nie, en dat 'n oop ruimte van 15,74 meter bo die hoogwatermerk van die see vir die ongehinderde gebruik van die publiek wygelaat sal word."

C. **GEREGTIG** kragtens Notariale Akte gedateer 28 April 1937 op sekere regte op water en opsigte van sekere fontein WM aangeeui op die kaart geheg aan die genoemde Notariale Akte en die reg om sodanige water deur middel van 'n buislyn te gelei oor die eiendom gehou kragtens Transportakte T11493/1919 en die Rastant gehou kragtens Sertifikaat van Verenigde Titel T3727/1937 na die eiendom gehou kragtens Transportakte T3728/1937 saam met sekere reg van weg vir doeleindes van onderhoud. Onderhewig aan sodanige voorwaardes soos meer volledig sal blyk uit die afskrif geheg aan Transportakte T11493/1919.

D. **ONDERHEWIG VERDER** aan die voorwaardes dat die grond onderworpe by aan die wetsbeoelings op dorpe, en dat deur hierdie transport geen inbreuk gemaak word op die regte van eienaars van ewe en van ander persone op die openbare plekke wat deel u maak van die getransporteerde gronde nie.

II. WAT BETREFF die figuur ABCDEF op zangeregde Diagram 1554/2011:

A. **ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte T1316/1936

B. **ONDERHEWIG VERDER** aan die volgende spesiale voorwaardes vervat in Kroongrondbrief T78/1936, welke voorwaardes van toepassing is op daardie gedeelte van bogemete grond as wat oorspronklik oecol uitgemaak het van "ANNEX YZERFONTEIN" voorheen gehou kragtens gesegde Kroongrondbrief T78/1936, met nommers 5 en 6 van welke voorwaardes as volg lees:-

5. **Nie onderhewig nie** aan voorwaarde B5 op bladsy 2 van Transportakte T58437/2001 kragtens artikel 53 van die Wysingswet op die Registrasie van Mynitels Wet 24 van 2003

6. "Dat geen goepu op die grond binne vyfien komte sewe vier (15,74) meter van die hoogwatermerk van die see opgerig sal word nie en dat 'n oop ruimte van 15,74 meter bo die hoogwatermerk van die see vrgelaat sal word."

Die ander voorwaardes vervat in Kroongrondbrief T78/1936 het betrekking op en maak voorsiening vir:-

- (a) dat bestaande paaie en deurgange vry en onbelemmerd bly;
- (b) die toekennng van roodwerk en die maak van nuwe paaie;
- (c) die maak van publieke paaie, spoorwee, damme waterleidngs en vore, die aanle van telegraaf- en telefoonlyne en die totstandbring van uitspannings;
- (d) herbesitneming van die gesegde grond of gedeelte daarvan deur die Staatspresident op sekere voorwaardes

C. **ONDERHEWIG VERDER** aan die volgende voorwaardes vervat in Transportakte T1316/1936, opgele deur die Administrateur van die Provinsie Kaap die Goeie Hoop, naamlik:

- (a) **AS SYNDE TEN GUNSTE VAN DIE GEREGISTREERDE EIENAAR VAN 'N ERF IN YZERFONTEIN DORP**
 - 1. Dat die erf uitsluitlik vir besigheidsdoelendes gebruik mag word
 - 2. Dat die erf nie onderverdeel mag word nie.
 - 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 soeffront

(b) AS SYNDE TEN GUNSTE VAN DIE PLAASLIKE OWERHEID

1. Dat die eienaar van elke erf, insluitende die Applikant vir die totstandbringing van die dorp of sy opvolgers, verplig sal wees om die dreinerings en riolering van enige ander erf of erwe oor sy erf te laat lê, indien dit nodig geag word deur die plaaslike owerheid, en op sulke wyse en in sulke reëling as wat van tyd tot tyd deur die plaaslike owerheid vereis mag word.

D. ONDERHEWIG VERDER aan die volgende voorwaardes vervat in Transportakte T1316/1938, opgelê deur die dorpsreëlaars - YZERFONTEIN SEASIDE ESTATES PROPRIETARY LIMITED - ten gunste van hulself solank as hulle erwe eien in YZERFONTEIN DORP en ten gunste van enige plaaslike owerheid wat in die lewensperioodes mag word te YZERFONTEIN DORP en enige geregistreerde eienaar van 'n erf in YZERFONTEIN DORP naamlik:

- (1) Dat geen gebou op 'n erf opgerig mag word nie, totdat die planne en spesifikasies daarvan voorgelê is aan en goedgekeur is deur die maatskappy, of in geval 'n plaaslike owerheid tot stand gebring word te YZERFONTEIN DORP deur sulke plaaslike owerheid.

E. ONDERHEWIG VERDER aan 'n lewenslange vruggebruik ten gunste van Anna Sara Magdalena Eksteen, identifikasienommer: 400719 0035 08 1, getroud buite gemeenskap van goedere.

EN DAT, kragtens hierdie Sertifikaat, genoemde

LOCHNER EKSTEEN TRUST
IT1263/2000

Sy Opvolgers in Amp of Regverkygendes, nou en voortaan daartoe geregtig is ooreenkomstig plaaslike gebruik, maar behoudens die regte van die Staat.

TEN BEWYSE waarvan ek, voornoemde Registrateur, hierdie Akte onderteken en dit met die Ampsoël bekragtig het.

ALDUS GEDOEN en GETEKEN op die kantoor van die Registrateur van Aktes te
KAAPSTAD op hede die

2

dag van

April 2012

♂

REGISTRATEUR VAN AKTES

14

VANDERSPIJ
CAPE TOWN

Opgestel deur my,

TRANSPORTBESORGER
TERBLANCHE S&D

**AANSOEK INGEVOLGE ARTIKEL VEERTIG VAN DIE
REGISTRASIE VAN AKTES WET 47 VAN 1937**

Ek, die ondergetekende

Anna Sara Magdalena Eksteen in my hoedanigheid as trustee van behoorlik hiertoe gemagtig kragtens meestersertifikaat uitgereik deur die Meester van die Hoë Hof te Kaapstad op 14 November 2002 namens

LOCHNER EKSTEEN TRUST
IT1263/2000

doen hiermee aansoek vir die uitbreiking van n seerlikaat van verenigde tite/ ingevolge artikel 40 van die Registrasie van Aktes Wet 47 van 1937 ten opsigte van

1. **RESTANT ERF 193 YZERFONTEIN**
In die Swartland Munisipaliteit
Afdeling Malmesbury
Provinsie Wes-Kaap

Groot: 781 (sewe honderd een en tagtig) vierkante meter

Gehou kragtens Transportakte T56437/2001

2. **ERF 2635 YZERFONTEIN**
In die Swartland Munisipaliteit
Afdeling Malmesbury
Provinsie Wes-Kaap

Groot: 17 (sewentien) vierkante meter

Soos bandedui op Diagram 4552/2011

Gehou kragtens Transportakte

wat veran g is to:

ERF 2537 YZERFONTEIN
 In die Swart and Munisipaliteit
 Afdeling Malmesbury
 Provinsie Wes-Kaap

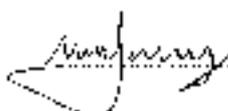
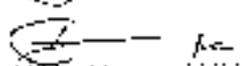
Groot: 798 (sewe honderd agt en negentig) vierkante meter

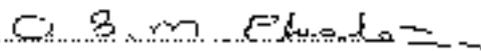
Soos aangedui op Diagram 4554/2011

Gehou kragtens Sertifikaat van Verenigde Titel T

GETEKEN te **MALMESBURY** op 18 NOVEMBER 2012

AS GETUIES:

1. 
2. 


 ASM Eksteen namens
 Lochner Eksteen Trust

PREPARED BY : DRSC06108 - HEDGEMAN PHILIPPE

TRACK NUMBER : 00000290968

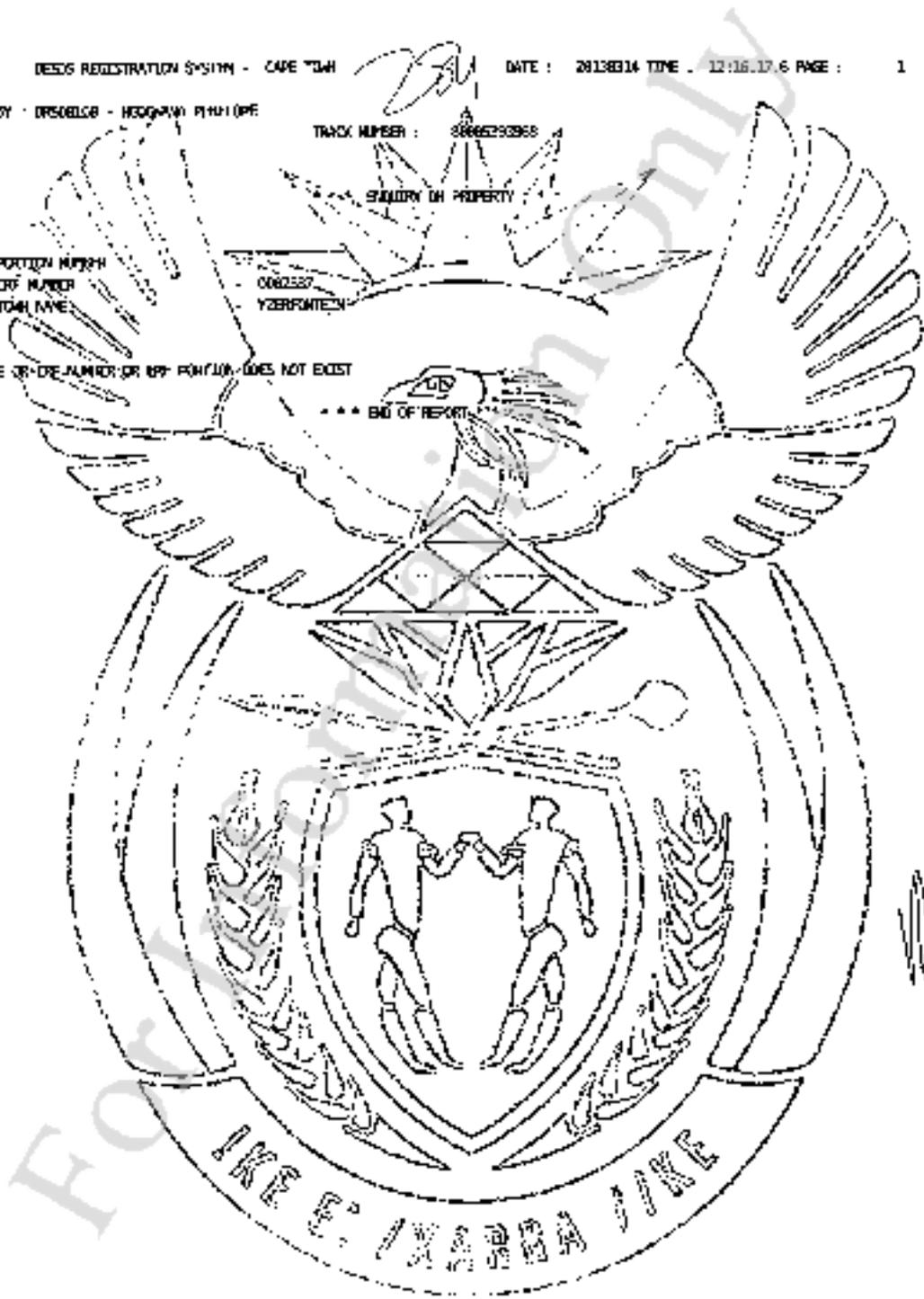
STATUS ON PROPERTY

PORTION NUMBER
OR NUMBER
TOWN NAME

0002587
YZERFONTEIN

TOWN NAME OR DEPARTMENT OR RFP PORTION DOES NOT EXIST

*** END OF REPORT ***



3

1

Yellow from

Extending down uncorrected

bottom page PA. KRIEL 1153

Handwritten signature

Done

PA. KRIEL 1153

2

Ledge did 1 page

2 !!! Handwritten signature

3

Number all

205-46-201
AED/SHAMS/114
Handwritten signature

Seed.

TEL 02127 2014-20111/1111111111

TEL 02127 2014-20111/1111111111

TEL 02127 2014-20111/1111111111

BRIEF TER TOESTEMMING

Die Bouinspekteur
Plasidke Oorgangsraad
Postbus 1
YZERFONTEIN
7351

Geagte Mnr. de Jongh

Ek, die geregistrerde owerneur van Erf. Nr. 332
in Yzerfontein by die straatadres 9 de Straat
Gerigsk deur die aansoek deur die eienaars van Erf. nr. 193 in Ode Straat Yzerfontein.

Hiermee ~~wie~~ ek, gee ek my toestemming tot die vergunning van 'n "Grono Flat" t.o.v. Huis
Eksteen op Erf. Nr. 193 in Ode Straat Yzerfontein.

Besluit:

Geteken: Mari Donaghi Datum: 26.2.99
Volle Naam (Hoofletters): MARIA MAGDALENA DONAGHI ANDEL
Adres: Postbus 82
SALDANHA
7395
Telefoon Nommter: 022 - 714410 (H)

Posbus 82
SALDANHA
7395

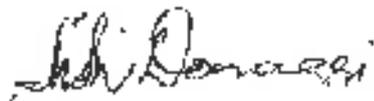
9 Februarie 1999

Hoof Uitvoerende Beampte
Oorgangeraad
YZERFONTEIN

Meneer

Ons het geen besware teen die voorgenoemde verbeteringe aan die geboue op erf
193 te 9 de Laan Yzerfontein nie.

Groete



M.M. Donaggi

Erf 332.

2 September 1998

Mnr. ASM Eksteen
Posbus 123
PIKETBERG
7320

Geagte Meneer

AANSOEK: (1) WYSIGINGS AAN WOONHUIS (2) OMSKEPPING VAN BUIITEGEBOU

Met verwysing na bogenoemde, net die volgende:

1. Die aansoek om wysigings aan die woonhuis word hiermee goedgekeur onderhewig aan die volgende versoek:

U moet uself vergewis dat die houtdek oor die nodige draakrag en stabiliteit beskik om die beplande hoeveelheid gaste te akkommodeer. Daar word voorgestel dat daaraan gedink word om maontlik voorsiening te maak vir dwarswalke tussen die stutpilare vir ekstra stabiliteit.

2. Ten einde 'n finale besluit te kan neem rakende die omskepping van die buitegeboue, word 'n afskrif van u titelakte verlang. Sodra dit ontvang word, sal die aangeleentheid verder gevoer word.

Die uwe



M de V MÜLLER
HOOF UITVOERENDE BEAMPTE



Yzerfontein

OORGANGSRAAD • TRANSITIONAL COUNCIL

Hooftweg 46 Main Road 7311 Yzerfontein, 7351 ☎ 022-45-2582/300 ✆ 022-45-451

Riglynselng die komsprekers van die Oorgangsrade • Please address all correspondence to the Executive Officer

AANSOEK OM GOEDKEURING VAN BOUPLAN

(HIERDIE AANSOEK MOET TEN VOLLE VOLTOOI WEES EN DEUR DIE EIENAAR OF GEMAGTIGDE ONDERTEKEN WORD)

ERE NOMMER..... 193 STRAATADRES STRANAWEG

EIENAAR A.S.M. EKSTEEN POSADRES POSBUS 123

PIKETBERG

..... KODE 7320

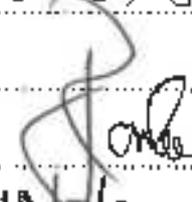
TEL. NOMMER..... 02624 841

SOORT BOUWERK OF TIEPE GEBOU WAT OPPERIG GAAN WORD:.....

OMSKEPPING VAN BUTEERGEBOUE NA WOONEENHEID

OPPERVLAK VAN NUWE GEBOU/AANBOUING..... ~~2576~~ 27.56

BERAAMDE KOSTE VAN BOUWERK..... 44096.00

✓ HANDTEKENING VAN GEREgistREERDE EIENAAR..... 

DATUM..... 19/8/98

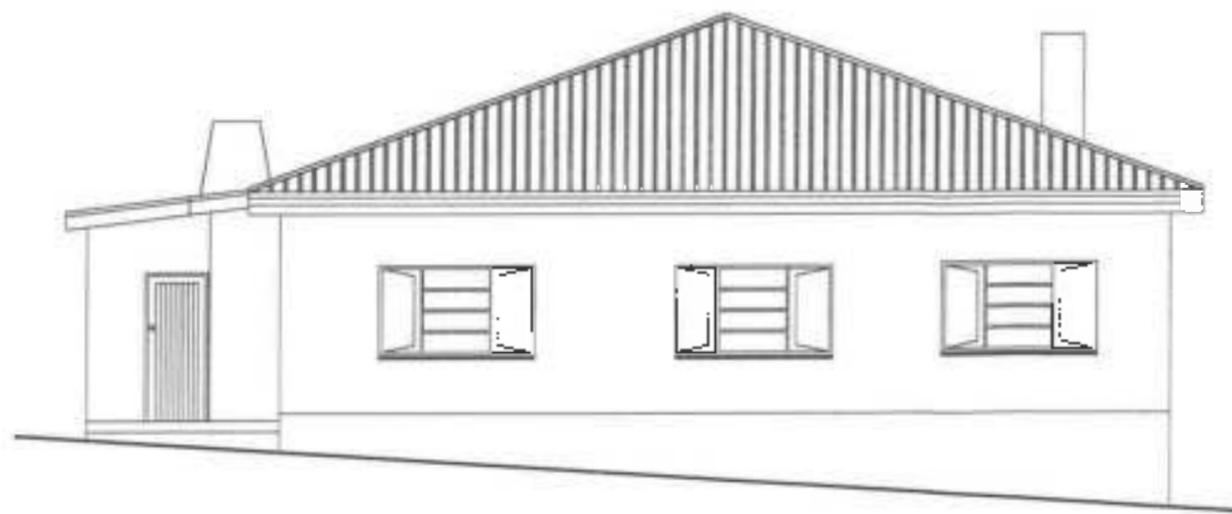
SLEGS VIR KANTOOR GEBRUIK

BOUPLANFOOL..... 115.00 DATUM GOEDGEKEUR/AFGEKEUR.....

KWITANSIE NR..... 18048 DATUM GOEDGEKEUR/AFGEKEUR.....

DATUM..... 19/08/98 DATUM GOEDGEKEUR/AFGEKEUR.....

PLANNOMMER..... DATUM GOEDGEKEUR/AFGEKEUR.....



OOS AANSIG
1:100



WES AANSIG
1:100

JOHANN ROURKE
Pr.Tog.Ing.

Posbus 16
Yzerfontein
7351

Flamingolaan 21
Tel 02245 383
Faks 02245 383

NOTAS

NASIONALE HOUREGULASIES IS VAN TOEPASSING.

KONS, RUCKSIE

| | |
|-----------|-------------------------|
| ONDASLES | 20 Mpa BTJON |
| VLOERE | HOFTVLOERE |
| BEDEKKING | NVI |
| BUTEMURE | BAKSTENE EN PLEISTER |
| BINNEMURE | BAKSTEN EN PLEISTER |
| BUITDEURE | HOFTFRAME EN DEURE |
| BINNDEURE | HOFTFRAME MET HOFTDEURE |
| VENSTERS | HOFTFRAME |

DAKKONSTRUKSIE

| | |
|-------------|----------------------------|
| HELLING | 20 GRADE |
| BEDEKKING | VESEL SEMENT |
| DAKKRAERS | 150*50mm @ 1,5m HA |
| DAKKAPPE | 115*40mm @ 1,5m HA |
| DAKLATTE | 75*50mm @ 1,0m HA |
| PLAFONLATTE | 40*40mm @ 460mm HA |
| PLAFONNE | HERCULITE |
| GEITE | ITALFROND VERSELMENT 100mm |
| AFLEIPIE | ROND VERSELMENT 100mm |

RIOLERING

| | |
|---------------|------------------------------|
| PYPMATERIAAL | ERDEPYP |
| PYPDEURSNEE | 100mm |
| HELLING | MINIMUM 1:60 |
| GRONTOEKKING | MINIMUM 450mm |
| STUKKOOG | BY ELKE RICHTINGSVERANDERING |
| INSPEKSIETOEG | BY ALLE AANSLUITINGS |

"SOOS GEBOU"

A.S.M. EKSTEEN

 TEL 02624 841

| OPPERVLAKTES | |
|--------------|----------|
| WOONHUIS | 200,0 m² |
| BUITEGEBOU | 54,8 m² |
| MOTORHUIS | 12,1 m² |
| AFLIJDWALOK | 10,9 m² |
| RONDWAL | 8,3 m² |
| TOTAAL | 286,1 m² |

WOONHUIS

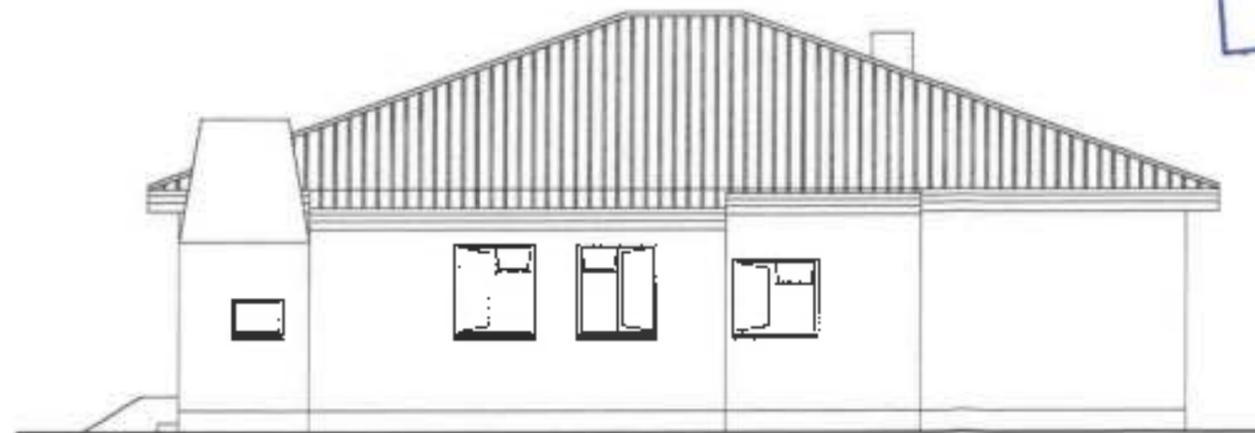
OOS- EN WES AANSIGTE

ERF 193
YZERFONTEIN

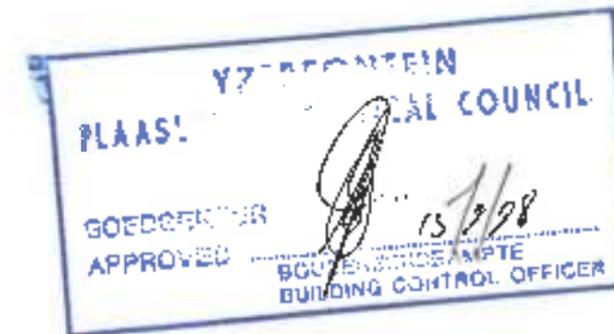
PLAN 193A
VEL 1 VAN 9



NOORD AANSIG
1:100



SUID AANSIG
1:100



JOHANN ROURKE
Pr. Teg. Ing.

Posbus 16
Yzerfontein
7351

Flamingolaan 21
Tel 02245 383
Faks 02245 383

NOTAS

NASIONALE BOUREGULASIES IS VAN TOEPASSING.

KONSTRUKSIE

| | |
|-----------|------------------------|
| FONDASIES | 30 Mpa BETON |
| VLOERE | TROITVLOERE |
| BEDEKTING | NVI |
| BUITEMURE | BAKSTENE EN PLEISTER |
| BINNEMURE | BAKSTONE EN PLEISTER |
| BULIEDOOR | HOUTRAME EN DOOR |
| BINNEDOOR | HOUTRAME MET HOULDOERS |
| VENSTERS | HOUTRAME |

DAKKONSTRUKSIE

| | |
|------------------------|-----------------------------|
| TILTING | 20 GRAAD |
| BEDEKTING VESELSLEMENT | TROIT SIK PROFIEL |
| DAKDRAERS | 150*50mm @ 1,5m HA |
| DAKKAPPE | 115*40mm @ 1,5m HA |
| DAKLATTE | 75*50mm @ 1,0m HA |
| PLAFONLATE | 40*40mm @ 400mm HA |
| PLAFONNE | TETROJLITE |
| GRUTT | TALFRONT VESELSLEMENT 100mm |
| ATLEPPYF | ROND VESELSLEMENT 100mm |

ROOFRING

| | |
|---------------|-----------------------------|
| PYPMATRIAAL | BRDEPPYF |
| PYPDEURSNEE | 100mm |
| HELLING | MINIMUM 1:60 |
| GRONDEKKNING | MINIMUM 450mm |
| STUKKOOG | BY ELKE RIGTINGSVERANDERING |
| INSPEKSIEMOOG | BY ALLE AANSLUITINGS |

"SOOS GEBOU"

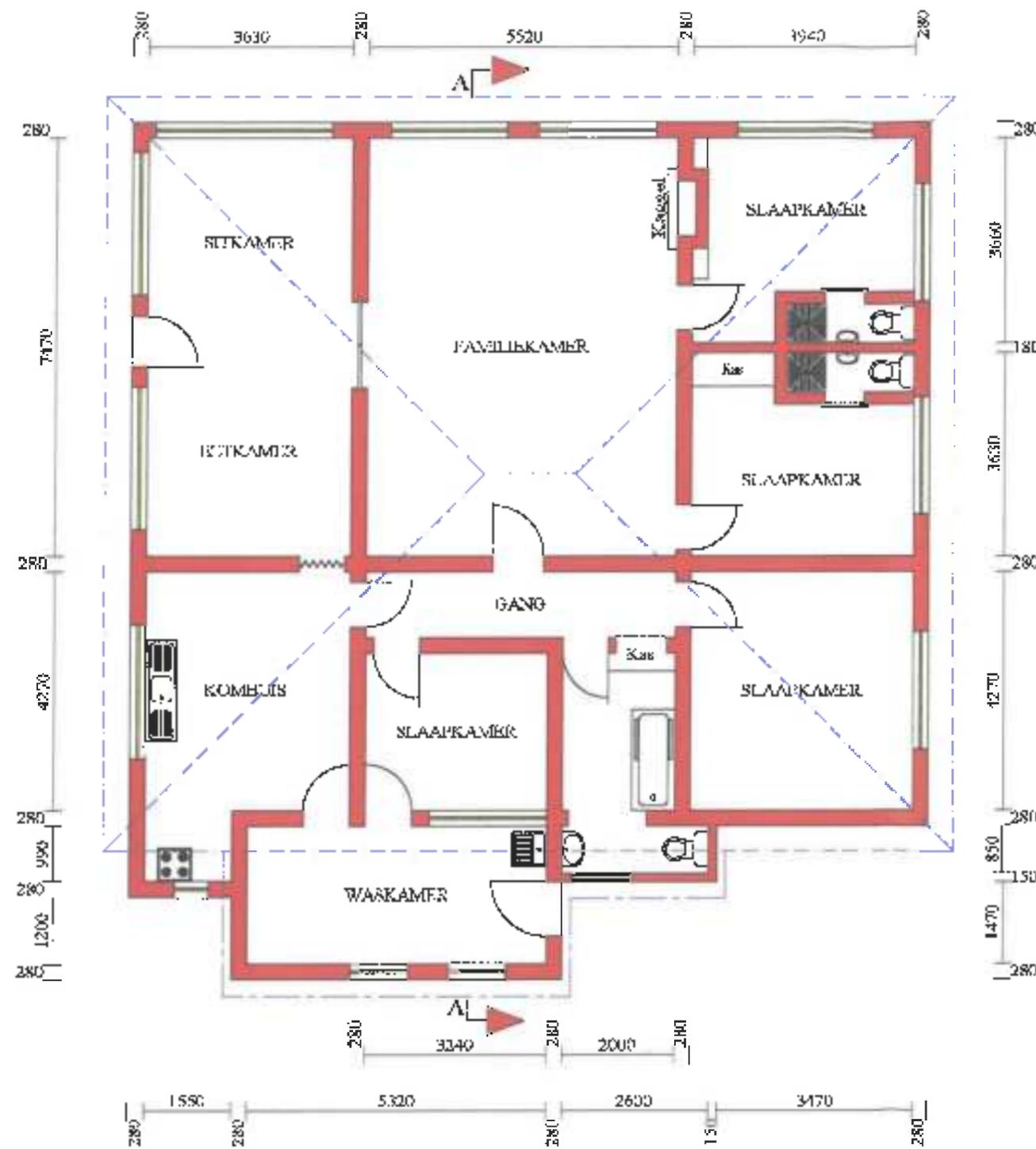
| | |
|-----------------|--------------------------------|
| V.A.S.M. EKSTEN | OPPERVLAKTES |
| <i>Jake</i> | WOONHUIS 300,0 m ² |
| TEL 02624 841 | BOUWGEDOUG 54,8 m ² |
| | MOTORIUS 42,4 m ² |
| | ARJUSSTRUK 10,9 m ² |
| | RONDVEL 8,5 m ² |
| | TOTALE 316,4 m ² |

WOONHUIS

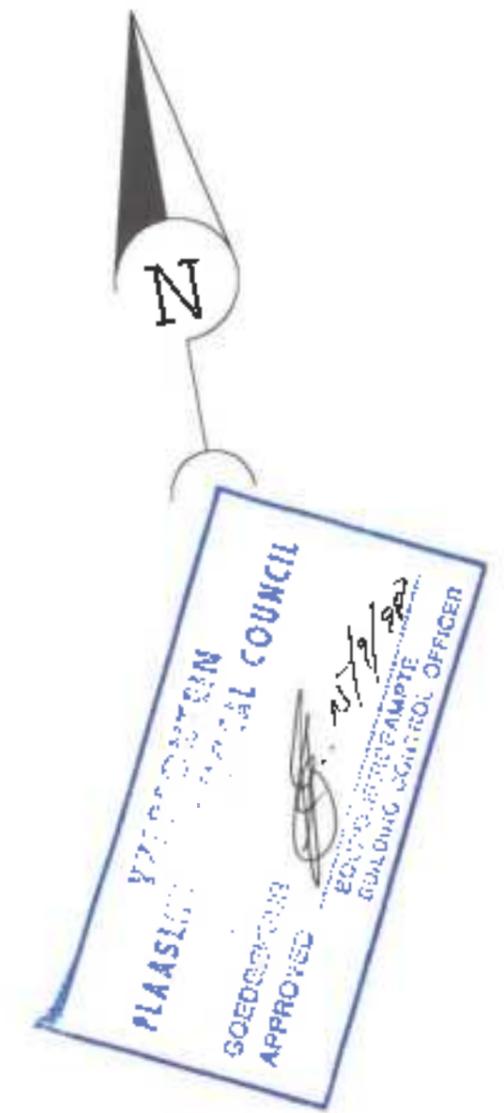
NOORD- EN SUID AANSIGTE

ERF 193
YZERFONTEIN

PLAN 193B
VHL 2 VAN 9



WOONHUISPLAN
1:100



JOHANN ROURKE
Pr. Teg. Ing.

Posbus 16
Yzerfontein
7351

Flamingolaan 21
Tel 02245 383
Faks 02245 383

NOTAS
NATIONALE BOUWREGULASIES IS VAN TOEPASSING.

KONSTRUKSIE

| | |
|------------|------------------------|
| PONDASIES | 20 Mpa BEÏON |
| VLOERIS | HOUTVLOERIE |
| BEDEKING | KVT |
| WITTEMURIE | BAKSTENE EN PLEISTER |
| BINNEMURE | BAKSTENE EN PLEISTER |
| BUITEDEURE | HOUTRAME EN DEURE |
| BINNEDEURE | HOUTRAME MET HOUTDOURR |
| VINSTRIS | HOUTRAME |

DAKKONSTRUKSIE

| | |
|------------------------|------------------------------|
| HELLING | 20 GRADJ |
| BEDEKING VESTI. SEMENT | "BIG SIX" PROFIEL |
| DAKDRAGERS | 150*50mm @ 1,5m HA |
| DAKKAPPE | 115*40mm @ 1,5m HA |
| DAKLATTE | 75*50mm @ 1,0m HA |
| PLATONLATTE | 40*40mm @ 460mm HA |
| PLAONNE | HERCULITE |
| GEULE | HALFROND VESTI. SEMENT 100mm |
| AFLEIPTYE | ROND VESTI. SEMENT 100mm |

ROLERING

| | |
|---------------|------------------------------|
| PYPMATERIAAL | TRIDEPYP |
| PYPDIKSNITE | 100mm |
| LEIENING | MINIMUM 1:60 |
| GRONDBEKKING | MINIMUM 450mm |
| STEEKKOP | RY TUKT. RIGTINGSVERANDERING |
| INSPEKSIEMOOG | BY ALLE AANSLUITINGS |

"SOOS GEBOU"

| | |
|---------------------------------------|--|
| U.A.S.M. EKSTEEN TEL 02624 841 | OPPERVLAKTES WOONHUIS 200,0 m ² HUISEKSTEE 54,8 m ² MOTOREKSTEE 13,1 m ² ADLUSKLOK 10,9 m ² RONDAWEL 8,3 m ² TOTAAL 264 m² |
|---------------------------------------|--|

WOONHUIS

VLOERPLAN

| | |
|------------------------|--------------------------|
| ERF 193 YZERFONTEIN | PLAN 193C VEL 3 VAN 9 |
|------------------------|--------------------------|

JOIANN ROURKE

Pr. Teg. Ing.

Posbus 16
Yzerfontein
7351

Flamingolaan 21
Tel 02245 383
Faks 02245 383

NOTAS

NASIONALE HOUREGULARIES IS VAN TOEPASSING.

KONSTRUKSIE

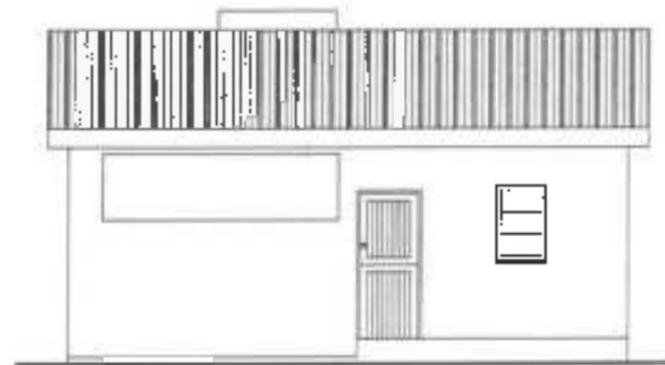
| | |
|------------|------------------------|
| FONDASES | 20 Mpa BETON |
| VLOERE | 10 Mpa BETON |
| BEDEKKING | GIJEN |
| BUITERMURE | BAKSTONE EN PUIJSTER |
| BINNEMURE | BAKSTENT EN PUIJSTER |
| BUITEDOURE | HOUTRAMD EN DEURE |
| BINNEDOURE | HOUTRAMD MET HOUIDEURE |
| VINDERS | HOUTRAME |

DAKKONSTRUKSIE

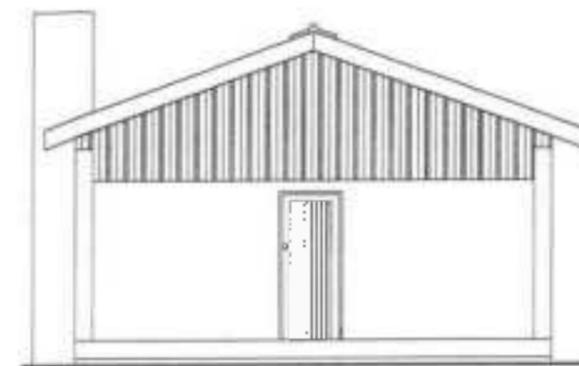
| | |
|-------------|---------------------------------|
| HELLING | 20 GRADE |
| BEDEKKING | VESELSSEMEN 1 "TIG SIX" PROFIE. |
| DAKDRAERS | 150*50mm @ 0,82m HA |
| DAKKAPPE | 115*40mm @ 0,82m HA |
| DAKTATTE | 75*50mm @ 0,6m HA |
| PLAFONLATIE | 40*40mm @ 460mm HA |
| PLAFONNE | BERCULITE |
| GEUTE | GEEN |
| AFWATERING | GEEN |

ROOFING

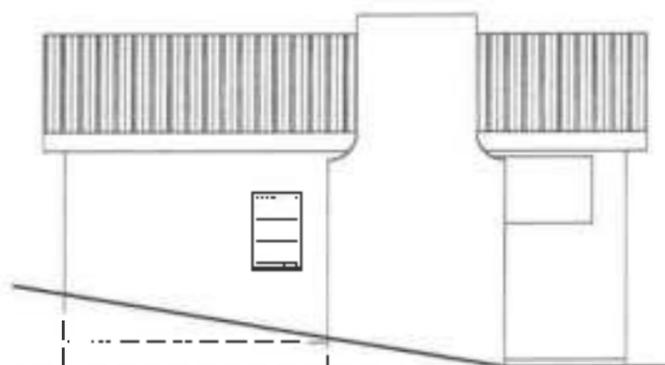
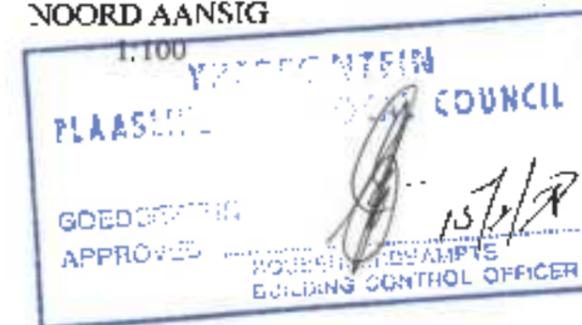
| | |
|---------------|-----------------------------|
| PYPMATERIAAL | ERDEPYP |
| PYPDIEURSNEE | 100mm |
| HELLING | MINIMUM 1:60 |
| GRONDDIEKTING | MINIMUM 450mm |
| STREKOD | BY ELKE RIGTINGSWYKANTERING |
| INSPEKSELOOG | BY ALLE AANSIGTINGS |



WES AANSIG
1:100



NOORD AANSIG



OOS AANSIG
1:100



SUID AANSIG
1:100

"SOOS GEBOU"

| | |
|---|---------------------|
| V.A.S. M. MEKSTEEN TEL 02624 841 | OPPERVLAKTES |
| | WOLVHUIS 200,0 m² |
| | BUITEGEBOU 54,8 m² |
| | WATERHUIS 42,4 m² |
| | ANDERES 10,9 m² |
| RONDWAG 82,3 m² | |
| TOTAAL 346,1 m² | |

BUITEGEBOU

AANSIGTE

TRF 193
YZERFONTEIN

PLAN 193D
VEL. 4 VAN 9

JOHANN ROURKE
Pr. Teg. Ing.

Posbus 16
Yzerfontein
7351

Flamingolaan 21
Tel 02245 383
Faks 02245 383

NOTAS

NASIONALE BOUWREGULASIES IS VAN TOEPASSING.

KONSTRUKSIE

| | |
|-----------|----------------------|
| FONDASIES | 20 Mpa BETON |
| VLOERS | 10 Mpa BETON |
| WEGWEG | GEEN |
| BUITEMURE | BAKSTENE EN PLEISTER |
| BINNEMURE | BAKSTENE EN PLEISTER |
| WEGWEG | HOUTRAAM EN DEURE |
| BINNEMURE | HOUTRAAM MET HOUTWOL |
| VENSTERS | HOUTRAAM |

DAKKONSTRUKSIE

| | |
|------------------------|--------------------|
| HELDING | 28 GRADE |
| BEDEKKING VERSTREKMENT | "BIG SIX" PROFIEL |
| DAKRATERS | 150*50mm @ 1,5m HA |
| DAKCAPPE | 115*40mm @ 1,5m HA |
| DAKLATTE | 115*40mm @ 1,2m HA |
| PLAFONLATTIE | GEEN |
| PLAFONNE | GEEN |
| GEWEL | GEEN |
| AFLIETTYPE | GEEN |

RIOLERING

| | |
|---------------------------------------|----------------------|
| PYPMATERIAAL | TRIPYP |
| PYPDURSNET | 100mm |
| HELDING | MINIMUM 1:60 |
| GRONDDIEPTING | MINIMUM +30mm |
| S. WEGWEG BY ELKE RIGTINGSVERANDERING | |
| INSPEKSIETOG | BY ALLE AANSLUITINGS |

"SOOS GEBOU"

| A.S.M. EKSTEEN | OPPERVLAKTES |
|--|-----------------------|
|  TEL 02624 841 | WOONHUIS 200,0 m² |
| | BLITSGERIEU 54,8 m² |
| | WATERSHUIS 42,4 m² |
| | ABLUSIEG. OOR 10,0 m² |
| | KONDAWEL 8,3 m² |
| TOTAAL | 316,4 m² |

MOTORIÛS

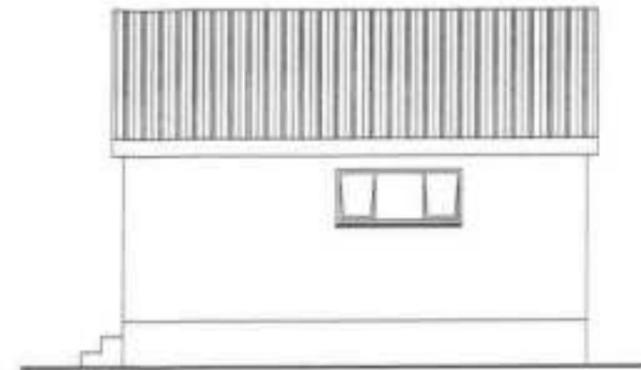
AANSIGTE

ERF 193
YZERFONTEIN

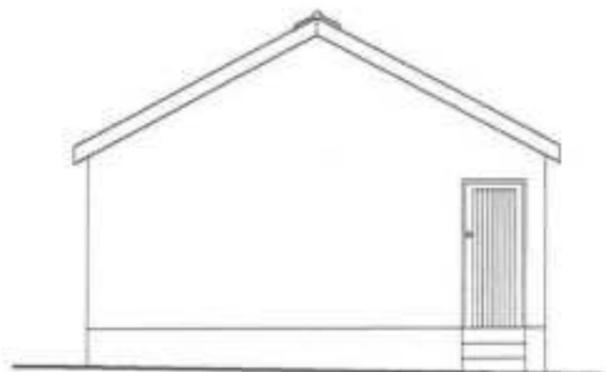
PLAN 193E
VEL 5 VAN 9



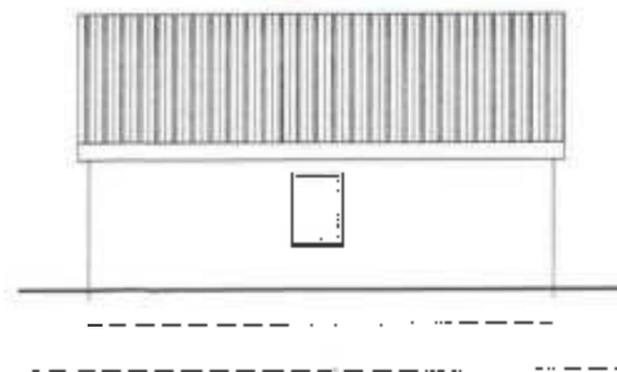
WES AANSIG
1:100



NOORD AANSIG
1:100



OOS AANSIG
1:100



SUID AANSIG
1:100

JOHANN ROURKE
Pr. Teg. Ing.

Posbus 16
Yzerfontein
7351

Flamingolaan 21
Tel 02245 383
Faks 02245 383

NOTAS

NASIONALE BOUWREGULASIES IS VAN TOEPASSING.

