



Verslag ♦ Ingxelo ♦ Report

Office of the Municipal Manager
18 October 2023

15/3/12-14
(Erf 2241, 2385)

ITEM 4.1 OF AN APPEAL COMMITTEE MEETING TO BE HELD ON 9 NOVEMBER 2023

SUBJECT:	APPEAL ON THE PROPOSED CONSOLIDATION OF ERF 2241 AND 2385, YZERFONTEIN
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1. BACKGROUND

Full background is contained in the evaluation of the appeal by the authorised official (**Annexure A**).

This report is aimed at affording the appeal authority an opportunity to dispose of the appeal in terms of paragraphs 91(13) and 90(14) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 dated 25 March 2020).

2. COMMENTS: MUNICIPAL MANAGER

2.1 In terms of section 33 of the Constitution, everyone has the right to administrative action that is lawful, reasonable and procedurally fair, and to be given written reasons. The Constitution also provides for the enactment of national legislation, hence the Promotion of Administrative Justice Act (PAJA) 3 of 2000.

2.2 Administrative law entails the following general legal principles governing the organisation of administrative institutions, with specific reference to the FAIRNESS and REASONABLENESS of administrative processes. Naturally, the scope of administrative law includes the administrative actions of a municipality in performing a public function or taking a decision.

2.3 Administrative action is defined as:

“... any decision taken, or any failure to take a decision, by an administrator which adversely affects the rights of any person and which has a direct external legal effect ...”

2.3.1 As far as the “direct external legal effect” is concerned, the decision is binding, having been taken in terms of statute.

2.3.2 It also includes a decision that needs to be taken to, inter alia:

- impose conditions;
- set a requirement; and
- grant permission.

2.4 Before any “decision-making institution” can take a decision that affects the rights of individuals/the public –

(s)he needs to have the statutory mandate to take such a decision, and the “decision-making institution” – in this instance, the MUNICIPAL PLANNING TRIBUNAL – must derive his/her powers/functions from the enabling provisions of statute, common law rules, customary law, and agreements or policies applicable to the relevant sphere of government.

2.5 PAJA:

- sets a benchmark for minimum standards applicable to administrative actions;

- gives effect to the constitutional principle of just and fair administrative decision-making; and
 - provides a minimum set of procedures for:
 - taking decisions; and
 - supplying reasons for decisions.
- 2.6 The principles of legality are as follows:
- o Fair manner
The administrative action must be performed and taken in a fair manner (procedurally).
 - o Reasonable
The administrative action must be reasonable.
 - o Administrator/decision-making institution
The institution must be mandated by statute (the administrator) to take the decision.
 - o Authorised
The administrator must be lawfully authorised to perform a specific action or take the decision.

2.7 Legal effect

2.7.1 Administrative decisions are presumed to have been taken lawfully, until a particular decision is declared unlawful by a court of law.

2.7.2 This is to establish legal certainty.

2.8 **SUMMARY**

Judged against the principles of legality stated in paragraph 2 above, the following can be confirmed:

2.8.1 The administrative action (process to take the decision) was subjected to a public participation process, the applicant's comments and motivations were weighed against the legal framework, the applicant was informed of their right to appeal, and therefore, it can be confidently stated that the action was FAIR and PROCEDURALLY CORRECT.

2.8.2 Moreover, it is clear that the administrative action was REASONABLE and that the decision was taken in terms of the scheme regulations and the by-law, which acknowledge the rights of the individuals residing in the residential area.

2.8.3 The Municipal Planning Tribunal was duly authorised to take the decision in terms of the applicable legislation, and the Executive Mayoral Committee is the institution/authority who serves as the Appeal Authority and considers appeals.

3. **RECOMMENDATION: MUNICIPAL MANAGER**

- (a) That, considering the evaluation of the appeal as outlined in Annexure A, the resolution of the Municipal Planning dated 8 August 2023 be confirmed;
- (b) That the appeal be dismissed for the reasons as stated in Annexure A.

(sgd) J J Scholtz

MUNICIPAL MANAGER



Verslag ♦ Ingxelo ♦ Report

Office of the Director : Development Services
Division : Development Management

16 October 2023

15/3/12-14/Erf_2241,2385

**SUBJECT: EVALUATION OF THE APPEAL ON THE PROPOSED CONSOLIDATION OF
ERF 2241 & 2385, YZERFONTEIN**

1. BACKGROUND

Application for a consolidation of Erf 2241 (471m² in extent) and Erf 2385 (354m² in extent), Yzerfontein, is made in terms of Section 25(2)(e) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), in order to create one residential erf of 825m².

The application has been considered by the Municipal Planning Tribunal on 8 August 2023 and is –

" UNANIMOUSLY RESOLVED

A. The application for consolidation and departure on Erf 2241 and Erf 2385, 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. GENERAL

- (a) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal 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;

C. The application be refused for the following reasons:

- (a) The Mile 16 residential development was originally packaged and approved as a medium density resort, in order to make smaller, holiday-orientated housing available that do not necessarily adhere to the minimum erf size of 500m², as applicable to Residential Zone 1 properties. The adoption of SPLUMA, LUPA and the By-Law, with subsequent variations and amendments caused the notion of leisure residential developments to become obsolete and the zoning category was replaced by Residential Zone 3: Estate Housing;
- (b) The main objective of a Residential Zone 3 development, in terms of the By-Law, is to create a residential estate that is governed by a homeowners' association, with access control and co-ordinated design requirements;
- (c) The development layout, objective and design guidelines for Mile 16 Beach Estate have been formulated and approved by the Owners' Association, as well as Swartland Municipality, in terms of the Mile 16 Constitution, to ensure a cohesive character within the development;
- (d) Erf 2241 (471m² in extent) and Erf 2385 (354m² in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m² and the largest erf is 663m² in extent). The consolidation of the two erven will create a property of 825m² in extent. The consolidated erf size will not be consistent with the average erf size of the development and is considered excessive within the context;
- (e) The design manual clearly states its intention to be the creation of an identifiable overall character, portraying an appropriate response to the sensitive West Coast Environment. A larger erf will inevitably facilitate the development of a much larger dwelling, which is

- considered incompatible with the architectural character of the surrounding uses and overall character;
- (f) The proposal will disrupt the cohesion, intended within the zoning category, of the development by countering the initial intent of creating smaller properties;
 - (g) The development does not support the existing character of the area, nor does it support the envisaged character of the area portrayed in the applicable spatial planning and policy documents;
 - (h) The proposal is considered contradictory to the densification policies supported on national, provincial and local levels, and which were cited as motivation for the initial approval of the development;
 - (i) The development was never intended to be similar in size and density as that of a Residential Zone 1 area. The proposed consolidation will create erven that are suited to a low density, single residential neighbourhood, much more compatible with a different zoning category;
 - (j) The consolidation of Erf 2241 and Erf 2385, Yzerfontein, does not meet the principles of desirability and is considered undesirable in its context and therefore refused;
 - (k) The existing building lines are a way of providing sight lines which are disregarded by the proposed development and must be taken into consideration with consolidation proposals.

