



File ref: 15/3/4-14/Erf_3
15/3/5-14/Erf_3

Enquiries:
Mr HL Olivier

20 November 2025

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

Per Registered Mail

Dear Sir/Madam

PROPOSED REMOVAL OF RESTRICTIONS AND DEPARTURE ON ERF 3, YZERFONTEIN

Your application with reference number YZER/14387/RP, dated 21 May 2025, on behalf of JK Basson, refers.

- A. By virtue of the authority delegated to the Senior Manager: Development Management in terms of Council Resolution No. 4.1, dated 28 March 2019, as determined by section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), the application for the removal of restrictive conditions C.I(4) and C.I(5) of title deed T4372/2003 on Erf 3, Yzerfontein, is hereby refused in terms of Section 70 of the By-Law:
- B. By virtue of the authority delegated to the Senior Manager: Development Management in terms of Council Resolution No. 4.1, dated 28 March 2019, as determined by section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), the application for the permanent departure on Erf 3, Yzerfontein, is hereby refused in terms of Section 70 of the By-Law:

The reasons relating to both the abovementioned decisions are as follows:

1. Since submission of the abovementioned application the applicant lodged a building plan application for additional work not forming part of this land use application. The building plan was approved on the 11th of November 2025 and is valid for one year. This indicates a piecemeal approach by the applicant, undermining transparency which is in contradiction with the principle of good administration.
2. Due to the approval of the abovementioned building plan, should the site plan of the proposed application be approved, it will effectively result in a departure of the coverage being approximately 57% and not the 54% as proposed.
3. The proposal does not, in principle comply with the land use rights under Residential zone 1 as all the additions in-fact depart from the applicable provisions.
4. The request for additional coverage as well as zero building lines are not based on necessity but rather convenience. The property is 625m² in extent and with the approved building plan accommodates buildings with a total coverage of 49.92%, including 6 bedrooms and a bulk of 509m². Development parameters like building lines and coverage serve to maintain uniformity,

character as well as orderly development, relaxing these standards without valid justification undermine these objectives.

5. Approving the departure for additional coverage will have a negative impact on the character of the area.
6. In principle Swartland Municipality does not support deviations of building lines on first floor level. This is mainly due to privacy, overshadowing as well as character impacts. There are also a number of similar applications that was previously refused and the proposal is therefore not deemed as reasonable nor is it consistent with existing built form patterns in the surrounding area. Approval of this application would compromise future decision making, weakening the integrity of the development management scheme as well as municipal planning principles and therefore it does not align with the principle of spatial justice or good governance.
7. As approved on the building plan the proposed dressing room can easily and practically be accommodated in compliance with the applicable parameters of the development management scheme.

C. GENERAL

1. You are hereby informed of the right to appeal against the decision of the authorised official 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 R 5 000-00 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.

Yours sincerely


MUNICIPAL MANAGER
per Directorate Development Services
HLO/6s

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