KONSTRUKSIE

| | |
|-----------|----------------------|
| FONDASIES | 20 Mpa BITTON |
| VLOERE | 10 Mpa BITTON |
| BEDEKKING | NVT |
| BUITEMURE | BAKSTONE EN PLEISTER |
| BENNEMURE | BAKSTONE EN PLEISTER |
| DEURE | HOUTRAAM MET HOUDURE |
| VENSTERS | HOUTRAAM |

DAKKONSTRUKSIE

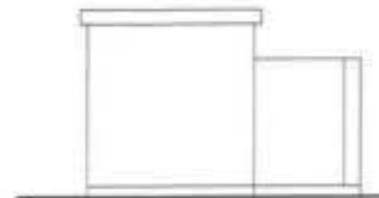
| | |
|-------------|------------------------------|
| STUJING | 20 GRADE |
| BEDEKKING | VESELEMENT "BIG SIX" PROFIT. |
| DAKRAFS | NVT |
| DAKKAPPEL | GEEN |
| DAKLATIE | 75*75mm @ 1,0m HA |
| PLAFONLATIE | GEEN |
| PLAFONNIE | GEEN |
| GRITTE | GEEN |
| WINDPIEPE | GEEN |

ROOLING

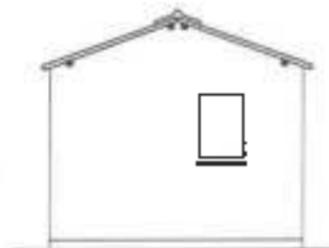
| | |
|---------------|-----------------------------|
| WYPMATERIAAL | ERDEPYP |
| WYDDEURSNEE | 100mm |
| HELDING | MINIMUM 1:60 |
| GRONDDEKING | MINIMUM 150mm |
| STREKHOOG | BY ELKE RIGTINGSVERANDERING |
| INSPEKSIEMOON | BY ALLE AANSLUUITINGS |



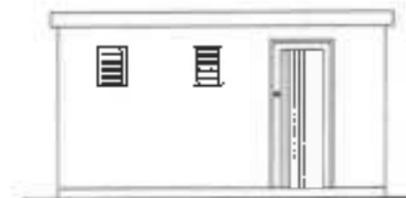
WES AANSIG
1:100



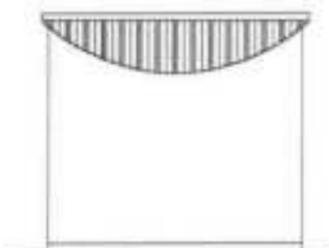
WES AANSIG
1:100



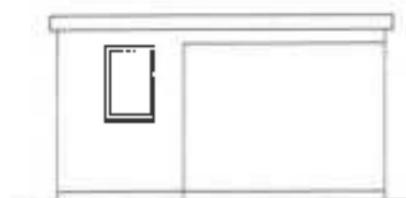
OOS AANSIG
1:100



NOORD AANSIG
1:100



SUID AANSIG
1:100



SUID AANSIG
1:100



"SOOS GEBOU"

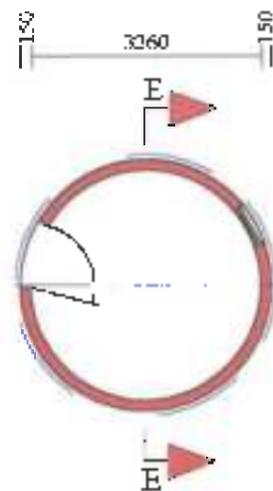
| A.S.M. EKSTEEF | OPPERVLAKTES | |
|-------------------|----------------|----------|
| TEL 02624 841 | WAGTELIS | 100,0 m² |
| | BUITERWAGTELIS | 54,8 m² |
| | WAGTELIS | 42,4 m² |
| | RONDWAGTELIS | 10,9 m² |
| | TOTAAL | 218,1 m² |

ABLUSIEBLOK EN RONDWAGTELIS

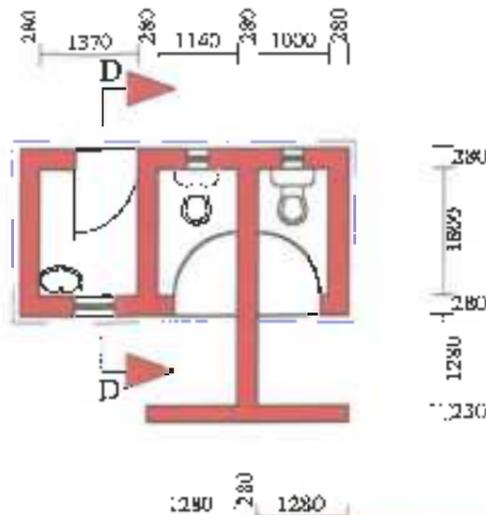
AANSIGTE

ERF 193
YZERFONTEIN

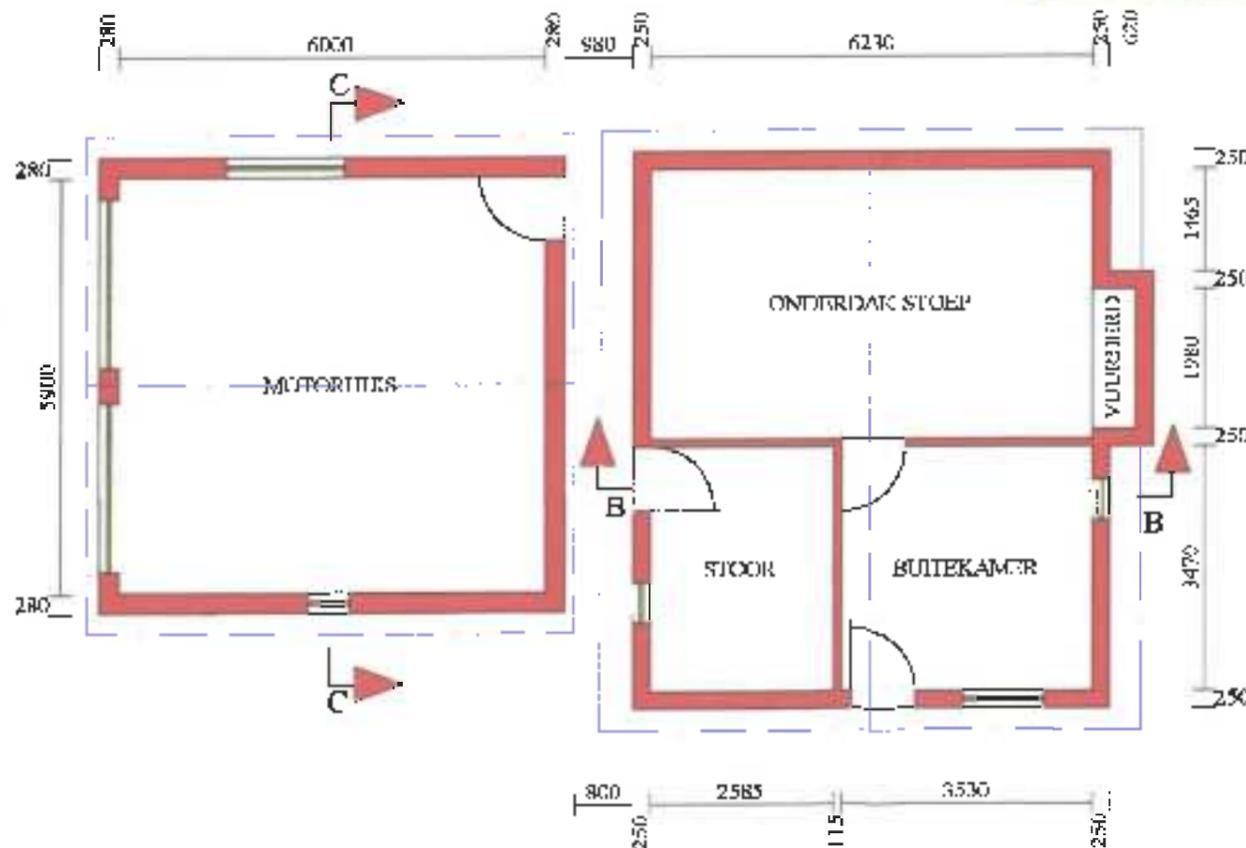
PLAN 193F
VEL 6 VAN 9



RONDAWEL
1:100



ABLUSIEBLOKPLAN
1:100



MOTORHUISPLAN
1:100

BUIEGEBOUPLAN
1:100

JOHANN ROURKE
Pr. Teg. Ing.

Posbus 16
Yzerfontein
7351

Flamingolaan 21
Tel 02245 383
Faks 02245 383

NOTAS

NASIONALE BOUWREGULASIE IS VAN TOEPASSING.

KONSTRUKSIE

| | |
|------------|------------------------|
| WONDASIES | 20 Mpa BETON |
| VLOERE | 10 Mpa BETON |
| BEDEKTING | NVT |
| BUITEMURE | BAKSTONE EN PLEISTER |
| BINNEMURE | BAKSTONE EN PLEISTER |
| BULTEDEURE | HOUTRAME EN DEURE |
| BINNEDURE | HOUTRAME MET HOULDEURE |
| WINDERS | HOUTRAME |

DAKKONSTRUKSIE

| | |
|------------------------|--------------------|
| HELLING | 20 & 28 GRADE |
| WINDDEKING VERSELEMENT | "BIG STY" PROFIE. |
| DAKDRAERS | 150*50mm @ 1,5m HA |
| DAKKAPPE | 115*40mm @ 1,5m HA |
| DAKLAFTE | 75*75mm @ 1,0m HA |
| PLASONLATE | 40*40mm @ 400mm HA |
| PLAFONNE | TITRUCIETTE |
| GEUTE | GEEN |
| ATLEGGING | GEEN |

RIGLEIING

| | |
|---------------|-----------------------------|
| PYPMATERIAAL | BRUIEPYP |
| PYPDEKSTREE | 100mm |
| HELLING | MINIMUM 1:60 |
| GRONDDEKING | MINIMUM 450mm |
| STIEKROEG | BY ELKE RIGTINGSVERANDERING |
| INSPEKSIEROEG | BY ALLE AANSLUITINGS |

"SOOS GEBOU"

A.S.M. EKSTEEN
J. Rourke
TEL 02624 841

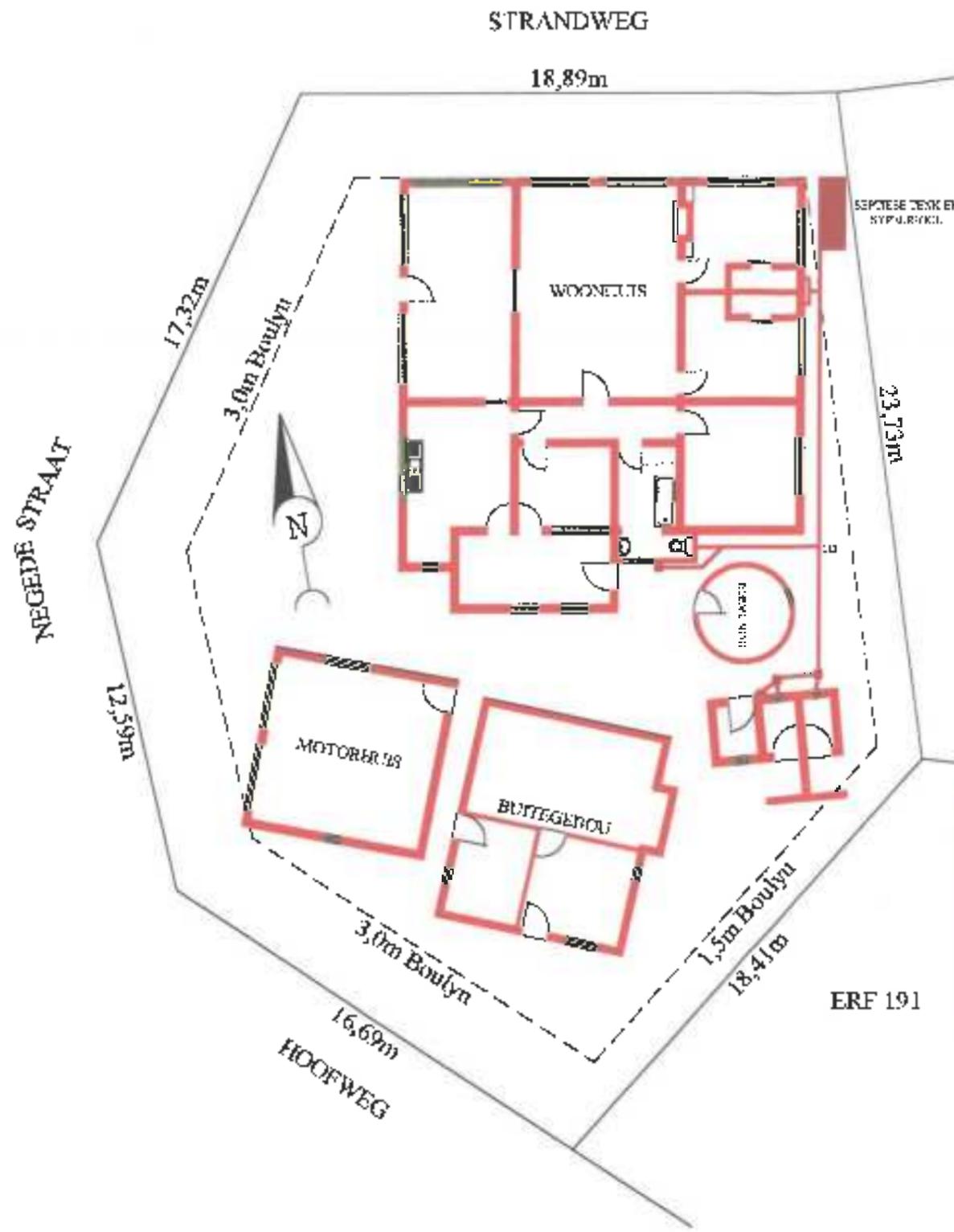
| OPPERVLAKTES | |
|--------------|----------------------|
| WONHUIS | 200,0 m ² |
| BUIEGEBOU | 54,8 m ² |
| MOTORHUIS | 42,4 m ² |
| ABLUSIEBLOK | 10,9 m ² |
| RONDAWEL | 8,5 m ² |
| TOTAAL | 316,6 m ² |

BUIEGEBOU

VLOERPLAN

ERF 193
YZERFONTEIN

PLAN 193G
VEL 7 VAN 9



TERREINPLAN
1:200

YZERFONTEIN
PLAASLIK OORDEELINGSRAAD
COUNCIL

GOEDGEKEND
APPROVED

15/9/98

ROOIBERENKAMP 12
BUILDING CONTROL OFFICER

JOHANN ROURKE
Pr. Teg. Ing.

Posbus 16
Yzerfontein
7351

Flamingolaan 21
Tel 02245 383
Faks 02245 383

NOTAS
NATIONALE BOUSEGLASIES IS VAN TOEPASSING.

KONSTRUKSIE:

| | |
|-------------|------------------------|
| TONDASIES | 20 Mpa BETON |
| VLOERE | BETON- & HOUTVLOER |
| BEDEKING | NVT |
| WITTEMURE | SAKSTENE EN PLEISTER |
| BINNEMURE | SAKSTENE EN PLEISTER |
| BULDEURE | HOUTRAME EN DEURE |
| BINNENDEURE | HOUTRAME MET HOUTDEURE |
| WINDERS | HOUTRAME |

DAKKONSTRUKSIE:

| | |
|-------------|-----------------------------|
| HELLING | 20 & 28 GRADIE |
| BEDEKING | VESELSEMENT |
| DAKRAERS | 150*50mm @ 1,5m HA |
| DAKKAPPE | 115*40mm @ 1,5m HA |
| DAKLATTE | 75*50mm @ 1,0m HA |
| PLATONLATTE | 40*40mm @ 400mm HA |
| PLATONNE | HERCULITE |
| GEUTE | ITALFRONT VESELSEMENT 100mm |
| AFLOPPE | ROND VESELSEMENT 100mm |

ROOFING

| | |
|--------------|------------------------------|
| PYPMATERIAAL | ERDEPYP |
| PYPMATERSNEE | 100mm |
| HELLING | MINIMUM 1:60 |
| GRONDDEKING | MINIMUM 450mm |
| STEEKOOG | BY 12,5% RIGTINGSVERANDERING |
| INSPEKSHOOG | BY ALLE AANSJITTINGS |

"SOOS GEBOU"

| | | | | | | | | | | | | |
|---|--|----------|----------------------|-----------|---------------------|-----------|---------------------|------------|---------------------|----------|--------------------|--------|
| V.A.S.M. EKSTEEN <i>Jak</i> TEL 02624 841 | OPPERVLAKTES | | | | | | | | | | | |
| | <table border="1"> <tr> <td>WOONHUIS</td> <td>200,0 m²</td> </tr> <tr> <td>BUIEGEBOU</td> <td>54,8 m²</td> </tr> <tr> <td>MOTORHUIS</td> <td>62,4 m²</td> </tr> <tr> <td>ABLUSKAMER</td> <td>10,0 m²</td> </tr> <tr> <td>RONDAVEL</td> <td>8,5 m²</td> </tr> <tr> <td>TOTAAL</td> <td>335,4 m²</td> </tr> </table> | WOONHUIS | 200,0 m ² | BUIEGEBOU | 54,8 m ² | MOTORHUIS | 62,4 m ² | ABLUSKAMER | 10,0 m ² | RONDAVEL | 8,5 m ² | TOTAAL |
| WOONHUIS | 200,0 m ² | | | | | | | | | | | |
| BUIEGEBOU | 54,8 m ² | | | | | | | | | | | |
| MOTORHUIS | 62,4 m ² | | | | | | | | | | | |
| ABLUSKAMER | 10,0 m ² | | | | | | | | | | | |
| RONDAVEL | 8,5 m ² | | | | | | | | | | | |
| TOTAAL | 335,4 m ² | | | | | | | | | | | |

WOONHUIS EN BUIEGEBOU

TERRAINPLAN

| | |
|------------------------|---------------------------|
| ERF 193 YZERFONTEIN | PLAN 193H VEL. 8 VAN 9 |
|------------------------|---------------------------|

JOHANN ROURKE
Pr. Teg. Ing.

Posbus 16
Yzerfontein
7351

Flamingolaan 21
Tel 02245 383
Faks 02245 383

NOTAS

NASIONALE BOUWREGULASIE IS VAN TOEPASSING.

KONSTRUKSIE

| | |
|------------|----------------------|
| FUNDASIES | 20 Mpa BETON |
| VLOER | SOOS AANGETOON |
| BEDEKKING | NVT |
| BOUTEMURE | BAKSTONE EN PLEISTER |
| BINNEMURE | BAKSTEN EN PLEISTER |
| BUITEMURE | HOOFRAME EN DEURE |
| BINNEDEURE | HOOFRAME MET HOUDERE |
| VENSTERS | HOUTRAME |

DAKKONSTRUKSIE

| | |
|----------------------|----------------------------|
| TILTING | 20 & 38 GRADE |
| BEDEKKINGVESELSEMENT | "BIG SIX" PROEFT. |
| DAKRAERS | 150*50mm @ 1,5m HA |
| DAKKAPPEL | 115*40mm @ 1,5m HA |
| DAKLATTE | 75*50mm @ 1,0m HA |
| PLAFONLATIE | 40*40mm @ 460mm HA |
| PLAFONNE | HERCULITE |
| GUTTUS | HALFROND VESELSEMENT 100mm |
| AFLERIPPE | ROND VESELSEMENT 100mm |

REGULERING

| | |
|--------------|------------------------|
| PIPMATERIAAL | ERDEPYP |
| PYPLEURSNEE | 100mm |
| VELLING | MINIMUM 1:60 |
| GRONDDEKING | MINIMUM 150mm |
| STEEKOOG | BY ELKE RIGTINGSWYKING |
| INSPEKTYOOG | BY ALLE AANSLUITINGS |

"SOOS GEBOU"

| | |
|----------------|----------------------|
| A.S.M. EKSTEEN | OPPERVLAKTES |
| WOONHUIS | 200,0 m ² |
| BOUTEGEBOU | 54,8 m ² |
| MOTOREHUIS | 42,4 m ² |
| ABRIEFHUIS | 10,9 m ² |
| RONDWEG | 8,5 m ² |
| TOTAAL | 316,6 m ² |

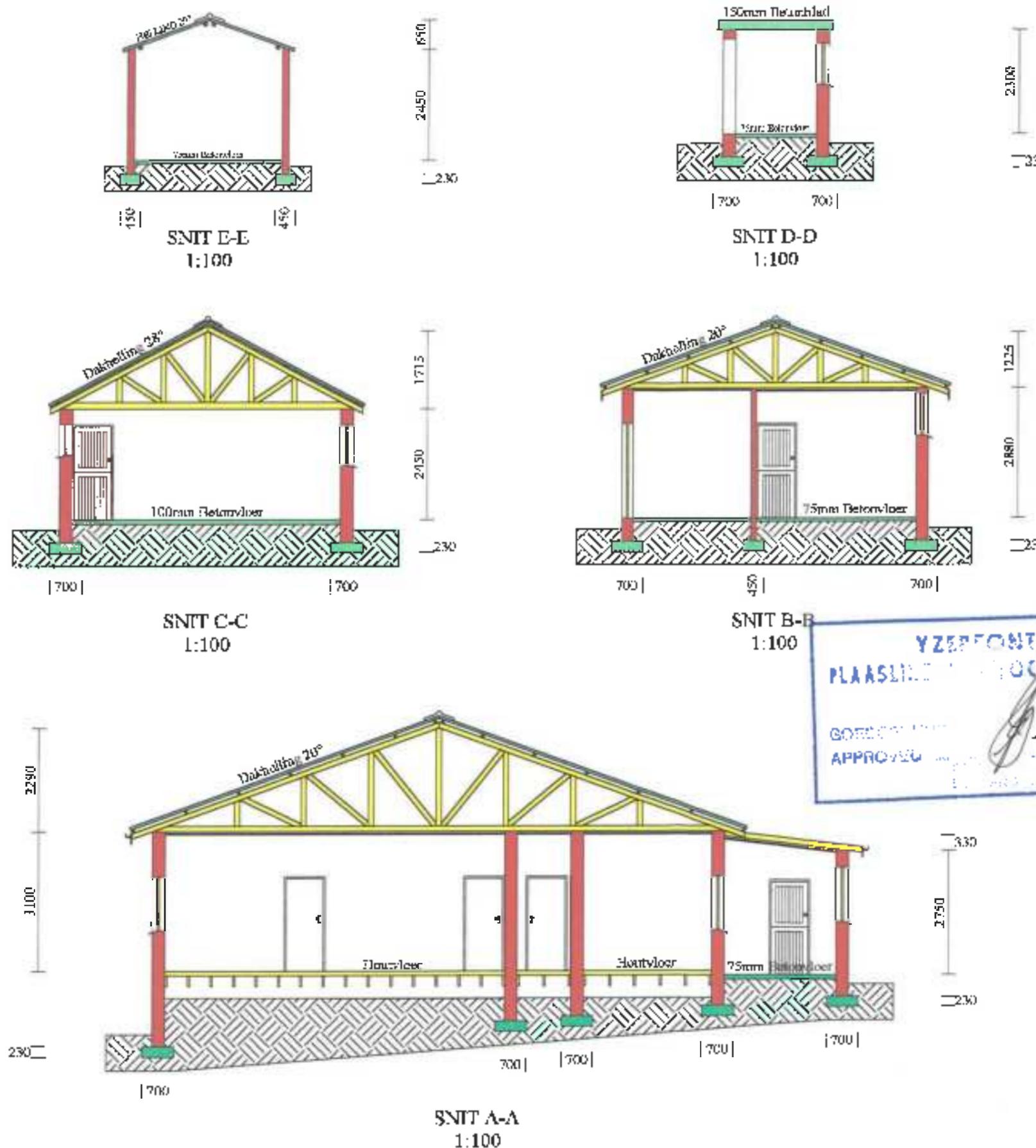
TEL 02624 841

WOONHUIS EN BUTTEGEBOU

DWARSSNITTE

ERF 193
YZERFONTEIN

PLAN 1931
VEL 9 VAN 9



JOHANN ROURKE

Pr. Teg. Ing.

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Yzerfontein
7351

Flamingolaan 21
Tel 02245 383
Faks 02245 383

NOTAS

NASIONALE HOUREGULASIES IS VAN TOEPASSING.

KONSTRUKSIE

| | |
|------------|------------------------|
| TONDASIES | 20 Mpa BETON |
| VLOERE | 10 Mpa BETON |
| BEDERKING | MATTIE & TELS |
| BUITEMURE | BAKSTONE EN PLEISTER |
| BINNEMURE | BAKSTONE EN PLEISTER |
| BUITEDEUR | HOUTRAME EN DEURE |
| BINNENDEUR | HOUTRAME MET HOUTDEURE |
| VINSTERS | HOUTRAME |

DAKKONSTRUKSIE

| | |
|------------|------------------------------|
| HEIUNG | 20 & 28 GRADE |
| TRIEKING | VESELEMENT 'BIG SIX' PROFIT. |
| DAKDRAERS | 150*50mm @ 1,5m CA |
| DAKKAPPE | 115*40mm @ 1,5m EA |
| DAKLATIE | 145*40mm @ 1,2m EA |
| PLAFONLATE | 40*40mm @ 400mm CA |
| PLAFONNE | NITTE |
| GETE | GEEN |
| ATLEIPIE | GEEN |

RIOLERING

| | |
|---|-----------------------------|
| PYPMATRIEAL | PVC |
| PYPIEDURSNE | 100mm |
| HEIUNG | MINIMUM 1:60 |
| GRONDEKTING | MINIMUM 150mm |
| STRAKCOG | BY ELKE RIGTINGSVERANDERING |
| INSPEKSCOOG | BY ALLE AANSLUITINGS |
| RIOLPIYP WORD IN 300*300mm BETONREITS GEWET WAAR DIT ONDERDEUR DIE GEBOIT GAAN. | |

A.S.M. MEKSTEEN

OPPERVLAKTES

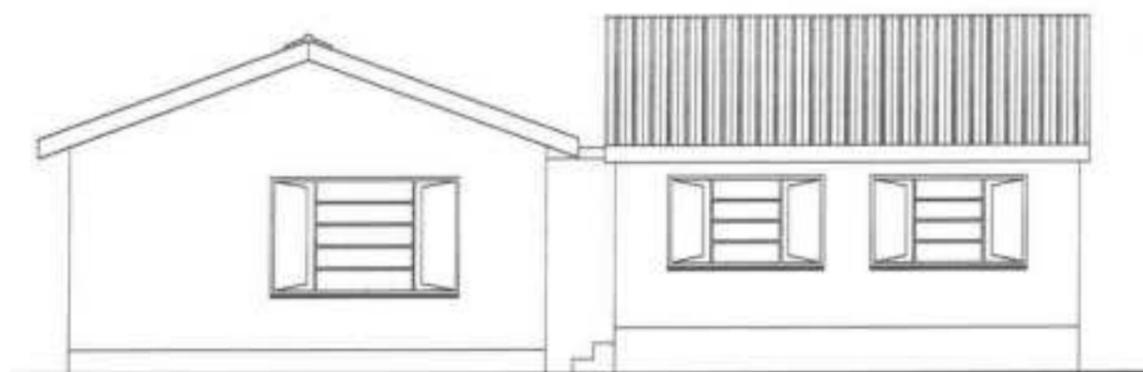
| | |
|-------------|----------------------|
| WONINGS | 200,0 m ² |
| BUITEGEBOU | 54,8 m ² |
| MOTORIELE | 42,4 m ² |
| AANSLUITING | 10,9 m ² |
| BONDAWEL | 8,3 m ² |
| TOTAAL | 316,4 m ² |

OMSKEPPING VAN BUITEGEBOLE

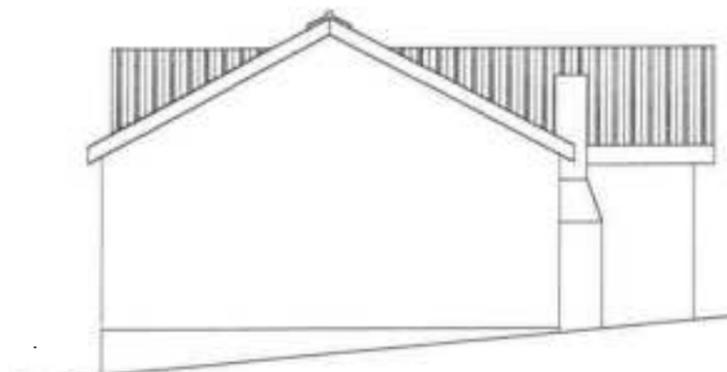
AANSIGTE

ERF 193
YZERFONTEIN

PLAN 193N
VEL 1 VAN 3



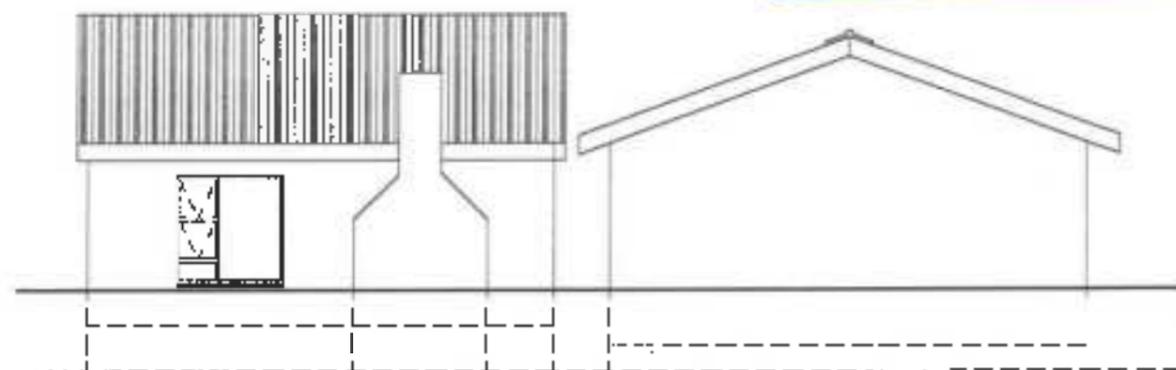
NOORD AANSIG
1:100



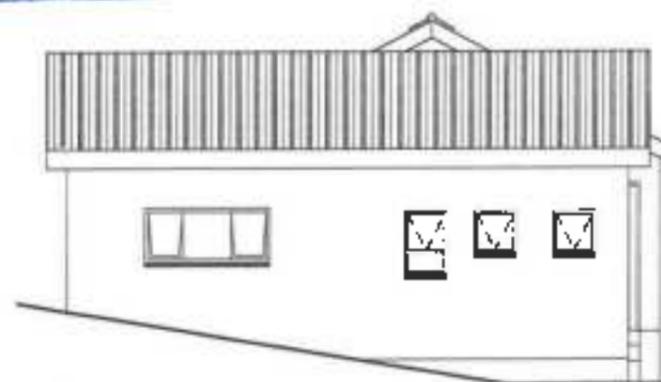
WES AANSIG
1:100

Goedgekeur volgens artikel 25 van
Ordinansie No. 15 van 1985

Handtekening : *[Signature]*
Hoedanigheid : *Boutcher*
Verwysing :
Datum : *31/3/20*



SUID AANSIG
1:100



OOS AANSIG
1:100

JOHANN ROURKE

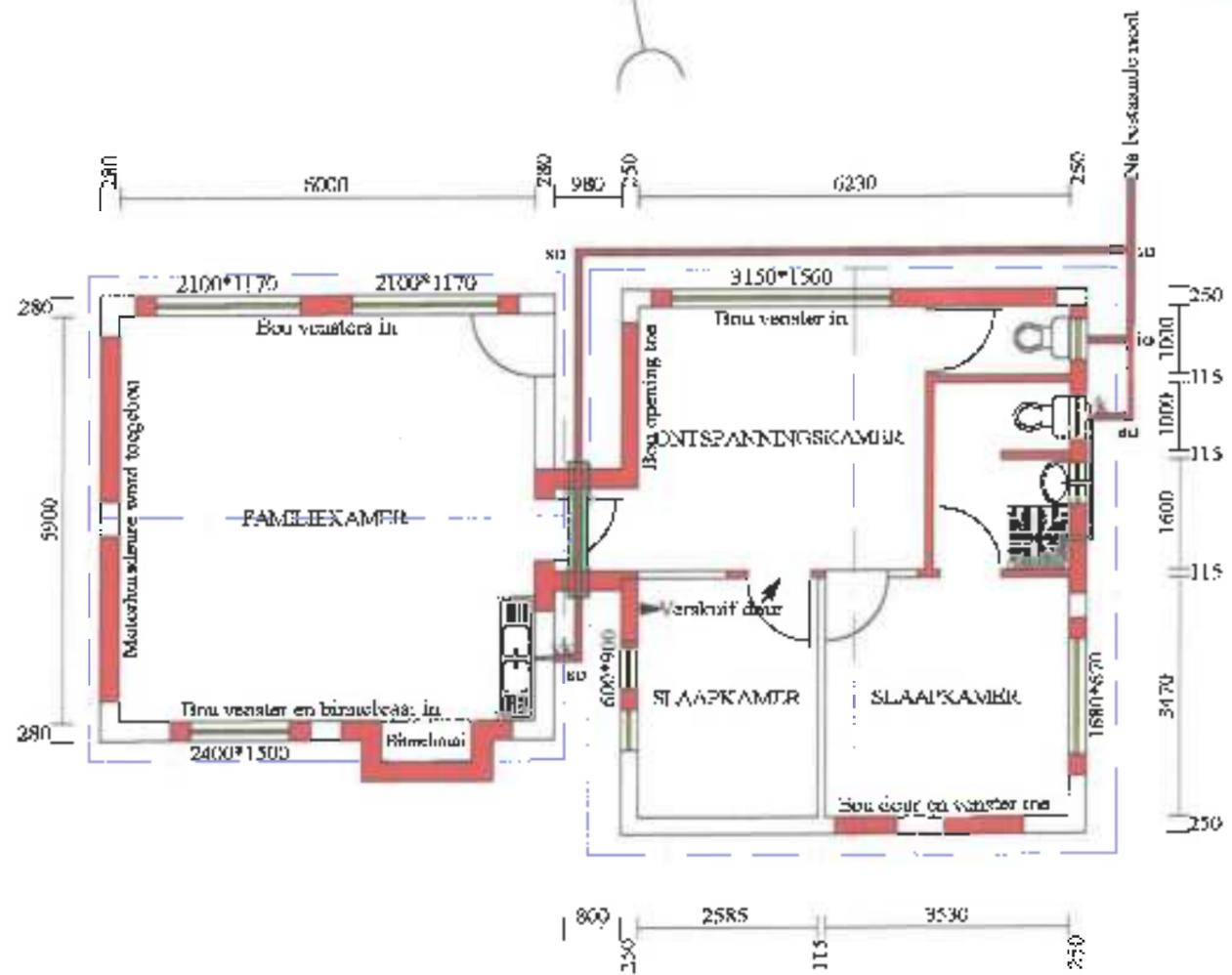
Pr. Teg. Ing.

Posbus 16
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7351

Flamingolaan 21
Tel 02245 383
Faks 02245 383

Goedgekeur volgens artikel 25 van
Ordinansie No. 15 van 1995

Handtekening : *[Signature]*
Hoedanigheid : *[Signature]*
Verwysing :
Datum : *31/8/00*



PLAN VAN WOONHEENID
1:100

NOTAS

NASIONALE BOUWREGULASIE VAN TOEPASSING

KONSTRUKSIE

| | |
|------------|-------------------------|
| FONDASIES | 20 Mpa BETON |
| VLOER | 10 Mpa BETON |
| BINDKING | MATIE EN TEËLS |
| BUTEMURE | BAKSTONE EN P. PLESTER |
| BINNEMURE | BAKSTONE EN PLESTER |
| BUTEDOURE | HOUFRAMING DEURE |
| BINNEDEURE | HOUFRAMING MET HOITDEUR |
| VENSTERS | HOITFRAMING |

DAKKONSTRUKSIE

| | |
|-------------|---------------------------------|
| LIJLING | 20 & 28 GRADE |
| BEDEKKING | VITSEL SEMENT "BIG SIX" PROEDEL |
| DAKDRADERS | 150*50mm @ 1,5m HA |
| DAKLAATJE | 115*40mm @ 1,5m HA |
| DAKLAATJE | 75*75mm @ 1,0m HA |
| PLAFONLATIE | 40*40mm @ 450mm HA |
| PLAFONNE | NUTEC |
| GIJTE | GEEN |
| AFLERPYPE | GIJTE |

ROLERING

| | |
|--------------|-------------------------------|
| PYPMATERIAAL | PVC |
| PYPDEURSNET | 100mm |
| LIJLING | MINIMUM 1:60 |
| GRONDOEKKING | MINIMUM 450mm |
| STEEKDOG | BY ELKE RIGTINGSVITRANDEERING |
| INSPEKSDOEG | BY ALLE AANSLUITINGS |

ROOLPYP WORD IN 300*300mm BETONHULS
GEGEEL WAAR DIT ONDERDEUR DIT GIBOU
GAAN.

[Signature]
TEL 02624 841

| | |
|---------------------|----------------------|
| OPPERVLAKTES | |
| WOONHUIS | 200,0 m ² |
| BUTEDEUR | 54,8 m ² |
| BINNEDOURE | 42,4 m ² |
| WATERKLOOF | 10,9 m ² |
| BONJAWEL | 3,5 m ² |
| TOTAAL | 316,4 m ² |

OMSKEPPING VAN BUTTEGEBOUE

VLOERPLAN

ERF 193
YZERFONTEIN

PLAN 1930
VEL 2 VAN 3

JOHANN ROURKE
Pr.Teg.Ing.

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7351

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Tel 02245 383
Faks 02245 383

Gaafdeheer volgens artikel 23 van
Grondwets No. 18 van 1985

Handtekening : *[Handwritten Signature]*
 Aandagtigheid : *[Handwritten Signature]*
 Verwysing : *[Handwritten Signature]*
 Datum : *21/12/09*

NOTAS

NASIONALE DOUREGGLASIES IS VAN TOEPASSING

KONSTRUKSIE

TONDASIES : 20 Mpa BETON
 VLOERE : BETON- & HOUTVLOER
 BEDEKKING : MATTE EN TEGELS
 BUITERMURE : BAKSTENE EN PLEISTER
 BINNEMURE : BAKSTENE EN PLEISTER
 BUITEDEURE : HOUTRAME EN DEUR
 BINNEDURE : HOUTRAME MET HOUTDURE
 VENSTERS : HOUTRAME

DAKKONSTRUKSIE

HELLING : 20 & 28 GRADE
 VERSTREKING : VERSTREKING
 DAKDRAERS : 150*50mm @ 1,5m HA
 DAKKAPPE : 1:5*40mm @ 1,5m HA
 DAKLATT : 75*50mm @ 1,0m HA
 PLAFONLATT : 40*40mm @ 460mm HA
 PLAFONNE : NUTEC
 GEUTE : HALFROND VERSTREKING 100mm
 AFLEIPIPP : ROND VERSTREKING 100mm

RIOLERING

PYPMATERIAAL : PVC
 PYPDIERSNIE : 100mm
 HELLING : MINIMUM 1:60
 GRONDDEKKING : MINIMUM 450mm
 STROOK : BY ELKE RIGTINGSVERANDERING
 INSPEKSIKOP : BY ALLE AANSLUITINGS
 RIOT PYP WORD IN 300*300mm BETONHULS
 GEGIET WAAR DIT ONDERDIEER DIE GEBOU
 GAAN.

V.A.S. MEKSTEEN
[Handwritten Signature]
 TEL 02624 841

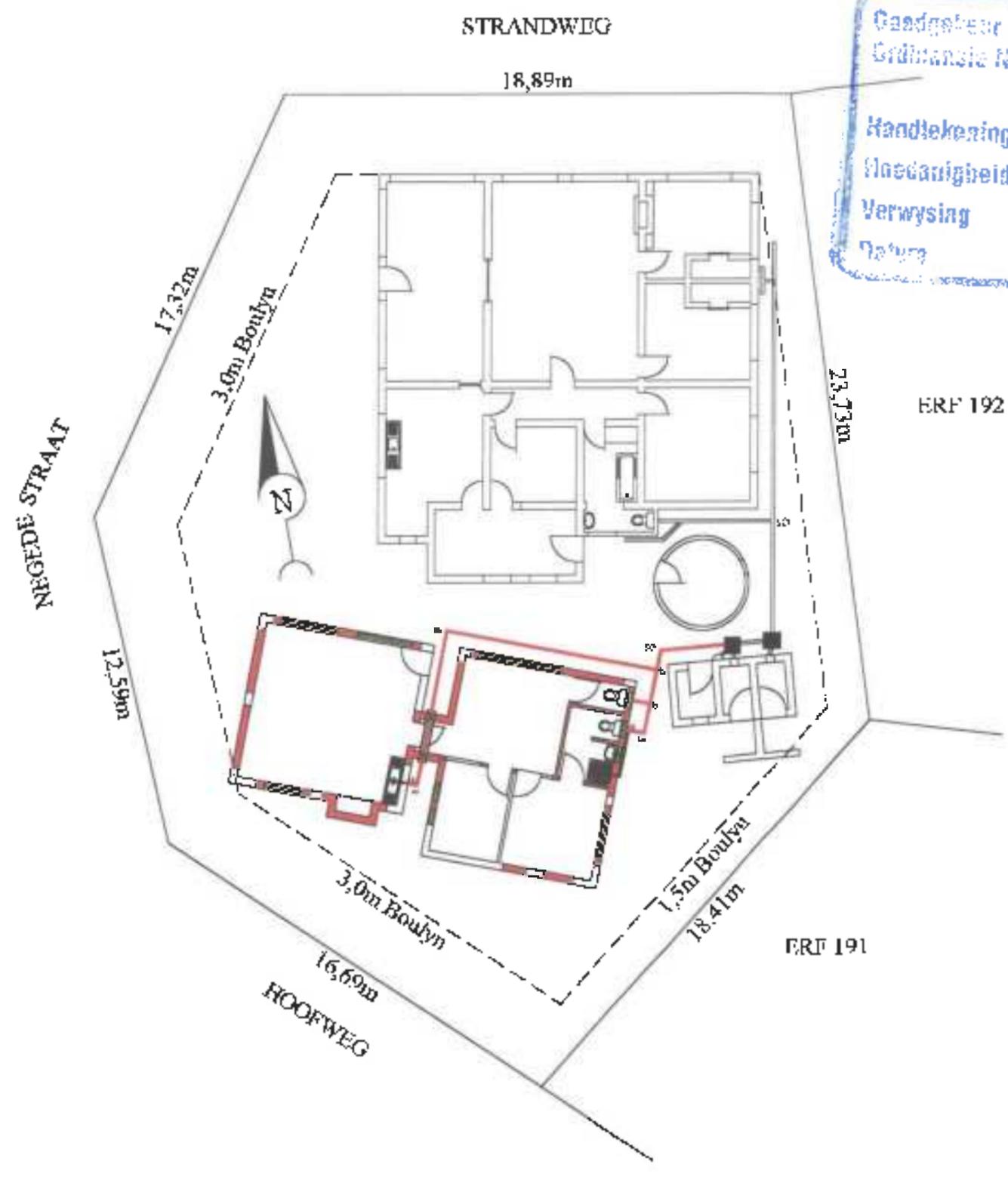
| OPPERVLAKTES | |
|--------------|-----------------------|
| WOONHUIS | 201,11 m ² |
| BUTEGBOU | 54,8 m ² |
| WETSTREK | 42,4 m ² |
| ABLUSTRUK | 10,9 m ² |
| RONDANIEL | 8,3 m ² |
| TOTAAL | 316,4 m ² |

OMSKEPPING VAN BUTEGBOU

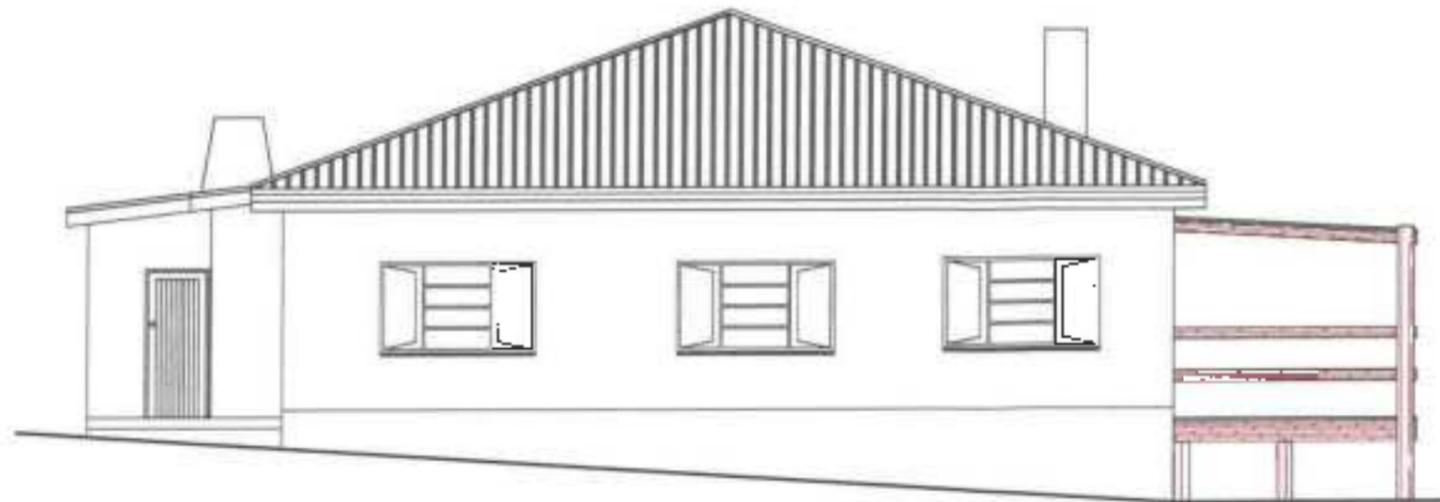
TERRIINPLAN

ERF 193
YZERFONTEIN

PLAN 193P
VEL 3 VAN 3



TERREINPLAN
1:200



OOS AANSIG
1:100



WES AANSIG
1:100

Goedgekeur volgens artikel 25 van
Ordinansie No. 15 van 1985

Handtekening : *[Signature]*
 Hoedanigheid :
 Verwysing :
 Datum : *2/9/98*

JOHANN ROURKE
Pr.Teg.Ing.

Posbus 16 Flamingolaan 21
 Yzerfontein Tel 02245 383
 7351 Faks 02245 383

NOTAS

NASIONALE HOUEREGULASIES IS VAN TOEPASSING

DIE HETSTAANDE VENSTER AAN DIE NOORDE
 VAN DIE SIKKAMER WORD VERVANG MET 'N
 3,0m ALUMINIUM SKUIFDEUR

DIE TWEE BESTAANDE VENSTERS AAN DIE
 NOORDEMUUR VAN DIE KAMERKAMER WORD
 VERVANG MET TWEE ALUMINIUM VENSTERS
 VAN 2,1m * 1,6m

KONSTRUKSIE VAN HOUTDEK

STUTPAAL OM VLOER TE DRA VAN 210mm Dia.
 TERPALE

STUTPAAL WORD IN GROND VASGEGET MET
 20 Mpa BETON VOETSTUKKE VAN 0,5*0,5*0,5m

HOUTVLOER MET 38mm Dikte WORD BEVESTIG
 OP DRABALKJE VAN 150*40mm @ 1,2m HA

SKRAMRELING VAN 1,2m HOOGTE WORD
 RONDOM HOUTDEK BEVESTIG VAN
 150*40mm BALKJE

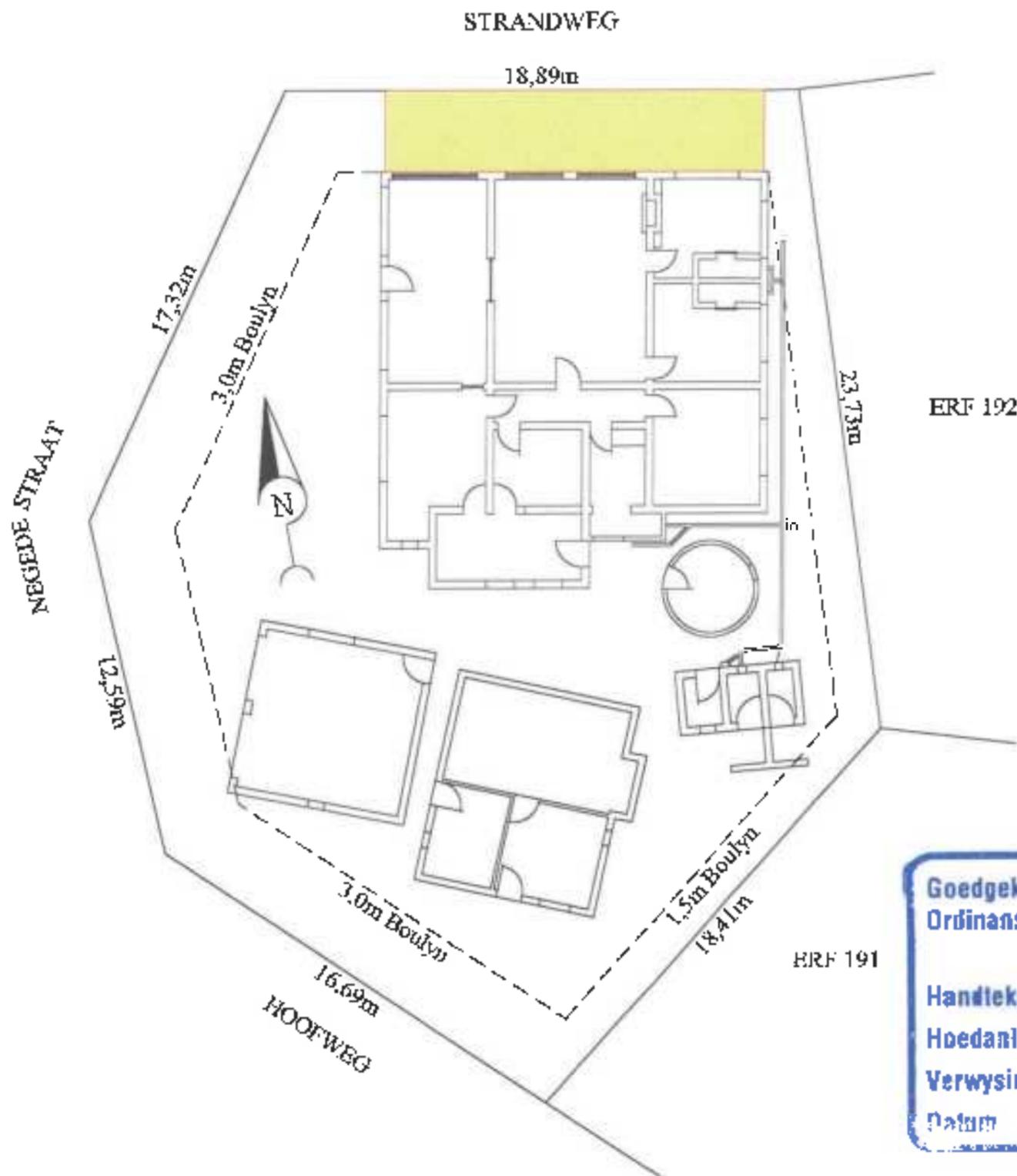
DAK WORD MET SKADUNEET BEDEK

| | |
|---|--------------------------------|
| V.A.S.M. EKSTEEN <i>[Signature]</i> TEL 02624 841 | OPPERVLAKTES HOENDER 42,7m² |
|---|--------------------------------|

WYSIGINGS AAN WOONHUIS

OOS- EN WES AANSIGTE

| | |
|------------------------|--------------------------|
| ERF 193 YZERFONTEIN | PLAN 193K VEL 2 VAN 4 |
|------------------------|--------------------------|



JOHANN ROURKE
Pr.Teg.Ing.