2. SUPPORTING DOCUMENTATION

Inclosed are the following documentation:

<u>Annexure 1:</u>	Item 6.4 that served on the Municipal Planning Tribunal of 8 August 2023p 9-50
<u>Annexure 2 :</u>	Letter to applicant, C K Rumboll & Partners dated 15 August 2023 to inform them on the decision of the Municipal Planning Tribunal.....p 51-54
<u>Annexure 3:</u>	Letter to objectors dated 15 August 2023 to inform them on the decision of the Municipal Planning Tribunalp 55-58
<u>Annexure 4:</u>	Appeal received from applicant C K Rumboll & Partners, dated 23 August 2023.....p 59-74
<u>Annexure 5:</u>	Letters to objectors dated 24 August 2023 to notify them of the appeal and the opportunity to comment on the appeal in terms of Swartland Municipality: Municipal Land Use Planning By-Law, (PN 8226 of 25 March 2020).....p 75-77

3. TIME FRAME FOR FINALISING THE APPEAL IN ACCORDANCE WITH THE SWARTLAND MUNICIPALITY: BY-LAW REGARDING MUNICIPAL LAND USE PLANNING (PG 8226 VAN 25 MAART 2020)

Section 89(1): The executive mayor is the appeal authority in respect of decisions of the Tribunal or an authorised employee contemplated in sections 78(a) or (b) and a failure to decide on an application as contemplated in section 68.			
		RESPONSIBLE PERSON(S) / ACTION	ADHERENCE TO DEADLINE (YES/NO)
Section 89(2)	A person whose rights are affected by a decision contemplated in subsection (1) may appeal in writing to the appeal authority within 21 days of notification of the decision.	Development Management: Notice dated 15 August 2023 /registered mail dated 17 August 2023	7 September 2023
Section 90(3)	An applicant who lodges an appeal must, within the period referred in subsection 89(2), submit proof of payment of appeal fees as may be determined by the municipality to the municipal manager.	C K Rumboll & Partners	Yes, appeal and proof of payment of appeal fees received on Wednesday, 23 August 2023
Section 90(4)	An applicant who lodges an appeal must simultaneously serve notice of the appeal to any person who commented on the application concerned and any other person as the municipality may determine	C K Rumboll & Partners on Thursday, 25 August 2023	Yes, on Thursday, 25 August 2023

Section 90(6)	The notice contemplated in subsection (5) must invite persons to comment on the appeal within 21 days of the date of notification.	C K Rumboll & Partners Thursday, 25 August 2023	Yes, on Friday, 14 September 2023
Section 90(7)	The appellant must submit proof of service of the notice as contemplated in subsection (5) to the municipal manager within 14 days of receipt thereof.	C K Rumboll & Partners on Thursday, 25 August 2023	Yes, on Friday, 14 September 2023
Section 90(12)	An authorised employee must draft a report assessing an appeal and must submit it to the municipal manager within 30 days of the closing date for comments requested in terms of subsection (6).	Development Management	Yes, on Thursday, 16 October 2023
Section 90(13)	The municipal manager must within 14 days of receiving the report contemplated in subsection (12) submit the appeal to the appeal authority.	Municipal Manager	On/before 30 October 2023
Section 91(8)	Subject to subsection (12), the appeal authority must decide on an appeal within 60 days of receipt of the assessment report as contemplated in section 90(13).	Executive Mayoral Committee	On/before 29 December 2023
Section 91(11)	The appeal authority must within 21 days from the date of its decision notify the parties to an appeal in writing of the outcome.	Executive Mayoral Committee	On/before 19 January 2024

4. EVALUATION OF APPEAL BY AUTHORISED OFFICIAL

4.1 Background

The appeal is lodged by the applicant (CK Rumboll & Partners) against the decision as a whole.

The appellant is of the opinion that the Municipal Planning Tribunal erred in their decision regarding the grounds to the merits of the land use application.

Appeal is lodged against all the reasons for the decision.

4.2 Comments on the appeal

- a) **Reason for the decision C(a)** - *“... The Mile 16 residential development was originally packaged and approved as a medium density resort, in order to make smaller, holiday-orientated housing available that do not necessarily adhere to the minimum erf size of 500m², as applicable to Residential Zone 1 properties. The adoption of SPLUMA, LUPA and the By-Law, with subsequent variations and amendments caused the notion of leisure residential developments to become obsolete and the zoning category was replaced by Residential Zone 3: Estate Housing;...”*

The change of planning legislation, the doing away and creation of new zoning categories, resulted in the existing Residential zone 3 zoning for the residential component in the Mile 16 development. In such a process of awarding a new zoning category, existing land use rights cannot be taken away, additional land use rights can rather be added.

The most important aspect here is that the character and theme of the land use created by the zoning category remains. This is achieved by the Residential zone 3 zoning for the residential component of the development. The character and theme of the development is further guided/strengthened by the specific design guidelines in the architectural design guidelines for the development. These guidelines are prescriptive regarding, amongst other things, the type of vernacular and finishing, placement, scale and massing of buildings.

Another factor which plays a role in the character and theme of a development is erf sizes. The development potential of properties in a development with similar erf sizes creates uniformity, even though not all erven will be developed to its full potential. It will therefore be possible to have different housing topologies (smaller single storey dwellings and larger double storey dwellings in one development) which are visually pleasing.