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Yzerfontein Tel 02245 383
7351 Faks 02245 383

NOTAS

NASIONALE SKOUREGULASIES IS VAN TOEPASSING.

DIE HESJAANDE VENSTER AAN DIE NOORD-
VAN DIE SITKAMER WORD VERVANG MET 'N
3,0m ALUMINIUM SKUIDDEUR

DIE TWEE BESTAANDE VENSTERS AAN DIE
NOORDEMUUR VAN DIE FAMILIEKAMER WORD
VERVANG MET TWEE ALUMINIUM VENSTERS
VAN 2,1m * 1,6m.

KONSTRUKSIE VAN HOOFDEK

STIPPALE OM VLOER TE DRA VAN 230mm Dia.
TERRPALE.

STIPPALE WORD IN GROND VASGEGIET MET
20 Mpa BETON VOETSTUKKE VAN 0,5*0,5*0,5m.

HOLTVLOER MET 38mm Dikte WORD BEVESTIG
OP DRABALKE VAN 150*40mm @ 1,2m HA.

SKRAMRELING VAN 1,2m HOOGTE WORD
RONDOM HOOFDEK BEVESTIG VAN
150*40mm BALKE

DEUR WORD MET SKADUNET BEDEK.

Goedgekeur volgens artikel 25 van
Ordinansie No. 15 van 1985

Handtekening : *[Signature]*
Hoedanigheid : *Beoefenaar*
Verwysing :
Datum : *2/1/18*

VAS-REKSTEEN
TEL 02624 841

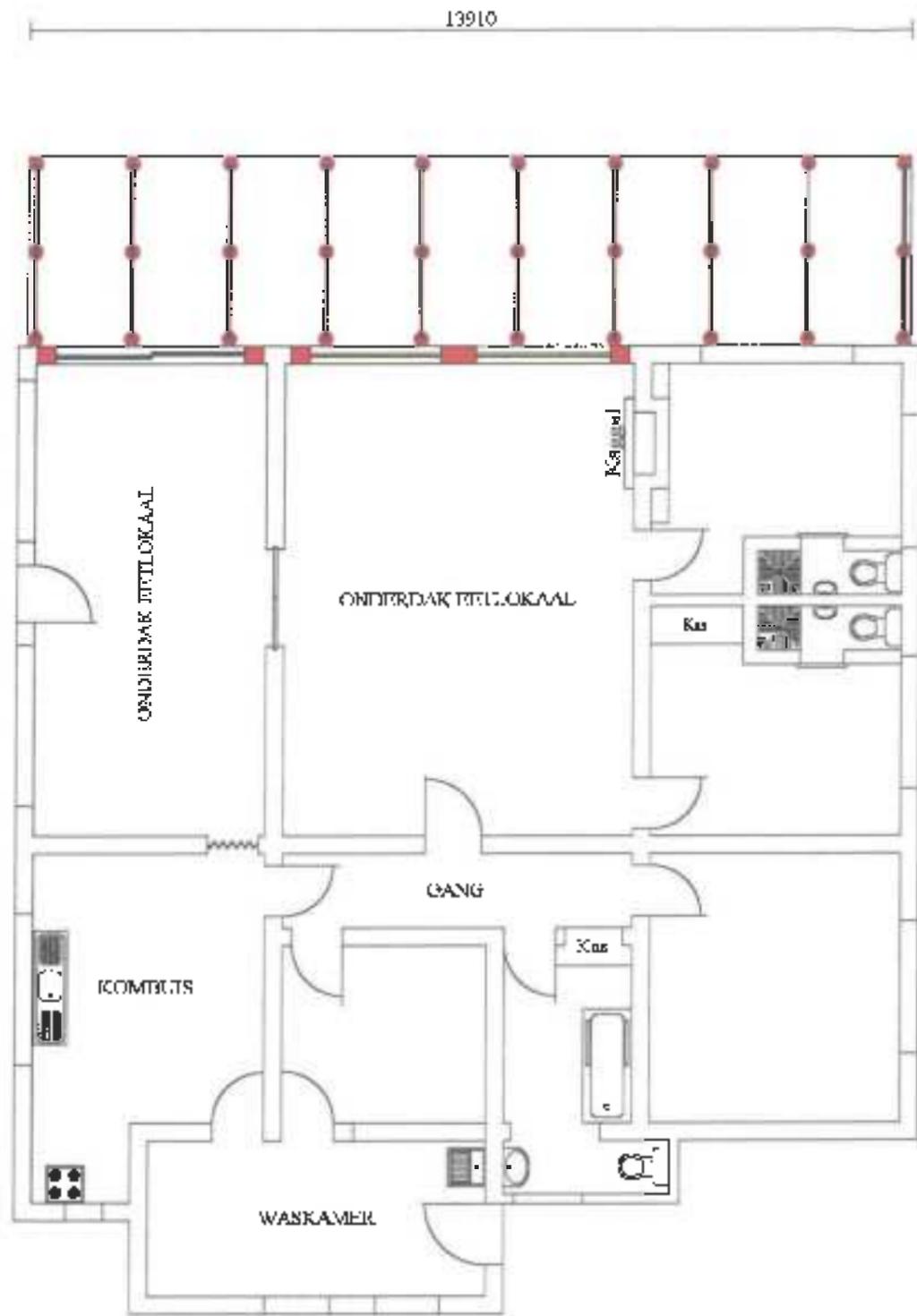
OPPERVLAKTES
HOOFDEK 42,7m²

WYSIGINGS AAN WOONHUIS

TERREINPLAN

ERF 193
YZERFONTEIN

PLAN 193M
VEL 4 VAN 4



WOONHUISPLAN
1:100

Goedgekeur volgens artikel 25 van
Ordinansie No. 15 van 1985

Handtekening : *J. Boubche*

Hoedanigheid : *Boubche*

Verwysing : *2/9/98*

JOHANN ROURKE
Pr. Teg. Ing.

Posbus 16 Flamingolaan 21
Yzerfontein Tel 02245 383
7351 Faks 02245 383

NOTAS

NATIONALE BOUWREGULASIE IS VAN TOEPASSING.

DIE BESTAANDE VENSTER AAN DIE NOORD-
VAN DIE SITKAMER WORD VERVANG MET 'N
3,0m ALUMINIUM SKUIFDEUR

DIE TWEE BESTAANDE VENSTERS AAN DIE
NOORDEMITTLE VAN DIE FAMILIEKAMER WORD
VERVANG MET TWEE ALUMINIUM VENSTERS
VAN 2,1m * 1,6m.

KONSTRUKSIE VAN HOULDEK

STUIPPALE OM VLOER TE DRA VAN 230mm Dia.
TEERPALE

STUIPPALE WORD IN GROND VASGEGIET MET
20 Mpa BELYNG VOETSTUKKE VAN 0,5*0,5*0,5m

HOEFVLOER MET 38mm DEKTE WORD BEVESTIG
OP DRABALKE VAN 150*40mm @ 1,2m TIA

SKRAMPTJING VAN 1,2m HOOGTE WORD
RONDOM HOULDEK BEVESTIG VAN
150*10mm BALKE

DAG WORD MET SKADUNET BEDEK.

| | |
|----------------|----------------------------|
| A.S.M. EKSTEEN | OPPERVLAKTES |
| <i>Joubert</i> | HOUTDEK 42,7m ² |
| Tel 02624 841 | |

| | |
|------------------------|--------------------------|
| WYSIGINGS AAN WOONHUIS | |
| PLAN | |
| ERF 193 YZERFONTEIN | PLAN 193L VEL 3 VAN 4 |

JOHANN ROURKE
Pr. Teg. Ing.

Posbus 16
Yzerfontein
7351

Flamingolaan 21
Tel 02245 383
Faks 02245 383

NOTAS

NATIONALE BOUWREGULASIE IS VAN TOEPASSING.

DIE BESTAANDE VENSTER AAN DIE NOORDE VAN DIE SITKAMER WORD VERVANG MET 'N 3,0m ALUMINIUM SKUPDEUR

DIE TWEE BESTAANDE VENSTERS AAN DIE NOORDMUR VAN DIE FAMILIEKAMER WORD VERVANG MET TWEE ALUMINIUM VENSTERS VAN 2,1m * 1,6m.

KONSTRUKSIE VAN HOUTDEK

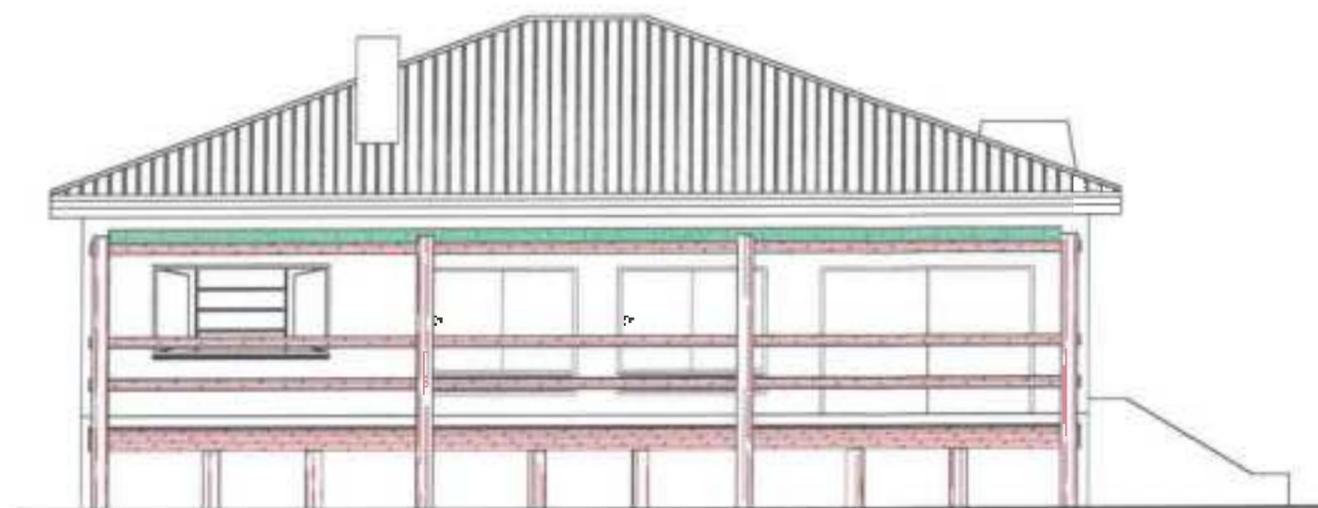
STUIPALE OM VI OOR TE DRA VAN 230mm Dia. TEERPALP.

STUIPALE WORD IN GROND VASGEHEET MET 20 Mpa BETON VOFTSTILKKE VAN 0,5*0,5*0,5m.

HOUTVLOER MET 38mm DEKTE WORD BEVESTIG OP DRABALKE VAN 150*40mm @ 1,2m C/A.

SKRAMMELING VAN 1,2m HOOGTE WORD RONDOM HOUTDEK BEVESTIG VAN 150*40mm BALKE.

DAK WORD MET SKADUNET BEDEK.



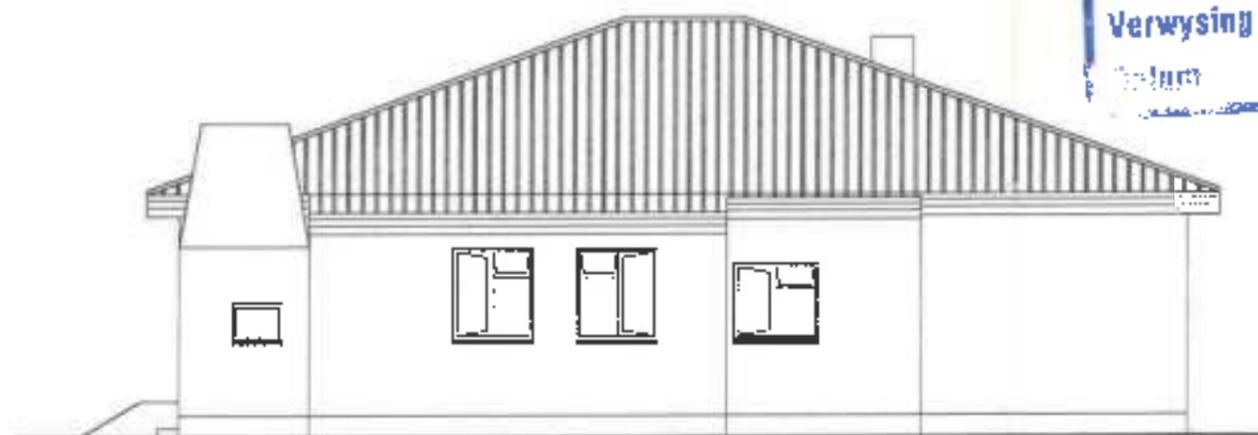
NOORD AANSIG
1:100

Goedgekeur volgens artikel 25 van
Ordinansie No. 15 van 1985

Handtekening :
Hoedanigheid :
Verwysing :

J. Rouke

2/9/98



SUID AANSIG
1:100

AS M EK STEEN

OPPERVLAKTES

J. Rouke
TEL 02624 841

HOUTDEK 42,7m²

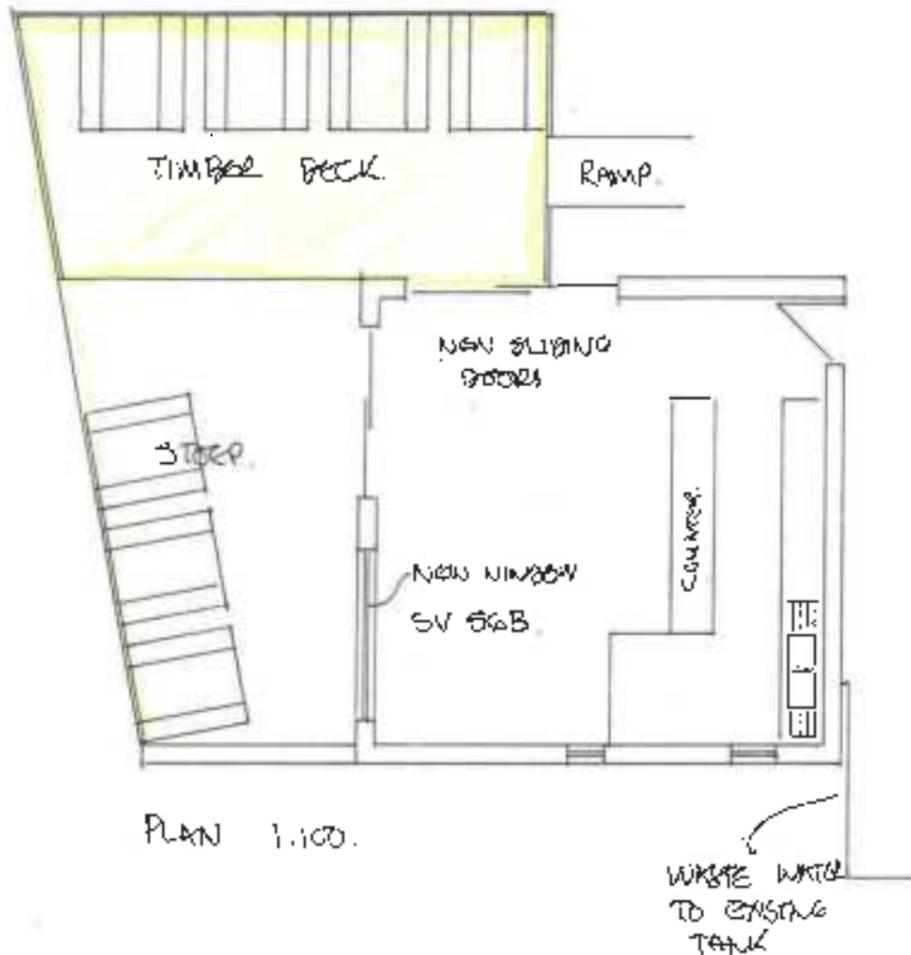
WYSIGINGS AAN WOONHUIS

NOORD- EN SUID AANSIGTE

ERF 193
YZERFONTEIN

PLAN 193J
VEL 1 VAN 4

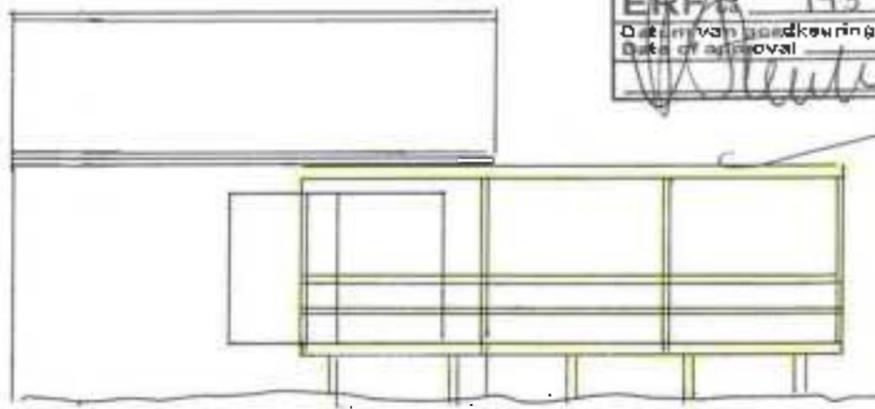
End: - 1/2 Parking bays must be constructed with a permanent surface and properly demarcated before the Beach house open its doors.
 - All stormwater/surface water be channelled to the nearest municipal network.
 - Ingenieurs voltooingsertifikaat vir die voltooiing van die houtdek moet ingedien word.
 - The design and the use of materials for the parking area to be submitted to the Municipality for approval before commencement of any building work.



PLAN 1:100.

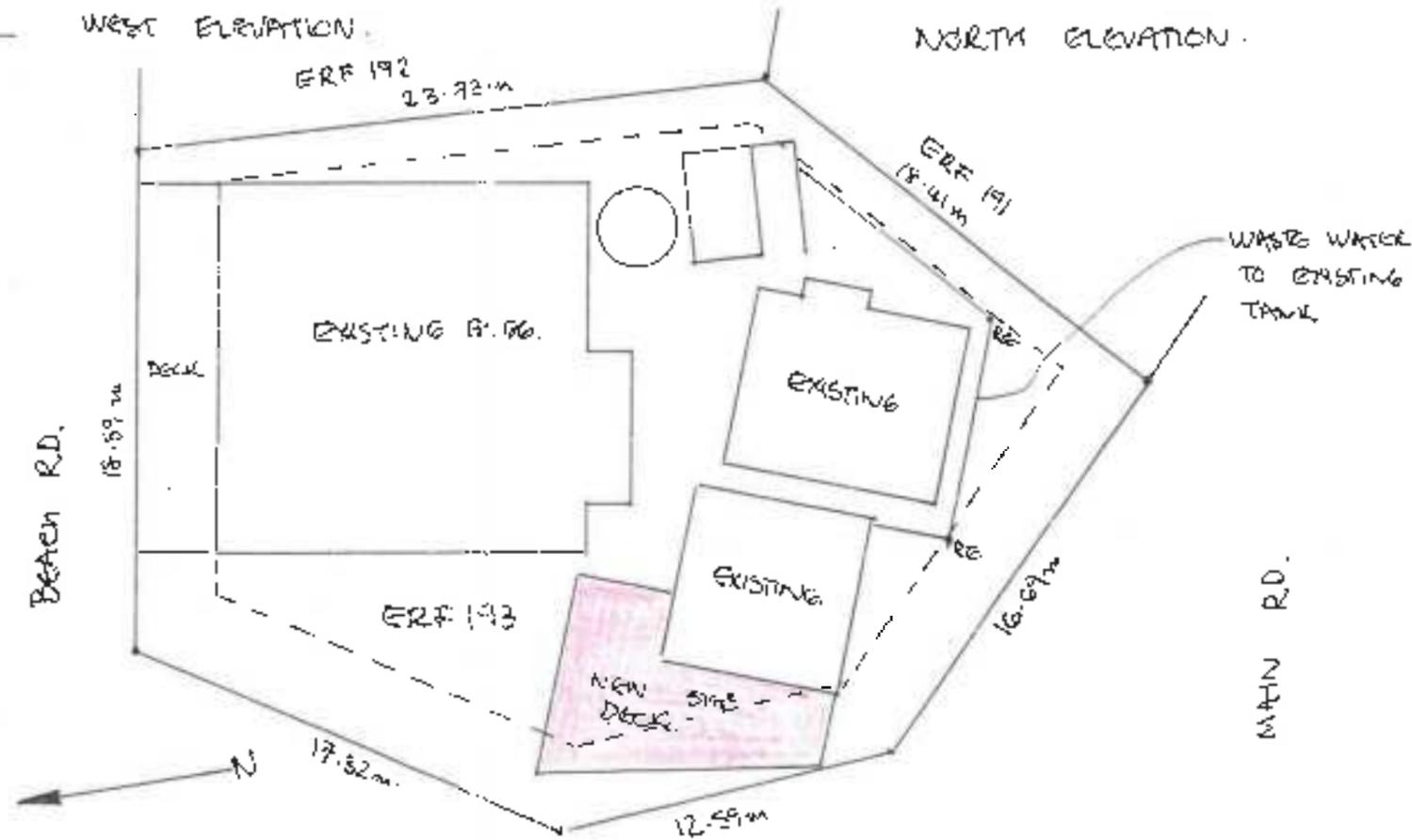


WEST ELEVATION.



NORTH ELEVATION.

SWARTLAND MUNICIPALITY
 GOEDGEKEUR APPROVED
 Goedgekuring geldig vir een jaar
 Approval valid for one year
 PLAN No. 529/10
 ERF No. 193
 Datum van goedkeuring 26 04 21
 Date of approval



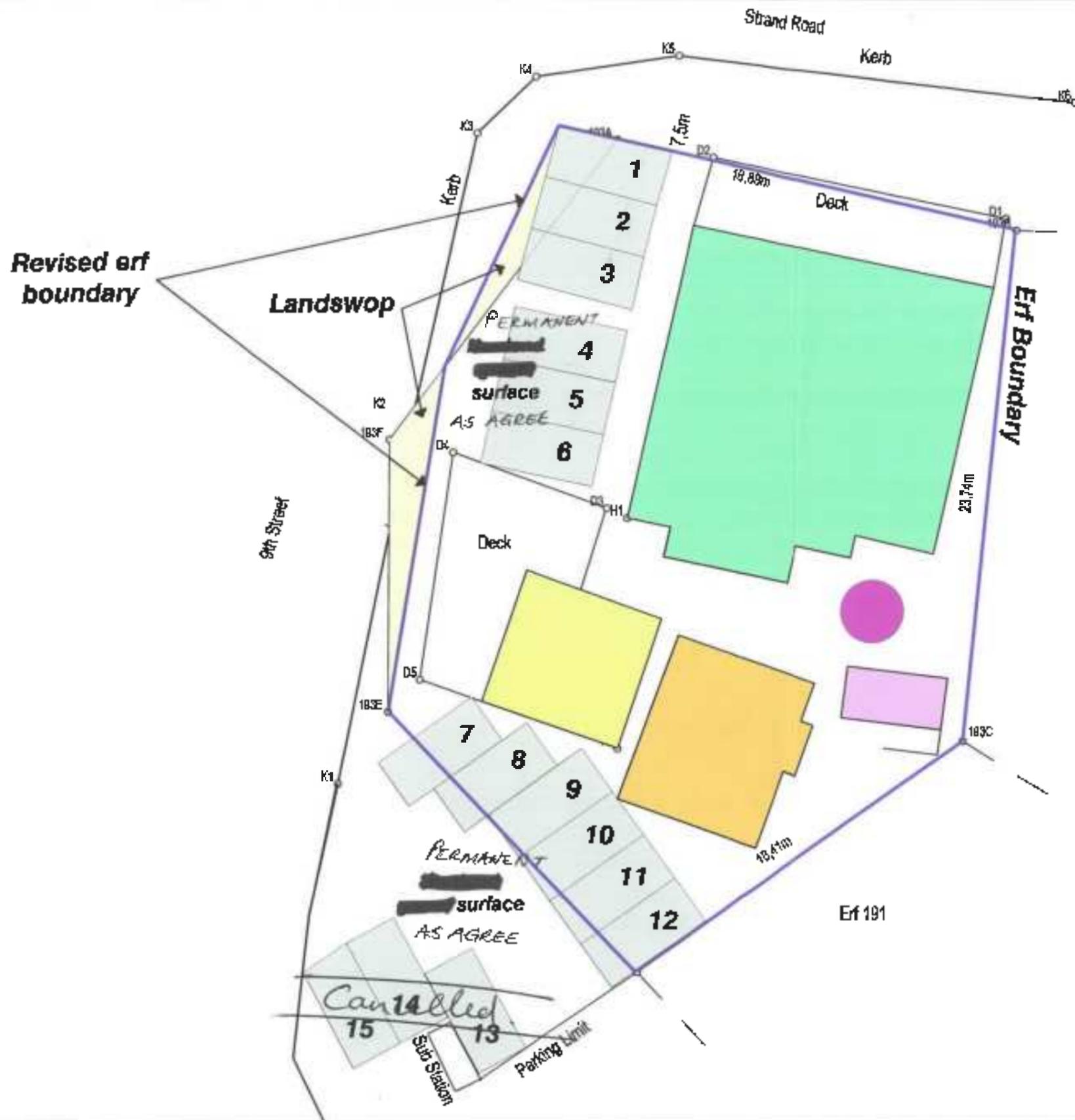
SITE PLAN 1:250.

SCALE 1:100

PROJECT AT ERF 193
 YZERFONTEIN.
 OWNER: ASM. EKSTEEN
 CONVERSION OF EXISTING
 DOUBLE GARAGE INTO
 COFFEE SHOP
 ADDITION OF TIMBER DECK
 REMOVING GARAGE DOORS
 & REPLACING WITH WINDOW
 & SLIDING GLASS DOOR &
 CREATING NEW SLIDING
 DOOR.
 DECK AREA 51m²
 IN TREATED SAP

DRAWING: G.R. MORRIS.
 01326

CJ



| Noting | Land Use | Extent |
|--------|--|-------------------|
| | BEACHES RESTAURANT | 100m ² |
| | BOAT HOUSE COFFEE SHOP | 42m ² |
| | STORE ROOM | 85m ² |
| | ABLUSION FACILITIES | 11m ² |
| | ABLUSION FACILITIES | 8m ² |
| | PARKING (1,25m ² @ 316m ² = 12,8 bays) | 15 bays |

Notes: All areas are as per Surveyors drawing
All beacons are 12mm round iron pgs

Prepared by:
Anton Mitchell, Land Surveyor
Yzerfontein
Tel. 083 763 3351



SWARTLAND MUNICIPALITEIT
GOEDKEUR APPROVED
Goedkeuring geldig vir een jaar
Approval valid for one year
PLAN No. 529/10
ERF No. 193
Datum van goedkeuring 24/02/2011
Date of approval

Erf 192

T N



Project:
**ERF 193,
YZERFONTEIN**

Description:
**Site Development
Plan**

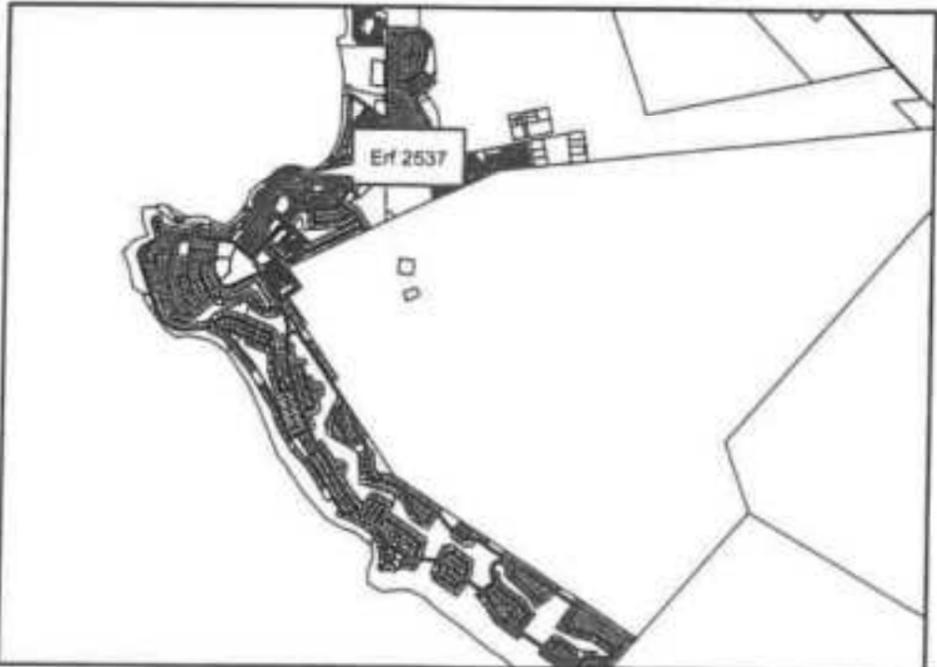
BEACHES

| | |
|---------------|---------------------|
| Drawn: MVS | Rev: H 10-28 |
| Drawn: PJLR | Date: February 2011 |
| Checked: PJLR | Drawing: 3 |

Liggingsplan



Voorgestelde opheffing van beperkings
Erf 2537, Yzerfontein
Publieke deelname
Skaal: NVT





YZERFONTEIN

INWONERSVERENIGING · RESIDENTS' ASSOCIATION

Tel 072 388 3859 · E-pos/email: admin@yzerfontein.org

Vir die aandag van die Munisipale Bestuurder

U skrywe 15/3/5-14/ERF_2537 gedateer 12 Februarie 2025 verwys.

Hiermee teken die YIV beswaar aan ten die opheffing van beperkende voorwaardes op erf 2537 soos uitgestippel in u skrywe van 12 Februarie 2025.

Die beswaar is gebasseer op die feit dat hierdie eiendom n opheffing benodig om n bestaande besigheid te bedryf waarvoor daar alreeds goedkeuring verskaf was.

Sou hierdie wysiging nou sy ontstaan het omdat die bedryf en aanwending van die eiendom nou sou verander het, en dit die vorige goedkeuring nou negatief affekteer, word die kommer uitgespreek tot welke mate dit n algemene tendens van wysigings in Yzerfontein sou beïnvloed.

Die vraag word met reg gevra hoekom was daar nie n volledige bestek opname gedoen voordat die veranderde besigheid beplan was nie.

Die uwe

EddieJanse

Voorsitter YIV

Location map

Legend



Map Center: Lon: 18°9'32.3"E
Lat: 33°20'28.6"S

Scale: 1:9,028

Date created: 2025/19/02



Location map 2

Legend



Map Center: Lon: 18°9'32.9"E
Lat: 33°20'39.4"S

Scale: 1:2,267

Date created: 2025/19/02



Beaches Restaurant

Legend

Erf





CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11



*Swarthland forward-thinking 2040 -
where people can live their dreams!*

*Swarthland vooruitdenkend 2040 -
waar mense hul drome kan ultiief*

File ref: 15/3/1

Enquiries:
A. de Jager

2 August 2023

H.A Conradie & Partners Inc.
PO Box 112
WORCESTER
6849

via e-mail: andries@conradieinc.co.za

To whom it may concern

ZONING CERTIFICATE : ERF 2537, YZERFONTEIN

It is hereby confirmed that Erf 2537, Yzerfontein is zoned Business Zone 2 with a consent use for a restaurant in terms of Schedule 2 of the Swarthland Municipality Land Use Planning By-Law (PG 8228 of 25 March 2020).

Business Zone 2 accommodates the following primary uses, namely: business premises, shopping centre, medical consulting rooms, offices, flats, public parking, animal clinic, rooftop base station and filming.

The following consent uses (only obtained with special permission from Swarthland Municipality) are also accommodated under Business Zone 2, namely: place of assembly, place of entertainment, restaurant, bottle store, service trade, car wash, nursery, lodge, tasting facility and transmission tower.

Yours faithfully

MUNICIPAL MANAGER
via Department Development Services

Ad./ts

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: swarthlandmun@swarthland.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

Terblanche Slabuur Pieters
Postbus 38, Malmesbury, 7299

Opgestel deur my,
Transportbesorger
SSD TERBLANCHE

14

VANDERSPUY
CAPE TOWN

| | | |
|-------------------------|--|-------|
| Price/VSA | | 26000 |
| Amount | | |
| Reason for cancellation | | |

Information

[Faint rectangular stamp]

T000015012/2013

SERTIFIKAAT VAN VERENIGDE TITEL

Uitgereik kragtens die bepaling van Artikel 40 van die
Registrasie van Aktes Wet, Wet 47 van 1937

NADEMAAL

LOCHNER EKSTEEN TRUST
IT1263/2000

[Handwritten mark]

10

aansoek gedoen het om die uitreiking aan hom van 'n Sertifikaat van Verenigde Titel kragtens die bepalinge van artikel 40 van die Registrasie van Aktes Wet, Wet 12 van 1937 en nademaal hy die geregistreerde eienaar is van

1. **RESTANT ERF 193 YZERFONTEIN**

In die Swartland Munisipaliteit
Afdeling Malmesbury
Provinsie Wes-Kaap

Gehou kragtens Transportakte T58437/2001

2. **ERF 2535 YZERFONTEIN**

In die Swartland Munisipaliteit
Afdeling Malmesbury
Provinsie Wes-Kaap

Gehou kragtens Transportakte T00001906 / 2013

WAT veronig is tot die grond hieronder beskryf:

SO is dit dat Ingevolge die bepalinge van genoemde Wet, ek, die Registrateur van Aktes te Kaapstad, hierby sertifiseer dat voorloemde:

LOCHNER EKSTEEN TRUST

IT1263/2000

Sy Opvolgers in Aмп of Regverkrygendes nou en voortaan die geregistreerde eienaar is van:

ERF 2537 YZERFONTEIN
IN DIE SWARTLAND MUNISIPALITEIT
AFDELING MALMESBURY
PROVINSIE WES-KAAP

GROOT: 798 (SEWE HONDERD AGT EN NEGENTIG) VIERKANTE METER

SOOS AANGEDUI op Diagram 4554/2011:

M

I. **WAT BETREFF** die figuur AaF op aangehegde Diagram 4554/2011:

A. **ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte T

000015012/2013

B. **ONDERHEWIG VERDER** aan die volgende spesiale voorwaardes vervat in Kroongrondbrief T78/1936, naamlik:

6. "Dat geen gebou op die grond binne vyftien komma sewe vier (15,74) meter van die hoogwatermerk van die see opgerig sal word nie, en dat 'n oop ruimte van 15,74 meter bo die hoogwatermerk van die see vir die ongehinderde gebruik van die publiek wygelaat sal word."

C. **GEREGTIG** kragtens Notariele Akte gedateer 26 April 1937 op sekere regte op water en opsigte van sekere fontein WM aangedui op die kaart geheg aan die genoemde Notariele Akte en die reg om sondanige water deur middel van 'n pyllyn te gelei oor die eiendom gehou kragtens Transportakte T11493/1919 en die Rostart gehou kragtens Serifikaat van Verenigde Titel T3727/1937 na die eiendom gehou kragtens Transportakte T3729/1937 saam met sekere reg van weg vir doeleindes van onderhoud. Onderhewig aan sodanige voorwaardes soos meer volledig sal blyk uit die afskrif geheg aan Transportakte T11493/1919.

D. **ONDERHEWIG VERDER** aan die voorwaardes dat die grond onderworpe bly aan die wetsbepalings op dorpe, en dat deur hierdie transport geen inbreuk gemaak word op die regte van eienaars van erwe en van ander persone op die openbare plekke wat deel uitmaak van die getransporteerde grond nie.

II. WAT BETREK die figuur aBCDEF op aangehegde Diagram 4554/2011:

A. **ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte T1316/1938

B. **ONDERHEWIG VERDER** aan die volgende spesiale voorwaardes vervat in Kroongrondbrief T78/1936, welke voorwaardes van toepassing is op daardie gedeelte van bogemelde grond as wat oorspronklik deel uitgemaak het van "ANNEX YZERFONTEIN" voorheen gebou kragtens gesegde Kroongrondbrief T78/1936, met nommers 5 en 6 van welke voorwaardes as volg lees:-

5. Nie onderhewig nie aan voorwaarde 85 op bladsy 2 van Transportakte T58437/2001 kragtens artikel 53 van die Wysigingswet op die Registrasie van Myntitels, Wet 24 van 2003.

6. "Dat geen gebou op die grond binne vyftien komma sewe vier (15,74) meter van die hoogwatermerk van die see opgerig sal word nie, en dat 'n oop ruimte van 15,74 meter bo die hoogwatermerk van die see vir gelaat sal word."

Die ander voorwaardes vervat in Kroongrondbrief T78/1936 het betrekking op en maak voorsiening vir:-

- (a) dat bestaande paaie en deurgange vry en onbelemmerd bly;
- (b) die toekenning van noodweë en die maak van nuwe paaie;
- (c) die maak van publieke paaie, spoorweë, damme waterleidings en vore, die aanleg van telegraaf- en telefoonlyne en die totstandbring van uitspannings;
- (d) herbesitheming van die gesegde grond of gedeelte daarvan deur die Staatspresident op sekere voorwaardes.

C. **ONDERHEWIG VERDER** aan die volgende voorwaardes vervat in Transportakte T1316/1938, opgelê deur die Administrateur van die Provinsie Kaap die Goeie Hoop, naamlik:

(a) **AS SYNDE TEN GUNSTE VAN DIE GEFREGISTREERDE EIENAAR VAN 'N ERF IN YZERFONTEIN DORP:**

- 1. Dat die erf uitsluitlik vir besigheidsdoeleindes gebruik mag word.
- 2. Dat die erf nie ondervordeel mag word nie.
- 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

(b) AS SYNDE TEN GUNSTE VAN DIE PLAASLIKE OWERHEID

1. Dat die eienaar van elke erf, insluitende die Applikant vir die totstandbringing van die dorp of sy opvolgers, verplig sal wees om die dreinering en riolering van enige ander erf of erwe oor sy erf te laat lei, indien dit nodig geag word deur die plaaslike owerheid, en op sulke wyse en in sulke ligging as wat van tyd tot tyd deur die plaaslike owerheid vereis mag word.

D. ONDERHEWIG VERDER aan die volgende voorwaardes verval in Transportakte T1316/1938, opgelê deur die dorpsrekenaars - YZERFONTEIN SEASIDE ESTATES PROPRIETARY LIMITED, ten gunste van hulself solank as hulle erwe eien in YZERFONTEIN DORP en ten gunste van enige plaaslike owerheid wat in die lewe geroep mag word te YZERFONTEIN DORP en enige geregisteerde eienaar van 'n erf in YZERFONTEIN DORP, naamlik:

- (1) Dat geen gebou op 'n erf opgerig mag word nie, totdat die planne en spesifikasies daarvan voorgelê is aan en goedgekeur is deur die maatskappy, of in geval 'n plaaslike owerheid tot stand gebring word te YZERFONTEIN DORP deur sulke plaaslike owerheid.

E. ONDERHEWIG VERDER aan 'n lewenslange vruggebruik ten gunste van Anna Sara Magdalena Eksteen, identiteitsnommer: 400719 0006 08 1, getroud buite gemeenskap van goedere.

EN DAT, kragtens hierdie Sertifikaat, gencemde

LOCHNER EKSTEEN TRUST
IT1263/2000

Sy Opvolgers in Amp of Regverkrygendes, nou en voortaan daartoe geregtig is ooreenkomstig plaaslike gebruik, maar behoudens die regte van die Staat.

TEN BEWYSE waarvan ek, voornoemde Registrateur, hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN en **GETEKEN** op die kantoor van die Registrateur van Aktes te
KAAPSTAD op hede die

2
dag van

April 2012

8

REGISTRATEUR VAN AKTES

CERTIFIED COPY FOR REGISTRATION
 FOR SURVEYOR-GENERAL
 DATE **19 JAN 2012**

14
 VANDERSPUY
 CAPE TOWN

Komponente

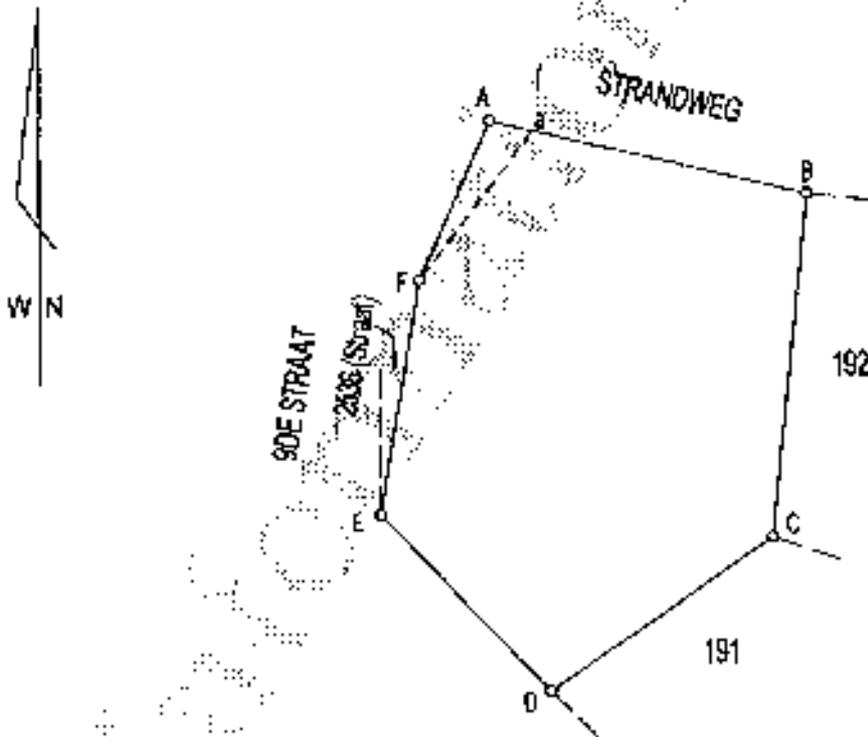
1. Die figuur AaF synde Erf 2535 Yzerfontein;
Kaart No. 4552/2011
2. Die figuur aBCDEF synde Restant Erf 193 Yzerfontein;
Kaart No. : 726/1937 D/T: 1938. 1316

L.G. No.

4554/2011

Goedgekeur

nms.
 LANDMETER-
 GENERAAL
 2012.01.19



Skaal 1:500

ABCDEF

Die figuur

Stel voor

798 vierkante meter

grond, synde

ERF 2537 YZERFONTEIN en bevat 1 en 2 hierbo

gelee in die Dorp Yzerfontein in die Munisipaliteit Swartland
 Administratiewe Distrik Matieliesburg
 Provinsie Wes-Kaap

Saamgestel in September 2011 deur my

ALS 0761 A.P.Steyl
 Professionele Landmeter

Hierdie diagram is
geheg aan

No. 000015011/2013
ged.

t.g.v. 2013-04-02
 Registrateur van Aktes

Die oorspronklike diagramme
is soos hierbo aangehaal

Lêer MALM560/1 v.2

M.S. Saamgestel
 A.P. TP28R
 Komp. BHNQ-2472(M2490)

LPI CD460015

Erf 2537 Yzerfontein



CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11



Swartland forward-thinking 2040 -
where people can live their dream!

Swartland vooruitdenkend 2040 -
waar mense hul drome kan ultiëe!

File Ref / Lëer Verwysing: 15/3/1

Enquiries / Navrae:
A de Jager

7 Augustus 2024

H A Conradie & Vennote
Pos bus 112
WORCESTER
6849

SONERING EN GRONDGEBRUIK OP ERF 2537, YZERFONTEIN

U navrae rakende die sonering van en grondgebruik op Erf 2537, Yzerfontein, het betrekking.

Achtergrond:

Die moedererf van Erf 2537, Yzerfontein, was aanvanklik Erf 193. 'n Herbelyning van die padreserwe het veroorsaak dat 'n klein gedeelte van die erf afgesny (onderverdeel) is en met die padreserwe gekonsolideer is en dat 'n klein gedeelte van die padreserwe onderverdeel en met die erf gekonsolideer is. Sedertdien staan die nuwe, gekonsolideerde erf bekend as Erf 2357. Die LG diagramme wat die herbelyning illustreer, is hierby aangeheg.

Volgens die titelakte en oorspronklike LG diagramme, het die erf in 1936/37 tot stand gekom, gedurende 'n dorpstigingsproses, soos wat dit in daardie stadium toegepas is. Dit was in 'n tyd voordat soneringskemas bestaan het en die regte op erwe is gereël deur middel van voorwaardes wat in elke erf se titelakte vervat is. Voorwaarde C.(a)1. In Titelakte T15012/2013 lees: "...1. Dat die erf uitsluitlik vir besigheidsdoeleindes gebruik mag word...". 'n Afskrif van die titelakte is hierby aangeheg vir u aandag.

Die eerste soneringskema wat op Yzerfontein van toepassing was, was die Ordonnansie op Grongebruikbeplanning, 1985 (Ordonnansie 15 van 1985). Sonering is in daardie stadium aan alle erwe toegeken. Die Ordonnansie het bepaal dat die sonering vasgestel moes word deur 'n soneringskategorie te kies wat so na as moontlik was aan die gebruik van die grond tot-en-met 1 Julie 1986. Die grondgebruik op alle erwe was nie noodwendig in die titelaktes beperk nie, maar waar dit wel die geval was, was dit maklik om die sonering dienoreenkomstig toe te ken.