- b) **Reason for the decision C(b)** – *“...The main objective of a Residential Zone 3 development, in terms of the By-Law, is to create a residential estate that is governed by a homeowners’ association, with access control and co-ordinated design requirements;...”*

The approval of the proposed consolidation by the Owners Association (OA) and the approval of the development proposal by design architect for the development, remains to be questioned. There is clearly a difference in the envisaged character and theme for the development between the OA/design architect and the Municipal Planning Tribunal (MPT). The municipality cannot consider designs that are subject to an agreed upon aesthetic and guidelines, but which are not enforced within a development.

Taking the comments at point 4.2(a) into consideration, the decision of the MPT remains to be supported.

- c) **Reason for the decision C(c)** – *“...The development layout, objective and design guidelines for Mile 16 Beach Estate have been formulated and approved by the Owners’ Association, as well as Swartland Municipality, in terms of the Mile 16 Constitution, to ensure a cohesive character within the development;...”*

Taking the comments at point 4.2(a) into consideration, the decision of the MPT remains to be supported.

- d) **Reason for the decision C(d)** – *“...Erf 2241 (471m² in extent) and Erf 2385 (354m² in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m² and the largest erf is 663m² in extent). The consolidation of the two erven will create a property of 825m² in extent. The consolidated erf size will not be consistent with the average erf size of the development and is considered excessive within the context;...”*

The appellant refers to the smallest erf being 144m² in size according to the Surveyor General general plan. This is correct. However, this erf is a portion of the internal road. The smallest erf size for a residential zoned property is 197m² and the largest is 635m².

The architectural design guidelines takes into consideration the development potential of the various erf sizes, specifically regarding building lines. The scale and massing of buildings are arranged by coverage (50%) and bulk (0.9) which are applicable to all erven.

In order to demonstrate the development potential of the existing properties and the proposed consolidated erf, the following example is made:

Erven	50% coverage in m ²	0.9 bulk	Percentage smaller/larger than average erf of 400m ²
400m ² erf	200m ²	360m ²	0%
2404 (197m ²)	98,5m ²	177,3m ²	50,75% smaller
2198 (635m ²)	317,5	571,5m ²	158,75% larger
Consolidated erf (825m ²)	412,5m ²	742,5m ²	206,25% larger

The development proposal on the consolidated erf only barely complies with the permitted coverage and bulk.

It is evident that the smallest and largest erven are in ratio with the average erf size of 400m². The consolidated erf and the current development proposal (draft building plans) remain to be deemed completely out of character of the development as a whole.

- e) **Reason for the decision C(e)** – *“...The design manual clearly states its intention to be the creation of an identifiable overall character, portraying an appropriate response to the sensitive West Coast Environment. A larger erf will inevitably facilitate the development of a much larger dwelling, which is considered incompatible with the architectural character of the surrounding uses and overall character;*

The minimum size of a dwelling, excluding a garage, is 80m² according to the architectural design guidelines. The proposed garage is 57,9m². The argument by the appellant that the large garage creates the impression of a second dwelling on the consolidated property is misleading as it does not conform to the minimum size of a dwelling of 80m².

Even though double storey dwellings can be erected on each of the properties that is proposed to be consolidated, the scale of the development proposal on the consolidated erf does not reflect that and remains to be deemed incompatible with character of the surrounding area and the development as a whole.

- f) **Reason for the decision C(f)** – *“...The proposal will disrupt the cohesion, intended within the zoning category, of the development by countering the initial intent of creating smaller properties;...”*

The creation of smaller erven in the past cannot be undone. However, both the larger, average size and smaller erven have been developed with dwellings since and has created the character in the development as it is experienced today.

The size of the consolidated erf and the development proposal (draft building plan) remain to be deemed to disrupt the cohesion formed in the development.

- g) **Reason for the decision C(g)** – *“...The development does not support the existing character of the area, nor does it support the envisaged character of the area portrayed in the applicable spatial planning and policy documents;...”*

The properties the appellant is referring to within a 200m radius from the subject properties consist of different zonings and is situated outside the Mile 16 development and is not subject to the design guidelines applicable to the development.

Zone D of the spatial plan of Yzerfontein includes the Mile 16 development and single residential properties. Even though low density residential uses are promoted for this zone, it cannot be made applicable to the Mile 16 development due to its zoning and existing character.

As the saying goes...”you are not comparing apples with apples”.

- h) **Reason for the decision C(e)** – *“...The proposal is considered contradictory to the densification policies supported on national, provincial and local levels, and which were cited as motivation for the initial approval of the development;...”*

Densification in terms of town planning refers to the increase of the number of people inhabiting a given urbanized area. This is measured by the number of residential dwelling units per hectare. In this case two erven which can accommodate 2 dwelling units are consolidated to accommodate only 1 dwelling. The argument by the appellant is clearly in contradiction with the intention of densification.

- i) **Reason for the decision C(f)** – *“...The development was never intended to be similar in size and density as that of a Residential Zone 1 area. The proposed consolidation will create erven that are suited to a low density, single residential neighbourhood, much more compatible with a different zoning category;...”*

During 2022 Swartland Municipality considered two land use applications for the consolidation of properties in the Mile 16 development. Both these applications were refused by the Authorised Official with similar reasons as provided by the MPT.

It might be argued that there is a need inside the Mile 16 development by some owners to create larger erven, however only 2 owners of 4 erven of a development of 79 erven proves otherwise. There is definitely not a need in the development to make provision for low density residential erven.

- j) **Reason for the decision C(g)** – *“...The consolidation of Erf 2241 and Erf 2385, Yzerfontein, does not meet the principles of desirability and is considered undesirable in its context and therefore refused;...”*

Please see the comments at point 4.2(i).

Swartland Municipality as the regulator of land use planning takes into consideration all relevant considerations in order to take informed decisions. The desire of the owner and the approvals of the Owners Association and design architect are taken into consideration. All relevant considerations were taken into account by the MPT which were emphasised again in this report. The application remains to be deemed undesirable.

- k) **Reason for the decision C(h)** – *“...The existing building lines are a way of providing sight lines which are disregarded by the proposed development and must be taken into consideration with consolidation proposals...”*

The importance of building lines creating sight lines are noted. No objections were received during the public participation process regarding this aspect.

The development proposal does affect sight lines taking into consideration the placement and scale of the building in relation to the position of the existing erf boundaries prior to the consolidation. This aspect has been taking into consideration.

4.3 **Conclusion**

The Mile 16 development consist of an estate zoning (Residential zone 3), specific architectural design guidelines which makes provision of different housing topologies and an average erf size of 400m², which creates uniformity in the development.

The character of the development needs to be protected by the Owners Association, design architect and municipality. The municipality cannot consider designs that are subject to and agreed upon aestehetic and guidelines, but which are not enforced by the Owners Association and design architect.

The range of the existing erf sizes (smallest to largest) are consistent with the average erf size of 400m².

The scale and massing of the development proposal remains to be out of character with the development as a whole and disrupts the cohesion inside the development.

The proposed erf size and development proposal cannot be compared to that of properties outside the development.

The need for larger erven in the Mile 16 development is not justified.

5. RECOMMENDATION: AUTHORISED OFFICIAL

5.1 The appeals be dismissed for the following reasons:

- a) The size of the consolidated erf and development proposal will impact negatively on the uniformity in the development.
- b) The existing scope of erf sizes and design guidelines make provision for different housing topologies which creates the character of the development.
- c) The Owners Association and the design architect fail in their responsibility to protect the character of the development.
- d) The favourable consideration of the application will negatively influence decision making on similar applications in the future.

5.2 The decision of the Municipal Planning Tribunal be implemented.

DIREKTEUR: ONTWIKKELINGSDIENSTE

ITEM 6.4 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 8 AUGUST 2023

LAND USE PLANNING REPORT PROPOSED CONSOLIDATION AND DEPARTURE ON ERF 2241 AND ERF 2385, YZERFONTEIN					
Reference number	15/3/4-14/Erf 2241,2385 15/3/12-14/Erf 2241,2385	Submission date	27 April 2023	Date finalised	28 July 2023

PART A: APPLICATION DESCRIPTION						
Application for a consolidation of Erf 2241 (471m ² in extent) and Erf 2385 (354m ² in extent), Yzerfontein, is made in terms of Section 25(2)(e) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), in order to create one residential erf of 825m ² .						
The applicants are C.K. Rumboll and Partners and the property owner is Chantilly Trading 30 (Pty) Ltd.						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	ERF 2181 YZERFONTEIN, In the Swartland Municipality, Division Malmesbury, Province Western Cape (Erf 2241) ERF 2374 YZERFONTEIN, IN THE SWARTLAND MUNICIPALITY, DIVISION OF MALMESBURY, PROVINCE OF THE WESTERN CAPE (Erf 2385)					
Physical address	44 Ocean Front Quay		Town	Yzerfontein		
Current zoning	Residential Zone 3	Extent (m ² /ha)	471m ² and 354m ²	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)					
Current land use	Vacant property			Title Deed number & date	T29397/2007 T73126/2015	
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)						
Consolidation and departure		Permanent departure	<input checked="" type="checkbox"/>	Temporary departure		Subdivision
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation	<input checked="" type="checkbox"/>	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		Consolidation and departure		Occasional use

Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations	Permission for reconstruction of an existing building that constitutes a non-conforming use		
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PART D: BACKGROUND

The proposed consolidation is located in the Mile 16 Private Beach Estate, the northern-most residential development in Yzerfontein. The Mile 16 Private Beach Estate was first rezoned in 2004 in order to establish a Leisure Residential development containing holiday housing that could be alienated and privately owned. The zoning category lent itself to exploitation, as it could be manipulated to establish residential developments without adhering to the more restrictive requirements of residential zones. Therefore, during the 2020 revision of the Swartland By-Law, the category was removed from the By-Law and existing Leisure Residential developments were re-categorised under either Resort Zone or under Residential Zone 3, depending on the individual composition of each development.

The Swartland Municipal Spatial Development Framework (MSDF, 2023) identifies the northern portion of Yzerfontein as Area E, characterised by various densities of residential erven with community and recreational facilities.