Aangesien die akte die gebruik van die grond beperk tot besigheidsdoeleindes, is die sonering van Sakesone I toegeken. Die primêre gebruik is 'n sakegebou en die definisie sluit 'n restaurant in.

Hersonering en Vergunning

Die sonering van die erf het, soos hierbo verduidelik, nooit deur 'n hersoneringsproses gegaan nie; die mees gepaste sonering is in oorleg met die dorpstigingsvoorwaarde en die Ordonnansie bepaal as Sakesone I.

Nuwe beplanningwetgewing, by name die Nasionale Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013) en die Wes-Kaapse Wet op Grondgebruikbeplanning, 2014 (Wet 3 van 2014) het die Ordonnansie mettertyd vervang en in 2014 is 'n geïntegreerde soneringskema vir die eerste keer vir die Swartland ontwikkel. Die nuwe skema het 'n groter verskidenheid soneringskategorieë bevat en 'n verfynde benadering tot grondgebruikbestuur.

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 2248

Kindly address all correspondence to:
The Municipal Manager
Private Bag X52
Malmesbury 7299
Yzerfontein Tel: 022 451 2368

Volgens die nuwe wetgewing moes die sonering van alle erwe weer nagegaan word en waar nodig is 'n nuwe soneringskategorie toegeken, weereens om die nasate refleksie te wees van die heersende grondgebruik op die erf. Grondgebruikregte wat wettig i.t.v. die Ordonnansie bestaan het, mag nie a.g.v. die nuwe wetgewing waggeneem word nie.

Erf 2537 is nie binne die Yzerfontein sakekern geleë nie, omdat die dorp nie ontwikkel het soos wat in 1936 voorafgeleë is nie. Eersyds, in terme van beplanningsteorie, beste praktyk en wenslikheid, is dit nie ideaal om 'n Sakesone 1 sonering binne 'n residensiële gebied te akkommodeer nie. Andersyds beperk die akte die grondgebruik op die erf tot sake. Die soneringsplan is dus gewysig van Sakesone 1 na Sakesone 2 met 'n vergunning vir 'n restaurant, aangesien dit die grondgebruik die beste omskryf in terme van die nuwe wetgewing, sonder om die hoër orde gebruike van Sakesone 1 toe te ken in 'n residensiële gebied.

Aangesien herosonering en vergunningsgebruike d.m.v. soneringstoekennings, gegrond op historiese gebruik en aktebeperking bepaal is, was daar nie 'n herosoneringsaansoek of vergunningsgebruiksaansoek nie, en gevolglik was goedkeuringsvoorwaardes nie ter sprake nie.

Die grondgebruik word gaag as versoekbaar en wettig in terme van die sonering en vergunning.

Strukture

Bouplanne is vir alle strukture op die erf ingedien en goedgekeur. Die jongste bouplan is op 2 Augustus 2024 goedgekeur.

Bouplanne is nie publieke dokumente nie en afskrifte kan slegs met toestemming van die eienaars bekom word. U is welkom om in persoon of per e-pos met ons boukantoor in verbinding te tree. In die verband, u benodig 'n afskrif van u ID dokument, asook van die eienaars, plus 'n getekende brief waarin die eienaars bevestig dat u toegang ont of afskrifte van die dokumente mag ontvang.

Parkeervoorsies

Parkering is in terme van die wetgewing wat in die stadium van die ontwikkeling van die restaurant voorsien was, voorsien. Die aantal parkeringe is bereken na aanleiding van die restaurant oppervlakte. Die totale aantal parkeringe was 12 en 13 plekke is voorsien. Stoepe was nie i.t.v. die vorige wetgewing ingereken nie.

Ná die Geïntegreerde Skema van 2014, is die eerste Swartland Verordening insake Grondgebruikbeplanning (PK 7741 van 3 Maart 2017) ontwikkel en is 2020 gewysig (PK 8226 van 25 Maart 2020). In die jongste weergawe word parkeringe vir 'n restaurant per elke 4 siplekke uitgewerk en nie meer per oppervlak nie. Ontwikkelingsparameters (boulyne, dekking parkering ens.) word egter nie retrospektief op bestaande ontwikkelings toegepas nie. Die opdatering en verbetering van wetgewing en die ontwikkeling van die jongste Verordening beteken dat nuwe parameters van toepassing mag wees, maar dat dit nie op bestaande ontwikkelings afdwingbaar is nie. MAAR: Enige toekomstige veranderinge aan 'n bestaande gebruik wat op die nuwe parameters impakteer, sal wel in terme van die jongste wetgewing hanter word.

Ek vertrou die bogenoemde uiteensetting antwoord u vraag. Indien bykomende inligting verlang word, is u welkom om my of my kollegas weer te kontak.

Die uwe



MUNICIPAL MANAGER/ MUNISIPALE BESTUURDER
Per Departement Ontwikkelingsbestuur

AdJds

Erf 193 Yzerfontein
Scale 1:250

All beacons are 12mm round iron pegs

Strand Road

Kerb

From Municipality to
Beaches 17 sq. m

Kerb

7.5m

18.89m

Deck

Beaches

23.74m

Erf 192

9th Street

From Beaches to
Municipality 17 sq. m

17.59m

Deck

Boat House

4.6m

16.89m

18.11m

Erf 191

T N

Sub Station

Parking Limit

Prepared by:
Anton Mitchell, Land Surveyor
Yzerfontein
Tel. 083 763 3351

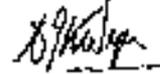
Komponente

1. Die figuur AaF synde Erf 2536 Yzerfontein;
Kaart No. 4552/2011
2. Die figuur aBCDEF synde Restant Erf 193 Yzerfontein;
Kaart No. 726/1937 D/T: 1936 1316

L.G. No.

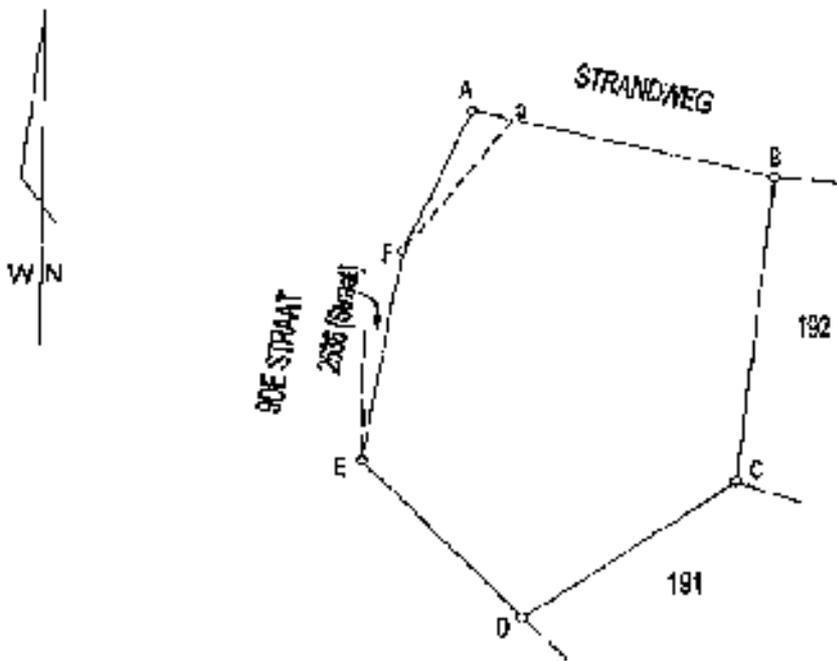
4554/2011

Goedgekeur



oms.
LANDMETER-
GENERAAL

2012.01.19



Skaal 1:500

Die figuur

ABCDEF

Stel voor

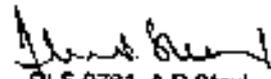
798 vierkante meter

grond, synde

ERF 2537 YZERFONTEIN en beval 1 en 2 hierbo

gelee in die Dorp Yzerfontein in die Munisipaliteit Swartland
Administratiewe Distrik Malmesbury
Provinsie Wes-Kaap

Saamgestel in September 2011 deur my


PLS 0781 A.P. Steyn
Professionele Landmeter

Hierdie diagram is
geheg aan
No. G.C.T. 15012/2013
ged.
t.g.v.
Registrateur van Aktes

Die oorspronklike diagramme
is soos hierbo aangehaal

Leer MALM.560/1 V.2

M.S. Saamgestel
A.P. TP20R
Komp. BHNG-2472(M2490)

LP/ 00480018

Erf 2537 Yzerfontein

Terblanche Blabber Motors
Posbus 38, Malmesbury, 7200

Transportesorden
860 TERBLANCHE

14

WANDERSPIN
KPE TEAL

| | | |
|------------------------|--|------|
| Wandervoor rekening | | 2000 |
| Wandervoor rekening | | |
| Wandervoor rekening | | |
| Wandervoor rekening | | |

Information

Handwritten notes or stamp

T000015012/2013

SERTIFIKAAT VAN VERENIGDE TITEL

Uitgereik krachtens die bepalinge van Artikel 40 van die
Registrasie van Aktes Wet, Wet 47 van 1937

FO
NADEMAAL

LOCHNER EKSTEEN TRUST
IT1263/2000

Handwritten mark

NO

aansoek gedoen het om die uitruiking aan hom van 'n Sentissabl van Verenigde Titel kraglens die bepalinge van artikel 40 van die Registrasie van Aktes Wet, Wet 97, van 1937 en nademaal hy die geregistrerde elemente is van:

- 1. **RESTANT ERF 193 YZERFONTEIN**
in die Swartland Munisipaliteit
Afdeling Malmesbury
Provinsie Wes-Kaap

Gehou kraglens Transportakte T03437/2001

- 2. **ERF 2635 YZERFONTEIN**
in die Swartland Munisipaliteit
Afdeling Malmesbury
Provinsie Wes-Kaap

Gehou kraglens Transportakte 0000 (501) / 2013

WAT veranlig is tot die grond hieronder beskryf;

SO is dit dat ingevalge die bepalinge van genoemde Wet, ek, die Registrateur van Aktes te Kaapstad, hierby sertifiseer dat voornoemde:

LOCHNER EKSTEENETRUST
IT1263/2000

Sy Opvolgers in Amp of Regverkrygendes nou en voortaan die geregistreerde elemente is van:

ERF 2637 YZERFONTEIN
IN DIE SWARTLAND MUNISIPALITEIT
AFDELING MALMESBURY
PROVINSIE WES-KAAP

GROOT: 798 (SEWE HONDERD AGT EN NEGENTIG) VIERKANTE METER

SOOS AANGEDUI op Diagram 4554/2011

10

I. WAT BETREFF die Igaur ASF op aangehegde Diagram 4554/2011

A. ONDERHEWIG aan die voorwaardes waartoe verwys word in Transportakte T 000015012/2013

B. ONDERHEWIG VERDER aan die volgende spesiale voorwaardes vervat in Kroongrondbrief T76/1936, naamlik:

- 6. "Dat geen gebou op die grond binne vyftien komma sewe vier (15,74) meter van die hoogwatermerk van die see opperlig sal word nie, en dat 'n oop ruimte van 15,74 meter bo die hoogwatermerk van die see vir die ongehinderde gebruik van die publiek vrygelaat sal word."

C. GEREGTIG kragtens Notariële Akte gedateer 26 April 1937 op sekere regte op water en opsigte van sekere fontein WM aangedui op die kaart gehag aan die genoemde Notariële Akte en die reg om sodanige water deur middel van 'n pyplyn te gelei oor die eiendom gehou kragtens Transportakte T11493/1919 en die Restant gehou kragtens Sertifikaat van Verenigde Titel T3727/1937 na die eiendom gehou kragtens Transportakte T3729/1937 saam met sekere reg van weg vir doeleindes van onderhoud. Onderhewig aan sodanige voorwaardes soos meer volledig sal blyk uit die afskrif gehag aan Transportakte T11493/1919.

D. ONDERHEWIG VERDER aan die voorwaardes dat die grond onderworpe bly aan die wetsbepalings op dorpe, en dat deur hierdie transport geen inbreuk gemaak word op die regte van eienaars van erwe en van ander persone op die openbare plekke wat deel uitmaak van die getransporteerde grond nie.

FOG

34

ND

II. WAT BETREFF die Inplant aBCTREF op aangehegde Diagram 4654/2011

- A. ONDERHEWIG aan die voorwaardes waarna verwyd word in Transportakte T1316/1936
- B. ONDERHEWIG VERDER aan die volgende spesiale voorwaardes vervat in Kroongrondbrief 178/1936, welke voorwaardes van toepassing is op daardie gedeelte van hoëgemelde grond as wat oorspronklik doel uitgemaak het van "ANNEX IZERFONTEIN" voorheen gehou kragtens gesegde Kroongrondbrief 178/1936, met nommers 5 en 6 van welke voorwaardes as volg lees:
5. Nie onderhewig nie aan voorwaarde B5 op bladsy 2 van Transportakte TSB437/2001 kragtens artikel 53 van die Wysigingswet op die Registrasie van Myntuile, Wet 24 van 2003.
 6. "Dat geen gebou op die grond binne vyftien komma sewe vier (15,74) meter van die hoogwatermerk van die see opperig sal word nie, en dat 'n oop ruimte van 15,74 meter bo die hoogwatermerk van die see vlr gelaat sal word."

Die ander voorwaardes vervat in Kroongrondbrief T76/1936 het betrekking op en maak voorsiening vlr:

- (a) dat bestaande paale en deurgange vry en onbelemmerd bly;
- (b) die toekanning van noodweë en die maak van nuwe paale;
- (c) die maak van publike paale, spoorweë, damme waterleidings en vore, die aanleë van telegraaf- en telefoonlyne en die totstandbring van uitspannings;
- (d) herbasitneming van die gesegde grond of gedeelte daarvan deur die Staatspresident op sekere voorwaardes.

ONDERHEWIG VERDER aan die volgende voorwaardes vervat in Transportakte T1316/1936, opgelaë deur die Administrateur van die Provinsie Kaap die Goeie Hoop, naamlik:

- (a) AS SYNDE TEN GUNSTE VAN DIE GEREGISTREERDE EIENAAR VAN N'ERF IN IZERFONTEIN DORP
1. Dat die erf uitsluitlik vir besigheidsoeleindes gebruik mag word
 2. Dat die erf nie onderverdeel mag word nie
 3. Dat geen geboue op die erf mag word binne 6,30 meter van en getreë wat aan die erf grens of binne 3,0 meter van enige oop plek wat di aan die erf grens aan die see toe.

(b) AS SYNDE TEN GUNSTE VAN DIE PLAASLIKE OWERHEID

1. Dat die eienaar van elke erf, insluitende die Applikant vir die toestandbringings van die dorp of sy opvolgers, verplig sal wees om die dreinerings en nolering van enige ander erf of erwe oor sy erf te laat lei, indien dit nodig geag word deur die plaaslike owerheid, en op sulke wyse en in sulke ligging as wat van tyd tot tyd deur die plaaslike owerheid vereis mag word.

D. ONDERHEWIG VERDER aan die volgende voorwaardes vervat in Transportakte Y1316/1936, uitgeaf deur die dorpsrejonere - YZERFONTEIN SEASIDE ESTATES PROPRIETARY LIMITED - ten gunste van hulsolf solenk as hulle erwe ewer in YZERFONTEIN DORP en ten gunste van enige plaaslike owerheid wat in die lewe geboek mag word te YZERFONTEIN DORP en enige geregistearde eienaar van 'n erf in YZERFONTEIN DORP, naamlik:

- (1) Dat geen gebou op 'n erf opgerig mag word nie, totdat die plannas en spesifikasies daarvan voorgelê is aan en goedgekeur is deur die maatskappy, of in geval 'n plaaslike owerheid tot stand gebring word te YZERFONTEIN DORP deur sulke plaaslike owerheid.

E. ONDERHEWIG VERDER aan 'n lewenslange vruggebruik ten gunste van Anna Sara Magdalena Eksteen, Identiteitsnommer: 400718 0008 08 1, getroud buite gemeenskap van goedere.

FOR INFO

ND

EN DAT, kragtens hierdie Sentriekeal, genoemde

LOCHNER EKSTEEN TRUST
IF1263/2000

Sy Opvolgers in Amp of Regverkyngendes, nou en voorbaan daartoe geregtig is ooreenkomstig
pleaslike gebruik, maar behoudens die regie van die Staat.

TEN BEWYSE waarvan ek, voornoemde Registrateur, hierdie Akte onderteken en dit met
die Ampseel bekregtig het.

ALDUS GEDOEN en GETEKEN op die kantoor van die Registrateur van Aktes te
KAAPSTAD op hede die _____ dag van _____

April 2013

REGISTRATEUR VAN AKTES

For Information

Andries Conradie

From: Andries Blake <andries@klawerwyn.co.za>
Sent: 28 May 2024 15:29
To: 'Marinda Blake'
Subject: FW: Johan Blake Testamentere trust

Best Regards

Andries Blake

Klawer Wine Cellars
 C E O

Mobile: 0824965062

From: Alwyn Burger [mailto:alwynburger@swartland.org.za]
Sent: Tuesday, 28 May 2024 15:03
To: Andries Blake <andries@klawerwyn.co.za>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>
Subject: RE: Johan Blake Testamentere trust

Middag Andries

Dit gaan goed dankie. Hoop dit gaan goed jou kant ook.

Die bouplanne op erf 2123 is nog nie goedgekeur nie. Dit gaan nog 'n tydjie neem, want die nuwe erfnommer moet nog registreer in die aktekantoor. Ek dink Riaan was onder die indruk dat hy in Januarie 2024 kon begin bou, maar dit kon nie gebeur nie. Ek sal met Riaan kontak maak daaroor.

Daar is 'n nuwe persoon wat nou vir Beaches gaan oorneem. Daar is al bouplanne aan die munisipaliteit kommunikeer, maar dit kon nie oorweeg word nie weens sekere kwessies. Dit wat voorgestel word gaan definitief meer parkeerplekke vereis en sal daar moet gekyk word na die verkeer en parkering aspekte. Daar gaan heel moontlik afgewyk word van die vereiste op-perseel parkering wat beteken daar gaan 'n aansoek wees met 'n publieke deelname proses waarin julle die geleentheid sal kry om insette te lewer. Daar mag egter met geen bouwerke voortgegaan word nie.

Groete

Alwyn Burger

Tch. Pln B/8429/2020

Chief Town and Regional Planner | Division: Land use & Town Planning

Department: Development Management

Directorate: Development Services

T: 022-487 9400 **F:** 022-4879440 **M:** 0764809870

E: alwynburger@swartland.org.za



10

CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11

ONS GEE GESTALTE AAN 'N BETER TOEKOMS!
WE SHAPE A BETTER FUTURE!
SAKHA IKUSASA ELINGCONO!

From: Andries Blake <andries@klawerwyn.co.za>
Sent: Tuesday, 28 May 2024 06:47
To: Alwyn Burger <alwynburger@swartland.org.za>
Subject: Johan Blake Testamentere trust

More Alwyn

Hoop dit gaan goed.

Ek wil as Trustee net gou die volgende by jou uitvind.

Die planne van Riaan Smit op erf 2123, is dit al goedgekeer? Daar staan nou al van Desember n onooglike container met n draad hok rondom.

Dan by Beaches sien ons is n gewoel aan die gang en ons hoor dat daar weer n restaurant gaan kom. Wat gaan hulle doen omtrent parkering en ook die verkeers opeenhoping daar af in die pad?

As ek my vrae op n formele skrywe moet sit laat weet net maar ek wil maar net hoor wat rondom ons gaan gebeur.

Best Regards

Andries Blake

Klawer Wine Cellars
C E O

Mobile: 0824965062

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Andries Conradie

From: Alwyn Burger <alwynburger@swartland.org.za>
Sent: 11 July 2024 16:31
To: Marinda Blake
Cc: Joggie Scholtz; Alwyn Zaayman; Neale Africa
Subject: RE: Parkering - ou Beaches

Middag Marinda

Die bouplan wat tans oorweeg word handel slegs met interne veranderinge en die skep van 3 nuwe toilette. Geen nuwe bouwerke rakende die restaurant word voorgestel nie.

Gevolgtik bly die bestaande voorsiening van op-perseel parkering voldoende. sien hieronder 'n terreinplan wat die parkering uitleg aandui.

Tch. Pln B/8429/2020

Chief Town and Regional Planner | Division: Land use & Town Planning

Department: Development Management

Directorate: Development Services

T: 022 487 9400 F: 022-4879440 M: 0764809870

E: alwynburger@swartland.org.za



10

CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11

ONS GEE GESTALTE AAN 'N BETER TOEKOMS!
WE SHAPE A BETTER FUTURE!
SAKHA IKUSASA ELINGCONO!

From: Marinda Blake <marinda@blakefamilywines.com>

Sent: Thursday, 11 July 2024 15:35

To: Neale Africa <AfricaN@swartland.org.za>

Cc: Alwyn Burger <alwynburger@swartland.org.za>; Joggie Scholtz <ScholtzJJ@swartland.org.za>

Subject: RE: Parkering - ou Beaches

Hello Neale

Baie dankie vir die terugvoering. Ons sal dan wag totdat die openbare proses begin rakende die parkering.

Bly droog en veilig.

Groetnis

Marinda Blake



Email marinda@blakefamilywines.com | Cell +27 (0)82 922 6162 | Skype [marindablake.impromptu](https://www.skype.com/profile/marindablake)  

From: Neale Africa <AfricaN@swartland.org.za>

Sent: Thursday, July 11, 2024 3:11 PM

To: Marinda Blake <marinda@blakefamilywines.com>

Cc: Alwyn Burger <alwynburger@swartland.org.za>; Joggie Scholtz <ScholtzJJ@swartland.org.za>

Subject: RE: Parkering - ou Beaches

Goeiedag Marinda

Baie dankie vir jou epos. Beaches bouplan is huidiglik by ons stadsbeplanning afdeling vir hantering en afhandeling. Let wel, die parkeerarea vorm deel van die bouplan. Vir enige verdere navrae, kontak gerus Alwyn Burger.

Groete

Neale Africa

Area Koördineerder | Yzerfontein Dorpsbestuurder

T: 022 451 2258 M: 081 217 4000 E: african@swartland.org.za

SWARTLAND MUNICIPALITY



CLEAN AUDITS SINCE 2010/2011

SKOON OUDITS SEDERT 2010/2011

SWARTLAND VOORUITDENKEND 2040 –
WAAR MENSE HUL DROME KAN UITLEEF!

SWARTLAND FORWARD-THINKING 2040 – WHERE PEOPLE
CAN LIVE THEIR DREAMS!

From: Marinda Blake <marinda@blakefamilywines.com>

Sent: Thursday, 11 July 2024 12:41

To: Neale Africa <AfricaN@swartland.org.za>

Cc: Alwyn Burger <alwynburger@swartland.org.za>; Joggie Scholtz <ScholtzJJ@swartland.org.za>

Subject: FW: Parkering - ou Beaches

Hello Neale

Ek hoop julle het nog nie weggeswem daar by die raadskantore nie. Ek wil net verneem of jy hierdie onderstaande epos ontvang het, want ek het nog geen terugvoering gekry vanaf Swartland Munisipaliteit nie. Die bouery by Beaches is 'n gevorderde stadium en hulle het gisteraand in die gure weer gebou in die ligte van 'n voertuig wat hulle daar geparkeer het om lig te verskaf.

Andries het blykbaar as Trustee van die Johan Frederick Blake Trust 'n epos gestuur waarin hy ook navraag gedoen het oor die restaurant se on-site parkering. Hy het antwoord terug ontvang vanaf Alwyn Burger dat daar moontlik afgewyk gaan word van die vereiste op-site parkering en dat 'n openbare proses gaan volg. Ek wonder nou of die openbare proses gaan gebeur nadat die verbouings klaar gedoen is? Hierdie sal baie interessant wees as die munisipaliteit van die vereiste on-site parkering gaan afwyk – veral waar dit 'n geweldige verkeersimpak gaan he.

Ek hoor graag van jou.

Groetnis

Marinda Blake



Email marinda@blakefamilywines.com | Cell +27 (0)82 922 6162 | Skype [marindablake.impromptu](https://www.skype.com/profile/marindablake)  

From: Marinda Blake <marinda@blakefamilywines.com>
Sent: Monday, June 24, 2024 10:22 AM
To: Neale Africa (african@swartland.org.za) <african@swartland.org.za>
Cc: 'Alwyn Burger' <alwynburger@swartland.org.za>
Subject: Parkering - ou Beaches

Hello Neale

Hoop dit gaan nog goed. Ek sien dat jy Saterdag daar by die ou Beaches se bouery gestaan het. Ons is baie dankbaar dat Yzerfontein nog 'n restaurant kry want dit is iets wat ons regtig nodig het. Vir ons familie wat 'n huis regoor die restaurant het, wil ons graag weet wat die situasie gaan wees met op-perseel parkering. Oor die afgelope 20 jaar het ons werklik baie probleme gehad met die parkering van Beaches se gaste. Besoekers aan Beaches het in die verlede ons so toegetrek dat ons nie by die huis kon uitkom nie en besoekers het in die verlede selfs op ons grasperk kom parkeer wat tot baie onsmaklike situasies gelei het. Oor die jare het ons verskeie kere die munisipaliteit gekontak rakende die probleem. In die verlede was ons meegedeel dat Beaches 'n historiese probleem is wat ge-erf is van die ou Yzerfontein Raad. Nou is dit egter 'n ander storie en val direk onder Swartland Munisipaliteit.

Besoekers het ook in Kusweg oorkant Beaches (waar daar oral rooi strepe geverf is vir geen parkering behalwe voor Beaches) geparkeer en wanneer daar 'n ry motors geparkeer is, is daardie interseksie baie gevaarlik met 'n verkeersprobleem in 3 rigtings. Motors parkeer ook op die sypaadjie, wat voetgangers dwing om in die middel van die pad te loop as daar ook nog 'n ry motors langs die kant geparkeer is – dit terwyl motors van beide kante probeer ry. Yzerfontein het baie vissersbote en wanneer die bote vol gelaai is, ry die bote onderom in Kusweg om sodoende die bult te vermy na die vismark. Besoekers het ook op die lee erf o.h.v Kusweg & 9de Straat oorkant Beaches geparkeer waar daar blykbaar ook binnekort gebou gaan word. Daardie parkering wat ook nie "op die perseel" was nie, is ook nou verlore.

Ons is wel deeglik bewus van die feit dat jy op-perseel parkering vir 'n restaurant moet verkaf aangesien ons so pas deur die proses is en dit ons net onder 'n miljoen gekos het om aan Swartland Munisipaliteit se vereistes vir op-perseel parkering te voldoen.

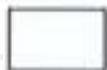
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Groetnis

Marinda Blake



Email marinda@blakefamilywines.com | Cell +27 (0)82 922 6162 | Skype [marindablake.impromptu](https://www.skype.com/en/contacts/marindablake)  



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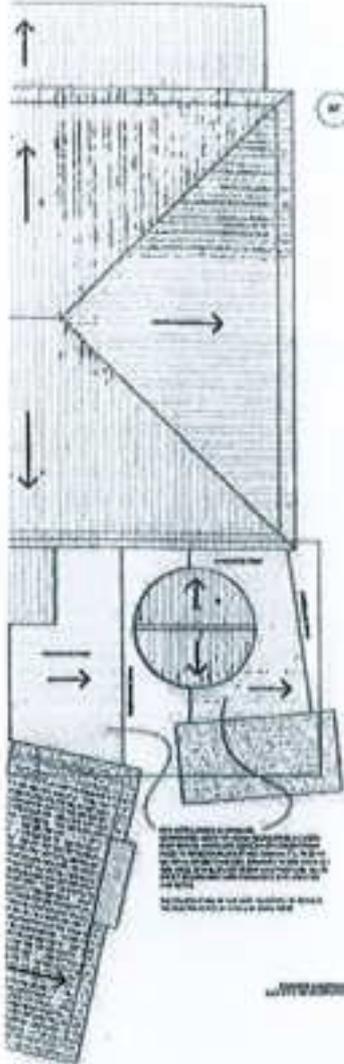
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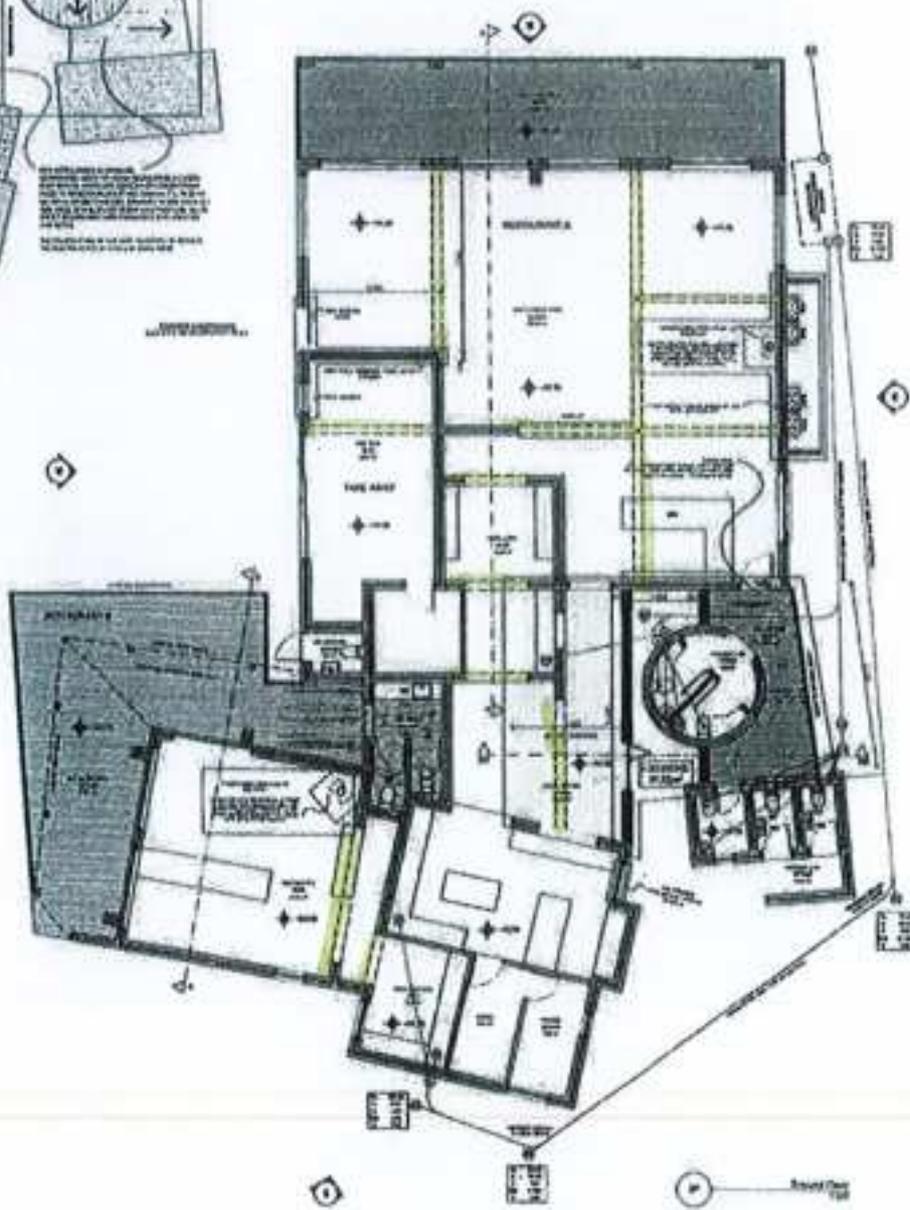
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30% VOLUME OF HOT WATER SERVICES FROM ANOTHER SOURCE E.G. SOLAR SYSTEM/HEAT PUMP OR SIMILAR TO COMPLY TO THE REQUIREMENTS OF SANS204.

AS BUILT SUBMISSION FOR PLAN NO: 448/24
REFERENCE NO: 132184



| | |
|--------------------|-----------------------|
| Ground Floor | 1.70 |
| FOODS | 4.44 |
| REST A, BOH | 11.41 |
| REST A, COV. BOCK | 43.41 |
| REST A, BRNS & BAR | 137.81 |
| REST A, KITCHEN | 51.51 |
| REST B, COV. BOCK | 27.61 |
| REST B, KITCHEN | 19.42 |
| RESTAURANT B | 44.95 |
| TAKE AWAY | 39.81 |
| WC LOK DECK | 1.76 |
| WC SWELANDP | 2.71 |
| WCS REST A (A) | 1.93 |
| WCS REST A (B) | 10.93 |
| WCS REST B | 8.81 |
| | 448.17 m ² |

ADDITIONS 39.55m²

Area Building 16

Project Name
2 Beach Road
As Built Plans

2 Beach Road
Surfside
Municipal Council
1384

Coverage
50%
Covered Area Water Seal
50.25m²
50.25%

Registered Draftsman
Lachner Dialeen Trust

Author



Date Issued

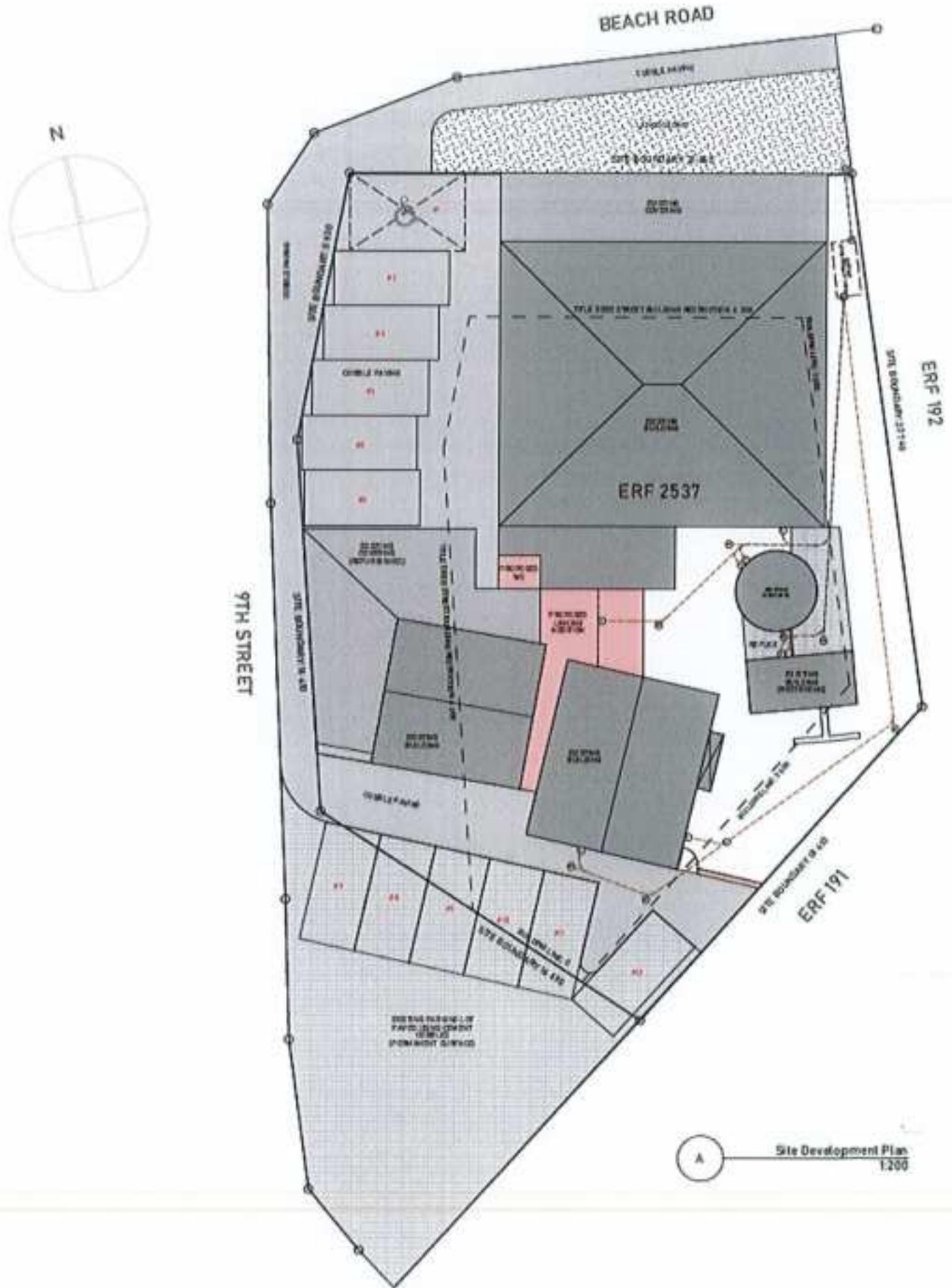
07/01/2025

Title

2 Beach Road
Council Submission Plans

C1.1

The Author in this drawing certifies the accuracy of the drawings.
Council to certify/submit



Subject: FW: "Ou Beaches Parkering - Yzerfontein"

From: Alwyn Burger <alwynburger@swartland.org.za>
Sent: Friday, 07 February 2025 15:09
To: Marinda Blake <marinda@blakefamilywines.com>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Joggie Scholtz <ScholtzJ@swartland.org.za>;
Brandon Groeneveld <groeneveldb@swartland.org.za>
Subject: RE: "Ou Beaches Parkering - Yzerfontein"

Middag Marinda

Ek vra om verskoning vir die tydsverloop van my antwoord.

Die parkering uitleg wat goedgekeur is op bouplanne van die nuwe restaurant is dieselfde as op die terreinplan van my onderstaande epos van 8 Oktober 2024.

Die sonering van erf 2537, Yzerfontein is Sakesone 2 met 'n vergunningsgebruik vir 'n restaurant.

Die eienaar van die restaurant (Tom Breytonbach) het inligting aan die munisipaliteit voorsien rakende die aantal sitplekke voor en na die veranderings plaasgevind het.

Die ou restaurant het 179 sitplekke gehad. Dit is so bevestig deur 'n beëdigde verklaring van 'n werknemer van die restaurant wat 26 jaar diens het. Daar was 12 parkeerplekke voorsien.

Die nuwe restaurant maak voorsiening vir slegs 151 sitplekke. Daar word steeds 12 parkeerplekke voorsien.

Gegewe die verminderde impak van die aantal sitplekke word geen addisionele parkeerplekke vereis nie.

Die paadjie met 'n muurtjie tot op die sypaadjie wyk af van die goedgekeurde bouplanne en is die eienaar reeds versoek om dit reg te stel. Ek is nie seker of die muurtjie al verwyder is nie. Die res van die parkeerplekke by die restaurant is in orde.

Die parkeerplekke wat geskep is op Hoofweg is ongemagtig en teenstrydig met die sonering van die erf. Beide die eienaar van die erf en die eienaar van die restaurant is in kennis gestel dat die perseel nie aangewend kan word as parkering nie. Indien dit steeds plaasvind sal verdere stappe geneem word.

Ten einde die parkering probleme rondom die restaurant aan te spreek gaan Swartland Munisipaliteit binnekort met 'n publieke deelname proses begin rakende die verandering van 'n gedeelte van Beachweg tussen 8ste en 9de Straat in 'n eenrigtingstraat en die skepping van aanstraat parkeerplekke.

Laastens, die bouwerke op die bouplanne van Riaan Smit voldoen aan die hoogte beperkings. Ek sal skakel met die bou-afdeling dat hulle 'n hoogte sertifikaat aanvra om te bepaal of die bouwerke op die perseel aan die goedgekeurde bouplanne voldoen.

Groete

Alwyn Burger

Chief Town & Regional Planner

☎ 022 487 9400 / 0764809870

✉ alwynburger@swartland.org.za



📍 Church Street, Malmesbury 7209 ☎ Tel (022) 487 9400 🌐 www.swartland.org.za 📱 @SwartlandMunicipality

Swartland forward-thinking 2040 - where people can live their dreams!



From: Marinda Blake <marinda@blakefamilywines.com>

Sent: Monday, 03 February 2025 14:17

To: Alwyn Burger <alwynburger@swartland.org.za>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Joggie Scholtz <ScholtzJJ@swartland.org.za>;

Brandon Groeneveld <groeneveldb@swartland.org.za>

Subject: RE: "Ou Beaches Parkering - Yzerfontein"

Beste Alwyn

Hoop dat 2025 jou nog goed behandel. Ek verneem graag julle terugvoering vanaf die op perseel situasie sedert jou skrywe van 8 Okt 2024.

Kan jy of die bou afdeling dalk net vir ons bevestig of hierdie huis van Riaan Smit wat voor die Johan Frederik Blake Test Trust gebou word binne die hoogte wetgewing is van Swartland Munisipaliteit. Die enigste plan wat destyds na ons gestuur was, was 'n pladdak en hierdie dak is belaglik hoog.

Ek verneem graag spoedig vanaf Swartland Munisipaliteit.

Vriendelike groete

<image002.jpg>

From: Alwyn Burger <alwynburger@swartland.org.za>

Sent: Tuesday, 08 October 2024 10:35

To: Marinda Blake <marinda@blakefamilywines.com>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Joggie Scholtz <ScholtzJJ@swartland.org.za>

Subject: RE: "Ou Beaches Parkering - Yzerfontein"

Môre Marinda

Ek sal my graag wil vergewis van die op-perseel situasie voordat ek vir jou finaal terugvoering gee.

Die terreinontwikkelingsplan hieronder is wat goedgekeur is as deel van de bouplanaansoek vir Beaches se perseel. Op-perseel parkering moet hiervolgens geskep word



Ek kom terug na jou toe wanneer ek in Yzerfontein was.

Groete

Alwyn Burger

Tch. Pln B/8429/2020

Chief Town and Regional Planner | Division: Land use & Town Planning
Department: Development Management
Directorate: Development Services

T: 022 487 9400 F: 022-4879440 M: 0764809870
E: alwynburger@swartland.org.za



10

CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11

ONS GEE GESTALTE AAN 'N BETER TOEKOMS!
WE SHAPE A BETTER FUTURE!
SAKHA IKUSASA ELINGCONO!

From: Marinda Blake <marinda@blakefamilywines.com>
Sent: Monday, 07 October 2024 12:53
To: Alwyn Burger <alwynburger@swartland.org.za>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Joggie Scholtz <ScholtzJ@swartland.org.za>
Subject: "Ou Beaches Parkering - Yzerfontein"

Hello Alwyn

As belastingbetaler, inwoner en besigheids eienaar in die Swartland Munisipale jurisdiksie is ons baie trots op ons munisipaliteit. Daarom wil ek graag glo en vertrou dat alle inwoners/besighede oor dieselfde kam geskeer word. Ons het net ,n paar vrae in terme van ons bouplan goedkeuringsproses verwysende spesifiek na die op perseel parkering vereiste. Blake Family Wines moes 30 op perseel parkering + 2 Laaisone parkerings wat stofvry is voorsien – sonder die opsie van parkering wat nie op die perseel is nie. Dit kon baie maklik gebeur het op die gronde links en regs van ons ingang wat destyds deur FH besit is en intussen deur ons gekoop is. Dit sou ook GEEN verkeersimpak he nie. Om die vereiste op perseel, stofvrye parkering te voorsien het ons ten duurste die residensiele erf langsaan gekoop en moes dit hersoneer en konsolideer. (teen ,n koste in totaal vir die parkering R980 000). Swartland Munisipaliteit was deurgans bewus dat ons besig wat met die hersoneering en konsolidasie van die erwe. Wel wetende daarvan, het Swartland Munisipaliteit vir ons die aangehegte brief gestuur waarin ons gedreig is met tronkstraf en/of boete vir die onregmatige gebruik van ,n residensiele eiendom as parkering. Hierdie het ons as kwaadwillig ervaar.

Sien asb aangeheg Andries se skrywe aan jou asook jou antwoord aan hom op 28 Mei 2024. Ons het die pers dopgehou vir die openbare deelname proses wat ons nersens kon vind nie. Wat ons wel opgemerk is dat daar ,n parkeerplek langs die stopstraat op die sygaardjie geskep is asook dat ,n residensiele erf geplavei is wat lyk of dit vir parkering kan wees. Indien dit parkering is vir die nuwe restaurant verneem ons graag of daar wel 'n opebare proses was en is die erf gehersoneer om die regte grondgebruik te he? Die parkeerplek op die sygaardjie langs die STOP straat sou ek as veiligheidsrisiko beskou. (sien onderstaande eerste twee fotos). Die muurtjie is bo-oor die sygaardjie gebou tot teenaan die pad – is dit aanvaarbaar in terme van bouregulasies? Daardie hoek is ,n baie bedrywige hoek as daar motors weerskante van die pad parkeer. Waar moet voetgangers stap – spesifiek die ouers wat met kleuters vanaf die strand en die getypoel kom – in die pad?

Laastens verwys ek na jou aangehegte epos vanaf 7 Julie 2024 aan my dat die nuwe restaurant nie meer op perseel parkering vereis nie want hulle het net interne verandering aangebring en 3 nuwe toilette. Die restaurant is grootliks verbou en het baie meer sitplekke met dakke wat afgehaal was, dekke wat gebou is tot hopelik nie oor die boulyn in 9de Straat nie.

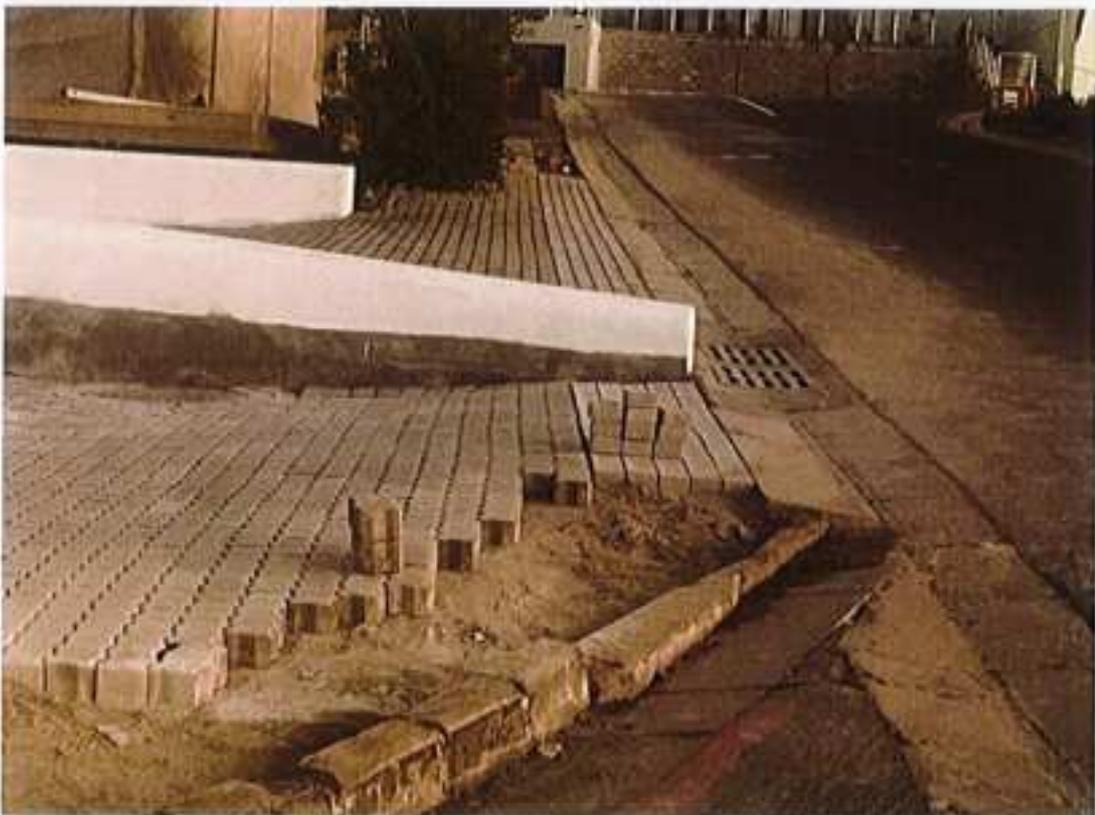
Ek wil dit net baie duidelik maak, dat ons die nuwe restaurant verwelkom, want ons het dit regtig nodig in Yzerfontein. Ons het nie ,n aangename ervaring (en is nog steeds besig) gehad met

ons hele bouproses nie en daarom wil ons net seker maak dat alle besighede/individue se hoepels ewe hoog is. Hierdie skrywe handel spesifiek slegs oor die parkering.