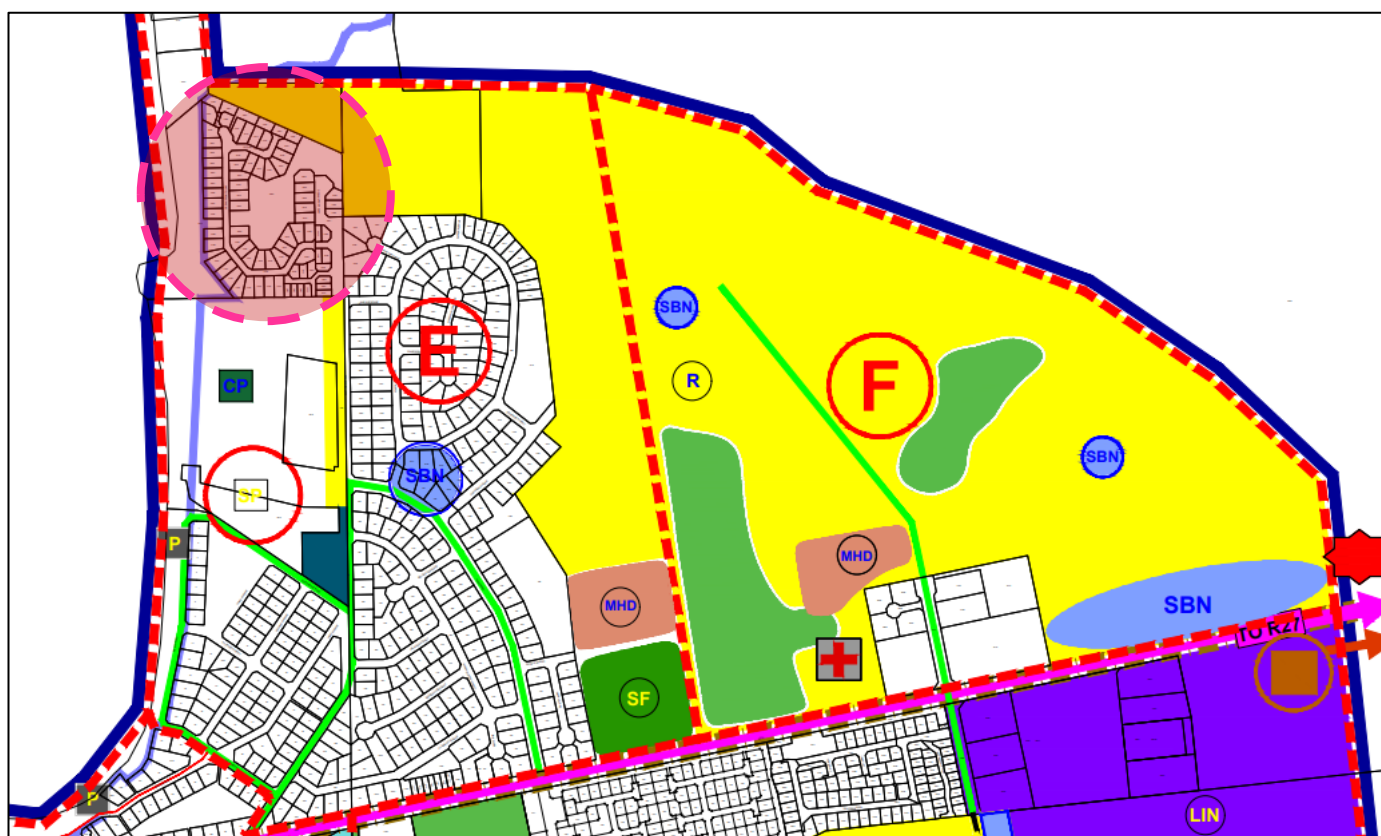


Figure 1: Swartland MSDF (2023)

Mile 16 Private Beach Estate was developed from the onset as smaller holiday erven for private ownership. The erven could not be classified as Residential Zone 1, due to the erf size not adhering to the minimum of 500m². In order to motivate smaller erven, emphasis was placed on the ultimate creation of 79 residential units and the advantages associated with an increase in density, such as optimal utilisation of services, consistency with spatial policy, opportunities of tenure made available to a larger portion of society, etc. The appropriate re-classification of the development was thus determined to be Residential Zone 3: Mixed Density Estate Housing, as the permissible land uses are more compatible.

The average erf size inside the development, apart from the private open spaces, falls between 200m² - 495m². Only 12% of the total residential properties is larger than 500m², the largest of which is 620m² in extent.

Diagram 2 illustrates that, while the Mile 16 Beach Estate is located in close proximity to Residential Zone 1 properties, the development is clearly an entity in itself with a character different from the existing residential neighbourhoods in the area. Mile 16 is also a gated community, further distinguishing the development from Residential Zone 1 developments.



Figure 2: Mile 16 Beach Estate in relation to existing residential neighbourhood

Erf 2241 and Erf 2385 belong to the same owner and in 2022 a land use application was made for the consolidation of the two properties, order to create one property of 825m² in extent, with the ultimate aim to accommodate a dwelling with roughly 750m² floor space and a footprint of 350m².

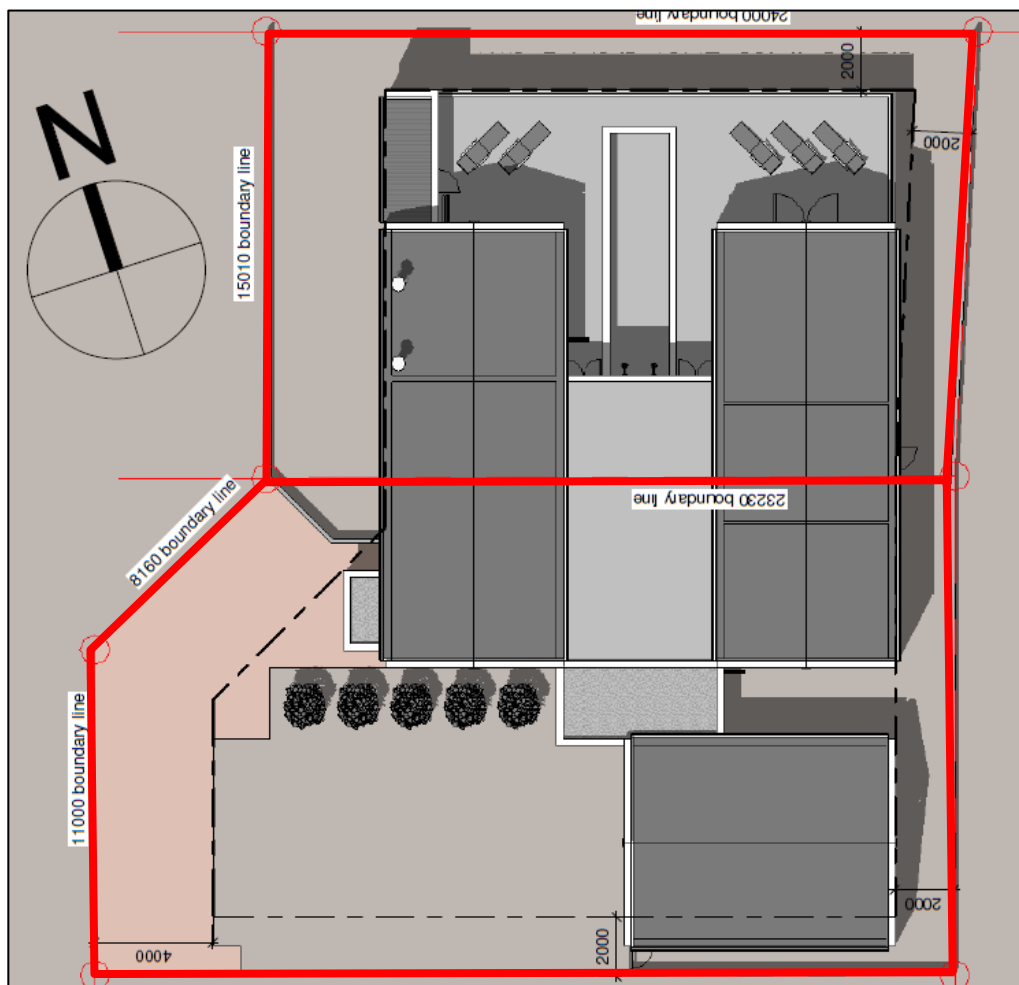


Figure 3: Proposed Site Plan

View 1



Figure 4: View from street

View 4



Figure 5: Northern façade

The application was refused with comprehensive reasons on 5 December 2022, with the appeal period lapsing on 3 January 2023. The applicant lodged an appeal on 27 January 202, but the submission was deemed invalid, as it was not received in time.

The current application is a re-submission of the consolidation proposal that endeavours to address some of the reasons for the refusal, in the hopes that the proposal may now be favourably considered.