Ek hoor graag van jou.

Groetnis





<image002.jpg>

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Andries Conradie

From: Andries Conradie <andries@conradieinc.co.za>
Sent: 18 February 2025 08:49
To: 'Alwyn Burger'
Cc: 'Alwyn Zaayman'
Subject: RE: Swartland Beplanning Regulasies

Beste Alwyn

Ek hoop dit gaan goed.

Ons telefoongesprek van 7 Februarie 2025 verwys.

Ek sal dit waardeer indien jy die volgende vir my sal aanstuur:

- 1) Die dokumentasie waarin uiteengesit word op watter terme die eienaar van Erf 2537 destyds die 6 parkeer spasies op Erf 495 "uitgekoop" het; en
- 2) Die volledige aansoek om die opheffing van beperkende voorwaarde op Erf 2537, Yzerfontein (kennisgewing 56/2024/2025) met alle aanhangsels.

Laat weet gerus indien jy navrae het.

Ek verneem graag dringend van jou.

Groete

From: Alwyn Burger <alwynburger@swartland.org.za>
Sent: 07 February 2025 08:53
To: Andries Conradie <andries@conradieinc.co.za>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>
Subject: Swartland Beplanning Regulasies

Môre Andries

Ons gesprek vanoggend het betrekking.

Vind aangeheg die regulasies soos versoek.

Groete

Alwyn Burger

Chief Town & Regional Planner

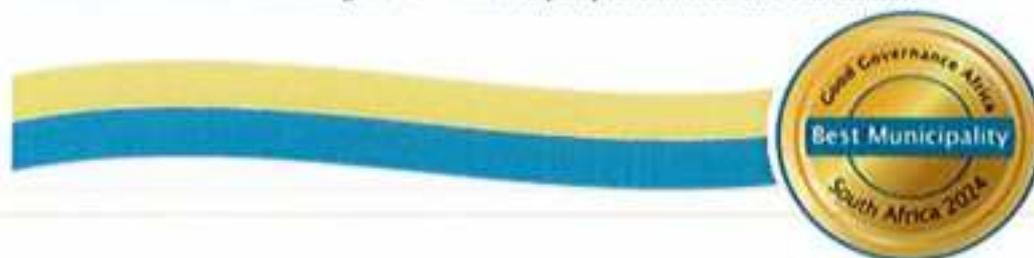
☎ 022 487 9400 / 0764809870

✉ alwynburger@swartland.org.za



📍 Church Street, Malmesbury, 7299 ☎ Tel (022) 487 9400 🌐 www.swartland.org.co.za 📱 @SwartlandMunicipality

Swartland forward-thinking 2040 - where people can live their dreams!



Andries Conradie

From: Alwyn Burger <alwynburger@swartland.org.za>
Sent: 19 February 2025 12:06
To: Andries Conradie
Cc: Alwyn Zaayman
Subject: RE: Swartland Beplanning Regulasies
Attachments: SKM_95825021911550.pdf; SKM_750i25021912010.pdf; SKM_750i25021912020.pdf

Middag Andries

Gaan goed dankie. Hoop dit gaan goed daar ook.

1. Daar was ooreengekom met die eienaar ten einde slegs 12 parkeerplekke te voorsien. Dit was gereël by wyse van 'n bouplangoedkeuring. Sien die plan aangeheg.
2. Vind aangeheg die volledige grondgebruiksaansoek en terreinplan.

Groete

Alwyn Burger

Chief Town & Regional Planner

☎ 022 487 9400/ 0764809870
 ✉ alwynburger@swartland.org.za



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Swartland forward-thinking 2040 - where people can live their dreams!



From: Andries Conradie <andries@conradieinc.co.za>
Sent: Tuesday, 18 February 2025 08:49
To: Alwyn Burger <alwynburger@swartland.org.za>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>
Subject: RE: Swartland Beplanning Regulasies



Beste Alwyn
 Ek hoop dit gaan goed.
 Ons telefoongesprek van 7 Februarie 2025 verwys.
 Ek sal dit waardeer indien jy die volgende vir my sal aanstuur:

| Building | Land Use | Extent |
|----------|--|--------------------|
| | BEACHES RESTAURANT | 1000m ² |
| | BOAT HOUSE COFFEE SHOP | 400m ² |
| | STORE ROOM | 200m ² |
| | ABLUSION FACILITIES | 100m ² |
| | ABLUSION FACILITIES | 200m ² |
| | PARKING (1000m ² @ 3700mm = 172,6 bays) | 15 bays |

Notes: All areas are as per Surveyors drawing
All beacons are 120mm round iron pegs

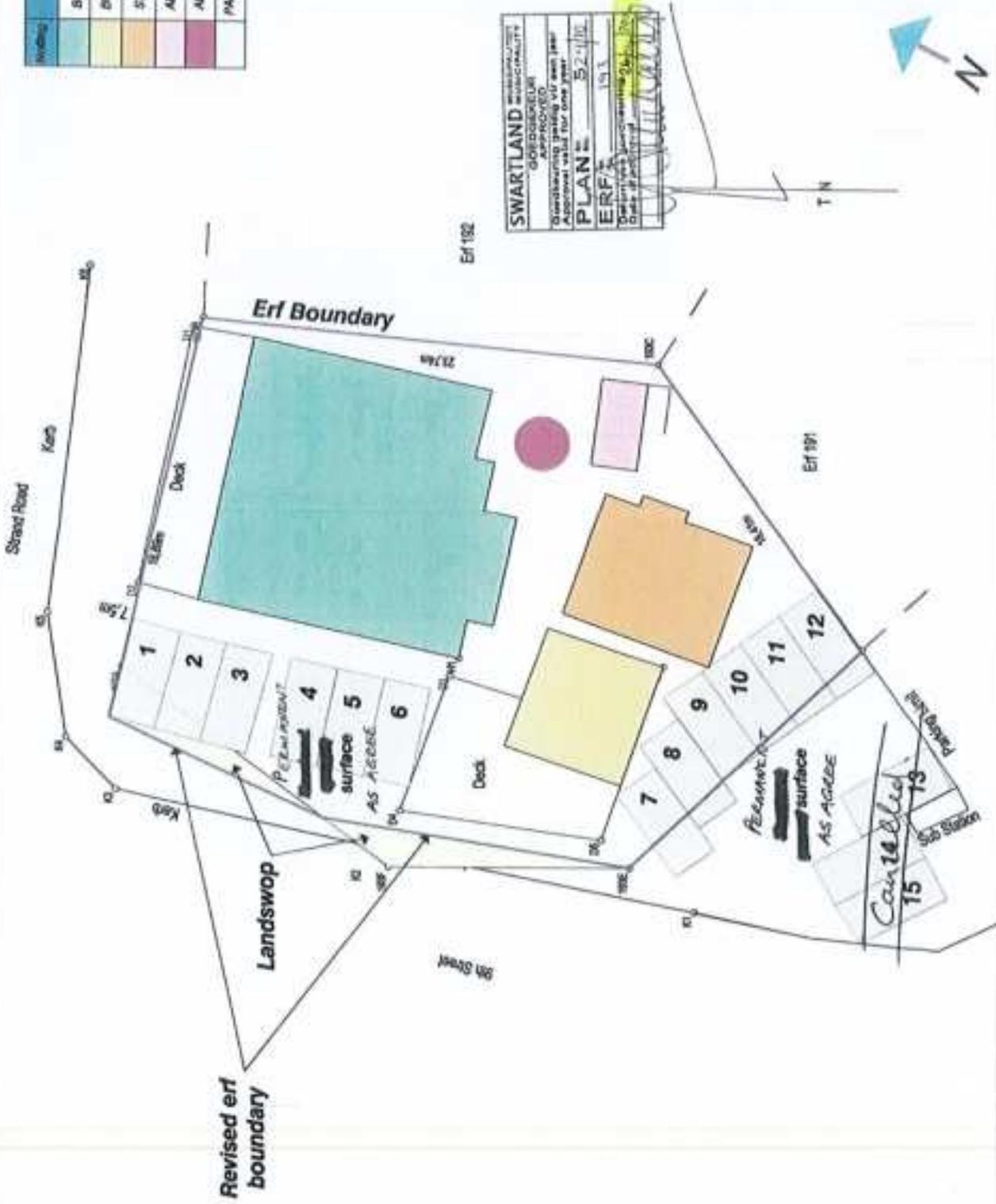
Prepared by:
Anton Mitchell, Land Surveyor
Yzerfontein
Tel. 083 763 3351



Project:
**ERF 193,
YZERFONTEIN**

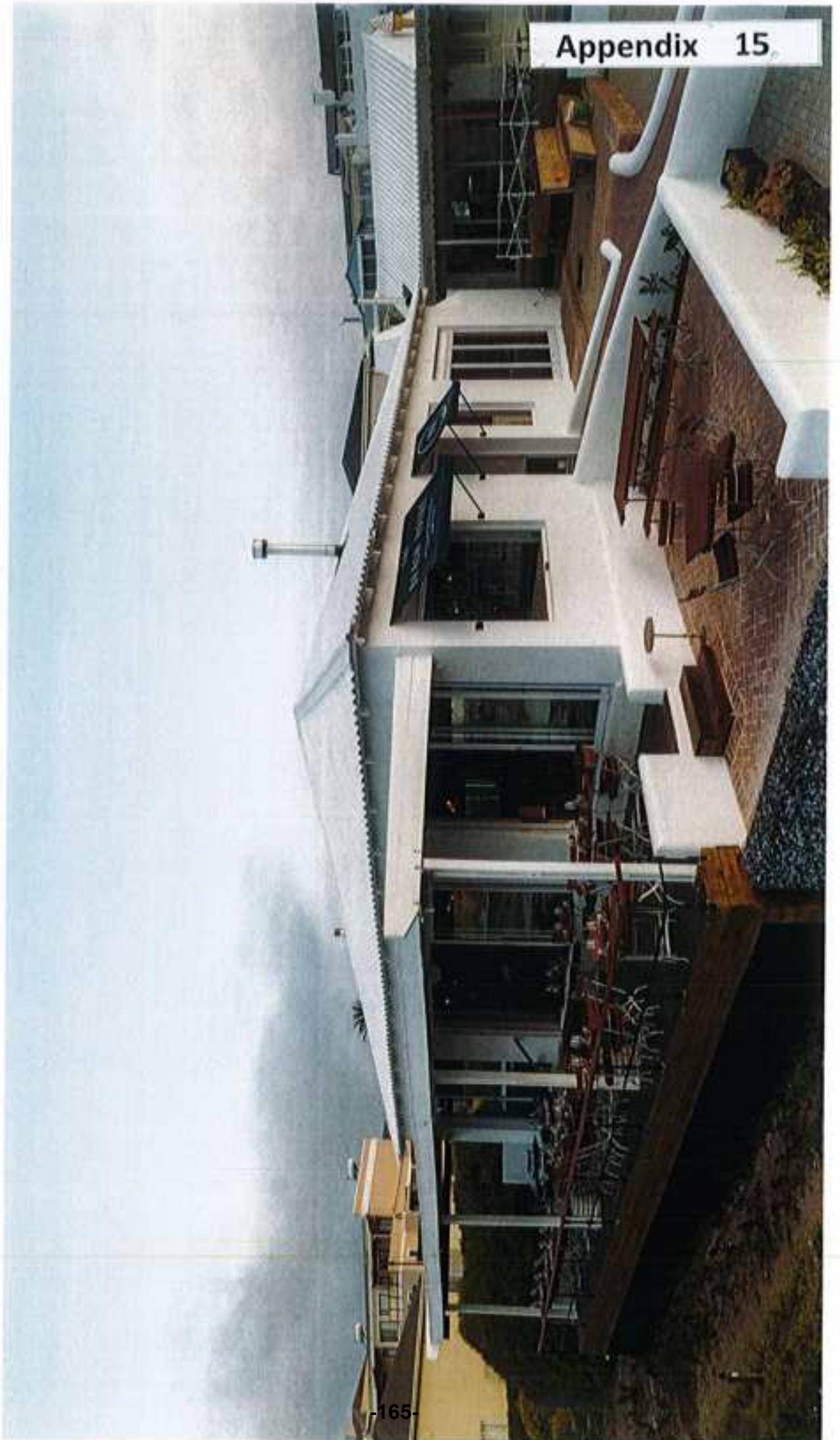
Description:
**Site Development
Plan**

| | | |
|----------------|-----|--------------------|
| BEACHES | | |
| Rev. | ANG | Rev. N 10-25 |
| Drawn | PLR | Date February 2011 |
| Checked | PLR | Sheet no. 3 |









Restaurants in Yzerfontein

Top Restaurants in Yzerfontein

17 results match your filters [Clear all filters](#)

Restaurants X

Looking to expand your search outside of Yzerfontein? We have suggestions. [Expand your search.](#)



1. Rosemead Artisan

5.0 (56 reviews)
Cafe · RR - RRR

"Our weekend getaway to Yzerfontein always includes a stop at Rosemead for 1... like pastels de nata and croissants."



2. Strandkombuis

4.5 (154 reviews) - Closed today
Seafood · RR - RRR

"The atmosphere is superb! Lovely quiet setting just what the soul needs. Room... dry and the grawns had not been dev..."



3. Kaijaki Country Inn And Restaurant

5.0 (165 reviews) - Open now
Cafe · RR - RRR · Menu

"We had a fabulous lunch at this restaurant yesterday. The owner Rene is so...
"Had a delicious breakfast and the best..."



4. The Beach House Restaurant Yzerfontein

4.5 (22 reviews) - Closed now
Steakhouse, Seafood · RR - RRR · Menu

"Excellent lunch with no view"
"A Phoenix!"



5. Ikhwa Ttu Restaurant



●●●●● 14 reviews - Open now
Bar, Cafe - RR - RRR - Menu

"... People, the dining space has character and a warmth that today extended.
"Visit to Khwa-tu"



6. Weskus Padstal
●●●●● 16 reviews - Open now
RR - RRR - Menu

"Perfect Little Stop!"



7. Yzer Bru
●●●●● 17 reviews - Closed now
Brew Pub, Pizza - RR - RRR

"A small intimate venue, brewery in the back, great vibe and excellent pizza...
"Pizza and Beer"

Local eats



Kajjaki Country Inn And Restaurant
●●●●● 165
Cafe - RR - RRR



8. Grounded
●●●●● 6 reviews
International, Diner

"Outstanding value for money close to many shops"
"Best Food in Yzerfontein!"



9. That Greek Place
●●●●● 10 reviews - Closed now

"Great food and atmosphere"
"A Greek Restaurant not to miss in Yzerfontein"



10. Skatti
●●●●● 19 reviews



Seafood · RR - RRR

"Best hake and chips and calamari and rice we have had in a while."
"Staff is now on the intersection of..."



11. Lula's Mediterranean Restaurant

●●●○○○ 146 reviews

Seafood, Mediterranean · RR - RRR

"... menu was a fish I have not come across before in a restaurant - Cape Breton"
"Had lunch at Lula's and can recommend the..."



12. Beaches

●●●○○○ 147 reviews · Closed now

Seafood · RR - RRR

"We were there on sunday for lunch had a very nice meal service was great and"
"Overpriced"



13. The Boathouse Coffee Shop

●●●○○○ 53 reviews

Cafe · RR - RRR

"Relaxed verandah setting to enjoy something light to eat. Coffee is good. Great"
"Awesome view if seated at correct table. Average food."

Budget-friendly bites



Rosemead Artisan

●●●●● 54

Cafe · RR - RRR



14. Fontana Take Aways

●●●○○○ 9 reviews · Open now

Seafood

"Good for a quick bite or if you are not in the mood to cook. Good fish & chips."
"Something fishy"

15. Gordo's Pizzeria

Be the first to review this restaurant

Pizza



16. A Taste of Yzer

Be the first to review this restaurant - [Closed today](#)
Diner



17. The Geek Place

Be the first to review this restaurant.
Greek

Showing results 11

Frequently Asked Questions about Yzerfontein

What are the best restaurants in Yzerfontein that provide takeaway?



What are the most popular restaurants in Yzerfontein?



What are the best restaurants in Yzerfontein for families with children?



Yzerfontein ▾

Hotels ▾

Things to Do

Restaurants ▾

Flights

Holiday Homes



(tel.%20%27224512985)
 (mailto:%20yzerfontein@swarthlandtourism.co.za)
 (https://www.yzerfonteintourism.co.za/contact-us/)

EAT

!Khwa ttu Restaurant



(https://www.yzerfonteintourism.co.za/khwa-ttu-restaurant/)

Bianca Tango
 +27 22 492 2998 (http://+27%2022%20492%202998)
 info@khwa.ttu.org (mailto:info@khwa.ttu.org)
 R27 (https://www.google.co.za/maps/West place/!Khwa+ttu+Restaurant/@-33 Coast 3615568.182672833.17z/data=!3m1!1e3!4m2!3m1?1s0x3d0cbb00e48a Yzerfontein/218m2!3d-33.361556814d18.271768?Darlin hi-en)

Read more
 (https://www.yzerfonteintourism.co.za/khwa-ttu-restaurant/)

Bean Tree

Breeze Cafe



<https://www.yzerfonteintourism.co.za/breeze-cafe/>

Michael Bullen

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michaelbullet@g <mailto:michaelbullet@gmail.com>

c/o https://www.google.com/maps/place/Outer+ace/Breeze+Caf%C3%Ag+Yzerfontei&n/@-33.3400863,18.1611663,15z/data=!4m2!3m1!1s0x0:0x80e994c8753b1e4e87:road_sa-X8ved+2ahUKEwjn904vp78AhYzerf_UJgtwKHfXpALoQ_BJ5BAhhEAgJontei n

Read more
<https://www.yzerfonteintourism.co.za/breeze-cafe/>

Grounded @ Spar



<https://www.yzerfonteintourism.co.za/grounded-spar/>

Alexia Clayton & Chef Cobus Bekker

+27 22 451 2628 <http://+27%2022%20451%202628>

+27 62 029 9132 <http://+27%2062%20029%209132>

info@livegrounde <mailto:info@livegrounded.co.za>

Shop 19 | <https://www.google.com/maps/place/Grounded/@-33.344Village|9351.181580648.17z/data=!3m1!1e1!4m5!3m4!1s0x1dcca5263d&234df1:0x517618bc1920100e18Butekant|n2!3d-Yzerfontei|33.3449352!4d18.1625495?n!7351-hi-on>

Read more
<https://www.yzerfonteintourism.co.za/grounded-spar/>

EAT

Kajjaiki Country Inn



(<https://www.yzerfontein tourism.co.za/kajjaiki-country-inn/>)

Linda & Eddie Davis

+27 22 451 2858 (<http://+27%2022%20451%202858>)

+27 72 872 4575 (<http://+27%2072%20872%204575>)

info@kajjaiki.co.za (mailto:info@kajjaiki.co.za)

Kajjaiki (<https://www.google.com/maps/Contributor/Kajjaiki-Country-Inn-Restaurant-and-Guesthouse/@-33.3398736,16.181630076,17z/data=!3m1!1e4!1m3!1s0x1dcca5bfe45caf4b0x:bfed5923a75badf8f5m2!4m2!1s2f8mYzerfontein, HI-en>)
7351

Read more
(<https://www.yzerfontein tourism.co.za/kajjaiki-country-inn/>)

Koffie en jy



(<https://www.yzerfontein tourism.co.za/koffie-en-jy/>)

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+27 72 872 4575 (<http://+27%2072%20872%204575>)

info@kajjaiki.co.za (mailto:info@kajjaiki.co.za)

36 Park Street, Yzerfontein, 7351

Read more
(<https://www.yzerfontein tourism.co.za/koffie-en-jy/>)

Lulas Restaurant

EAT



<https://www.yzerfontein.co.za/slowtime/>

- ☎ 082 309 1068 (<http://082%20309%201068>)
- ✉ wielief@gmail.com (<mailto:wielief@gmail.com>)
- 📍 Unit 3, 2 Beach Road

Read more
<https://www.yzerfontein.co.za/slowtime/>

Strandkombuis Restaurant



<https://www.yzerfontein.co.za/strandkombuis-restaurant/>

- ☎ +27 22 481 1003 (<http://+27%2022%20481%201003>)
- ✉ contact@strandkombuis.com (<mailto:contact@strandkombuis.com>)
- 📍 Strandkombuis Road, 16 Mile Beach, Yzerfontein 7351 (<https://www.google.com/maps?ll=-33.3314511816124&z=14&t=m&hl=en&gl=ZA&mapclient=embed&cid=4165843547016318335>)

Read more
<https://www.yzerfontein.co.za/strandkombuis-restaurant/>

That Greek Place



<https://www.yzerfontein.co.za/hal-greek-place/>

EAT

📞 066 544 1999 (<http://066%20544%201999>)
✉ thatgreekplace66@gmail.com (<mailto:thatgreekplace66@gmail.com>)
📍 R315, Koffiefontein Farm, Yzerfontein

Read more
(<https://www.yzerfontein-tourism.co.za/that-greek-place/>)

The Hub coffee and snack bar



(<https://www.yzerfontein-tourism.co.za/the-hub-coffee-and-snack-bar/>)

👤 Nadia Taljaard
📞 082 325 4907 (<http://082%20325%204907>)
📍 3 Main Road, Paxton Centre, Yzerfontein

Read more
(<https://www.yzerfontein-tourism.co.za/the-hub-coffee-and-snack-bar/>)

Viviana's Gourmet Cuisine



(<https://www.yzerfontein-tourism.co.za/vivianas-gourmet-cuisine/>)

👤 Vivienne Petersen
📞 +27 76 833 0074 (<http://+27%2076%20833%200074>)
✉ vivpetersen.sag@gmail.com (<mailto:vivpetersen.sag@gmail.com>)
📍 20 Rees Street, Yzerfontein

Read more
(<https://www.yzerfontein-tourism.co.za/vivianas-gourmet-cuisine/>)

Weskus Padstal

EAT



<https://www.yzerfontein.co.za/weskus-padstal/>

Claire Jager

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C/O (<https://www.google.com/maps/place/West+Coast+Farm+Stall/@-33.33474318,23.85623122/data=!4m5!3Yzerfontein%20mz%20-33.33474318,23.85623122,3d-33.33474318,23.85623122,3d-33.33474318,23.85623122>)

Read more (<https://www.yzerfontein.co.za/weskus-padstal/>)

Wild Flour



<https://www.yzerfontein.co.za/wild-flour/>

Nadia Taljaard

+27 82 325 4907 (<http://+27%2082%20325%204907>)

nadiat1@live.co.za (mailto:nadiat1@live.co.za) (mailto:nadiat1@live.co.za)

4 (<https://www.google.com/maps/place/Volstrace/Wild+Flour+Coffee+Shop/@-33.33932318,16.4606142/data=!4m5!3Yzerfontein%20mz%20-33.33932318,16.4606142,3d-33.33932318,16.4606142,3d-33.33932318,16.4606142>)

Read more (<https://www.yzerfontein.co.za/wild-flour/>)

Wright's Gin

EAT



<https://www.yzerfonteintourism.co.za/wrights-gin/>

Jason Wright

+27 71 973 0368 (http://+27%2071%20973%200368)

jason@wrightsgin (mailto:jason@wrightsgin.co.za)

West Coast Farm Stall, R315, Yzerfontein

Read more
<https://www.yzerfonteintourism.co.za/wrights-gin/>

Yzer Eats



<https://www.yzerfonteintourism.co.za/zyer-eats/>

Verene Mills / Craig Watkins

076 408 8414 (http://076%20408%208414)

order@yzereats.c (mailto:order@yzereats.co.za)

Shop 1, Ocean Village Shopping centre

Read more
<https://www.yzerfonteintourism.co.za/zyer-eats/>

Yzerfontein Wine Boutique



<https://www.yzerfonteintourism.co.za/zyerfontein-wine-boutique/>

Stephen Gladwin

082 326 4856 (http://082%20326%204856)

EAT

Villa Fontana Centre, Lutie Katz

Read more
(<https://www.yzerfonteintourism.co.za/zyzerfontein-wine-boutique/>)

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(<https://www.yzerfonteintourism.co.za/>)

Yzerfontein Tourism

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sgk)

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(<http://www.swarland.org.za/pages/english/home.php>)

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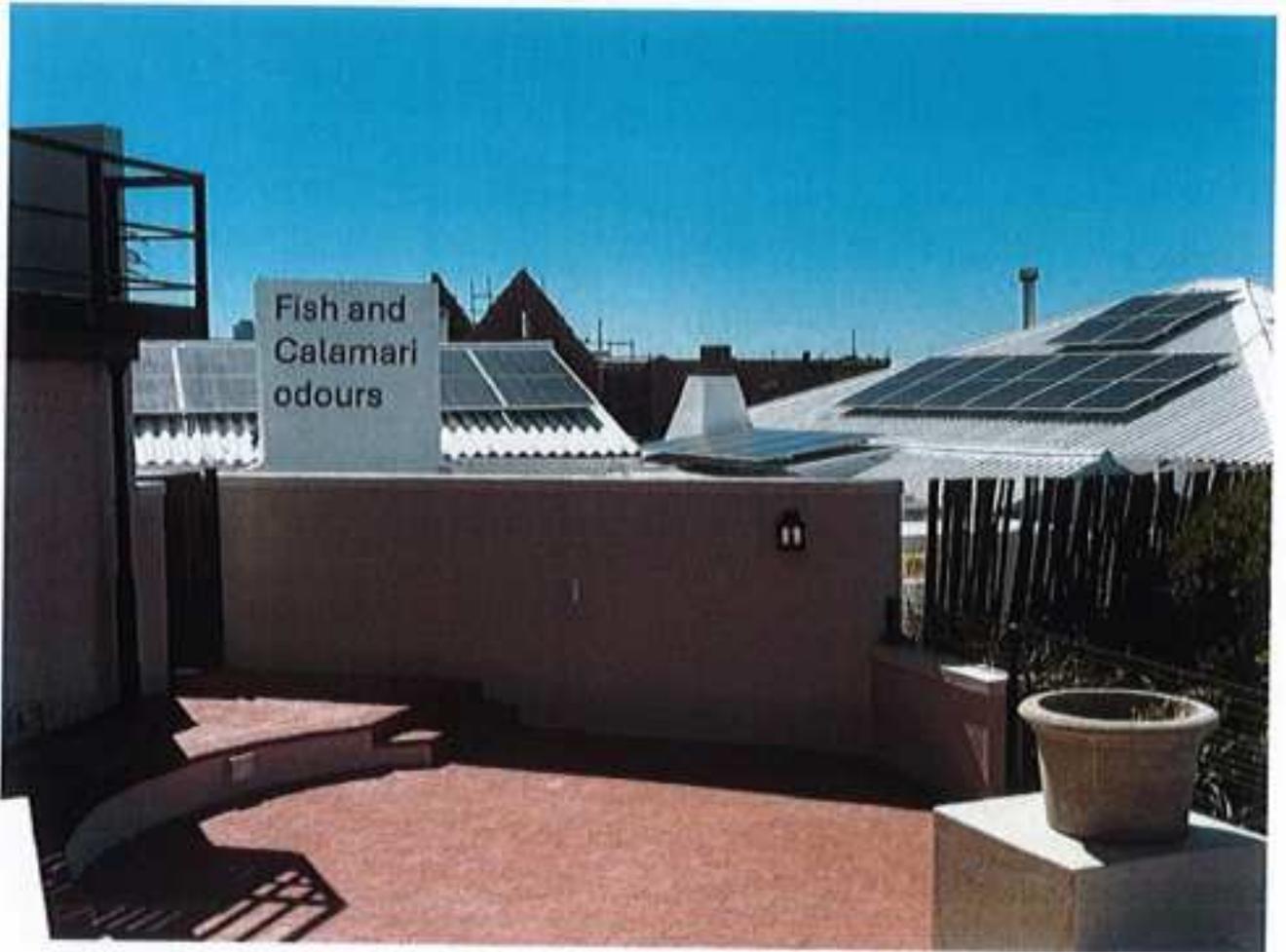
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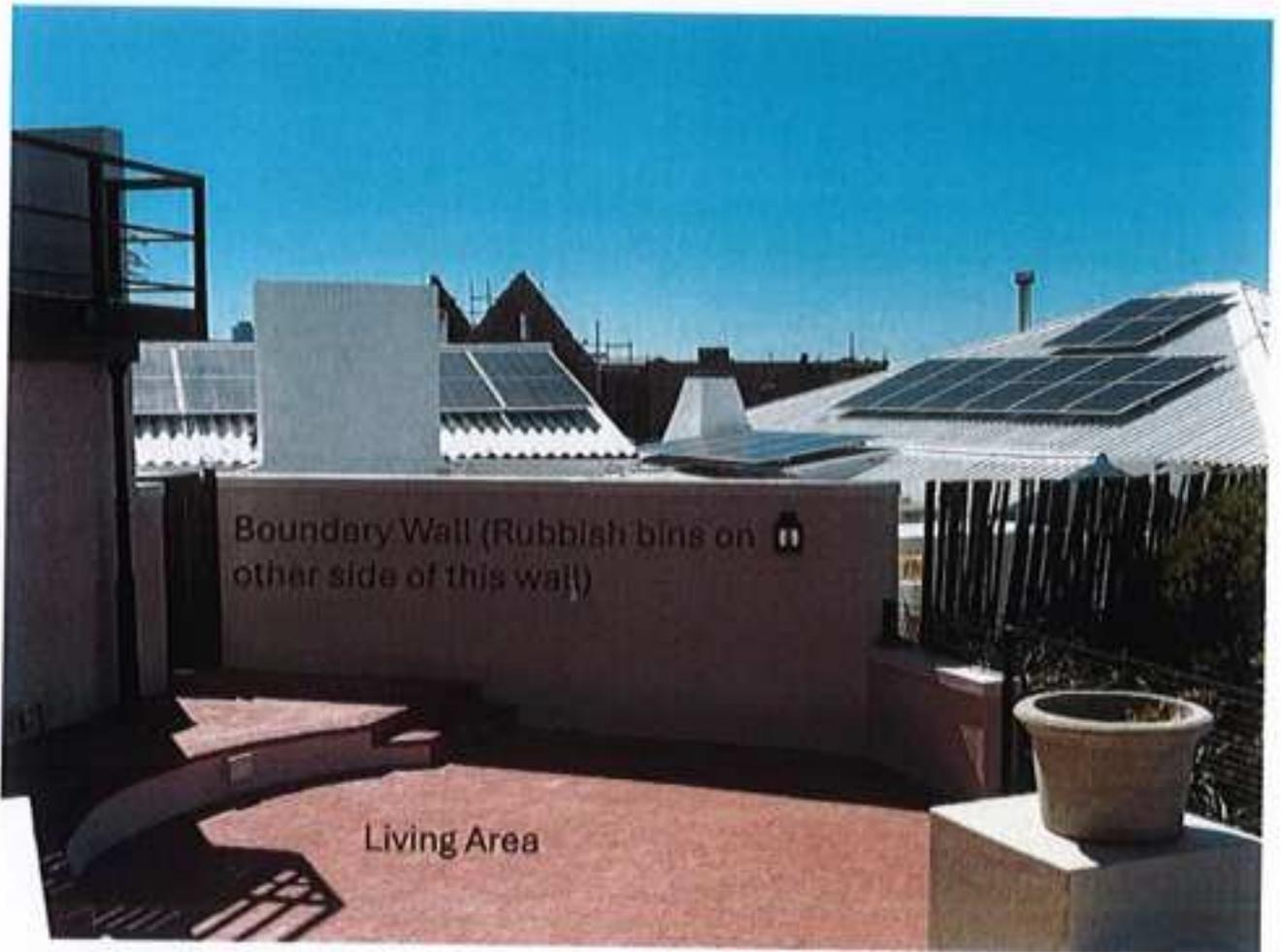
(<http://www.swarland.org.za/pages/english/home.php>)



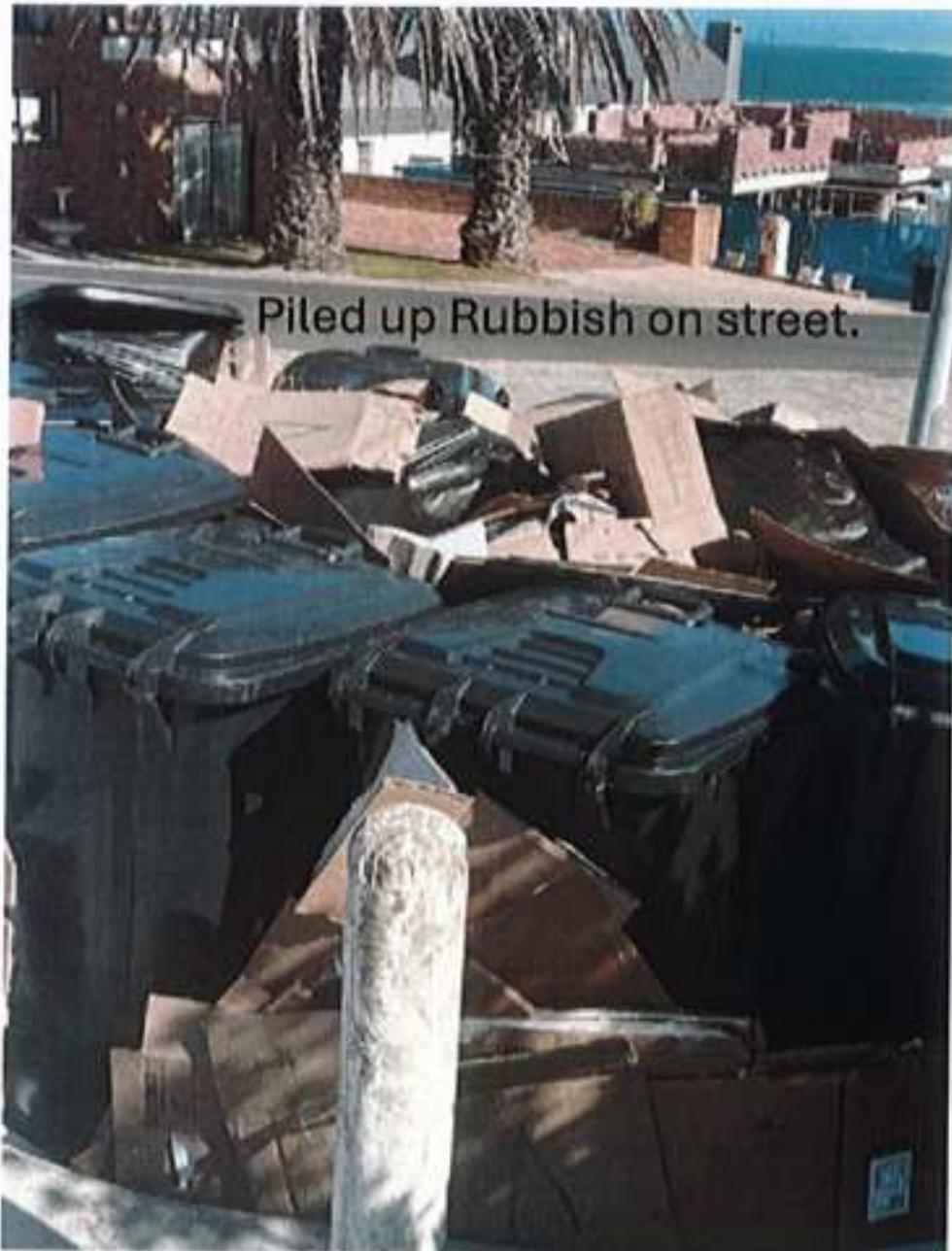




Amount of refuse after 3 days. Plastic refuse bags, containing fish have been ripped open by animals



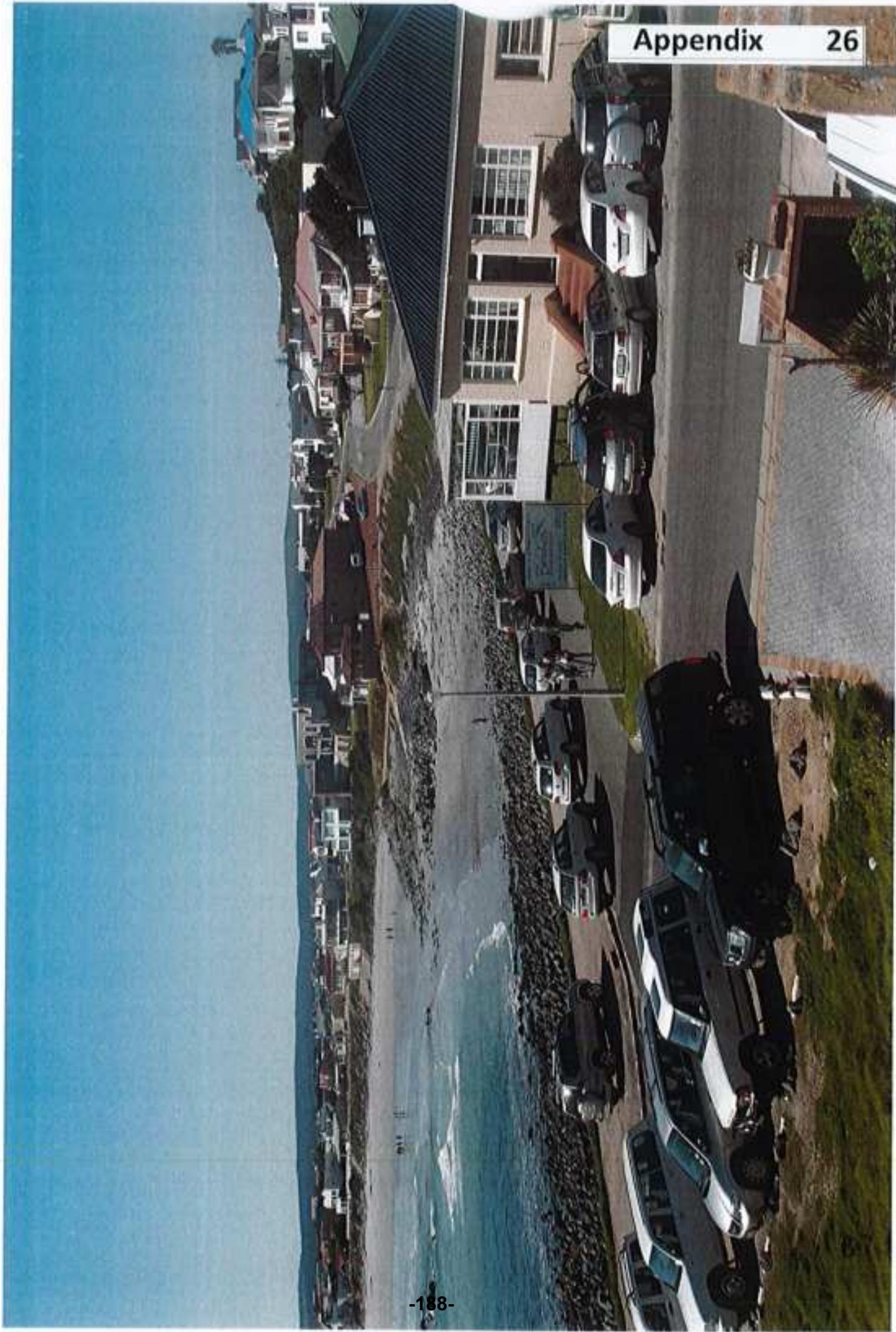


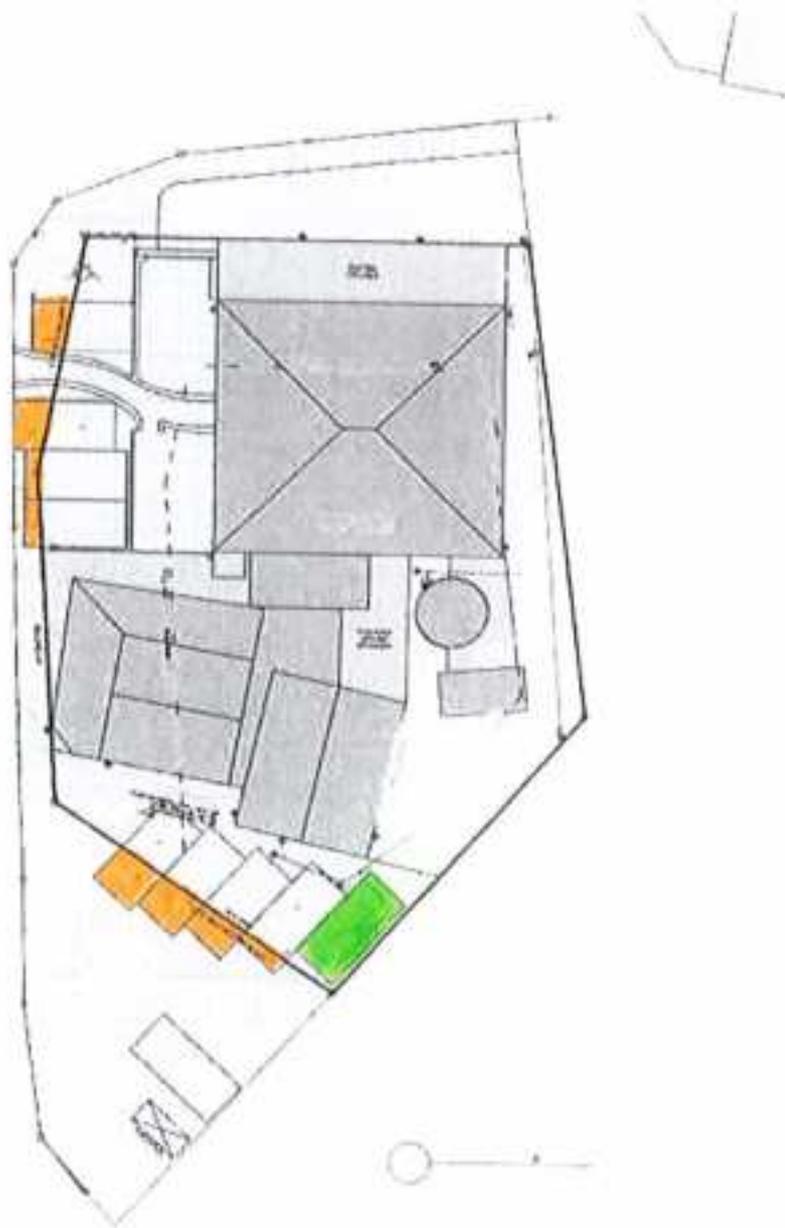






Fly-trap after one week
(mostly blue-bottle
flies/brommers)





For the purpose of loading and off-loading goods from vehicles, space or spaces shall be provided on the site and at the satisfaction of the municipality as follows:

| Total floor space of building (to nearest m ²) | Required loading and off-loading area |
|--|---------------------------------------|
| 0 – 2 500 m ² | 1 loading bay |
| 2 501 – 5 000 m ² | 2 loading bays |
| 5 001 – 10 000 m ² | 3 loading bays |
| Each additional 10 000 m ² or portion thereof | 1 additional loading bay |

(l) Screening

The municipality may require screening in accordance with the conditions stipulated in Business Zone 2.

3.1.2 Site development plan

The municipality may require a site development plan to be submitted to its satisfaction in terms of paragraph 12.7 for consideration and approval, provided that the municipality may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar matters.

3.1.3 Office park, industrial hive

The following land use provisions and design principles shall apply to an office park:

- The principles reflected in the relevant definition shall be closely followed and implemented;
- Special attention shall be given to aesthetics, architectural co-ordination, urban design and landscaping;
- A site development plan of the proposed development must be submitted at the satisfaction of the municipality in terms of paragraph 12.7.

3.1.4 Filming

The primary use right for filming does however not allow filming without the relevant permit that must be obtained in terms of Swartland Municipality Filming By-Law for individual filming activities on the relevant property. The primary use right within this zone relate to all shoot types as defined in the Schedule contained in the Filming By-Law. The provision of a filming permit will be governed by the regulations as contained in the Filming By-Law.

BUSINESS ZONE 2: Neighbourhood business (BZ2)

Colour notation: Blue with black cross hatching.

Objective:

The objective of this zone is to provide for low intensity commercial and mixed-use development which satisfies the needs of the local precinct for commodities and personal services. Such development should be limited in extent and must be able to integrate with the adjacent precinct without adversely affecting the amenities of the residential precinct.

3.2 Use of land:

The following use restrictions apply to land in this zone:

- Primary uses:** business premises, shopping centre, medical consulting rooms, offices, flats, public parking, , rooftop base station, wine shop, filming
- Consent uses:** offices, place of assembly, place of entertainment, restaurant, bottle store, service trade, car wash, nursery, lodge, tasting facility, transmission tower.

3.2.1 Land use provisions:

The following land use provisions apply:

(a) Floor factor

No building in this zone may exceed a floor factor of 1.5 whereby not less than 0.75 may be used for dwelling purposes above the ground floor.

Vir die doel van die laai- en aflaai van vrag vanaf voertuie moet daar 'n ruimte of ruimtes soos volg op die terrein en tot genoeg van die munisipaliteit voorsien word:

| Totale vloeroppervlakte van gebou (tot naaste m ²) | Verelste op- en aflaai gebied |
|--|-------------------------------|
| 0 – 2 500 m ² | 1 laai/plek |
| 2 501 – 5 000 m ² | 2 laai/plekke |
| 5 001 – 10 000 m ² | 3 laai/plekke |
| Elke addisionele 10 000 m ² of gedeelte daarvan | 1 addisionele laai/plek |

(l) Afskerming

Die munisipaliteit mag afskerming vereis in ooreenstemming met die voorwaardes soos in die Sakesone 2, uiteengesit.

3.1.2 Terreinontwikkelingsplan

Die munisipaliteit mag vereis dat 'n terreinontwikkelingsplan tot bevestiging van die munisipaliteit, in terme van paragraaf 12.7 vir oorweging en goedkeuring ingedien word, met dien verstande dat die munisipaliteit mag vereis dat die terreinontwikkelingsplan aangepas word om redelike kwelpeunte wat verband hou met toegang, parkering, argitektoniese vorm, stedelike ontwerp, landskapering, ingenieursdienste of soortgelyke aangeleenthede, aan te spreek.