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.
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PART F: SUMMARY OF APPLICANT'S MOTIVATION

During August 2022 a consolidation application was submitted to the Municipality, but it was refused. The appeal was lodged against the decision, but due to the December holidays, the 21-day appeal period had lapsed and the appeal was considered invalid. To mitigate the impact of the proposed development, the owner modified some of the buildings and submitted a new application to obtain the required land use rights for the consolidation of the two properties. Comments from the design architect for the Estate, are attached as Annexure I.

The proposed development aims to fulfil the need for larger residential properties in existing zoned land to prevent investors seeking larger properties on less ideal or sensitive area or in other towns. It is important to provide different housing typologies in towns and through proposed consolidation, provision is made for the need for larger residential plots.

Since there are some properties in the surrounding area with roughly the same size, the proposed consolidation will not have an adverse effect on the surrounding area.

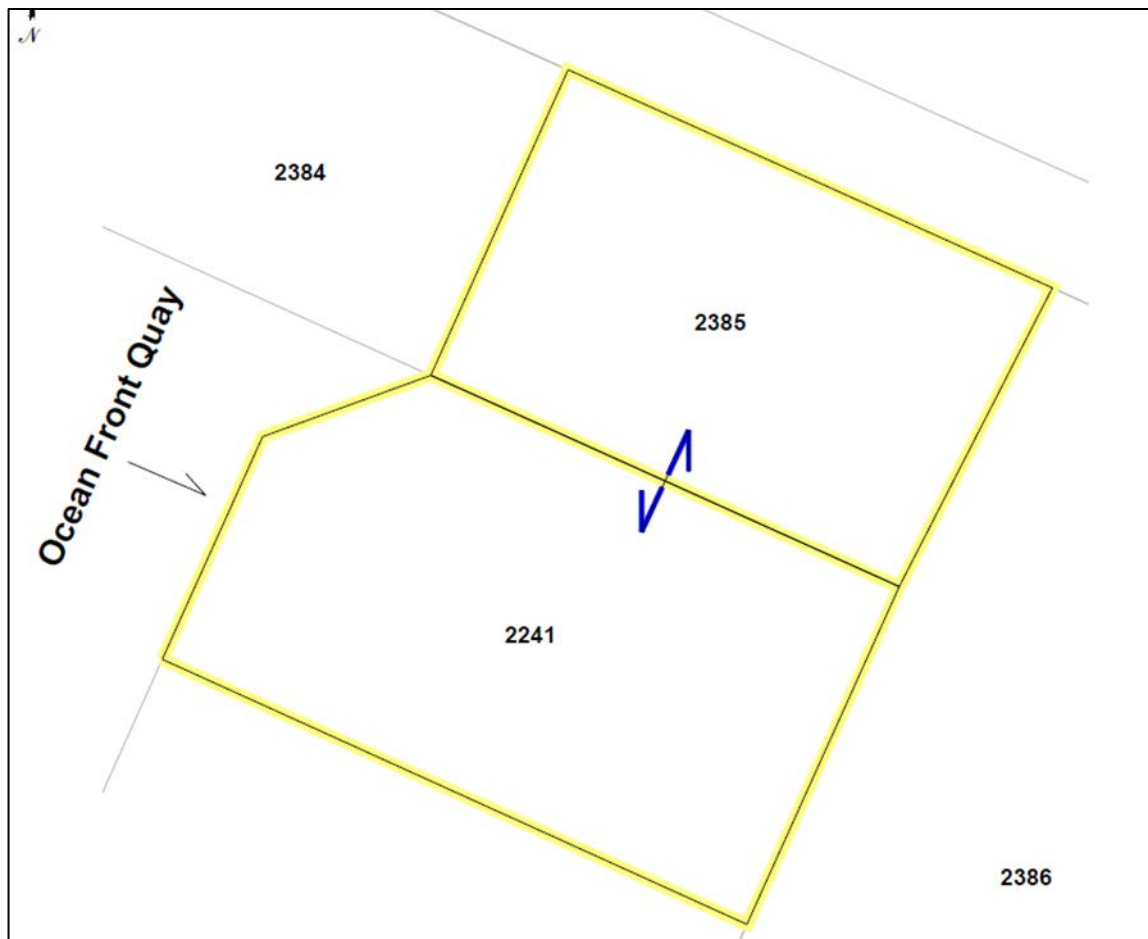


Figure 6: Proposed consolidation

1.1 Change in character of the area

Although the Mile 16 residential development was originally packaged and approved as a medium density resort, the character of the area changed over time.

Consolidations are not a threat to densification objectives. No policy has ever stipulated maximum erf sizes and until the recent implementation of the Municipal By-Laws, consolidations were exempt from any application.

Only properties in the same ownership can be consolidated. Most owners of properties adjacent to each other, more often than not, prefer to keep the entities separate for various reasons, one being the ability to sell when the right purchaser makes an offer. Consolidation is only exercised, when the owner wants to utilize the adjacent property in conjunction with the other, as is the case here, the owner wants to add a large garage to his house to store his boat, as there are no storage facilities available in Yzerfontein. Consolidations are also used to rectify encroachments, gaining access, etc. By allowing this consolidation, no precedent will be created, because of the reasons given above, and the rare nature of consolidations. A quick scrutiny of our records shows that for every approximately 100 subdivisions one consolidation is asked for.

The following is an extract from the By-Law regarding Residential Zone 3: Mixed Density Estate Developments:

"The objective of this zone is to provide a high degree of flexibility for low to medium density residential projects which have integrated site and design features, and which require individual design solutions and individually tailored development control provisions. This zone does not accommodate a resort, but is particularly suitable for residential estates that are governed by a homeowners' association, with access control and co-ordinated design requirements (such as golf estates, equestrian estates and residential marinas)."

The Mile 16 Beach Estate HOA already approved the consolidation and the draft building plans for Erven 2241 and 2385, Yzerfontein.

The housing need and desirability within Mile 16 Beach Estate has changed over time and an increasing number of residents desire a larger property within the estate. Since the objective of the zoning makes provision for a high degree of flexibility for low to medium density residential developments, the proposal to consolidate the two properties to create

a low density land unit under the Residential Zone 3 zoning, should be encouraged. Given that the Mile 16 Beach Estate is governed by the Homeowners Association, which already approved the consolidation and draft building plans for the development, the proposed consolidation therefore complies with the main objective of Residential Zone 3.