3.1.3 Kantoorpark, nywerheidskorf

Die volgende grondgebruikbepalings en ontwerpbeginsels sal van toepassing wees op 'n kantoorpark of nywerheidskorf:

- die beginsels wat weergegee word in die relevante definisie moet streng nagevolg en geïmplementeer word;
- spesiale aandag moet gegee word aan estetiese, argitektoniese koördinasie, stedelike ontwerp en landskapering, en
- 'n terreinontwikkelingsplan van die voorgestelde ontwikkeling moet in terme van paragraaf 12.7 tot bevestiging van die munisipaliteit, ingedien word.

3.1.4 Verfilming

Die primêre gebruiksreg vir verfilming laat egter nie verfilming op die eiendom toe sonder die nodige permit wat ingevolge Swartland Munisipaliteit se Verordening insake Verfilming vir individuele verfilming-saktywiteite benodig word nie. Die primêre gebruiksreg binne hierdie sone het betrekking op alle verfilmingstipes soos omskryf in die Skedule vervat in die Verordening insake Verfilming. Die uitreik van 'n filmperrmit sal gereël word ingevolge die Verordening insake Verfilming.

SAKESONE 2: Woonbuurtsake (BZ2)

Kleurnotasie: Blou met swart kruislyn arsiering.

Doel:

Die doel met hierdie sone is om voorsiening te maak vir lae-intensiteit kommersiële en gemengde-gebruik ontwikkeling wat in die plaaslike buurt se behoeftes vir gebruiksgoedere en persoonlike dienste voorsien. Sulke ontwikkeling behoort in omvang beperk te word en moet in staat kan wees om met die aangrensende residensiële buurt te integreer sonder om die geriewe van die residensiële buurt nadelig te beïnvloed.

3.2 Gebruik van grond:

Die volgende gebruiksbepalings is op grond in hierdie sone van toepassing:

- Primêre gebruik:** sakeperseel, winkelsentrum, mediese spreekkamers, kantore, woonstelle, openbare parkering, dak-basisstasie, verfilming
- Vergunningsgebruik:** plek van samekoms, plek van vermaak, restaurant, drankwinkel, diensbedryf, motorwassery, kwekery, herberg, proefasiliëteit, transmissietoring.

3.2.1 Grondgebruikbepalings:

Die volgende grondgebruikbepalings is van toepassing:

(a) Vloerfaktor

Geen gebou in hierdie sone mag 'n vloerfaktor van 1.5 oorskry nie, waarvan nie meer as 0.75 vir woondoelindes bo die grondvloer benut mag word nie.



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SEARCH CRITERIA

| | | | |
|-------------------|------------------|----------------|--------------|
| Search Date | 2024/06/08 18:02 | Erf Number | 191 |
| Reference | - | Portion Number | - |
| Report Print Date | 2024/06/08 18:03 | Deeds Office | Cape Town |
| Township | YZERFONTEIN | Search Source | Deeds Office |

PROPERTY INFORMATION

| | | | |
|-----------------------|---------------|---------------------------|------------------------|
| Property Type | ERF | Diagram Deed Number | T1921/1940 |
| Township | YZERFONTEIN | Local Authority | YZERFONTEIN MUN |
| Erf Number | 191 | Province | WESTERN CAPE |
| Portion Number | 0 | Extent | 707.00005QM |
| Registration Division | NOT AVAILABLE | LPI Code | C04600150000019100000 |
| Previous Description | - | Co-ordinates (Lat/Long)** | -33.344884 / 18.158332 |
| Suburb / Town** | YZERFONTEIN | | |

OWNER INFORMATION (1)

| | | | |
|-----------------------|---------------|--------------------------|-------------|
| HEC MER TRUST | | Owner 1 of 1 | |
| Company Type** | TRUST | Document | T37010/2008 |
| Registration Number | 682/98 | Microfilm / Scanned Date | - |
| Name | HEC MER TRUST | Purchase Price (R) | 570 000 |
| Multiple Owners** | NO | Purchase Date | 1999/05/28 |
| Multiple Properties** | NO | Registration Date | 2008/06/02 |
| Share (%) | - | | |

ENDORSEMENTS

No endorsements to display

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| HISTORIC DOCUMENTS (4) | | | | |
|------------------------|-------------|--|------------|--------------------------|
| # | Document | Institution | Amount (R) | Microfilm / Scanned Date |
| 1 | T19274/1965 | LOUW | Unknown | - |
| 2 | T11965/1983 | LOUW END 40 | Unknown | - |
| 3 | T19274/1965 | LOUW HELENA EMILIE RAYMONDE- ADMINISTRATOR | Unknown | - |
| 4 | T36469/1999 | MERWE CHRISTINA PETRONELLA VAN DER | ESTATE | - |

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| | | | |
|-------------------|------------------|----------------|--------------|
| Search Date | 2025/03/10 10:23 | Erf Number | 190 |
| Reference | - | Portion Number | 0 |
| Report Print Date | 2025/03/10 10:23 | Deeds Office | Cape Town |
| Township | YZERFONTEIN | Search Source | Deeds Office |

PROPERTY INFORMATION

| | | | |
|-----------------------|---------------|---------------------------|------------------------|
| Property Type | ERF | Diagram Deed Number | T15920/1947 |
| Township | YZERFONTEIN | Local Authority | YZERFONTEIN MUN |
| Erf Number | 190 | Province | WESTERN CAPE |
| Portion Number | 0 | Extent | 625.00005QM |
| Registration Division | MALMESBURY RD | LPI Code | C04600150000019000000 |
| Previous Description | - | Co-ordinates (Lat/Long)** | -33.344831 / 18.158661 |
| Suburb / Town** | - | | |

OWNER INFORMATION (1)

| | | | |
|-----------------------|---------------|--------------------------|--------------|
| HEC MER TRUST | | | Owner 1 of 1 |
| Company Type** | TRUST | Document | T3189/2001 |
| Registration Number | 682/98 | Microfilm / Scanned Date | - |
| Name | HEC MER TRUST | Purchase Price (R) | 350 000 |
| Multiple Owners** | NO | Purchase Date | 2000/10/20 |
| Multiple Properties** | NO | Registration Date | 2001/01/17 |
| Share (%) | - | | |

ENDORSEMENTS

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| HISTORIC DOCUMENTS (8) | | | | |
|------------------------|-------------|-------------------------------|------------|--------------------------|
| # | Document | Institution | Amount (R) | Microfilm / Scanned Date |
| 1 | B2171/2001 | - | - | - |
| 2 | T13830/1971 | CLOETE JACOB VAN RENEN 1/4 | Unknown | - |
| 3 | T13830/1971 | CLOETE JAN STEPHANUS DE V 1/4 | Unknown | - |
| 4 | T13830/1971 | CLOETE MARTHINUS VERSFELD 1/4 | Unknown | - |
| 5 | T13830/1971 | STEYN PRESTON JOHN BARRY 1/4 | Unknown | - |
| 6 | T58264/1983 | HALVORSEN MARTIN ERLING | Unknown | - |
| 7 | T66637/1992 | HALVORSEN THORLEIF 70000 | 70 000 | 1997 009 2 :07:83 |
| 8 | T5585/1997 | THOR HALVORSEN FAMILIE TRUST | 120 000 | 2001 009 0 :24:35 |

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Deeds Office Property

YZERFONTEIN, 192, 0, CAPE TOWN



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SEARCH CRITERIA

| | | | |
|-------------------|------------------|----------------|--------------|
| Search Date | 2025/03/10 10:27 | Erf Number | 192 |
| Reference | - | Portion Number | 0 |
| Report Print Date | 2025/03/10 10:27 | Deeds Office | Cape Town |
| Township | YZERFONTEIN | Search Source | Deeds Office |

PROPERTY INFORMATION

| | | | |
|-----------------------|---------------|---------------------------|------------------------|
| Property Type | ERF | Diagram Deed Number | T1315/193B |
| Township | YZERFONTEIN | Local Authority | YZERFONTEIN MUN |
| Erf Number | 192 | Province | WESTERN CAPE |
| Portion Number | 0 | Extent | 732.0000SQM |
| Registration Division | NOT AVAILABLE | LPI Code | C04600150000019200000 |
| Previous Description | - | Co-ordinates (Lat/Long)** | -33.344667 / 18.158437 |
| Suburb / Town** | YZERFONTEIN | | |

OWNER INFORMATION (1)

| | | | |
|-----------------------|---------------|--------------------------|--------------|
| HEC MER TRUST | | | Owner 1 of 1 |
| Company Type** | TRUST | Document | T37010/2008 |
| Registration Number | 682/98 | Microfilm / Scanned Date | - |
| Name | HEC MER TRUST | Purchase Price (R) | 570 000 |
| Multiple Owners** | NO | Purchase Date | 1999/05/28 |
| Multiple Properties** | NO | Registration Date | 2008/06/02 |
| Share (%) | - | | |

ENDORSEMENTS

No endorsements to display.

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| HISTORIC DOCUMENTS (4) | | | | |
|------------------------|-------------|--|------------|--------------------------|
| # | Document | Institution | Amount (R) | Microfilm / Scanned Date |
| 1 | T19274/1965 | LOUW | Unknown | - |
| 2 | T11965/1983 | LOUW END 40 | Unknown | - |
| 3 | T19274/1965 | LOUW HELENA EMILIE RAYMONDE- ADMINISTRATOR | Unknown | - |
| 4 | T36469/1999 | MERWE CHRISTINA PETRONELLA VAN DER | ESTATE | - |

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HEC-MER TRUST
REGISTRATION NUMBER IT682/1988

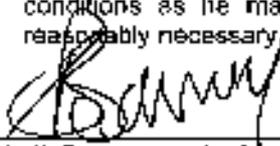
("The Trust")

RESOLUTION PASSED BY TRUSTEES OF THE TRUST AT A TRUSTEES' MEETING HELD AT WORCESTER ON 11th, MARCH 2025.

Resolved

1. That the Trust prepares and lodges an objection to the Lochner Eksteen Trust's application for the removal of restrictive title deed conditions in terms of the Swartland Municipality Land Use Planning By-Law (2020) in respect of Erf 2537, Yzerfontein.
2. That Andries Francois Conradie, in his capacity as the Trust's attorney, is hereby authorised to prepare and submit the objection on such terms and conditions as he may deem appropriate and to do that which may be reasonably necessary for the putting into effect this resolution.

Signed:



 Schalk Burger van der Merwe - Trustee



 Christina Petronella van der Merwe - Trustee



 Johannes Francois Jacobs - Trustee



DEPARTEMENT VAN JUSTISIE EN KONSTITUSIONELE ONTWIKKELING
REPUBLIEK VAN SUID-AFRIKA

MEESTERSERTIFIKAAT

HEC-MER TRUST

IT682/98

Nademeer

STEPHANUS HENDRIK MARITZ

bedank het as trustee, word

JOHANNES FRANCOIS JACOBS
(Identiteitsnommer: 651130 5020 08 3)

gemagtig om as trustee op tree tesame met

**SCHALK BURGER VAN DER MERWE en
CHRISTINA PETRONELLA VAN DER MERWE**

In die bogenoemde trust.

**ASST. MEESTER VAN DIE WES-KAAP HOË HOF, KAAPSTAD
(WES-KAAP HOË HOF, KAAPSTAD)**

**MEESTERSKANTOOR
KAAPSTAD**

fab

MASTER OF THE HIGH COURT
CAPE TOWN
2013-08-14
KAAPSTAD
HOË HOF WES-KAAP

77



ISBN 978-0-626-25157-4

SANS 10400-A:2010

Edition 3

SOUTH AFRICAN NATIONAL STANDARD

**The application of the National Building
Regulations**

Part A: General principles and requirements

Published by SABS Standards Division
1 Dr Lategan Road Groenkloof ☒ Private Bag X191 Pretoria 0001
Tel: +27 12 428 7911 Fax: +27 12 344 1568
www.sabs.co.za
© SABS

SABS

Table 1 — Occupancy or Building Classification

| 1 Class of occupancy of building | 2 Occupancy |
|---|---|
| A1 A2 A3 A4 A5 | <p>Entertainment and public assembly Occupancy where persons gather to eat, drink, dance or participate in other recreation.</p> <p>Theatrical and indoor sport Occupancy where persons gather for the viewing of theatrical, operatic, orchestral, choral, cinematographical or sport performances.</p> <p>Places of instruction Occupancy where school children, students or other persons assemble for the purpose of tuition or learning.</p> <p>Worship Occupancy where persons assemble for the purpose of worshipping.</p> <p>Outdoor sport Occupancy where persons view outdoor sports events.</p> |
| B1 B2 B3 | <p>High risk commercial service Occupancy where a non-industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with extreme rapidity or give rise to poisonous fumes, or cause explosions.</p> <p>Moderate risk commercial service Occupancy where a non-industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with moderate rapidity but is not likely to give rise to poisonous fumes, or cause explosions.</p> <p>Low risk commercial service Occupancy where a non-industrial process is carried out and where neither the material handled nor the process carried out falls into the high or moderate risk category.</p> |
| C1 C2 | <p>Exhibition hall Occupancy where goods are displayed primarily for viewing by the public.</p> <p>Museum Occupancy comprising a museum, art gallery or library.</p> |
| D1 D2 D3 D4 | <p>High risk industrial Occupancy where an industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with extreme rapidity or give rise to poisonous fumes, or cause explosions.</p> <p>Moderate risk industrial Occupancy where an industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with moderate rapidity but is not likely to give rise to poisonous fumes, or cause explosions.</p> <p>Low risk industrial Occupancy where an industrial process is carried out and where neither the material handled nor the process carried out falls into the high or moderate risk category.</p> <p>Plant room Occupancy comprising usually unattended mechanical or electrical services necessary for the running of a building.</p> |
| E1 E2 E3 | <p>Place of detention Occupancy where people are detained for punitive or corrective reasons or because of their mental condition.</p> <p>Hospital Occupancy where people are cared for or treated because of physical or mental disabilities and where they are generally bedridden.</p> <p>Other institutional (residential) Occupancy where groups of people who either are not fully fit, or who are restricted in their movements or their ability to make decisions, reside and are cared for.</p> |

Table 1 (concluded)

| 1 | 2 |
|--------------------------------|--|
| Class of occupancy of building | Occupancy |
| E4 | Health care Occupancy which is a common place of long term or transient living for a number of unrelated persons consisting of a single unit on its own site who, due to varying degrees of incapacity, are provided with personal care services or are undergoing medical treatment. |
| F1 | Large shop Occupancy where merchandise is displayed and offered for sale to the public and the floor area exceeds 250 m ² . Small shop Occupancy where merchandise is displayed and offered for sale to the public and the floor area does not exceed 250 m ² . Wholesalers' store Occupancy where goods are displayed and stored and where only a limited selected group of persons is present at any one time. |
| F2 | |
| F3 | |
| G1 | Offices Occupancy comprising offices, banks, consulting rooms and other similar usage. |
| H1 | Hotel Occupancy where persons rent furnished rooms, not being dwelling units. Dormitory Occupancy where groups of people are accommodated in one room. Domestic residence Occupancy consisting of two or more dwelling units on a single site. Dwelling house Occupancy consisting of a dwelling unit on its own site, including a garage and other domestic outbuildings, if any. Hospitality Occupancy where unrelated persons rent furnished rooms on a transient basis within a dwelling house or domestic residence with sleeping accommodation for not more than 16 persons within a dwelling unit. |
| H2 | |
| H3 | |
| H4 | |
| H5 | |
| J1 | High risk storage Occupancy where material is stored and where the stored material is liable, in the event of fire, to cause combustion with extreme rapidity or give rise to poisonous fumes, or cause explosions. Moderate risk storage Occupancy where material is stored and where the stored material is liable, in the event of fire, to cause combustion with moderate rapidity but is not likely to give rise to poisonous fumes, or cause explosions. Low risk storage Occupancy where the material stored does not fall into the high or moderate risk category. Parking garage Occupancy used for storing or parking of more than 10 motor vehicles. |
| J2 | |
| J3 | |
| J4 | |

A21 Population

- (1) The population of any room or storey or portion thereof shall be taken as the actual population of such room, storey or portion thereof where such population is known or, where such population is not known, the population shall be calculated from the criteria given in table 2.

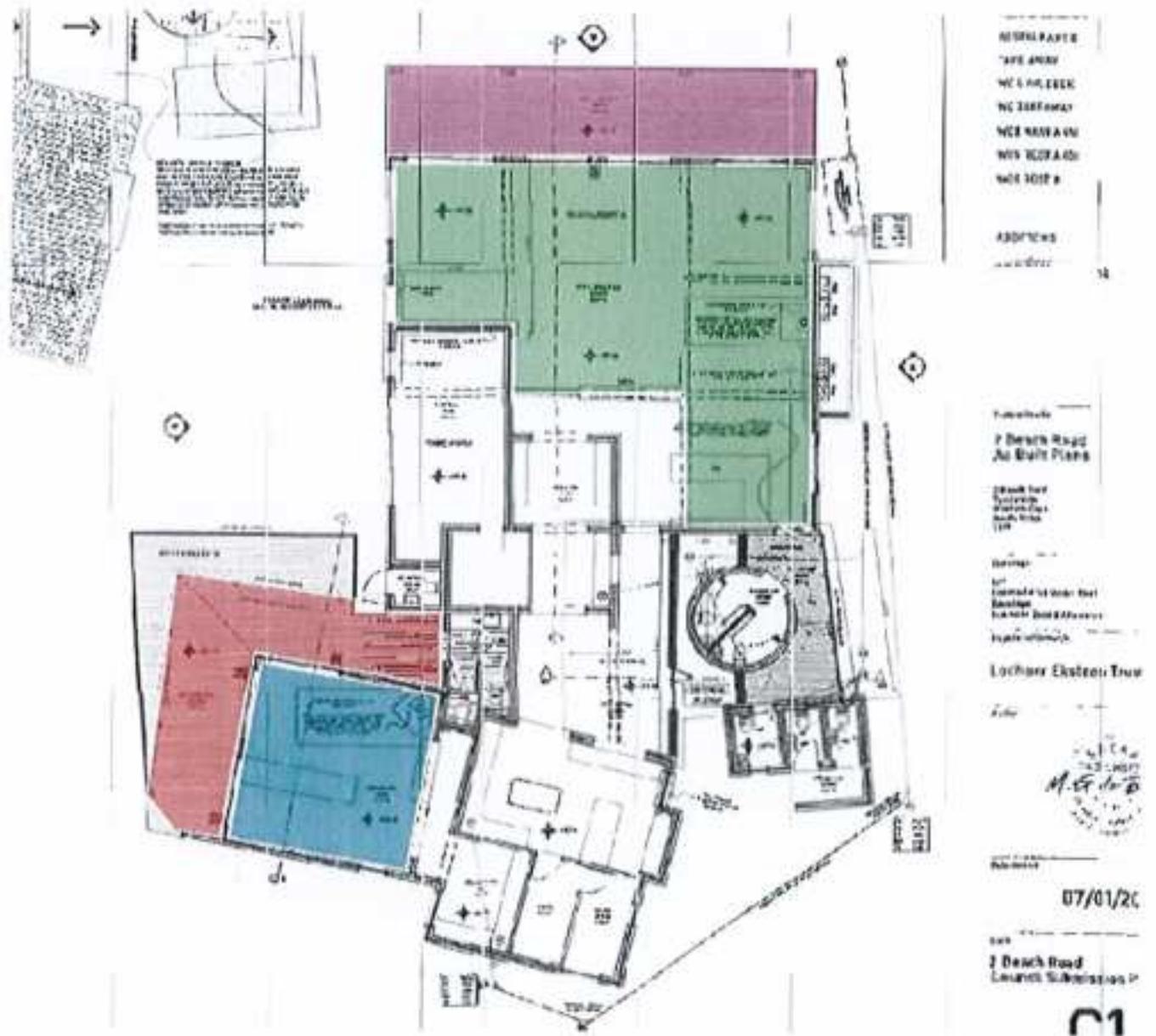
- (2) In the case of any occupancy classified as F1, where the total floor area is more than 500 m², that portion of the floor area that is in excess of 500 m² shall, for the purposes of calculation of the population, be reduced by an amount of 20 %.

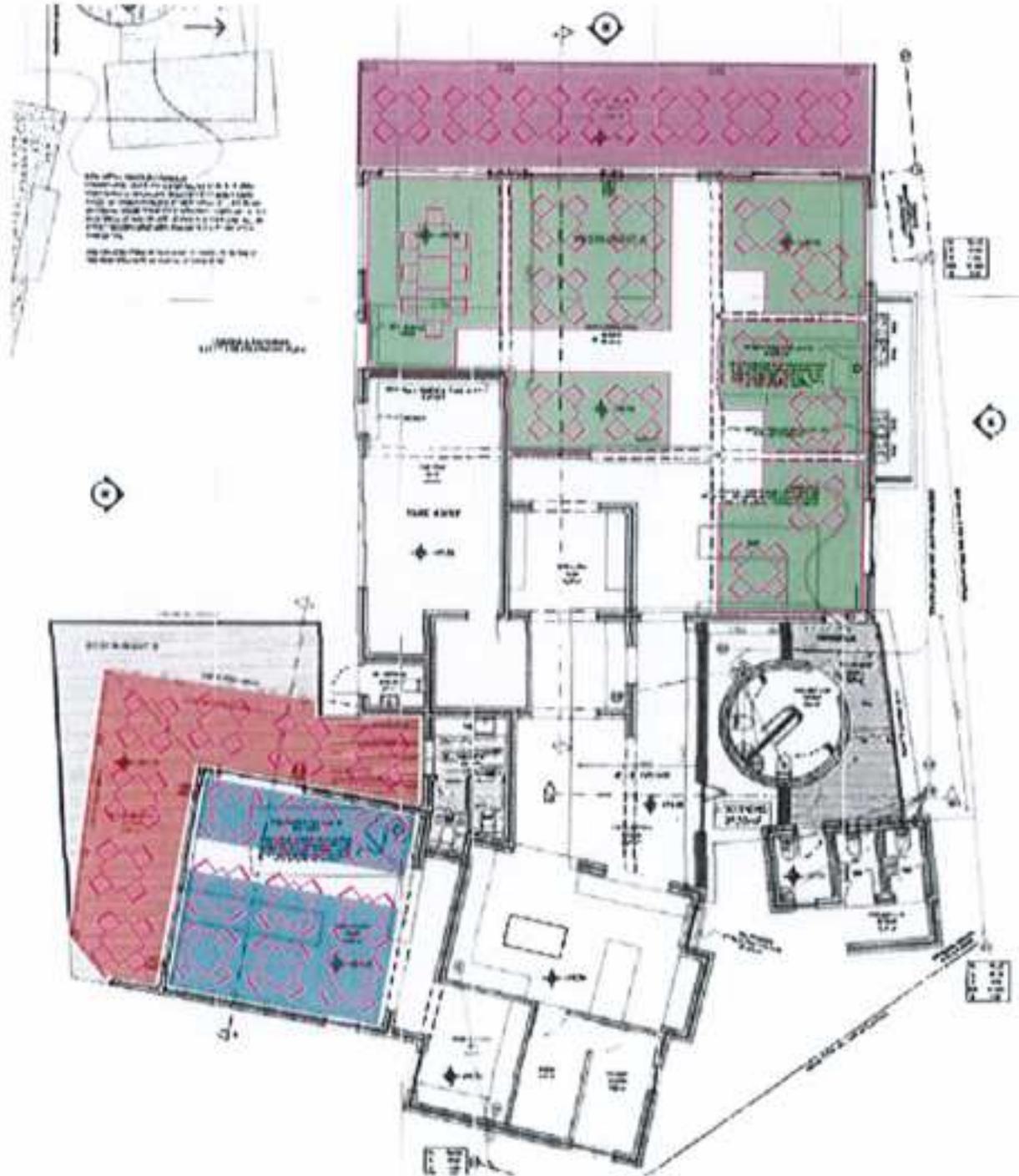
Table 2 — Design Population

| 1 | 2 |
|---|--|
| Class of occupancy of room or storey or portion thereof | Population |
| A1, A2, A4, A5 | Number of fixed seats or 1 person per m ² if there are no fixed seats |
| E1, E3, H1, H3, H4 | 2 persons per bedroom |
| E4 | 16 persons provided that the total number of persons per room is not more than 4 |
| H5 | 16 persons per dwelling unit provided that the total number of persons per room is not more than 4 |
| G1 | 1 person per 15 m ² |
| J1, J2, J3, J4 | 1 person per 50 m ² |
| C1, E2, F1, F2 | 1 person per 10 m ² |
| B1, B2, B3, D1, D2, D3 | 1 person per 15 m ² |
| C2, F3 | 1 person per 20 m ² |
| A3, H2 | 1 person per 5 m ² |

A22 Notice of Intention to Commence Erection or Demolition of a Building, and Notices of Inspection

- (1) (a) No work in connection with the erection or demolition of any building shall be commenced on the site unless notice, in the form required by the local authority, has been given to such local authority by the owner of such building, stating the date on which such erection or demolition will commence.
- (b) Such notice shall in the case of the erection of a building be given at least four days, exclusive of a Saturday, Sunday or public holiday, and in the case of the demolition of a building at least 10 days, exclusive of a Saturday, Sunday or public holiday, before such work commences.
- (2) Notice in the form required by the local authority shall be given by the owner to such local authority of a date which shall be at least 2 working days from the date of receipt by it of such notice on which, as the case may be –
- (a) any fire installation will be connected to any communication pipe;
- (b) trenches or excavations will be ready for inspection prior to the placing of concrete for any foundation;
- (c) any drainage installation will be ready for inspection and testing; or
- (d) the building will be completed.
- (3) No owner shall construct any foundation until the trenches or excavations have been inspected and approved by the local authority, and such owner shall not backfill or enclose a







EW REVISED SEATING LAYOUT

- 3.2. the personal benefits which accrue to the holder of rights in terms of the restrictive condition;
 - 3.3. the personal benefits which will accrue to the person seeking the removal of the restrictive condition if it is removed;
 - 3.4. the social benefit of the restrictive condition remaining in place in its existing form;
 - 3.5. the social benefit of the removal of the restrictive condition; and
 - 3.6. whether the removal of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.
4. Our objection will address each of these considerations in turn below.
 5. Before we do so, certain facts and supporting information relevant to the Application and this objection have to be placed on record.
 6. Given the volume thereof, we have set out these details in annexures to avoid making the body of this submission overly cumbersome.
 7. The annexures provide a clear and structured presentation of the factual background, supporting evidence, and relevant correspondence, allowing for a more streamlined and readable objection while ensuring all necessary details are placed on record.
 8. The following facts are relevant to the Application, namely that:
 - 8.1. The current use of Erf 2537 for restaurant and take-away purposes is unlawful, as it did not at its inception in 1998 comply with the statutory parking requirements prescribed in Scheme Regulations then in place and currently does not comply with the statutory parking requirements prescribed in the By-laws. In this regard, see Annexure A hereto.
 - 8.2. The problems caused by the unlawful development and use of Erf 2537 for restaurant purposes had to a large extent been caused by the Swartland Municipality and its predecessors' municipal oversight failures. In this regard, see Annexure B hereto.
 - 8.3. The problems caused by the unlawful development and use of Erf 2537 for restaurant purposes had caused our clients great discomfort. In this regard, see Annexure C hereto.
 9. Please peruse Annexures A to C before considering our submissions with regards to the section 43(4) criteria which follows below.

10. FINANCIAL OR OTHER VALUE OF THE RIGHTS IN TERMS OF THE RESTRICTIVE CONDITION

- 10.1. The first factor to consider when evaluating the Application, is the financial or other value of our clients' rights to enforce the 6,3-meter street building lines on Erf 2537.
- 10.2. These rights have substantial value, as they protect our client from the commercial overexploitation of Erf 2537, which will have a detrimental effect on the value of our clients' properties.
- 10.3. Our clients' properties are very valuable.
- 10.4. Erf 197 is a seafront property, situated on 1st Avenue and Erven 191 and 193 are situated right behind it on an elevated slope and enjoy undisturbed sea-views.

- 10.5. The current municipal valuation of our client's properties are as follows:
- | | | |
|---------|--------|---|
| 10.5.1. | Er 192 | R2 130,000.00 (Two Million One Hundred and Thirty Thousand Rand); |
| 10.5.2. | Er 191 | R6 015,000.00 (Six Million and Fifteen Thousand Rand) and |
| 10.5.3. | Er 190 | R 5,150,000.00 (Five Million One Hundred and Fifty Thousand Rand) |
- i.e. R13,295 000.00 (Thirteen Million Two Hundred and Ninety Five Thousand Rand) in total.
- 10.6. It is submitted that the market value of these properties is substantially higher than its municipal valuations.
- 10.7. The value of these properties lies in the natural beauty of their surroundings, the ambience of the area in which they are situated and the accompanying peace and quiet and tranquillity which they offer to their inhabitants.
- 10.8. A loss of any of these characteristics will directly lead to a loss in value of the properties.
- 10.9. The 6.3-meter street building line restriction exists for the direct benefit of adjacent property owners, including our client, to safeguard their property values, privacy, and overall quality of life.
- 10.10. These rights, which vest in property owners through time-tested conditions, represent valuable legally recognized rights that cannot be arbitrarily abolished without compensation without due consideration of the detriment to the beneficiaries and then only with just cause.
- 10.11. The occurs, noise, traffic congestion, illegal parking in front of driveways, danger to pedestrians and safety problems which are exacerbated by the operation of the Restaurant in contravention of the building line restrictions, will have a materially detrimental effect on the market values of our client's properties if they become permanent on the revoking of our client's rights.
- 10.12. The loss of ambience, peace and quiet and tranquillity will directly lead to a loss of market value.
- 10.13. The removal of the building line restriction and the retrospective approval of an unlawful structure also set a dangerous precedent undermining property rights and expectations of orderly development.
- 10.14. The erosion of these protections would significantly devalue neighbouring properties, leading to increased commercialization and an unplanned intensification of land use that is inconsistent with the character of the area.
- 10.15. Furthermore, property values in Yzerfontein rely heavily on its appeal as a peaceful, low-density residential enclave.
- 10.16. The Applicant's continued commercial encroachment directly diminishes these attributes, harming property investments in the area.

11. PERSONAL BENEFITS ACCRUING TO THE HOLDER OF RIGHTS

- 11.1. Our client is the family trust of the van der Merwe family of Rawsonville.
- 11.2. For nearly 27 years they have been using the property for family vacations.
- 11.3. The property serves as a retreat where three generations come together to holiday, providing a space for relaxation, bonding, shared experiences, and lasting memories.
- 11.4. Ever since the expanded and renovated restaurant opened at the end of 2024, the family's enjoyment of their property has been almost entirely lost.

- 11.5. The excessive noise, overpowering stench of rotting fish, swarms of flies, traffic congestion, restaurant patrons parking in their driveway, and most concerning, the danger posed to their young grandchildren crossing roads have severely diminished their enjoyment of their holiday home.
- 11.6. Our client is entitled to an environment free from excessive commercial activity which adversely affects the amenities of the residential precinct and which was not contemplated in the original planning framework and is not provided for in the current.
- 11.7. The restrictive condition protects our client's beneficiaries right to safety, privacy, tranquillity and the enjoyment of a low-density residential environment.
- 11.8. The continued existence of the restriction ensures that commercial activity does not intrude beyond its historically approved scope, preventing the negative externalities described in Annexure C.
- 11.9. Removing the restriction would strip our client's beneficiaries of these protections and cause significant and ongoing harm to their ability to use and enjoy their properties.

12. PERSONAL BENEFITS TO THE APPLICANT IF THE RESTRICTION IS REMOVED

- 12.1. The Applicant's gain from the removal of the building line restriction is purely a financial one.
- 12.2. He will benefit because should the Application be granted, as an unlawful encroachment will be legitimised and the authorised commercial footprint of the Restaurant will be expanded by 43 m² and about 28 seats.
- 12.3. The Applicant submits that the building lines must be removed to enable him to optimise the use of Erf 2537.
- 12.4. The fact of the matter is that the use of Erf 2537 had gone beyond the scope of optimisation and it is currently being overexploited.
- 12.5. What the Applicant is really asking for is that he be allowed to overexploit the property to an even greater extent.
- 12.6. The following facts show this clearly:
 - 12.6.1. Erf 2637 is 798 m² in extent;
 - 12.6.2. Roofed buildings of 449 m² have been erected on it which include the covered deck of 43 m²;
 - 12.6.3. Without the covered deck, 50% of the area of Erf 2537 had been built up. If the deck is included, 57% of it is covered in buildings;
 - 12.6.4. This excludes the two seating patio's which had recently been added;
 - 12.6.5. There is 1 on-site parking bay on the property², while the By-laws require at least 38;
 - 12.6.6. There is not space on the property to provide the required parking bays;
 - 12.6.7. There are no loading zones on the property.

² The Applicant may argue that parking bays are provided which are partially on-site and partially on a public street. The By-laws and before them, the Scheme Regulations, made no provision for this. A parking bay is either wholly on-site or it is not a parking bay. It is furthermore unlawful for an owner to appropriate a portion of a public street, which is public property, and assign it to serve his private property.

- 12.7. By any acceptable standard, Erf 2537 without the covered deck is already overdeveloped and allowing the deck to stand will increase such overdevelopment.
- 12.8. The financial gains to the Applicant must be weighed against the detriment caused to affected property owners.
- 12.9. Notably the Applicant has amply demonstrated a pattern of disregard for municipal planning regulations, evidenced by the unlawful construction of the covered deck and the repurposing of existing parking bays for patios.
- 12.10. Allowing the removal of the restrictive condition would reward non-compliance and encourage further violations in the future.
- 12.11. The Applicant's gain will be all of the surrounding owners' loss.
- 12.12. It must also be noted that the Applicant's gain will be an unlawful one, as the use of Erf 2537 for restaurant purposes without complying with the parking requirements set out in the By-laws is unlawful and by granting the Application, the Municipality will be authorising the Applicant to expand this unlawful activities.
- 12.13. It is important to note that the building line restriction is recorded in the title deed of Erf 2537, a public document accessible to anyone at the Deeds Office.
- 12.14. The Applicant either recklessly redeveloped the Restaurant without perusing the Land Use restrictions applicable to it, or did so and simply disregarded them.
- 12.15. It is hard to imagine that the Applicant's architect did not point out the building line restrictions to him before he built the deck.
- 12.16. In any event, there is no compelling reason why the Applicant should receive a financial benefit at the expense of the surrounding owners.

13. SOCIAL BENEFIT OF MAINTAINING THE RESTRICTIVE CONDITION

- 13.1. The restrictive condition plays a crucial role in preserving the residential integrity of the area. The neighbourhood is characterized by single-family homes, and the enforcement of building line restrictions ensures a buffer zone between residential and commercial uses.
- 13.2. Maintaining the restriction serves multiple social benefits, including:
 - 13.2.1. Protecting property values, which will encourage further investment in the area and sustained and increased rates revenue for the Municipality.
 - 13.2.2. The protection of pedestrians, especially young children, by preventing traffic congestion and by avoiding a reduction in visibility.
 - 13.2.3. Preventing the intensification of commercial activity beyond what was originally intended.
 - 13.2.4. Preserving the aesthetic and spatial character of the area.
 - 13.2.5. Mitigating conflicts between commercial and residential land use.
 - 13.2.6. Ensuring fair and consistent application of municipal zoning and planning regulations.
- 13.3. The removal of the restriction would undermine these principles, creating a precedent for unchecked commercial expansion at the expense of residents.

- 13.4. Furthermore, Erf 2537 is zoned as Business Zone 7 – a zoning whose objective is described in the By-laws as to be limited in extent and able to integrate with the adjacent precinct without adversely affecting the amenities of the residential precinct.
- 13.5. Even without the deck, Erf 2537 has already been overdeveloped – in breach of the objectives of its zoning.
- 13.6. Removing the restriction and allowing the deck to remain, will exacerbate such breach and its consequences for its neighbourhood.

14. SOCIAL BENEFIT OF REMOVING THE RESTRICTIVE CONDITION

- 14.1. Yzerfontein has no shortage of restaurants.
- 14.2. Find attached as Appendixes 15³ and 17⁴ the listings of restaurants in Yzerfontein by Tripadvisor and Swartland Tourism respectively.
- 14.3. Restaurant patrons in Yzerfontein are spoilt for choice and have alternative restaurants to frequent should the Restaurant be unable to accommodate them without the covered deck and the employees of the Restaurant will have other employment opportunities should they be affected by the deck's closure.
- 14.4. The Applicant argues that removing the restrictive condition would facilitate business growth and economic activity.
- 14.5. However, these arguments fail to consider:

14.5.1. That Erf 2537:

- 14.5.1.1. Is already overdeveloped, in breach of the objectives of its zoning;
- 14.5.1.2. Is currently used unlawfully and in breach of its obligations in terms of the By-laws with regards to the supplying of parking bays.

14.5.2. The broader social costs:

- 14.6. Legitimizing increased commercial activity in an area which lacks the necessary infrastructure to support it, would lead to:
- 14.6.1. Increased traffic congestion.
- 14.6.2. Further strain on already insufficient parking facilities.
- 14.6.3. Greater noise and disturbance to residents.
- 14.6.4. Unmanageable conflict between commercial and residential land use expectations.
- 14.7. Moreover, changes to an existing use that impact new development parameters must comply with the latest legislation.

15. IMPACT ON RIGHTS ENJOYED BY BENEFICIARIES OF THE RESTRICTION

- 15.1. The removal of the restriction would extinguish the rights enjoyed by our client and other property owners to a properly regulated residential environment. These rights include:
- 15.1.1. Protection from intrusive commercial expansion.

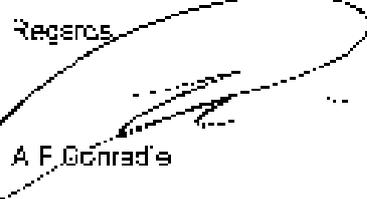
³ Page 45 to 48 of the Appendixes Bundle (the Bundle)

⁴ Page 40 to 58 of the Bundle

- 15.1.2. The ability to enjoy a property without excessive nuisance and congestion.
- 15.1.3. Preservation of property values and neighbourhood character.
- 15.2. The Applicant has unlawfully exonerated its commercial footprint without due process and now seeks to retroactively justify it by requesting the removal of a restrictive condition.
- 15.3. Such an approach is procedurally and substantively flawed and must be rejected to uphold the principles of proper town planning and fairness.

16. IN CONCLUSION

- 16.1. The Applicant has failed to provide any substantive justification for the removal of the restrictive condition beyond its own financial interest. It has also disregarded existing planning frameworks, bypassing proper procedures and is seeking approval only after unauthorized alterations were made.
- 16.2. Furthermore, while the Applicant may argue that the covered deck is a minor extension, this ignores the cumulative impact of repeated deviations from zoning and title conditions. The failure to provide adequate parking is a direct consequence of incremental overdevelopment and further demonstrates why strict enforcement of restrictions is necessary.
- 16.3. For the reasons outlined above, we respectfully urge the Municipality to reject the Application for the removal of the restrictive condition. The retention of the 6.8-meter street building line restriction is essential to uphold the principles of lawful land use, town planning integrity, and the rights of affected property owners.
- 16.4. We request that our client be granted the opportunity to participate in any further proceedings related to this matter.
- 16.5. We would prefer communication via e-mail.
- 16.6. Our contact details appear at the bottom of the first page of this letter.
- 16.7. We attach hereto the following further supporting documents, namely:
 - 16.7.1. Windward searches confirming our client's ownership of Erven 190 to 192 Yzerfontein⁶;
 - 16.7.2. A resolution authorising written to lodge this objection⁷, and
 - 16.7.3. Our client's letter of authority⁸.
- 16.8. Please let us know if you have any questions or require any additional information.

Regenos

 A.F. Conradie

⁶ Appendices 29 to 31 – Pages 70 tot 75 of the Bundle

⁷ Appendix 32 – Page 76 of the Bundle

⁸ Appendix 33 – Page 77 of the Bundle

ANNEXURE A

THE CURRENT USE OF ERF 2537 FOR RESTAURANT & TAKE-AWAY PURPOSES IS UNLAWFUL, AS IT DOES NOT COMPLY WITH THE STATUTORY PARKING REQUIREMENTS PRESCRIBED IN THE BY-LAWS

1. To substantiate this assertion, we will outline and analyse:
 - 1.1. The history of land use regulation in the jurisdiction of the Swartland Municipality;
 - 1.2. The history of the requirements regarding the provision of parking bays;
 - 1.3. The zoning history of Erf 2537, and
 - 1.4. The facts of this matter.

THE HISTORY OF LAND USE REGULATION IN THE JURISDICTION OF THE SWARTLAND MUNICIPALITY

2. Before dealing with the facts of this matter, it is important to take note of the history of land use planning, township establishment, and development control regulation in the Western Cape Province and especially in the area of the Swartland Municipality, as well as its evolution over time.
3. In the early 20th century, land use and township development in the Cape Province (as it was then) were governed by the Township Ordinance, 1934 (Ordinance No. 33 of 1934).
4. This ordinance provided a framework for the establishment and regulation of townships, providing the structure for orderly urban development.
5. Land use was mostly regulated by setting conditions for development, which conditions were then registered against the title deeds of the applicable properties.
6. In the mid 80's, in order to address the growing complexities of urban and rural planning, the Cape Province introduced the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985).
7. Commonly known as LUPO, this ordinance aimed to:
 - 7.1. consolidate and update previous planning laws;
 - 7.2. provide a uniform system for spatial planning and land use management; and
 - 7.3. regulate zoning, subdivision of land, and development control.
8. LUPO remained the principal planning legislation in the Western Cape for several decades.
9. Section 7 of LUPO determined that any town planning scheme in terms of Ordinance 39 of 1934, which was in force immediately prior to the commencement of LUPO, would be deemed to be a zoning scheme in terms of LUPO.
10. Section 8 of LUPO determined that the Administrator had to with effect from the date of commencement of LUPO, make scheme regulations in respect of all land situated in the Province of the Cape of Good Hope which was not already subject to a town-planning scheme.
11. The Administrator then on 5 December 1988 promulgated the so-called generic scheme regulations which would be applicable in all municipalities which did not have their own town planning scheme regulations (the Section 8 Scheme Regulations).

12. At the time, the local authority in whose area Erf 2537 fell, did not have its own town-planning scheme and the property became subject to the Section 8 Scheme Regulations.
13. The Section 8 Scheme Regulations were replaced on 1 April 2014 by the Integrated Zoning Scheme Regulations which were promulgated on 20 March 2014 in terms of section 8(2) of LUPO.
14. With the end of apartheid in 1994, South Africa underwent significant legislative reforms to promote equitable development.
15. This led to the enactment of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) commonly referred to as SPLUMA.
16. Effective from July 1, 2015, SPLUMA aimed to:
 - 16.1. Establish a uniform framework for spatial planning across all provinces.
 - 16.2. Promote social and economic inclusion in land use planning.
 - 16.3. Decentralize planning authority to local municipalities.
17. SPLUMA provided overarching principles and norms guiding provinces and municipalities in drafting their specific legislation and policies.
18. In response to SPLUMA and to address regional planning needs, the Western Cape Provincial Parliament enacted the Western Cape Land Use Planning Act, 2014 (Act No. 3 of 2014), known as LUPA.
19. This act, which commenced on July 1, 2015, sought to:
 - 19.1. Align provincial planning laws with national legislation.
 - 19.2. Clarify the roles and responsibilities of provincial and municipal authorities in land use decisions.
 - 19.3. Ensure that municipalities adopt single-integrated zoning schemes.
20. LUPA effectively repealed LUPO in the Western Cape, modernizing the province's approach to land use planning.
21. Following the enactment of LUPA, municipalities within the Western Cape were required to develop and implement their own land use planning By-laws and frameworks, consistent with both provincial and national legislation. These local regulations address:
 - 21.1. Specific zoning and land use policies tailored to local contexts.
 - 21.2. Procedures for land development applications and approvals.
 - 21.3. Mechanisms for public participation in planning processes.
22. The Swartland Municipality, in whose jurisdiction Erf 2537 fell, heeded this call on 3 March 2017 by promulgating the Swartland Land Use Planning By-laws (PK 7741 of 3 March 2017), which was subsequently amended in 2020 (PK 3226 of 25 March 2020) (the By-laws).
23. To summarise, the following land use regulations were applicable to Erf 2537 over time:
 - 23.1. When Erf 163 (the main and relevant component of Erf 2537) was subdivided in 1935, Ordinance 99 of 1934 was applicable to it.

- 23.2. When the Section 8 Scheme Regulations were promulgated on 5 December 1988, they became applicable to Erf 2537.
- 23.3. From 20 March 2014, Erf 2537 became subject to the Integrated Zoning Scheme Regulations promulgated in terms of section 9(2) of LUPO.
- 23.4. On 3 March 2017 the By-laws became applicable to Erf 2537 and still is.
24. The Section 8 Scheme Regulations contain the following provision:

4.5 Non-conforming sites

Historic written authority is granted in terms of section 95(1) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), or section 95(1) of the Livestock Councils Ordinance, 1976 (Ordinance 18 of 1976 or a licence is issued by the council with regard to a site for which there is no valid licence on the date of coming into operation of these scheme regulations, or when a building is extended or changed, the council may require that all the buildings on the site and the site itself be brought into line with the land use restrictions contained in these regulations, with the By-laws of the council, and with any other laws which are applicable.

My emphases.

25. The Integrated Zoning Scheme Regulations contained the following provisions:

Section 1 (definitions)

***non-conforming use**, means use of land which was lawful before the commencement date, but which does not conform to the use or land use provisions stipulated in these Regulations and always a lawful use as long as no changes requiring building plan approval are made.*

My emphases. The term is not used in the rest of the Zoning Scheme Regulations.

26. The By-laws contains the following transitional provision:

Section 1 (definitions)

"non-conforming use" means an existing land use that was lawful in terms of a previous zoning scheme but that does not comply with the Development Management Scheme in force;

Sections 24(1) and (2)(a)

24. Non-conforming uses

(1) *A non-conforming use does not constitute an offence in terms of this By-laws.*

(2) *A non-conforming use may continue if it remains otherwise lawful, subject to the following:*

- (a) *an appropriate application contemplated in section 25(2) must be made for the alteration or extension of buildings or structures in respect of the non-conforming use;*

Section 25(2)

25. Land development requiring approval and other approvals

(1) *No person may commence, continue, or cause the commencement or continuation of land development, other than the subdivision or consolidation of land referred to in section 34, without the approval of the municipality in terms of subsection (2).*

- (2) *The owner or his or her agent may apply to the municipality in terms of the Chapter for the following in relation to the development of the land concerned:*
- (b) *a permanent departure from the development parameters of the Development Management Scheme;*

27. In conclusion and to summarise:

- 27.1. The Section 3 Scheme Regulations determined that when buildings on non-conforming sites were extended or changed, the Council could require that all of the buildings on the site and the site itself be brought in line with the land's use restrictions contained in the scheme regulations, the By-laws of the council, and with any other laws which may be applicable.
- 27.2. The Integrated Zoning Scheme Regulations determined that existing lawful use remained a lawful only as long as no changes requiring building plan approval were made.
- 27.3. The By-laws determines that pre-existing land use which does not comply with the provisions of the By-laws, but which was lawful in terms of the previous zoning scheme, could continue as long as it remained otherwise lawful, but an applicant contemplated in section 25(2) for a permanent departure from the applicable development parameters of the By-laws has to be made before alteration or extension of buildings or structures in respect of the non-conforming use could be made.
- 27.4. The golden thread which runs through all of these regulations is that a use which was legal in terms of a previous dispensation, would be allowed to continue under the new dispensation only until buildings were altered or extended, in which case the rules of the new dispensation would apply to the whole property (unless a departure is applied for and granted).
- 27.5. It is important to note that nowhere is it stated that the rules of the new dispensation will become applicable only to the alterations or extensions and not to the property as a whole.
- 27.6. It is submitted that:
- 27.6.1. if it was the intention of the Legislature to depart from this expressly stated and longstanding principle when drafting the By-laws, it would have expressly and clearly done so;
- 27.6.2. if buildings used for a non-conforming use are altered or extended, all of the buildings on the property and the property itself have to be brought in compliance with the provisions of the By-laws, unless a departure is applied for and granted; and
- 27.6.3. the wording of the By-laws and the history of land use regulation provides no support for interpreting the By-laws as holding
- 27.6.3.1. that the provisions of the By-laws only apply to the amendments or the extensions themselves and not to the rest of the improvements on the property, or
- 27.6.3.2. that the burden of the use before the amendments or extensions were effected, had to be established and then compared with the burden of use after they were effected, and that the new regulations would apply only if the burden of use had increased and then only to the extent of such increase.

27.6.4 There simply isn't anything in the By laws or the history of land use regulation supporting such an interpretation.

28 We assume that the Municipality, as the authority tasked with its enforcement, are in possession of

28.1 The Section 8 Scheme Regulations;

28.2 The Integrated Zoning Scheme Regulations for the Swartland Municipality; and

28.3 The By-laws

and thus do not attach copies thereof hereto. Should this not be the case, please let us know and same will be provided.

THE HISTORY OF THE REQUIREMENTS REGARDING THE PROVISION ON PARKING BAYS

29 The Section 8 Scheme Regulations contained the following provisions with regards to the provision for parking for properties zoned as Business Zone C, namely:

3.8.2 Land use restrictions

Parking: at least one parking bay per 25 m² of the total floor space.

3.8.3 Additional provisions

a) Alternative parking requirements

(i) *As an alternative to the parking requirement referred to in regulation 3.8.2, the owner may, with the consent of the council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking space on the site, acquire the prescribed area of land for the parking facilities concerned elsewhere in a position approved by the council; provided that he shall register a notarial deed against such land to the effect that the council and public shall have free access thereto for the purpose of parking, and the owner shall be bound to level the land and surface and maintain it to the satisfaction of the council; the cost of registration of the servitude shall be borne by the owner.*

(ii) *As an alternative to regulation 3.8.3(a)(i), the owner may, with the consent of the council, pay a cash sum to the council, equal to the estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided in terms of regulation 3.8.2, in which event the council itself shall be responsible for acquiring the necessary land for such parking purposes when and where the council desires.*

(b) Further parking and site access requirements

(i) *The vehicular access and exit ways shall be restricted to not more than one each per site per street abutting on the site.*

(ii) *The vehicular access and exit ways shall be restricted to a maximum total width of 6 m where they cross the street boundary.*

(iii) *If the corner of a street intersection is not subtyed, vehicular access or exit ways shall be not closer than 10 m to such corner.*

(iv) *If the corner at a street intersection is subtyed, vehicular access or exit ways shall be not closer than 10 m to such corner or 5 m measured from the point where the*

apply reaches the road boundary, whichever is the greater distance from the corner.

- (v) Such parking areas shall be duly constructed to the satisfaction of the council.
- (vi) Such parking areas shall be used exclusively for the parking of vehicles which are lawfully allowed on them and shall not be used for trading or any other purposes.
- (vii) The way in which it is intended that vehicles should park in and gain access to or exit from such parking areas shall be indicated on a plan which shall be submitted to the council, which may approve or reject it or lay down any conditions deemed necessary by it.
- (viii) The council may lay down more restrictive requirements than those in regulation 3.9.3(b)(i) to (vii) if deemed necessary from any traffic point of view.

30. In terms of the Section 6 Scheme Regulations, the owner of a property zoned for Business Zone 1 must had the following options with regards to the provision of the prescribed parking:

- 30.1. Provide it off-street on the owner's property;
- 30.2. Provide it on other land situated close to the property and register a notice of servitude in favour of the public over such other land, or
- 30.3. "Buy out" the parking bays by paying the Municipality an agreed amount.

31. The owner of a Business Zone 1 property did not have the option, when submitting building plans or otherwise, to reach an agreement with the Municipality allowing for fewer parking bays than required or for any of the required parking bays to be located on a public street.

32. Such an agreement is in contravention of the Section 6 Scheme Regulations and is unlawful and invalid.

THE ZONING HISTORY OF ERF 2537⁴

33. While LUPD was in place, Erf 2537 was zoned as Business Zone 1.

34. After the By-laws were enacted, Erf 2537 was zoned as Business Zone 2 (Neighbourhood Business), with a consent use for a restaurant.

THE FACTS OF THE MATTER

35. Our client's properties are located in the seaside village of Yzerfontein on the West Coast, within a residential area consisting of single-family homes, most of which serve as holiday homes.

36. The relevant properties are situated as shown on the aerial photographs attached hereto as Appendices 1.1 to 1.3⁵.

37. A copy of the Swartland Municipality's zoning certificate for Erf 2537 dated 2 August 2023 (it should be dated 2 August 2024) is attached as Appendix 2⁶.

38. It states that:

- 38.1. Erf 2537 is zoned Business Zone 2 with a consent use for a restaurant in terms of Schedule 2 of the By-laws, and

⁴ Appendix 4.

⁵ Pages 1 to 3 of the Bundle.

⁶ Page 4 of the Bundle.

36.2. Business Zone 2 accommodates:

36.2.1. the following primary uses namely business premises, shopping centre, medical consulting rooms, offices, flats, public parking, animal clinic, rooftop base station and filming, and

36.2.2. The following consent uses (only obtained with special permission from Swartland Municipality) namely place of assembly, place of entertainment, restaurant, bottle store, service trade, car wash, nursery, cage, tasting facility and transmission tower

39. It is noteworthy that the By-laws describe the objective of Business Zone 2 as¹¹:

Objective:

The objective of this zone is to provide for low intensity commercial and mixed-use development which satisfies the needs of the rural precinct for commodities and personal services. Such development should be limited in extent and must be able to integrate with the adjacent precinct without adversely affecting the amenities of the residential precinct.

My understanding

40. Erf 2537 is the only property in the area which is used for business purposes. As said above, the rest of the properties consist of single-family homes.

41. Erf 2537's zoning came about due to a title condition which was imposed in 1938 which reads as follows:

(c) ONDERHEWIG VERDER aan die volgende voorwaardes vervat in Transportakte T:316/1938, opgeëf deur die Administrateur van die Provinsie Kaap die Goede Hoop, naamlik:

(a) AS SYNDE TEN GUNSTE VAN DIE GEREGISITREERDE EIENAAR VAN 'N ERF IN YZERHOUTHIN DORP:

1. Dat die erf uitsluitlik vir huishoudsdoeleindes gebruik mag word.

A copy of the title deed is attached hereto as Appendix 3¹²

42. Further title condition curtailed the extent to which Erf 2537 could be developed by imposing 6.3 m (six comma three meter) street building lines.

43. These title conditions read as follows, namely:

(c) ONDERHEWIG VERDER aan die volgende voorwaardes vervat in Transportakte T:316/1938, opgeëf deur die Administrateur van die Provinsie Kaap die Goede Hoop, naamlik:

(a) AS SYNDE TEN GUNSTE VAN DIE GEREGISITREERDE EIENAAR VAN 'N ERF IN YZERHOUTHIN DORP:

3. Dat geen geboue opgeëf word binne 6,30 meter van enige straat wat een die erf grens, of binne 6,30 meter van enige oop plek waar dit een die erf grens aan die seefront.

¹¹ Page 28 of the Bundle

¹² Pages 5 to 10 of the Bundle

44. Despite the fact that this title condition existed at a relevant time, the Municipality nonetheless approved building plans for structures which encroached upon these building lines, disregarding the title conditions of Erf 2537.
45. This led to the overdevelopment of Erf 2537 in contravention of its title conditions, which in turn has led to numerous problems, which is dealt with fully elsewhere in this objection.
46. Up to 1998, Erf 2537 was used as a single residence, just like all the other properties in the neighbourhood.
47. In 1998, Erf 2537's use was changed from a single residence to that of a restaurant, and it has been used for this purpose ever since.
48. The Municipality allowed this, despite the fact that the property did not meet the parking requirements in force at the time¹⁹.
49. In the letter from the Municipality to us dated 7 August 2024, a copy of which is attached hereto as Appendix 4¹, the Municipality wrote with regards to Erf 2537:

Parking was provided in terms of the legislation required at the stage of the development of the restaurant. The number of parking bays was calculated based on the restaurant area. The total number of parking bays was 17 and 18 spaces were provided. Pitches were not included in terms of the previous legislation.

After the Integrated Scheme of 2014, the first Swardland Land Use Planning By-laws (PK 7741 of 3 March 2017) was developed and amended in 2020 (PK 8226 of 25 March 2020). In the latest version, parking bays for a restaurant are calculated per 4 seats and no longer per area. Development parameters (building lines, parking coverage, etc.) are not, however, applied retrospectively to existing developments. The updating and improvement of legislation and the development of the latest By-laws mean that new parameters may apply, but that they are not enforceable on existing developments. BUT: Any future changes to an existing use that impact the new parameters will be handled in terms of the latest legislation.

(Google Translate translation of the original Afrikaans text & my underlining)

50. On 28 May 2024, Mr Andries Blake, on behalf of the Andries Blake Family Trust, the owner Erfvan 219 and 259 Yzerfontein situated in the vicinity of Erf 2537, sent an e-mail to the Municipality's Chief Town and Regional Planner, Mr Alwyn Burger, stating that he intended activities on erf 2537 and enquired as to what the Municipality planned to do to address parking problems and traffic congestion. A copy of the e-mail chain which contains this e-mail is attached hereto as Appendix 5^{1a}.
51. Mr Burger replied on 28 May 2024 in an e-mail to Mr Blake that:
 - 51.1. the building plans for Erf 2537 had not yet been approved;
 - 51.2. Building plans have been communicated to the Municipality, but it could not be considered due to certain issues;
 - 51.3. What was being proposed would definitely require more parking bays and the traffic and parking aspects would have to be looked at;
 - 51.4. There would most likely be a deviation from the required on-site parking requirements, which meant there would be an application with a public participation process in which Mr Blake would have the opportunity to provide input.

¹⁹ Paragraph 20 above

¹ Page 12 to 21 of the Bundle

^{1a} Pages 22 and 23 of the Bundle

51.5. No construction work could be proceeded with.

In this regard see the e-mail chain attached hereto as Appendix 5¹⁶.

52. On 24 June 2024, Ms Marina Blake, on behalf of the Johan Frederick Blake Testamentêre Trust, wrote an e-mail to Mr Neale Africa, the Yzerfontein Town Manager, in which she stated the following:

- 52.1. The Johan Frederick Blake Testamentêre Trust was the owner of a house situated across from the Restaurant.
- 52.2. Over the past 20 years they had experienced a lot of problems with parking by the Restaurant's guests.
- 52.3. In the past visitors to the Restaurant had crowded them so much that they could not get to their house and visitors had even parked on their lawn, which led to very unpleasant situations.
- 52.4. Over the years they had contacted the Municipality several times regarding the problem.
- 52.5. They were told that the Restaurant is a historical problem inherited from the old Yzerfontein Council.
- 52.6. When rows of cars were parked in First Avenue, the intersection with 9th Street was very dangerous with a traffic problem in 3 directions.
- 52.7. Cars parked on the sidewalks, forcing pedestrians to walk in the middle of the road.
- 52.8. Yzerfontein had many fishing boats and when the boats are fully loaded, they were driven down First Avenue to the fish market to avoid the speed bumps on Main Road, causing further congestion.
- 52.9. Visitors to the Restaurant had parked on the empty lot at the intersection of First Avenue & 9th Street opposite the Restaurant where construction was also expected to take place soon.
- 52.10. Those parking bays, which were also not on Erf 2537, would thus soon be lost.

A copy of the e-mail chain which contains this e-mail is attached hereto as Appendix 6.

53. Mr Africa never replied to this e-mail.

54. On 11 July 2024 Ms Blake again sent an e-mail to Mr Africa, stating that:

- 54.1. Ms Blake had also made enquiries regarding the Restaurant's on-site parking and that Mr Burger had replied that there might be a deviation from the required on-site parking and that a public process would follow.
- 54.2. As the renovations were at an advanced stage, she wondered whether the public process would happen after the renovations were finished.
- 54.3. It would be very interesting if the Municipality was going to deviate from the required on-site parking, especially where it would have a huge traffic impact.

In this regard see the e-mail chain attached hereto as Appendix 6¹⁷.

¹⁶ Pages 22 and 23 of the Bundle

¹⁷ Pages 24 to 28 of the Bundle

55. Mr Africa replied in an e-mail of 11 July 2024 that the building plans were with the Municipality's town planning division for attendance and finalisation and that the parking area formed part of the building plans. See the e-mail chain attached hereto as Appendix 5¹⁸.

56. Ms Blake replied on 11 July 2024 in an e-mail to Mr Africa that she would then wait for the public participation process. See the e-mail chain attached hereto as Appendix 6¹⁹.

57. On 11 July 2024 Mr Alwyn Burger sent an e-mail to Ms Blake stating that:

57.1. the building plan being considered by the Municipality dealt only with internal alterations and the creation of 3 new toilets

57.2. no new construction works were proposed regarding the restaurant

57.3. consequently, the existing provision of on-site parking remained adequate.

In this regard see the e-mail chain attached hereto as Appendix 5²⁰.

58. Once the renovations were completed, it came to light that the alterations did not only entail the creation of 3 new toilets and that it did in fact entail:

58.1. extensive internal alteration, mostly in the form of the removal of internal walls, which he lowed out the main building, creating large open spaces and increasing the seating capacity of the Restaurant considerably,

58.2. the construction of a linking addition, which constituted an extension of the existing buildings on Erf 2537 by 39.66 m²; and

58.3. the demolition of the existing covered deck and the erection of a new, larger deck in its place.

In this regard, see the extract from building plans attached hereto as Appendix 7²¹ on which the walls which were removed are marked in yellow, and the layout plan attached hereto as Appendix 8²² on which the extensions are marked in pink.

59. The Municipality confirmed in its letter referred to in paragraph 49 above that

59.1. when the Restaurant was developed, the LUPO Scheme Regulations then in place required 1 parking space for every 25 m² of restaurant area;

59.2. the By-laws required 1 parking space per 4 restaurant seats.

60. On 7 February 2025, Mr Burger stated in an e-mail to Mr Blake, attached hereto as Appendix 9²³, that:

60.1. the Restaurant made provision for 151 seats²⁴ and

60.2. the existing 12 parking bays were sufficient.

61. The Restaurant was developed in 1998 when the Section 5 Scheme Regulations were in place

¹⁸ Pages 27 to 29 of the Bundle

¹⁹ Pages 24 to 29 of the Bundle

²⁰ Pages 24 to 29 of the Bundle

²¹ Page 30 of the Bundle

²² Page 31 of the Bundle

²³ Pages 32 to 38 of the Bundle

²⁴ For which the By-laws prescribed 30 parking bays.

82. In terms of these Scheme Regulations, 1 parking space was required for every 25 m² of total floor space.
83. During about 2011, while the Section 8 Scheme Regulations were still in place, the then owner of Erf 2537 lodged building plans with the Municipality for alterations and extensions which he intended to do to the buildings and structures on Erf 2537.
84. The completed buildings would be 316 m² in extent. In this regard, see the Site Development Plan attached hereto as Appendix 12³⁶.
85. The building plans were approved by the Municipality.
86. Parking bays 7 to 12 indicated on Appendix 12³⁶ were partially situated on the Remainder of Erf 495, which was and still is a public street, one parking bays 13 to 15 are wholly so situated.
87. The borders of Erf 2537 are indicated by a purple line on Appendix 12³⁷ and by green lines on Appendix 13.³⁸
88. As said above, in 2011 when the building plans were submitted and approved and the building work was done, Erf 2537 had a Business Zone 1 zoning and the Section 8 Scheme Regulations regulated its use.
89. The Section 8 Scheme Regulations at the time required that 1 on-site parking space be provided for every 25 m² of total floor space.
90. Accordingly, the owner of Erf 2537 had to provide 15 on-site parking bays.
91. During a telephone conversation with Mr Burger on 7 February 2025, he informed writer that an agreement had been reached with the erstwhile owner regarding compliance with the parking requirement.
92. Writer understood this to be a parking buy-out agreement as described in paragraph 29 above and in an e-mail to Mr Burger dated 18 February 2025, attached hereto as Appendix 10³⁹, requested copies of the documentation setting out the terms on which the owner of Erf 2537 bought out the 6 parking bays on Remainder of Erf 495.
93. Mr Burger replied in an e-mail dated 19 February 2025 – a copy of which is attached hereto as Appendix 11⁴⁰, that it was agreed with the erstwhile owner of Erf 2537 that he would only provide 12 parking bays (and not the prescribed 15) and that such agreement was reached by means of a building plan approval.
94. The Section 8 Scheme Regulations in force at the time did not allow for such an approval process or approval.
95. As far as writer could establish, no application was made in terms of section 5.1 of the Section 8 Scheme Regulations for a departure from its parking requirements either.
96. The owner of Erf 2537 thus only had the following options with regards to the provision of the prescribed parking:⁴¹
- 76.1. Provide 15 off-street on Erf 2537;

³⁶ Page 24 of the Bundle

³⁷ Page 24 of the Bundle

³⁸ Page 24 of the Bundle

³⁹ Page 3 of the Bundle

⁴⁰ Page 39 of the Bundle

⁴¹ Page 40 of the Bundle

⁴² See paragraph 29 above.

- 76.2. Provide it or other land situated nearby and register a notarial servitude over it in favour of the public; or
- 76.3. Buy out the parking bays by paying the Municipality an agreed amount.
77. A side agreement with the Municipality, made when submitting building plans, stating that compliance with the parking bay requirements of the Section 8 Scheme Regulations was not necessary, was unlawful and invalid.
78. In the end the erstwhile owner of Erf 2537 provided only 6 of the prescribed 15 parking bays on-site.
79. Even these 6 parking bays were not provided lawfully, as they did not meet the following further requirements for parking³², in that:
- 79.1. While vehicular access and exit ways had to be restricted to not more than one each per site per street abutting on the site, all 6 parking bays on 8th Street provided access and exit to Erf 2537, i.e. 5 too many.
- 79.2. While vehicular access and exit ways had to be restricted to a maximum total width of 8 metres where they cross the street boundary, the 6 parking bays on 9th Street provided a collective width of approximately 15 metres where they cross the street boundary, i.e. 9 metres too wide.
- 79.3. As the corner of 9th Street and 1st Avenue was a playway, vehicular access or exit ways was not allowed to be closer than 10 metres to such corner or 5 metres measured from the point where the playway reached the road boundary, whichever was the greater distance from the corner. In this case the first 2 parking bays on 9th Street closest to 1st Avenue lay within this 5 metre area.
80. The use of Erf 2537 for restaurant purposes, without complying with the parking space requirements set out in the Section 8 Scheme Regulations, was unlawful.
81. The By-laws determine that an existing land use that was lawful in terms of a previous zoning scheme but that does not comply with the By-laws could continue.³³
82. Since the use of Erf 2537 was not lawful when the By-laws were enacted, it did not qualify as a 'non-conforming use,' was not entitled to protection, and remained unlawful.
83. Alternatively, even if such use had been lawful (which it was not), section 24(2)(b) of the By-laws required that a proper application under section 26(2) be submitted for any alteration or extension of buildings or structures related to the non-conforming use.
84. You will notice that this provision does not make a distinction between alterations to the inside and outside of buildings, as Mr Burger did (see paragraph 57 above) - it is triggered by any alterations to buildings or structures, whether effected to the inside or outside thereof.
85. In any event, in this case alterations were not effected only to the inside of the buildings.
86. A new roofed linking structure was constructed which extended the existing buildings by 39.55 m².
87. This made Mr Burger's distinction, which the By-laws did not support, a moot point.
- THE INTERPRETATION OF SECTIONS 24(1) AND SECTION 24(2)(b) OF THE BY-LAWS**
88. From the unambiguous wording of the aforesaid sections, it is clear that:

³² See paragraph 29 above.

³³ Sections 24(1) and (2).

- 88.1 A "non-conforming use" means a lawful use which does not comply with the By-laws, but:
- 88.1.1 existed; and
- 88.1.2 was lawful in terms of the existing Scheme Regulations when the By-laws came into operation.
- 88.2 A non-conforming use could continue, but before an alteration or extension of the buildings or structures so used could be effected, an application in terms of section 25(2) had to be brought.
- 88.3 Such application would have to be in terms of section 25(2)(a) for a permanent departure from the development parameters of the By-laws, as none of the other sub-sections set out in section 25(2) seem applicable.
- 88.4 In this case, the owner of Erf 2537 would have had to bring an application in terms of section 25(2) for a permanent departure from the parking requirements of the By-laws, allowing it to provide fewer than the required 38 parking bays.
- 88.5 No such application was brought and carrying out the alteration and extension without it, and using the altered and extended premises for restaurant purposes, is unlawful.
89. The Municipality however has a different take on the matter. It interprets section 24 as holding that:
- 89.1 the provisions of the By-laws only apply to the amendments or the extensions themselves and not to the rest of the improvements or the site; and
- 89.2 the burden of the use before the amendments or extensions were effected, had to be compared with the burden of use after they were effected, and that the new regulations would apply only if the burden had increased and then only to the extent of such increase.
90. In this case they established that the restaurants on Erf 2537 had seated 179 people before the renovations and would seat 151 people thereafter, and as no extra seating was created, the parking requirements of the By-laws would not apply and that the parking requirements of the Scheme Regulations stayed applicable.
91. The wording of the By-laws clearly does not allow for such an interpretation.
92. The By-laws clearly state that:
- 92.1 A non-conforming use only enjoyed the protection afforded by section 24(1) until the applicable property was altered or extended in any way.
- 92.2 Should the property be altered or extended in any way, the By-laws became applicable to the whole of the property and the whole of the property would have to comply with the provisions of the By-laws, unless a permanent departure from its development parameters is/are obtained.
93. This argument is academic in any event, as the use of Erf 2537 as a restaurant was not a non-conforming use which enjoyed the protection afforded by section 24(1) when the By-laws came into effect, as fully set out in paragraphs 61 to 62 above.
94. The use of Erf 2537 for restaurant purposes does not comply with the parking requirements of the By-law (it never complied with the Section 5 Scheme Regulations either) and such use is thus unlawful and should be prohibited and not assisted by granting the Application.

ANNEXURE B

THE MUNICIPALITY'S FAILURE TO EXERCISE PROPER OVERSIGHT

A significant contributing factor to the problems currently being experienced by residents, is the Municipality's failure to exercise proper municipal oversight. The issues surrounding Erf 2537 did not arise in isolation or overnight but are the result of a pattern of regulatory failures, poor enforcement, and decisions that have disregarded the established planning framework. These failures include

1. Failure to Enforce Title Deed Conditions²¹

- 1.1. The title deed for Erf 2537 contains explicit conditions, including the 5.5-meter building line restriction imposed in 1938, which the Municipality was duty-bound to uphold. Instead, the Municipality repeatedly approved building plans that violated these restrictions, enabling the unlawful development and expansion of commercial activities.
- 1.2. The Municipality failed to take proactive steps to prevent these encroachments, allowing non-compliant structures to be built and subsequently relied upon by the Applicant in this Application for retrospective approval.

2. Failure to Ensure Proper Parking Compliance²²

- 2.1. The original approval for the Restaurant did not ensure sufficient on-site parking, leading to persistent congestion, illegal parking, and obstruction of neighbouring properties.
- 2.2. When further developments were undertaken, the Municipality did not enforce the updated parking requirements set out in the current zoning regulations.
- 2.3. Instead, it appears that informal or unauthorized agreements were made regarding parking compliance, resulting in an ongoing parking crisis that has negatively impacted surrounding residents.

3. Inconsistent and Arbitrary Application of Land Use Planning By-Laws

- 3.1. The Municipality has applied its land use regulations inconsistently, allowing certain unauthorized developments to proceed while failing to protect the interests of affected property owners.
- 3.2. This failure is particularly evident in the Municipality's handling of non-conforming use provisions, where it has selectively enforced or ignored compliance requirements to the detriment of neighbouring property owners.

4. Failure to Conduct Proper Public Participation and Consultation

- 4.1. The concerns of residents, including nuisance, have been repeatedly ignored or dismissed without due process.
- 4.2. Despite multiple complaints regarding the impact of the Restaurant's operations, including noise, traffic, and parking issues, the Municipality has not taken adequate steps to address these concerns.
- 4.3. The Municipality's past inaction raises serious concerns about whether it will fairly and objectively consider the objections of affected property owners to the Application.

²¹ See paragraphs 42 to 46 of Annexure A.

²² See paragraphs 47 and 48 and paragraphs 59 to 60 of Annexure A.

5. **Failure to Prevent Unauthorized Construction and Retrospective Approvals**

- 5.1. The Municipality has permitted unauthorized alterations and expansions without requiring the necessary land use approvals in advance.
 - 5.2. The Applicant now seeks to legitimize these unlawful developments through retrospective approval, effectively bypassing the legal process that should have been followed from the outset.
 - 5.3. The Municipality's failure to enforce compliance in real-time has emboldened developers to act first and seek approval later, undermining the integrity of municipal planning laws.
6. The cumulative effect of these failures has led to an untenable situation where a residential area has been subjected to excessive commercial intrusion without proper mitigation measures.
7. If the Municipality had exercised its oversight responsibilities properly, many of the current problems—such as insufficient parking, noise disturbances, and encroachment into restricted areas—could have been prevented.
8. It is therefore imperative that the Municipality does not repeat past failures by approving the Application and that the Municipality refuses it and enforce the provisions of the By-laws.
9. To do otherwise would not only condone previous non-compliance but to continue on a course that had already eroded the credibility of municipal planning regulations.
10. Granting the Application would be yet another failure to execute proper oversight,
-

ANNEXURE C

THE PROBLEMS CAUSED BY THE UNLAWFUL DEVELOPMENT AND USE OF ERF 2537

The unlawful development and use of Erf 2537 had caused our clients great discomfort.

1. TRAFFIC CONGESTION & RISK TO PEDESTRIANS

- 1.1. The Applicant claims in his application for building plan approval that the Restaurant previously had 179 seats and that he intended to reduce that number to 151³⁶.
- 1.2. One will be forgiven for being sceptical about this considering that
 - 1.2.1. the buildings were extended by 40 m²;
 - 1.2.2. two new uncovered patios to be used for seating was added on the 9th Street side of the building³⁷;
 - 1.2.3. a portion of the buildings, which was used by the previous restaurant for residential purposes, is now being used for restaurant purposes;
 - 1.2.4. the covered deck on 1st Avenue was extended; and
 - 1.2.5. most of the renovations consisted of demolishing internal walls³⁸, which greatly increased the Restaurant's seating capacity.
- 1.3. It is reasonable to expect that the renovated Restaurant would have a significantly higher seating capacity than the previous establishment.
- 1.4. The Municipality's unquestioning acceptance of the Applicant's assertion that the opposite was true and that seating capacity would be reduced, appears naïve and lacking in diligence.
- 1.5. In this regard, see the attached *SANS 10400-A:2010 (Edition 3) South African National Standards The application of the National Building Regulations – Part A: General principles and requirements (the SANS Requirements)*³⁹.
- 1.6. The SANS Requirements
 - 1.6.1. places a restaurant in the A1 class of occupancy;⁴⁰
 - 1.6.2. determines that the population of any room must be calculated as the actual population of such room where such population is known or where such population is not known, from the criteria given in table 2, which in the case of a restaurant: is 1 person per m² if there are no fixed seats⁴¹.
- 1.7. The portions of the Restaurant (after the improvements were effected) are indicated in purple, green blue and red on Appendix 35⁴².
- 1.8. These portions have the following approximate areas:
 - 1.8.1. The Beach House covered area (purple) 42.5 m²

³⁶ See Appendix 9 – Page 32 of the Bundle

³⁷ See Appendices 14 and 15 – Pages 43 and 44 of the Bundle

³⁸ The walls which were removed are indicated in yellow on Appendix 7.

³⁹ Appendix 35 – Pages 79 to 82 of the Bundle

⁴⁰ Page 80 of the Bundle

⁴¹ Page 83 of the Bundle

| | | |
|--------|---|-----------------------------|
| 1.8.2. | The Beach House main restaurant (green) ⁴² | 114 m ² |
| 1.8.3. | Slow Time covered stoep (red) | 37 m ² |
| 1.8.4. | Sea time restaurant (blue) ⁴³ | 36 m ² |
| | i.e. total covered area of | 229.5 m². |

- 1.9. According to the SANS Requirements 1 person per m² can be seated in the aforementioned 230 m² i.e. 230 people can be seated in the two restaurants and their covered stoeps⁴⁴.
- 1.10. This excludes the patios facing 3rd Street which are or can also be used for seating restaurant patrons.
- 1.11. Annexure 14⁴⁵ shows at least 20 seats on the patio to the left and it is fair to assume that the patio on the right, which is only slightly smaller, can seat a further 15 patrons.
- 1.12. The patios are indicated in green on Appendix 38⁴⁶.
- 1.13. Had the Municipality undertaken the very simple and elementary aforementioned exercise, it would have established that the renovated Restaurant did not have a seating capacity of **151** as claimed by the developer, but rather had a seating capacity of **205**, which required that **66 parking bays** be provided.
- 1.14. Had the Municipality been diligent, it would also have calculated the seating capacity of the Restaurant before the renovations, instead of taking the word of one waiter for it.
- 1.15. In this regard, please refer to Appendix 37⁴⁷, which illustrates the rooms in the restaurant that were used for restaurant purposes before the renovations, with the interior walls—later removed during the renovations—still intact.
- 1.16. The exact placement of the doors is unknown to us, so they have been positioned to maximize the number of seats in a room.
- 1.17. Appendix 37 indicates that, before the renovations, the Restaurant could accommodate no more than the following number of patrons:
- | | | |
|---------|--|--------------------|
| 1.17.1. | The Beach House covered stoep (purple) | 28 patrons |
| 1.17.2. | The Beach House main restaurant (green) | 66 patrons |
| 1.17.3. | Slow Time covered stoep (red) | 28 patrons |
| 1.17.4. | Sea time restaurant (blue) ⁴⁸ | 36 patrons |
| | i.e. a total | 148 patrons |
- 1.18. Had the Municipality applied its mind when considering the approval of the building plans, it would have established that the renovations would add about 115 seats to the Restaurant

⁴² Excluding the service area next to the bar.

⁴³ Areas not suitable for seating excluded.

⁴⁴ This excludes the

⁴⁵ Page 43 of the Bundle

⁴⁶ Page 85 of the Bundle

⁴⁷ Page 64 of the Bundle

⁴⁸ Areas not suitable for seating excluded

- 1.19. Be that as it may, with a seating capacity of 151, the By-laws require the Restaurant to provide at least 38 on-site parking bays.
- 1.20. Appendix 13⁴⁸ shows what the 9th Street side of the Restaurant looked like before the latest renovations.
- 1.21. The 6 parking bays previously provided on-site⁴⁹, are clearly visible.
- 1.22. Appendix 14⁴⁹ shows what the 9th Street side of the Restaurant looks like now.
- 1.23. In terms of the By-laws a parking bay must be at least 5 meters long⁵⁰ and must be on-site, i.e. wholly located on the property.
- 1.24. The widened pathway and the newly constructed patios have encroached into spaces previously utilised for parking to the extent that Eif 2537 currently has only one on-site parking bay and have not supplied same legally elsewhere. In this regard, see the extract from the building plans attached to the Application which is attached hereto as Appendix 27⁵¹. The parking bay indicated in green is on-site and the portions of the parking bays indicated in orange are situated on a public street.
- 1.25. The highly predictable result of the aforesaid is that
- 1.25.1. The 38 parking spaces required to service a restaurant of this size, is taken up by patrons in the streets surrounding the Restaurant.
 - 1.25.2. In this regard, see the aerial photograph attached hereto as Appendix 34⁵², which shows the effect of parking 38 cars on Eif 2537 and on the surrounding roads.
 - 1.25.3. Appendix 26⁵³ shows what the parking situation looked like before the renovations were done. The situation is now much worse.
 - 1.25.4. Patrons parked on neighbours' lawns and in their driveways.
 - 1.25.5. Rows of cars parked in First Avenue, making its intersection with 9th Street very dangerous and causing traffic problem in 3 directions.
 - 1.25.6. Cars parked on the sidewalks, both in 9th Street and First Avenue, forcing pedestrians to walk in the middle of the road, which is hazardous to them and drivers.
 - 1.25.7. The congestion reduces visibility, causing danger to young children crossing First Avenue when they entered the road from behind parked cars.
 - 1.25.8. The tranquillity and peaceful ambience of the neighbourhood is destroyed.

⁴⁸ Page 42 of the Bundle

⁴⁹ Albeit in contravention of clause 3.9.3(b) of the Section 8 Scheme Regulations – see paragraph 28 above

⁵⁰ Page 43 of the Bundle

⁵¹ Schedule 2 of the By-laws defines the term "parking bay" as follows

parking bay, means an area measuring no less than 5m x 2,5m for perpendicular parking and 9m x 2,5m for parallel parking, which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible at the satisfaction of the municipality;

⁵² Page 62 of the Bundle

⁵³ Page 70 of the Bundle

⁵⁴ Page 67 of the Bundle

- 1.26 This is exacerbated by the fact that Eri 2537 contains no loading bays, which mean that vehicles making deliveries, also park in the surrounding streets, which aggravates the traffic congestion.

2. UNPLEASANT AND PERSISTENT ODOURS

- 2.1. The Restaurant prepares and serves seafood.
- 2.2. Strong fish and calamari odours emanate from the Restaurant's kitchen's chimney when in use.
- 2.3. The Restaurant's chimney which emits these odours, is right next to our client's living area. In this regard, see Appendix 18⁶⁶ hereto.
- 2.4. The Restaurant's extractor fan systems have clearly not been equipped with suitable air filters and the pungent smell of fish and calamari permeates the atmosphere around the Restaurant during operating hours.
- 2.5. Up to 12 refuse bins containing seafood waste, which emit a foul stench, and which stand in the sun (right next to the boundary wall separating Eri 2537 from our client's residence) for extended periods of time (up to three days before removal on Mondays and Thursdays) makes it impossible for our client to open the windows of his house or to use his outdoor areas. In this regard see Appendixes 19 to 23⁶⁷ hereto.
- 2.6. The bins are also washed on Eri 2537 and the putrid stench of the waste water is unbearable.
- 2.7. The increase of the business activity on Eri 2537 (where there used to be only a restaurant and there is now a restaurant, ice cream shop and a pizza take aways which trade from early to late) have also increased the frequency with which the septic tank on the property has to be pumped.
- 2.8. The operator of the sewage tanker (commonly known as 'Smelly Nelly') parks directly in front of Eri 192—seemingly to avoid inconveniencing the restaurant's patrons. The frequent pumping of the restaurant's septic tank along with the associated sights and odours further diminishes our client's enjoyment of their property. In this regard, see Appendix 24⁶⁸ hereto.

3. ATTRACTION OF FLIES

The restaurant's refuse bins attract a large number of flies, leading to hygiene concerns and discomfort on our client's property. In this regard, see Appendix 25⁶⁹ hereto.

4. POOR PLACEMENT OF REFUSE SITE

The refuse bins are kept directly adjacent to several rooms and an outdoor shower on our client's property, exacerbating the odour and fly infestation problems. In this regards see the photographs attached hereto as Appendixes 19 and 21⁶⁷.

5. INTERFERENCE WITH ENJOYMENT OF PROPERTY

The ongoing issues significantly impact our client's ability to enjoy the use of his rooms adjacent to the bins and his outdoor living areas, especially during holiday periods when he and his family expect to be able to use his property fully.

⁶⁶ Page 59 of the Bundle

⁶⁷ Pages 60 to 64 of the Bundle

⁶⁸ Page 65 of the Bundle

⁶⁹ Page 66 of the Bundle

⁷⁰ Pages 60 to 62 of the Bundle

6. **EFFORTS TO RESOLVE THE ISSUE**

Our client has previously raised these concerns directly with the owner of the Restaurant, Mr. Tom Breytenbach, in an email dated 7 January 2025. In this e-mail, our client proposed several practical solutions, including:

- 6.1. Sealing refuse bins at all times;
- 6.2. Relocating the refuse site away from our client's property;
- 6.3. Increasing the frequency of refuse removal, particularly for seafood waste;
- 6.4. Washing refuse bins in a separate location to prevent the worst odours;
- 6.5. Improving kitchen ventilation and odour control;
- 6.6. Implementing pest control measures; and
- 6.7. Raising the border wall to mitigate the spread of odours.

7. Mr Breytenbach never replied to our client's e-mail and took no meaningful action.

IN CONCLUSION

8. With enforcing the building line restriction and compelling the de-commissioning of the covered deck will not eliminate the aforesaid problems. It will certainly reduce them, which will be welcome relief for our client.

CK RUMBOLL & VENNOTE / PARTNERS



PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATE: 2 May 2025

OUR REF: YZE/14193/MH

PER HAND, E-MAIL AND PORTAL SUBMISSION

Attention: Mr A Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52

MALMESBURY

7300

StellenbergD@swartland.org.za

RESPONSE TO OBJECTIONS & COMMENTS:

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS IN TERMS OF THE SWARTLAND MUNICIPALITY LAND USE PLANNING BY-LAW (2020) IN RESPECT OF ERF 2537, YZERFONTEIN

With reference to the below correspondence:

- a) Your letter dated 18 March 2025
- b) This office's letter dated 14 April 2025
- c) Your letter dated 15 April 2025

The table below presents a summary of the comments and objections submitted during the public participation commenting period, alongside the responses provided by CK Rumboll and Partners on behalf of the registered owner of Erf 2537 Yzerfontein, the Lochner Eksteen Trust. The following parties submitted comments and objections:

1. Yzerfontein Residents' Association
2. Conradie Attorneys on behalf of Hec Mer Trust

Our response has been provided in the same language in which each objection/comment was received.

| Objector | Objection/Comments | Response on objections |
|--|---|--|
| <p>1) Yzerfontein Residents' Association</p> | <p>Hiermee teken die YIV beswaar aan ten die opheffing van beperkende voorwaardes op erf 2537 soos uitgestippel in u skrywe van 12 Februarie 2025.</p> <p>Die beswaar is gebasseer op die feit dat hierdie eiendoms opheffing benodig om 'n bestaande besigheid te bedryf waarvoor daar alreeds goedkeuring verskaf was.</p> <p>Sou hierdie wysiging nou sy ontstaan het omdat die bedryf en aanwending van die eiendom nou sou verander het, en dit die vorige goedkeuring nou negatief affekteer, word die kommer uitgespreek tot welke mate dit 'n algemene tendens van wysigings in Yzerfontein sou beïnvloed.</p> <p>Die vraag word met reg gevra hoekom was daar nie 'n volledige bestek opname gedoen voordat die veranderde besigheid beplan was nie.</p> | <p>Hierdie kantoor neem kennis van die beswaar en wil graag die volgende punte beklemtoon:</p> <p>Die eienaar het sekere opknappings aan die bestaande restaurant aangebring, wat die hernuwing en versterking van die vorige onderdak buitensitplek area met 'n nuwe struktuur ingesluit het. Dit is belangrik om daarop te let dat bouplan goedkeuring reeds verkry is vir die vorige onderdak buitensitplek area. Hierdie hernuwing en versterking was noodsaaklik om veiligheid en strukturele voldoening te verseker. Gevolglik was die opheffing van 'n beperkende titelakte voorwaarde genoodsaak.</p> <p>Dit is egter belangrik om te beklemtoon dat die doel van hierdie aansoek nie is om nuwe grondgebruikregte of gebruike toe te laat nie. Die enigste doel is om die beperkende titelakte voorwaarde, naamlik die 6.3-meter straatboulyn, op te hef. Die eiendom sal steeds as 'n restaurant funksioneer, soos per die huidige grondgebruiksregte.</p> |
| <p>2) Conradie Attorneys on behalf of Hec Mer Trust</p> | <p><i>It should be noted that, although the objection includes various background facts and concerns, the below summary only includes those that fall within the scope of the current application—specifically, the six statutory criteria prescribed by the Swartland Municipality By-Law on Municipal Land Use Planning, 2020.</i></p> | <p>It should be noted that the six statutory criteria were already addressed in the land use application. The purpose of this document is to respond to the objections received -with particular reference to the six statutory criteria- and, where necessary, to supplement the information provided in the submitted application.</p> |

For the sake of clarity and ease of reference, this document follows the same numbering system as that used in the objection.

Consequently, there is no legal obligation to respond to any objections irrelevant to the application. Non-dealing with other factors outside the perimeter cannot be construed as admissions and or concessions.

The following key points are emphasised:

- a) Erf 2537 Yzerfontein is and has been zoned Business Zone 2, with a consent use for a restaurant. The current land use is therefore totally compliant with the existing zoning rights.
- b) The previous deck was refurbished and structurally strengthened with mostly the same materials on the same footprint. Find attached herewith a letter from Geospec Engineers confirming that the deck needed to be refurbished, attached as **Annexure A**. The refurbished and strengthened deck does not constitute an expansion of the existing land use. It is important to note that building plan approval has already been obtained for the previous deck.
- c) The applicable street building line for properties zoned Business Zone 2 in accordance with the Swartland Municipality Development Management Scheme is 0 metres. Accordingly, the position of the refurbished and structurally reinforced deck complies with the street building line parameter as set out in the current Scheme. The deck does not encroach beyond what is permitted under the zoning scheme, and the only reason a land use application is required is due to the more restrictive title deed condition.

10 FINANCIAL OR OTHER VALUE OF THE RIGHTS IN TERMS OF THE RESTRICTIVE CONDITION

10.1 The first factor to consider when evaluating the Application, is the financial or other value of our client's rights to enforce the 6.3-meter street building lines on Erf 2537.

10.2 These rights have substantial value, as they protect our client from the commercial overexploitation of Erf 2537, which will have a detrimental effect on the value of our client's properties.

10.3 Our client's properties are very valuable.

10.4 Erf 192 is a seafront property, situated on 1st Avenue and Erven 191 and 190 are situated right behind it on an elevated slope and enjoy undisturbed sea-views.

10.5 The current municipal valuation of our client's properties are as follows:

10.5.1 Erf 192 R2, 130,000.00 (Two Million One Hundred and Thirty Thousand Rand);

10.5.2 Erf 191 R6,015,000.00 (Six Million and Fifteen Thousand Rand); and

10.5.3 Erf 190 R 5, 150,000.00 (Five Million One Hundred and Fifty Thousand Rand) i.e.

FINANCIAL OR OTHER VALUE OF THE RIGHTS IN TERMS OF THE RESTRICTIVE CONDITION

Erf 2537 Yzerfontein is zoned Business Zone 2 which was conferred by title deed condition II.C(a)(1) in Title Deed T1316/1938, which allows for the use of the property exclusively for business purposes. The restaurant is therefore compliant with the existing zoning rights. This zoning already anticipates a higher intensity of use compared to surrounding residential properties. The continued operation of the restaurant, along with the refurbishment and structural strengthening of an approved existing deck (due to structural concerns) in the same position as the previous one, does not represent an intensification of land use. Rather, it constitutes a continuation of the existing and approved use, thereby maintaining the status quo.

No evidence is provided to support the statement that the removal of the 6.3-meter street building line, directly results in a loss of market value of surrounding properties. On the contrary, investment in the maintenance and improvement of the restaurant has in fact enhanced the visual appeal of the area, all of which can positively influence the value of the neighbourhood.

R13,295,000.00 (Thirteen Million Two Hundred and Ninety-Five Thousand Rand) in total.

10.6 It is submitted that the market value of these properties is substantially higher than its municipal valuations.

10.7 The value of these properties lies in the natural beauty of their surroundings, the ambience of the area in which they are situated and the accompanying peace and quiet and tranquility which they offer to their inhabitants.

10.8 A loss of any of these characteristics will directly lead to a loss in value of the properties.

10.9 The 6.3-meter street building line restriction exists for the direct benefit of adjacent property owners, including our client, to safeguard their property values, privacy, and overall quality of life.

10.10 These rights, which vest in property owners through title deed conditions, represent valuable legally recognized rights that cannot be arbitrarily abolished without compensation without due consideration of the detriment to the beneficiaries and then only with just cause.

10.11 The odours, noise, traffic congestion, illegal

Moreover, concerns raised regarding noise and odours are regulated through municipal by-laws and other applicable legislation. In support of ongoing compliance, a compliance certificate for the restaurant issued by the West Coast District Municipality is attached as **Annexure B**. It is important to understand that these issues are not directly dependent on the existence of the 6.3-meter street building line.

It is important to emphasise that the restrictive condition under consideration pertains solely to the 6.3-meter street building line and does not restrict or regulate the use of the property.

Therefore allegations contained in paras 10.6 – 10.16 are unfounded, speculative, not supported by facts, without merits and irrelevant to this application.

parking in front of driveways, danger to pedestrians and fly problems which are exacerbated by the operation of the Restaurant in contravention of the building line restrictions, will have a materially detrimental effect on the market values of our client's properties if they become permanent on the revoking of our client's rights.

10.12 The loss of ambiance, peace and quiet and tranquillity will directly lead to a loss of market value.

10.13 The removal of the building line restriction and the retrospective approval of an unlawful structure also set a dangerous precedent, undermining property rights and expectations of orderly development.

10.14 The erosion of these protections would significantly devalue neighbouring properties, leading to increased commercialization and an unplanned intensification of land use that is inconsistent with the character of the area.

10.15 Furthermore, property values in Yzerfontein rely heavily on its appeal as a peaceful, low-density residential enclave.

10.16 The Applicant's continued commercial encroachment directly diminishes these attributes, harming property investments in the area.

11 PERSONAL BENEFITS ACCRUING TO THE HOLDER OF RIGHTS

11.1 Our client is the family trust of the van der Merwe family of Rawsonville.

11.2 For nearly 27 years they have been using the property for family vacations.

11.3 The property serves as a retreat where three generations come together to holiday, providing a space for relaxation, bonding, shared experiences, and lasting memories.