When considering a $\pm 200\text{m}$ radius around Erven 2241 and 2385, the area is already characterised by low medium and high density residential properties. The properties in blue are all similar in extent or larger to what is proposed. Since all these properties are located on the outskirts of Yzerfontein, the proposal to consolidate erven 2241 and 2385, which is also located on the outskirts of town, can be considered consistent with the existing development pattern of the area.



Figure 7: Surrounding erf sizes

1.2 Average erf sizes in Mile 16 Beach Estate

Given that the largest erf in the estate is more than four times larger than the smallest erf, indicates that the need for a variety of erf sizes already occurs in the estate. Regarding the cohesive character; the variety of erf sizes within the estate is already so widely spread, that the consolidation will not have a significant impact on the existing character of the area.

The initial layout was done in 2004 with medium density residential properties varying between 417m^2 and 667m^2 in extent. Later on in 2008, the need for higher density residential arose and some amendments were made to the general plan and the erf sizes changed, now varying between 144m^2 and 635m^2 in extent. The character of the area has changed from properties with a medium density residential extent (20 to 50 units per hectare- as stated in the SDF) to a mixed density residential estate with both medium and high density residential properties (above 50 units per hectare- as stated in the SDF). The amendments were made as the needs of the estate changed.

1.3 Dwelling house size in relation to the surrounding erven

The draft building plans (approved by the HOA) are attached as Annexure B. Considering figure 7 and 8 below, since the dwelling house proposes a very large garage on Erf 2241 and the majority of the dwelling house on Erf 2385, the proposal gives the impression of two dwelling units and not one large dwelling house. The proposal will therefore still give the impression of two dwelling units and conform to the existing character of the area.

The HOA considers the proposal consistent with the architectural character of the estate, and since the estate is governed by a owners' association, the proposal can be favourably considered. The existing rights on both these properties allow for double storey dwellings, the consolidation will not detract from the overall congruence of the development as the one 'portion' will only be utilised for the construction of a garage, thus lessening the impact.



Figure 8: Existing dwellings inside Mile 16 Estate

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

- a) Spatial Justice: With the proposed consolidation, the zoning and associated land use of the relevant properties will not change, justifying the right of the owner to develop the property for residential purposes in accordance with the current land use rights.
- b) Spatial Sustainability: The proposed development is within the urban edge of Yzerfontein and contributes to limiting urban sprawl by allowing the owners to extend the property they own on existing land instead of developing a larger property in a possible sensitive area or outside the urban edge. The proposed development will not adversely affect any natural conservation areas or surrounding properties.

Existing services are deemed sufficient to accommodate the proposed consolidation.

- c) Efficiency: Ownership of the relevant properties adjacent to one another by the same individuals creates a financial burden by paying tariffs raised for both properties. The properties are situated in an identified low density residential area and the proposed consolidation will promote a more spacious utilisation of the existing properties contributing to the already tranquil atmosphere of the area.
- d) Spatial Resilience: The proposed development will still be resilient in terms of the multiple uses that are allowed if the correct land use rights are obtained. The proposed development does not limit future benefits that the properties may have.
- e) Good Administration: The proposed application will be taken through the public process by the Swartland Municipality and all relevant departments will be contacted. The decision making process will be guided by statutory land use planning systems.

It is subsequently clear that the development proposal adheres to all spatial planning principles and is thus considered consistent with the abovementioned legislative measures.

1.5 Desirability


Since erven 2205 and 2206 also applied for a consolidation at the end of 2022, but was also refused by Swartland Municipality, there is without a doubt a need and desire for larger properties within the estate. The owner wants it and the Home Owners Association supports it. This office is of opinion that the proposal complies with the principles of desirability and should be favourably considered.

- a) The proposed application for consolidation is supported by the Swartland Spatial Development Framework (SDF) that guides sustainable future development in Yzerfontein;
- b) The proposed development supports spatial sustainability in terms of LUPA and SPLUMA;
- c) The zoning and utilisation of the properties for residential purposes will remain the same;
- d) The proposed development will not adversely affect any natural conservation areas or surrounding properties;
- e) With the proposed development optimal use of existing access, parking and services will occur with no additional pressure on services;
- f) The proposed development promotes a more spacious utilisation of the existing properties that contribute to the

already tranquil atmosphere of this low density residential area;					
The development will sustainably enhance the potential of low density residential land by proposing an enlarged residential land unit that will not detract the character of the residential area.					
PART G: SUMMARY OF PUBLIC PARTICIPATION					
Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipality: Municipal Land Use Planning By-Law?				Y	N
A total of nine (9) written notices were sent via registered mail to the affected property owners in the area, in terms of Section 56(1) & (2) of the By-Law. Where e-mail addresses were available on the municipal system, supplementary notices were sent via e-mail. No notices were returned unclaimed. Please refer to Annexure D for the public participation map.					
Two objections were received against the proposal. The applicant was afforded 30 days, from 7 July 2023 to 8 August 2023, to respond to comments and objections received. One objector withdrew their objection (Annexure G). The response to comments was provided back to the Municipality on 12 July 2023. (Annexure H).					
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
				Councillor van Essen was informed, but no comments were forthcoming.	
Total letters of support	1 objection was withdrawn from A Beukman (Erf 2383).				