11.4 Ever since the expanded and renovated restaurant opened at the end of 2024, the family's enjoyment of their property has been almost entirely lost.

11.5 The excessive noise, overpowering stench of rotting fish, swarms of flies, traffic congestion, restaurant patrons parking in their driveway, and, most concerning, the danger posed to their young grandchildren crossing roads have severely diminished their enjoyment of their

PERSONAL BENEFITS ACCRUING TO THE HOLDER OF RIGHTS

As previously noted, Erf 2537 Yzerfontein is zoned Business Zone 2, as conferred by the Development Management Scheme and the applicable title deed. The objective of Business Zone 2 supports the integration of residential and commercial land uses. Accordingly, personal expectations of a purely residential environment must be balanced against the legitimate development rights associated with the property's current zoning.

The deck structure in question is not a new addition but a refurbishment and structural strengthening of an existent deteriorated structure, refurbished and strengthened as such in the same position, to ensure structural integrity and safety. This did not constitute a material intensification of use but rather the continued lawful use of the property in accordance with its zoning.

The concerns raised by the objector—relating to noise, odours and flies—are noted. However, these concerns do not stem from the existence of the 6.3-meter street building line. Instead, they pertain to the general operation of the restaurant, which is lawful under the current land use rights. These operational

holiday home.

- 11.6 Our client is entitled to an environment free from excessive commercial activity which adversely affects the amenities of the residential precinct and which was not contemplated in the original planning framework and is not provided for in the current.
- 11.7 The restrictive condition protects our client's beneficiaries' right to safety, privacy, tranquillity and the enjoyment of a low-density residential environment.
- 11.8 The continued existence of the restriction ensures that commercial activity does not intrude beyond its historically approved scope, preventing the negative externalities described in Annexure C.
- 11.9 Removing the restriction would strip our client's beneficiaries of these protections and cause significant and ongoing harm to their ability to use and enjoy their properties.

aspects are regulated through the applicable municipal by-laws and environmental health legislation, as confirmed by Annexure B.

Consequently, the allegations contained in paras 11.4- 11.9 are unfounded, speculative, subjective, not supported by facts, without merits and irrelevant to this application.

12 PERSONAL BENEFITS TO THE APPLICANT IF THE RESTRICTION IS REMOVED

- 12.1 The Applicant's gain from the removal of the building line restriction is purely a financial one.
- 12.2 He will benefit because should the Application be granted, as an unlawful encroachment will be legitimised and the authorised commercial footprint of the Restaurant will be expanded by 43 m2 and about 28 seats.
- 12.3 The Applicant submits that the building lines must be removed to enable him to optimise the use of Erf 2537.
- 12.4 The fact of the matter is that the use of Erf 2537 had gone beyond the scope of optimisation and it is currently being overexploited.
- 12.5 What the Applicant is really asking for, it that he be allowed to overexploit the property to an even greater extent.
- 12.6 The following facts show this clearly:
- 12.6.1 Erf 2537 is 798 m2 in extent;
- 12.6.2 Roofed buildings of 449 m2 have been erected on it, which include the covered deck of 43 m2;

PERSONAL BENEFITS TO THE APPLICANT IF THE RESTRICTION IS REMOVED

The personal benefits to the Applicant emanate way back from the approved building plans. The Applicant complied with its` legal obligation by attending to the refurbishment and structural strengthening of an existing deck, which was found to be an unsafe and deteriorated structure. The key consideration is whether such refurbishment and strengthening cause undue harm to surrounding properties. In this instance, the application is being pursued through a formal land use planning process and seeks to align the existing deck with current legislation. The Applicant's benefit arises not from avoiding regulatory requirements, but from actively complying with them — thereby reinforcing lawful land use management.

Furthermore, it is important to note that the property is zoned Business Zone 2, which allows for the operation of a restaurant. This application does not seek a change in land use or intensification, beyond what is reasonable within the development rights that are applicable to the subject property.

Consequently, the allegations contained in paragraph 12 are unfounded, speculative, vexatious, subjective, not supported by facts, without merits and irrelevant to this application.

- 12.6.3 Without the covered deck, 50% of the area of Erf 2537 had been built up. If the deck is included, 52% of it is covered in buildings.
- 12.6.4 This excludes the two-seating patio's which had recently been added.
- 12.6.5 There is 1 on-site parking bay on the property, while the By-laws require at least 38;
- 12.6.6 There is not space on the property to provide the required parking bays;
- 12.6.7 There are no loading zones on the property.
- 12.7 By any acceptable standard, Erf 2537, without the covered deck, is already overdeveloped and allowing the deck to stand will increase such overdevelopment.
- 12.8 The financial gains to the Applicant must be weighed against the detriment caused to affected property owners.
- 12.9 Notably, the Applicant has already demonstrated a pattern of disregard for municipal planning regulations, evidenced by the unlawful construction of the covered deck and the repurposing of existing parking bays for patios.

12.10 Allowing the removal of the restrictive condition would reward non-compliance and encourage further violations in the future.

12.11 The Applicant's gain will be all of the surrounding owners' loss.

12.12 It must also be noted that the Applicant's gain will be an unlawful one, as the use of Erf 2537 for restaurant purposes without complying with the parking requirements set out in the By-laws, is unlawful and by granting the Application, the Municipality will be authorising the Applicant to expand his unlawful activities.

12.13 It is important to note that the building line restriction is recorded in the title deed of Erf 2537, a public document accessible to anyone at the Deeds Office.

12.14 The Applicant either recklessly re-developed the Restaurant without perusing the land use restrictions applicable to it, or did so and simply disregard them.

12.15 It is hard to imagine that the Applicant's architect did not point out the building line restrictions to him before he built the deck.

12.16 In any event, there is no compelling reason why

the Applicant should receive a financial benefit at the expense of the surrounding owners.

13 SOCIAL BENEFIT OF MAINTAINING THE RESTRICTIVE CONDITION

13.1 The restrictive condition plays a crucial role in preserving the residential integrity of the area. The neighbourhood is characterized by single-family homes, and the enforcement of building line restrictions ensures a buffer zone between residential and commercial uses.

13.2 Maintaining the restriction serves multiple social benefits, including:

13.2.1 Protecting property values, which will encourage further investment in the area and sustained and increased rates revenue for the Municipality.

13.2.2 The protection of pedestrians, especially young children, by preventing traffic congestion and by avoiding a reduction in visibility.

13.2.3 Preventing the intensification of commercial activity beyond what was originally intended.

13.2.4 Preserving the aesthetic and spatial character of the area.

SOCIAL BENEFIT OF MAINTAINING THE RESTRICTIVE CONDITION

It is essential to consider the broader context in which this application is being made.

The application for removal of this particular restrictive condition from the title deed is not unique and similar applications have been approved by the Municipality to the extent that a precedent has been created.

Firstly, the deck that triggered this application did not introduce a new structure or use. An existing approved, structurally unsound deck in the same position has been refurbished and strengthened with mostly the same materials. As such, it did not result in an intensification of commercial activity beyond what was historically present. Instead, it represents the maintenance and formalisation of an established component of the restaurant.

Secondly, the subject property is already zoned Business Zone 2, which allows for the operation of a restaurant. The purpose of this application is not to introduce new land use rights or uses, but simply to remove a restrictive title deed condition, namely the 6.3m street building line.

Consequently the allegations contained in par 13 are unfounded, speculative, not supported by facts, nonsensical, without merits and irrelevant to this application.

- 13.2.5 Mitigating conflicts between commercial and residential land use.
- 13.2.6 Ensuring fair and consistent application of municipal zoning and planning regulations.
- 13.3 The removal of the restriction would undermine these principles, creating a precedent for unchecked commercial expansion at the expense of residents.
- 13.4 Furthermore, Erf 2537 is zoned as Business Zone 2, a zoning whose objective is described in the By-laws as to be limited in extent and able to integrate with the adjacent precinct without adversely affecting the amenities of the residential precinct.
- 13.5 Even without the deck, Erf 2537 has already been overdeveloped in breach of the objectives of its zoning.
- 13.6 Removing the restriction and allowing the deck to remain, will exacerbate such breach and its consequences for its neighbourhood.

14 SOCIAL BENEFIT OF REMOVING THE RESTRICTIVE CONDITION

- 14.1 Yzerfontein has no shortage of restaurants.
- 14.2 Find attached as Appendixes 163 and 174 the listings of restaurants in Yzerfontein by Tripadvisor and Swartland Tourism respectively.
- 14.3 Restaurant patrons in Yzerfontein are spoilt for choice and have alternative restaurants to frequent should the Restaurant be unable to accommodate them without the covered deck and the employees of the Restaurant will have other employment opportunities should they be affected by the deck's closure.
- 14.4 The Applicant argues that removing the restrictive condition would facilitate business growth and economic activity.
- 14.5 However, these arguments fail to consider:
 - 14.5.1 That Erf 2537:
 - 14.5.1.1 Is already overdeveloped, in breach of the objectives of its zoning;
 - 14.5.1.2 Is current used unlawfully and in breach of its obligations in terms of the By-laws with regards

SOCIAL BENEFIT OF REMOVING THE RESTRICTIVE CONDITION

The restaurant in question has become part of the local social and economic environment. It provides employment opportunities, supports local suppliers, and serves as a community gathering space for both residents and visitors. The refurbished and strengthened deck reconfirms this function by improving the usability of the space—making it safer, more accessible, and more comfortable—without altering the fundamental nature of the existing use.

Statements that the deck constitutes "overdevelopment" should be contextualised. The structure is a refurbishment and strengthening of an existing approved, deteriorated element and does not significantly expand the built footprint or operational intensity of the property. Instead, it reflects a refurbishment and strengthening of an established component, rather than an introduction of new impacts. The social benefit therefore lies in the formalisation and regularisation of this refurbished and strengthened deck.

The allegations contained in par15 are unfounded, speculative, inconsiderate, not supported by facts, without merits, and irrelevant to this application. In addition, par 15.1 purports to be made on behalf of other registered owners without a valid mandate and misleading as such.

to the supplying of parking bays;

14.5.2 the broader social costs.

14.6 Legitimizing increased commercial activity in an area which lacks the necessary infrastructure to support it, would lead to:

14.6.1 Increased traffic congestion.

14.6.2 Further strain on already insufficient parking facilities.

14.6.3 Greater noise and disturbance to residents.

14.6.4 Unmanageable conflict between commercial and residential land use expectations.

14.7 Moreover, changes to an existing use that impact new development parameters must comply with the latest legislation.

15 IMPACT ON RIGHTS ENJOYED BY BENEFICIARIES OF THE RESTRICTION

15.1 The removal of the restriction would extinguish the rights enjoyed by our client and other property owners to a properly regulated residential environment. These rights include:

15.1.1 Protection from intrusive commercial expansion.

IMPACT ON RIGHTS ENJOYED BY BENEFICIARIES OF THE RESTRICTION

The restrictive condition in question relates only to a 6.3-metre street building line. Its removal affects only one development parameter — namely, the permissible distance between a building and the street boundary. It does not eliminate all rights to a regulated or peaceful environment, in other words, it does not suddenly open the door to unrestricted development.

15.1.2 The ability to enjoy a property without excessive nuisance and congestion.

15.1.3 Preservation of property values and neighbourhood character.

15.2 The Applicant has unlawfully extended its commercial footprint without due process and now seeks to retroactively justify it by requesting the removal of a restrictive condition

15.3 Such an approach is procedurally and substantively flawed and must be rejected to uphold the principles of proper town planning and fairness.

16 IN CONCLUSION

16.1 The Applicant has failed to provide any substantive justification for the removal of the restrictive condition beyond its own financial interest. It has also disregarded existing planning frameworks, bypassing proper procedures and is seeking approval only after unauthorized alterations were made.

16.2 Furthermore, while the Applicant may argue that the covered deck is a minor extension, this ignores the cumulative impact of repeated deviations from zoning and title conditions. The

Surrounding property owners will continue to benefit from:

- The overarching provisions of the Land Use Planning By-Law and the Development Management Scheme;
- Municipal by-laws governing health, noise, and public safety;
- Development parameters relating to building height, coverage limits, building line setbacks, and the provision of parking applicable to the current zoning.

In the specific circumstances of this application, removing the 6.3-meter street building line restriction is a small, focused change that makes sense given the context, such as the current zoning, use of the property, and the built environment. It does not undo the wider protections that exist for surrounding residential properties.

It is important to clarify that the subject of this application is limited solely to the removal of the 6.3-meter street building line restriction, as contained in the title deed.

failure to provide adequate parking is a direct consequence of incremental overdevelopment and further demonstrates why strict enforcement of restrictions is necessary.

16.3 For the reasons outlined above, we respectfully urge the Municipality to reject the Application for the removal of the restrictive condition. The retention of the 6.3-meter street building line restriction is essential to uphold the principles of lawful land use, town planning integrity, and the rights of affected property owners.

16.4 We request that our client be granted the opportunity to participate in any further proceedings related to this matter.

16.5 We would prefer communication via e-mail.

16.6 Our contact details appear at the bottom of the first page of this letter.

16.7 We attach hereto the following further supporting documents, namely:

16.7.1 Windeed searches confirming our client's ownership of Erven 190 to 192 Yzerfontein⁵;

16.7.2 A resolution authorising writer to lodge this objection⁶; and

16.7.3 Our client's letter of authority7.

16.8 Please let us know if you have any questions or require any additional information.

We trust that the above will be duly considered during the assessment of this application.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Mornay Herling', with a stylized flourish at the end.

Mornay Herling

FOR CK RUMBOLL AND PARTNERS

ANNEXURE A: LETTER FROM GEOSPEC ENGINEERS



Cell: +27(0)82 373 1222
E-mail: geospec.cc@gmail.com

- Geotechnical Services
- Structural Design
- Structural Distress Investigations
- Building and Roof Inspections
- NHBRC / Municipal Certification

Enquiries: J MARTHEZE

Our ref.: 2537

Your ref.:

Date: 21-06-2024

By E-Mail: hayleybreytenbach@icloud.com

ATTENTION: MR TOM BREYTENBACH

Sir

LOCHNER EKSTEEN TRUST, ERF 2537, CNR OF 9TH AND BEACH ROAD, YZERFONTEIN: BUILDING ADDITION AND ALTERATION

This letter serves to confirm that an inspection was carried out at the said address by Mr Jacques Martheze on 17 June 2024.

Following the inspection I have determined that the exterior northern wall, which runs along Beach Road, is in very poor structural condition and requires immediate propping and structural rebuilding to ensure a safe operating environment for the public. Additionally, I have found that the front deck and covering on this edge is structurally unsafe and needs to be repaired and in parts, refurbished, to modern specifications to meet current safety requirements.

I have provided guidance and instruction to the professional team on site.

We trust that you find the above in order. Please do not hesitate to contact us should you require any further assistance.

Yours faithfully

A handwritten signature in black ink, appearing to be "J Martheze", written over a horizontal line.

J MARTHEZE Pr Tech Eng Reg. no: 9870136

Geospec Engineers

Geotechnical and Structural Engineering Consultants

ANNEXURE B: COMPLIANCE CERTIFICATE

**WESKUS DISTRIKSMUNISIPALITEIT
WEST COAST DISTRICT MUNICIPALITY**

Rig/ilk: korespondensie aart:
Address of correspondence to:

MUNISIPALE BESTUURDER/
MUNICIPAL MANAGER

Navraer/Enquiries : I. De Klerk
Verw.Nr./Ref. No. 12/3/1/5



Postbus / P.O. Box 212
MOORTEEBURG 7211

Telefoon/Phone : (022) 433 8100
Faks/Fax No. : (022) 433 6464

E-Mail Adres/Address :
westcoastdm@westcoastdm.gov.za

27 Maart 2025

Mnr Darren Badenhorst
The Beach House
2 Beach Road
Yzerfontein
7351

Me

**REGULASIES MET BETREKKING TOT ALGEMENE HIGIENE VEREISTES VIR
VOEDSELPERSELE EN DIE VERVOER VAN VOEDSEL NO 638 VAN
22 JUNIE 2018 KRAGTENS DIE WET OP VOEDINGSMIDDELS,
SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET NO 54 VAN 1972)
: GESKIKTHEIDCERTIFIKAAT : THE BEACH HOUSE RESTAURANT, YZERFONTEIN.**

Hierby aangeheg vind u 'n Geskiktheidsertifikaat soos uitgereik ingevolge voornoemde regulasie.

Die sertifikaat word uitgereik onder die volgende voorwaardes:

1. Die Geskiktheidsertifikaat moet op 'n opvallende plek op die voedselperseel ten opsigte waarvan dit uitgereik is, vir die inligting van die publiek vertoon word of 'n kopie daarvan moet op versoek onmiddellik beskikbaar gestel word indien die tentoonstelling daarvan onprakties is.
2. Indien die persoon in beheer van 'n voedselperseel deur iemand anders vervang word, moet sodanige persoon die plaaslike bestuur binne 30 dae na die datum van sodanige vervanging skriftelik daarvan in kennis stel en moet die plaaslike bestuur, behoudens die bepalinge van regulasie 4(2), 'n nuwe geskiktheidsertifikaat in die naam van die nuwe persoon in beheer uitreik.
3. 'n Geskiktheidsertifikaat –
 - a) is nie oordraagbaar van een persoon na 'n ander persoon en van een voedselperseel na 'n ander voedselperseel nie;
 - b) is slegs geldig ten opsigte van die hanteringswyse wat in die aansoek om 'n geskiktheidsertifikaat uiteengesit is;

2/ ...

- c) kan ter enige tyd deur 'n plaaslike bestuur goëndoseer word deur –
 - i) die toevoeging van enige verdere beperking wat nodig kan wees vir die voorkoming van 'n gesondheidsgevaar; en
 - ii) die opheffing van enige beperking met betrekking tot die kategorie of soort voedsel of die hanteringswyse;
- d) verval tydelik vir die tydperk waarbinne 'n in regulasie 4(2) bedoelde verbod van krag is.
- e) verval permanent indien 'n in regulasie 4(2) bedoelde verbod nie binne 'n aangeduide tydperk van hoogstens ses maande vanaf die datum waarop 'n kennisgewing kragtens regulasie 4(2) uitgereik is, opgehef word nie;
- f) verval permanent indien daar nie aan die bepalings van punte 2 voldoen word nie.

Die uwe

pp

.....
MNR. D. JOUBERT
MUNISIPALE BESTUURDER

**WESKUS DISTRIKSMUNISIPALITEIT
WEST COAST DISTRICT MUNICIPALITY**



Rig alle korrrespondensie aan.
Address all correspondence to:

MUNISIPALE BESWANNERS/
MUNICIPAL MANAGER

Navraag/Enquiries : I. De Klerk
Vervy Nr./Ref. No: 15/2/2024

Posbus / P O Box 742
MODDERBESSELING 7310

Telefoon/Phone (022) 4338400
Faks/Fax Nr. (022) 4338484

E Mail Adres/Address :
westcoastdm@wcoori.co.za

Munisipale Gesondheidsdienste / Municipal Health Services

**GESKIKTHEIDCERTIFIKAAT VIR 'N VOEDSELPERSEEL /
CERTIFICATE OF ACCEPTABILITY FOR A FOOD PREMISES**

(Hierdie sertifikaat is nie oordraagbaar van een persoon na 'n ander persoon of van een voedselperseel na 'n ander voedselperseel nie. / This certificate is not transferable from one person to another person or from one food premises to another food premises.)

SEKURITEIT/INVOER/INTEGRITEIT NO: 36/2024

VOEDSELPERSEEL/FOOD PREMISES

Handelsnaam/Trade Name: **THE BEACH HOUSE RESTAURANT**

Adres. (Ligging of handelsgebied of voertuigregistraaseno) / Address (Location or trading area or vehicle registration no.)

2 BEACH ROAD, YZERFONTEIN, 7351.

Erftnomsaam/Erft nommer/Plaasnaam/Name of Farm: -

Adres waar voedsel gehanteer word / Address where food is handled: **2 BEACH ROAD, YZERFONTEIN, 7351.**

PERSON IN CHARGE / PERSON IN CHARGE

| | |
|-----------------------|--------------------------|
| Naam / Name | DARREN BADENHORST |
| ID Nummer / ID Number | 8508195007088 |

SERTIFISERING(JEN BEPERKING) / CERTIFICATION (AND RESTRICTION):

Hiermee word gesertifiseer dat bogenoemde voedselperseel voldoen aan die bepalings van Regulasies 5 en 8 van Goewermentskennelgewinghoofstuk R658 van 22 Junie 2018 ten opsigte van die hantering van voedsel op die wyse gesertifiseer.

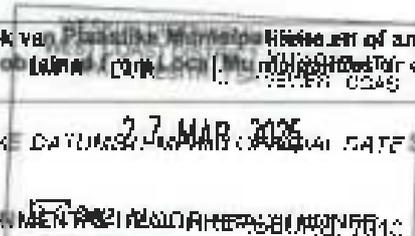
It is hereby certified that the above-mentioned food premises comply with the provisions of Regulations 5 and 8 made by Government Notice No R 636 of 22 June 2018 in respect of the handling of food in the manner specified.

Beperkings, voorwaardes of stipulasies in agtere regulasie 5(1)(b) / Restrictions, conditions or stipulation in terms of regulation 5(1)(b):

| |
|--|
| |
| |
| |

Waar van toepassing moet magtiging vir die bedryf van die besigheid ook van Plaaslike Munisipale Owerheid of ander owerheids wettige word. / "Where applicable, authorisation must also be obtained from the Local Municipality or other authorities."

AMPTELIKE DATUMSTAMP/ISSUANCE DATE STAMP



I. DE KLERK

NAAM VAN OMGEWINGSGESONDHEIDSPRAKTYSYN / NAME OF ENVIRONMENTAL HEALTH PRACTITIONER

HANDTEKENING / SIGNATURE

| | | |
|-------------------|-----------------|------------|
| Kwaliteits Result | Number / Number | DATE/DA |
| | 40093044 | 28/10/2024 |

| | | |
|--|-------------|---|
| FNDRINGSFUNKTE/RYSTFUNKTIONS in terms of Regulation 14 | DATUM/ DATE | HANDTEKENING VAN PRAKTYSYN/ SIGNATURE OF PRACTITIONER |
| | | |

NOVEMBER
2024

MOTIVATIONAL REPORT

**APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS IN TERMS OF THE SWARTLAND MUNICIPALITY LAND
USE PLANNING BY-LAW (2020) IN RESPECT OF ERF 2537,
YZERFONTEIN**

Our Reference: YZE/14193/MH

Submitted to:

SWARTLAND MUNICIPALITY
1 CHURCH STREET
MALMESBURY
7300



Compiled by:

CK RUMBOLL & PARTNERS
16 RAINIERSTREET
MALMESBURY
7300

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1 INTRODUCTION

Erf 2537 Yzerfontein is zoned Business Zone 2 in terms of the Swartland Municipality Development Management Scheme. A restaurant is operated from the property. The owner recently undertook additions and alterations to the existing building including the replacement of the existing covered deck on the northern street boundary with a new covered deck. The replacement of the existing deck requires the need to remove restrictive title deed conditions registered against the property.

In light of the above, this office have been appointed by T Breytenbach to obtain the necessary land use approvals in terms of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020). Erf 2537 Yzerfontein is registered under the ownership of Lochner Eksteen Trust. **Power of Attorney and Resolution** is attached as **Annexure A**.

2 PURPOSE OF APPLICATION

The purpose of this motivation report is to apply for the:

- a) **Removal of Restrictive Title Deed Condition** II.C(a)(3) contained in Title Deed T15012/2013 in respect of Erf 2537, Yzerfontein in terms of **Section 25(2)(f) of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020)** pertaining to building line restrictions.

Application Form is attached as **Annexure B**.

3 PROPERTY DESCRIPTION

The table below provides details pertaining to the legal description of the property concerned. A copy of the **Title Deed** as well as the **SG Diagram** are attached as **Annexure C**.

| ERF 2537 YZERFONTEIN | |
|----------------------|-----------------------|
| PHYSICAL ADDRESS | 2 Beach Road |
| EXTENT | 798m ² |
| REGISTERED OWNER(S) | Lochner Eksteen Trust |

| | |
|-------------------------|---|
| CURRENT ZONING | Business Zone 2 in terms of Schedule 2 (Development Management Scheme) of the Swartland Municipality Land Use Planning By-Law |
| CURRENT LAND USE | Restaurant |
| TITLE DEED NR | T15012/2013 |
| RESTRICTIONS | The title deed contains restrictive conditions relating to development of the property. Refer to Subsection 5.1 of this report for details regarding the restrictive condition. |
| SERVITUDES | There are no registered servitudes over the property. |
| MORTGAGE BOND | No mortgage bond registered over the property. |
| BOUNDARIES | North : Beach Road |
| | East : Erf 192 |
| | South : 9th Street |
| | West : 9th Street |

Table 1: Details pertaining to Erf 2537, Yzerfontein

4 CONTEXTUAL INFORMANTS

4.1 Locality

Yzerfontein is approximately 80 kilometres from Cape Town along the West Coast. Erf 2537 is situated within the central part of Yzerfontein fronting towards 16 Mile Beach. The property is located on the corner of 9th street and Beach Road. **Locality Plan** is attached as **Annexure D**.

4.2 Zoning and Current Land Uses

Erf 2537 Yzerfontein is zoned Business Zone 2 in terms of Schedule 2 of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020). A restaurant is operated from the property.

4.3 Surrounding Uses and Character of the area

Land uses in the immediate surrounding area primarily relates to residential uses e.g short term accommodation and permanent residents. As mentioned previously, the property is zoned Business Zone 2. The proposal does not seek to alter the property's zoning or introduce new land uses but rather aims to enhance and optimise the existing established use i.e the restaurant. The proposal therefore maintains compatibility in terms of the character of the area.

5 DEVELOPMENT PROPOSAL

The owner recently undertook additions and alterations to the existing restaurant, including the replacement of the existing covered deck on the northern street boundary, with a new covered deck. The replacement of the existing deck triggers the need to remove restrictive conditions registered against the property. The purpose of this application is to obtain the necessary land use approval for Removal of Restrictive Title Deed Conditions in respect of Erf 2537, Yzerfontein. Details regarding the proposal are discussed below:

5.1 Proposed Removal of Restrictive Title Deed Conditions

As mentioned previously, Erf 2537 Yzerfontein is subject to title deed restrictions relating to development of the property.

This condition, when read together with the remaining conditions, were created to ensure a co-ordinated and harmonious layout in order to create a particular character for the area. Title Deed T15012/2013 in respect of Erf 2537, Yzerfontein contains the following condition which has a direct impact on the development proposal:

"...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..."

The relevant considerations for removal, suspension or amendment of restrictive title deed conditions is discussed under **Subsection 6.3** of this report.

The **Provisional Building Plan** is attached herewith.

5.2 Access and parking

Erf 2537 Yzerfontein currently obtains access from 9th Street. As per the approved Building Plan dated August 2024, a total of 12 on-site/partially on-site parking bays are provided. The parking requirements in terms of the Development Management Scheme will be dealt with as a separate matter.

5.3 Municipal Engineering Services

The property has existing water and sewerage services. It is not foreseen that the proposal will have a significant impact on external municipal engineering services.

5.4 Desirability of the proposed utilisation of land

Desirability from a planning viewpoint is described as the degree of acceptability of the development of land for a particular purpose. The development proposal is viewed as desirable for the reasons as set out below:

- The proposal aims to enhance and optimise the established use, enabling the property to be utilised to its full potential in line with its zoning rights.
- There are no physical restrictions on the property that will have a negative impact on this application.
- It is not foreseen that the proposal will have a significant impact on external municipal engineering services.
- As discussed under Subsection 6.2 of this report, the proposal is deemed to be consistent with the Swartland MSDF.

6 COMPLIANCE WITH LEGISLATION AND POLICY FRAMEWORKS

6.1 Spatial Planning and Land Use Management Act 16 of 2013

The Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) has been instituted to guide land use and spatial planning in South Africa repealing the previous Land Use Planning Ordinance 15 of 1985, Western Cape.

SPLUMA's primary aim is to provide national, provincial and municipal spheres of government with a framework relating to the establishment of policies and systems relating to planning and land use management. These policies must embrace the following principles:

- a) Spatial Justice
- b) Spatial Sustainability
- c) Efficiency
- d) Spatial Resilience
- e) Good Administration

The development principles, as mentioned above, must be considered when evaluating any land use application:

| Principle | Development Proposal |
|---------------------------|--|
| 1. Spatial justice | The development proposal is consistent with the Swartland Spatial Development Framework, 2023 in that this spatial document provides for economic opportunities for land owners. The right of the owner to apply in terms of the relevant planning legislation should also be recognised. |
| 2. Spatial sustainability | The development proposal has the potential to contribute to the financial viability of Swartland Municipality through increased rates and taxes. Urban sprawl is limited through the optimal use of existing land within the urban periphery. |
| 3. Efficiency | The subject property is located within an urban area where roads and service infrastructure are existent hence no new roads or services infrastructure are required to enable the proposed land development. The proposed development ensures the optimal use of existing services and infrastructure in the area. |

| | |
|--------------------------------------|--|
| <p>4. Good administration</p> | <p>The processing of the application and decision-making procedures will be administered by Swartland Municipality in accordance with their Land Use Planning By-law. All interested and affected parties will be provided an opportunity to comment on this application.</p> |
| <p>5. Spatial resilience</p> | <p>The principle of spatial resilience aims to accomodate flexibility in spatial plans, policies and land use systems to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks. Erf 2537 Yzerfontein remains flexible seeing that the property can easily be converted to another use that is compatible with the character of the area.</p> |

Table 2: SPLUMA and LUPA development principles

6.2 Swartland Municipal Spatial Development Framework (2023-2027)

The Swartland Municipal Spatial Development Framework (MSDF) provides the planning guidelines that guide future planning and development in Yzerfontein and the Swartland Municipal Area as a whole.

It needs mentioning that the Swartland Municipal Spatial Development Framework is a high level guideline document and does not provide specific guidelines for removal of restrictive title deed conditions relating to building line restrictions. In terms of the spatial planning for Yzerfontein, the property is located within Development Zone C. According to the Swartland MSDF, this zone is described as *“the older residential area, which allows for residential infill, social- and mixed uses”*. As mentioned previously, the property is zoned Business Zone 2 and a restaurant is operated from the property. The proposal does not seek to alter the property's zoning or introduce new land uses but rather aims to enhance and optimise the existing established use. The proposal is therefore deemed to be consistent with the Swartland Municipal Spatial Development Framework, 2023.

6.3 Swartland Municipality Land Use Planning By-Law, 2020

The Swartland Municipality By-Law on Municipal Land Use Planning regulates and controls municipal land use planning.

6.3.1 Section 43: Removal, suspension or amendment of restrictive conditions

The municipality must have regard to the following, when considering the removal, suspension or amendment of restrictive title deed conditions:

- a) *The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person, as the owner of a dominant tenement;***

The restrictive conditions hold no financial value to the holders of the rights as it only relates to building setbacks. These conditions were imposed during a time when municipal land use planning was lacking and development of properties was largely governed by title deed restrictions.

- b) *The personal benefits which accrue to the holder of rights in terms of the restrictive condition.***

The title deed condition was imposed by the Administrator of the Province of the Cape of Good Hope as part of the approval of Yzerfontein Dorp, for the purpose of ensuring a co-ordinated and harmonious layout for township development. Personal benefits of the holders of rights are protected by the Land Use Planning By Law and Development Management Scheme.

- c) *The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition if it is amended, suspended, or removed;***

The proposed removal will afford the owner the opportunity to develop the property to its full potential.

- d) *The social benefit of the restrictive condition remaining in place in its existing form***

Retaining the restrictive condition serves no social benefit, as the use of the property aligns fully with its existing zoning rights. The proposal seeks solely to enhance and optimise the established use, and the owner should be allowed to exercise this right in accordance with current land use planning legislation, including the By-Law and Development Management Scheme.

- e) *The social benefit of the removal, suspension or amendment of the restrictive condition***

The removal of the title deed condition will allow the property owner to enhance and optimise the established use, enabling the property to be utilised to its full potential in line with its zoning rights. Furthermore, this will contribute to strengthening Yzerfontein's position as a prime tourism destination within the Swartland, supporting local economic growth and development.

f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights;

Conditions relating to the use and further subdivision of the property remain within the title deed. In addition, it should be noted that development of the property remains subject to the Swartland Municipality Development Management Scheme.

Considering the above, the removal of restrictive title deed condition II.C(a)(3) contained in Title Deed T15012/2013 in respect of Erf 2537, Yzerfontein, is considered to outweigh the benefits of preserving it in the title deed.

6.3.2 Schedule 2 of the Land Use Planning By-Law – Development Management Scheme

Erf 2537 Yzerfontein is zoned Business Zone 2. As mentioned previously, the parking requirements in terms of the Development Management Scheme will be dealt with as a separate matter.

7 CONCLUSION

In view of the foregoing motivation report, it is clear that the application for:

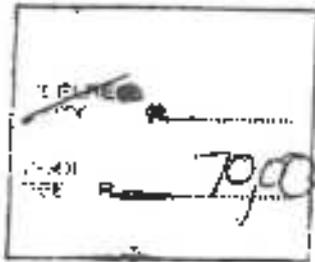
- a) **Removal of Restrictive Title Deed Condition II.C(a)(3)** contained in Title Deed T15012/2013 in respect of Erf 2537, Yzerfontein in terms of **Section 25(2)(f) of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020)** pertaining to building line restrictions.

Is considered desirable and is therefore submitted for your favourable consideration.



Compiled by Mornay Herling
for **CK RUMBOLL & PARTNERS**

SANDENBERGH NEL HAGGARD
78



GESERTIFISEER 'N WARE AFSKRIF
CERTIFIED A TRUE COPY

20.02.02
KOMMISSARIE VAN OORDEELING EN HUIS OORDEEL
STEPHANUS HENDRIK MARITZ
ANDRELSSTRAAT 32 ADDERLEY STREET
WORCESTER
KANTORING ATTORNEY/PARTISERENDE PROKUREUR
R.S.A.

T 36469199

TRANSPORTAKTE
(Kragtens 'n Prokurasie)

SANDENBERGH NEL HAGGARD
Prokureurs
Golden Isle
Durbanweg 201
BELLVILLE

Opgestel deur my

TRANSPORTBESORGER
J FOURIE

HIERMEE WORD BEKEND GEMAAK

DAT JOHLENE FOURIE

verskyn het voor my, Registrateur van Aktes te KAAPSTAD, sy die gesegde Komparant synde daartoe behoorlik gemagtig deur 'n Volmag uitgevoer te BELLVILLE op die 24ste dag van FEBRUARIE 1999 deur die Trustee in

BOEDEL WYLE HELENE EMILIE RAYMONDE LOUW

Nr. 3697/80

welke Volmag vandag aan my getoon is

Handwritten signature and date 1999. A rectangular stamp with fields for 'HELENE EMILIE RAYMONDE LOUW', 'BOEDEL', and 'NOMMER 3697/80'. There is a circular stamp on the right side of the form.

514

EN die Komparant het verklaar dat

AANGESIEN gemelde HELENE EMILIE RAYMONDE LOUW (gebore BRIERS) op 19 Mei 1980 oorlede is;

EN AANGESIEN in terme van die testament van Wyle HELENE EMILIE RAYMONDE LOUW gedateer te Stellenbosch op 2 Februarie 1978 die ondergemelde eiendomme hierby getranspoteer bemaak word aan CHRISTINA PETRONELLA VAN DER MERWE onderhewig aan die lewenslange vruggebruik van CORNELIUS JOHANNES LOUW;

EN AANGESIEN die vruggebruik van CORNELIUS JOHANNES LOUW vervel het as gevolg van sy dood op 25 Desember 1997;

NOU DERHALWE sodeer en transporteer die Komparant in haar voorgenoemde hoedanigheid in volkome en vrye eiendom aan en ten gunste van

CHRISTINA PETRONELLA VAN DER MERWE

Identiteitsnommer: 591204 0115 00 9

Getroud buite gemeenskap van goedere

haar Erfgename, Eksekuteurs, Administrateurs of Rogsverkrygendes:

1. ERF 191 YZERFONTEIN

geleë in die Yzerfontein Plaaslike Oorgangsraad,
Afdeling MALMESBURY, Provinsie WES-KAAP;

GROOT: 707 (SEWE HONDERD EN SEWE) vierkante meter

OORSPRONKLIK GEREGISTREER kragtens Transportakte Nr. T1921/1940 met Kaart wat daarop betrekking het en gehou kragtens Transportakte Nr. T19274/1965.


SH

- A. ONDERHEWIG** aan die voorwaardes waarna verwys word in Sertifikaat van Gerogistreerde Titel Nr. 3728/1937.
- B. ONDERHEWIG VERDER** aan die spesiale voorwaardes bevat in Kroongrondbrief No. 78/1936 wat van toepassing is op daardie gedeelte van die bovermelde grond soos oorspronklik deel uitgemaak het van "Annex Yzerfontein" vroeër gehou deur Kroongrondbrief No. 78/1936, Nos. 5 en 6 waarvan soos volg lees:

- (5) Alle regte op enige mineraal, van watter aard ook, en op enige olie in of op die grond hierby toegeken, word uitdruklik aan die Kroon voorbehou, tesame met die reg van toegang na alle myne of werke vir myn- of prospekteerdoeleindes onderneem deur iemand wat behoorlik daartoe gematig is.

Die grond is onderhewig aan sodanige verdere regte wat die publiek of die Regering nou of hierna mag besit, of geregtig is te verkry Ingevolge of kragtens enige Wet betreffende die prospekteer, delwe, myn of ontginning van enige mineraal, van watter aard ook, en van enige olie in of op die grond hierby toegeken, watter regte nie deur die grondbrief verkort of op enige manier aangetas word nie.

Voorts, word die reg aan die Kroon voorbehou om soveel van die grond hierby toegeken te beset of te laat beset, en om soveel water op daardie grond te gebruik of te laat gebruik as wat benodig mag wees om na enige mineraal of olie te prospekteer of te myn, toen betaling as vergoeding van sodanige somme geld as wat die betrokke partye by onderlinge ooreenkoms mag bepaal, of, by gebreke van 'n sodanige ooreenkoms as wat deur 'n skeideregtelike uitspraak vasgestel mag word.

- (6) Dat geen gebou op die grond binne vyftig (50) voet van die hoogwatermerk van die see opgarig sal word nie, en dat 'n oop ruimte van 50 voet bo die hoogwatermerk van die see vir die ongehinderde gebruik van die publiek vrygelaat sal word.

Die oorblywende voorwaardes bevat in gesogde Kroongrondbrief No. 78/1936 het betrekking tot en maak voorsiening vir -



- (a) Bestaande paaie en deurgango moet vry en onbelemmord bly.
- (b) Die toekenning van noodweë en maak van nuwe paaie.
- (c) Die maak van publieke paaie, spoorweë, damme, waterleidings en vore, die oprigting van telegraaf en telefoon lyne en die stigting van uitspannings.
- (d) Hier in besitname van die gesegde grond of gedeelte daarvan deur die Goewener-Generaal op sekere voorwaardes.

C. ONDERHEWIG VERDER aan die spesiale voorwaardes bevat in Transportakte No. 1921/1940 opgelê deur die Administrateur toe hy die gesegde Dorp goedgekeur het:

- (i) as synde in gunste van die geregistreerde eienaar van enige erf in die gesegde Dorp:
 - (i) That this erf hereby conveyed be used for business purposes only.
 - (ii) That the erf hereby conveyed be not subdivided.
 - (iii) That no building shall be erected within 10 feet of any street line which forms a boundary of the erf hereby conveyed, or within 10 feet of the open space where it forms a boundary of the said erf on the sea front.
- (ii) as synde in gunste van die plaaslike owerheid :
 - (iv) That the owner of each erf, whether the applicant for the establishment of the Township or any future owner, shall be obliged to allow the drainage or sewerage of any other erf or erven to be conveyed over such erf if deemed necessary by the Local Authority, and in such manner and in such position as may from time to time reasonably be required by the Local Authority.

D. ONDERHEWIG VERDER aan die spesiale voorwaardes bevat in Transportakte No. 1821/1940 opgelê deur die Yzerfontein Seaside Estates (Proprietary) Limited ten gunste van sigself so lank as dit die eienaar is van enige erwe in Yzerfontein Dorp, en ten gunste van enige Plaaslike Owerheid wat gestig mag word te Yzerfontein Dorp, en enige geregistreerde eienaar van enige erf in die Dorp naamlik:

(i) That no building shall be erected on an erf until the plans and specifications thereof have been submitted to and approved of by the Company or in the event of a local authority being established at Yzerfontein Township, by such local authority.

(ii)

E. ONDERHEWIG VERDER aan die volgende voorwaardes opgelê kragtens die testament gedateer te Stellenbosch op 2 Februarie 1978 van Wyle HELENE EMILIE RAYMONDE LOUW, naamlik:

"10. Indien enige van my dogters die woonhuse of erwe wat hulle erf kragtens Klousule 7 hierbo wil verkoop sal hulle verplig wees om aan my seuns 'n eerste reg te gee om te koop teen markwaarde soos op daardie stadium naamlik: JOHANNES MACHIEL ADRIAAN LOUW en PHILIPPUS ALBERTUS BRIERS LOUW."

12. Die erfenis van enige erfgenaam sal uitgesluit wees van enige gemeenskaplike boedel kragtens 'n huwelik alreeds in gemeenskap van goedere aangegaan tydens my afsterwe en enige huwelik wat sodanige erfgenaam daarna op enige stadium van sy/haar leeftyd as sodanig mag aangaan en sal onder alle omstandighede beskerm wees teen die skuldeisers van die eggenoot/eggenote van 'n erfgenaam, hetsy by insolvensie of andersins en in die geval van 'n vroulike erfgenaam, ook nie onderhewig aan die beheer en maritale mag van haar eggenoot nie."



GESERTIFISEER 'N WARE AFSCRIF
CERTIFIED TRUE COPY

2. **ERF 192 YZERFONTEIN,**

geleë in die YZERFONTEIN Plaaslike Oorgangeraad,
Afdeling MALMESBURY, Provinsie WES-KAAP;

GROOT: 732 (SEWE HONDERD TWEE EN DERTIG) vierkante meter

OORSPRONKLIK GEREГИSTREER kragtens Transportakte Nr. T1315/1938 met Kaart No. 725/1937 wat daarop betrekking het en gehou kragtens Transportakte Nr. T19274/1965.

- A. **ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte No. 3729/1937.
- B. **ONDERHEWIG VERDER** aan die spesiale voorwaardes bevat in Kroongrondbrief No. 78/1936 wat van toepassing is op daardie gedeelte van die bovermelde grond soos oorspronklik deel uitgemaak het van "Annex Yzerfontein" vroeër gehou deur gesegde Kroongrondbrief No. 78/1936. Soos vermeld in gesegde Transportakte No. 3729/1937, Nos. 5 en 6 van die gesegde voorwaardes lees soos uiteengesit onder (B) van paragraaf 1 hiervan.

Die oorblywende voorwaardes bevat in gesegde Kroongrondbrief No. 78/1936 het betrekking tot en maak voorsiening vir die doeleindes uiteengesit onder (a) tot (d) van paragraaf 1 hiervan.

- C. **ONDERHEWIG VERDER** aan die volgende spesiale voorwaardes bevat in gemelde Transportakte No. 1315/1938 opgelê deur die Administrateur toe hy die gesegde Dorp goedgekeur het:

- (1) As synde in gunste van die geregistreeerde eienaar van enige erf in gesegde Dorp:



- 1. That the erf hereby conveyed be used for residential purposes only.
- 2. That the erf hereby conveyed be not subdivided.
- 3. That not more than one dwelling, together with the necessary out-buildings and appurtenances be erected on the erf hereby conveyed.
- 4. That not more than one half of the area of the erf hereby conveyed be built upon.
- 5. That no building shall be erected within 10 feet of any street line which forms a boundary of the erf hereby conveyed, or within 10 feet of the open space where it forms a boundary of the said erf on the sea front.

(2) as synde ten gunste van die Plaaslike owerheid:

(6) That the owner of the erf hereby conveyed including the owner of the Township and any future owner, shall be obliged to allow the drainage or sewerage of any other erf or erven to be conveyed over such erf if deemed necessary by the local authority, and in such manner and in such position as may from time to time reasonably be required by the local authority.

D. ONDERHEWIG VERDER aan die voorwaardes bevat in gemelde Transportakte No. 1315/1938 opgelê deur Yzerfontein Seaside Estates (Proprietary) Limited ten gunste van sigself so lang as dit die eienaar is van enige erwe in Yzerfontein Dorp en ten gunste van enige Plaaslike Owerheid wat gestig mag word te Yzerfontein Dorp en enige geregistreeerde eienaar van enige erf in die Dorp, naamlik:

(i) That no building shall be erected on an erf until the plans and specifications thereof have been submitted to and approved of by the Company or in the event of a local authority being established at Yzerfontein Township, by such local authority.

(ii)



E. **ONDERHEWIG VERDER** aan die volgende voorwaardes opgelê kragtens die testament gedateer te Stellenbosch op 2 Februarie 1978 van Wyle HELENE EMELIE RAYMONDE LOUW, naamlik:

- "10. Indien enige van my dogters die woonhuse of erwe wat hulle erf kragtens Klousule 7 hierbo wil verkoop sal hulle verplig wees om aan my seuns 'n eerste reg te gee om te koop teen markwaarde soos op daardie stadium naamlik: JOHANNES MACHIEL ADRIAAN LOUW en PHILIPPUS ALBERTUS BRIERS LOUW."
12. Die erfenis van enige erfgenaam sal uitgesluit wees van enige gemeenskaplike boedel kragtens 'n huwelik alreeds in gemeenskap van goedere aangegaan tydens my afsterwe en enige huwelik wat sodanige erfgenaam daarna op enige stadium van sy/haar leeftyd as sodanig mag aangaan en sal onder alle omstandighede beskerm wees teen die skuldeisers van die eggenoot/eggenote van 'n erfgenaam, hetsy by insolvensie of andersins en in die geval van 'n vroulike erfgenaam, ook nie onderhewig aan die boheer en maritale mag van haar eggenoot nie."



WESHALWE doen die Komparant afstand van al die regte en titel wat die boedel trust voorheen op genoemde eiendom gehad het en gevolglik ook erken dat die boedel trust geheel en al van die besit daarvan onthef is en nie meer daarop geregtig is nie en dat, kragtens hierdie Akte, bogenoemde Trust van

CHRISTINA PETRONELLA VAN DER MERWE

haar Erfgename Eksekuteurs Administrateurs of Regsverkrygondes tans en voortaan daartoe geregtig is, ooreenkomstig plaastike gebruik, behoudens die regte van die Staat.

TEN BEWYSE WAARVAN EK, die genoemde REGISTRATEUR, tesame met die Komparant, hierdie Akte onderteken en dit met die Ampseel bekragtig het.

ALDUS GEDOEN en GETEKEN op die Kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op die 12de dag van Mei 1999

In my teenwoordigheid

REGISTRATEUR VAN AKTES

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