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS					
Name	Date received	Summary of comments	Recommendation		
			Positive	Negative	
Department Civil Engineering Services	12 Sep 2022	1. <u>Water</u> Die gekonsolideerde erf van 'n enkele wateraansluiting voorsien word. 2. <u>Riolering</u> Die die gekonsolideerde erf van 'n enkele riooluitsuigtenk met 'n minimum grootte van 8000l voorsien word.	X		

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
K. Saunders Erf 2237 Annexure E	1. Please take note that a section of the gravel road currently utilized by the contractors is a registered erf. Regardless of the consolidation, the property owners still have the right to construct a dwelling on the land unit, which would result in the gravel road being obstructed. It is recommended that the contractors make use of the existing road within the development.	1. A measure of discomfort and various obstructions are to be expected during any construction period, especially within a development of this nature. Such disruptions are regarded as temporary in nature and has no bearing on the consolidation application.
P & H. de Bod Erf 2240 & 2230 Annexure F	<p>2. Noted. Any adjustments to any of the properties still have to be approved by the HOA and comply with the architectural guidelines of 16 Mile Beach. Since the HOA and the scrutiny architect supported the proposed building plans and consolidation, the proposal can be favourably considered.</p> <p>3. The initial layout of 2004 with medium density residential properties between 417m² and 667m² in extent. Later, in 2008, the need for higher density residential arose and some amendments were made to the general plan and the erf sizes changed, now varying between 144m² and 635m² in extent. The character of the area has changed from properties with a medium density residential extent (20 to 50 units per hectare- as stated in the SDF) to a mixed density residential estate with both medium and high density residential properties (above 50 units per hectare- as stated in the SDF). The amendments were made as the need of the estate changed.</p> <p>The need has once again changed and the property owners and HOA now desire to create larger (low density residential) erven within the estate. Although the high density residential erven were not part of the initial intent, and was not consistent with the average erf size of the development, it was still approved by Swartland Municipality and the HOA without having an adverse impact on the character of the area.</p> <p>16 Mile is therefore not a high density development, but rather a mixed density residential development, in which the proposed consolidation complies with.</p>	<p>2. Want does not necessarily denote need and need does not automatically signify desirability. Additionally, the HOA and scrutiny architect evaluate the proposal in terms of criteria such as financial gain, aesthetics and popular opinion, not necessarily in terms of spatial principles and the context.</p> <p>3. The 2004 and the 2008 General Plans contain a total of 79 residential properties between ±200m² and ±600m² in extent. The erf areas are distributed as follows:</p> <ul style="list-style-type: none"> - 200m² + = 14 erven - 300m² + = 11 erven - 400m² + = 42 erven - 500m² + = 10 erven - 600m² + = 2 erven <p>It is clear from the above mentioned that the greatest number of erven in the development are smaller than 500m². The remaining portions of the mother erf (Erf 2374) was zoned Private Open Space.</p> <p>Density is expressed as units per hectare. Erf 2374 is roughly 4,4ha, containing 79 erven, translated to 19 erven per hectare, which is on the margin between low and medium density development, but definitely not a high density development.</p> <p>It is consequently argued that the particular density of the development may not have been the most important factor during the initial subdivisions, but rather the creation of a cohesive, gated development with smaller erven inside private open space, having a distinct character directed by design guidelines and open</p>

	<p>4. Although I do not have a problem with development and change, I do have a problem that there is no more balance.</p> <p>5. The consolidation will change the character of the area. We plan to build a small single storey dwelling on Erf 2240 (approximately 400m²) within the next year. The large dwelling on Erven 2241 and 2385 (825m²) will look out of proportion next to our house.</p>	<p>4. Noted, the balance in the development shifted from only medium density residential to high, medium and low density development to accommodate various income groups.</p> <p>5. The variety of erf sizes within the estate is already so widely spread, that the consolidation will not have a significant impact on the existing mixed density character. Since the HOA and scrutiny architect approved the proposed consolidation and building plans, it is clear that the proposed development is in line with the character of the surrounding area.</p> <p>Since the character of the development shifted to a mixed density residential development, building a single storey dwelling (Erf 2240) next to a double storey house (erven 2241 & 2385) will not be out of the ordinary. An example of this is within the Estate between erven 2191 and 2404. Erf 2191 is more than double the property size of Erf 2404, but is still accommodated next to one another.</p>  <p><i>Figure 2: Correlation between erven 2191 and 2404.</i></p>	<p>spaces and not a regular Residential Zone 1 neighbourhood. While the erven vary in size, the vast majority are between 200m² and 499m² in extent. Erven larger than 500m² are the exception and are not regarded as indicative of the overall character of the development.</p> <p>4. Refer to assessment 3.</p> <p>5. The consolidation will result in an erf of 825m² in extent, almost double the area of the majority of erven in the estate. The erf area ultimately dictates the permissible size of the dwelling on the property and as such the disparity between the erf size and the volume of the proposed dwelling in comparison to the rest of the estate is considered to be excessive and not desirable in the context.</p>
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PART J: MUNICIPAL PLANNING EVALUATION

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

Application for a consolidation of Erf 2241 (471m² in extent) and Erf 2385 (354m² in extent), Yzerfontein, is made in terms of Section 25(2)(e) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), in order to create one residential erf of 825m².

A total of nine (9) written notices were sent via registered mail to the affected property owners in the area, in terms of Section 56(1) & (2) of the By-Law. Where e-mail addresses were available on the municipal system, supplementary notices were sent via e-mail. No notices were returned unclaimed. The commenting period, for or against the application, closed on 7 July 2023.

Three objections were lodged against the application and forwarded to the applicant on 7 July 2023. The applicant was afforded 30 days, until 8 August 2023, to respond to comments and objections received by affected party. One objector withdrew their objection and the response to the remaining two objections were submitted to the Municipality on 12 July 2023.

The applicants are C.K. Rumboll and Partners and the property owner is Chantilly Trading 30 (Pty) Ltd.

2. Legislation and policy frameworks

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

- f) Spatial Justice: The proposal does not promote any of the principals of spatial justice.
- g) Spatial Sustainability: The proposed consolidation does not promote densification, equitable functioning of land markets, or make provision for a larger range of income groups.
- h) Efficiency: The existing infrastructure and resources on Erf 2241 and Erf 2385 will also be consolidated, reducing the pressure on service provision.
- i) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained.
- j) Spatial Resilience: The consolidated property and proposed dwelling is not foreseen to be easily converted, subdivided etc. should economic shocks necessitate such in future.

It is clear that the development proposal does not necessarily contradict the principles of LUPA and SPLUMA, nor are the principles effectively promoted..

2.2 Municipal Spatial Development Framework (MSDF)

Erf 2241 and Erf 2385 are located in Area E of Yzerfontein, as delineated by the SDF. The area is described as mixed density residential with amenities, but it must be taken into account that the proposed consolidation is in an estate which is an entity onto itself. It should not be argued that the proposal is consistent with the SDF, because the erf size is similar to that of neighbourhoods nearby, but rather whether the consolidated erf is compatible within the estate context and the estate in the larger context of the SDF.

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

The proposal adheres to all the development parameters, including building lines, coverage and required parking bays.

3. Impact on municipal engineering services

The impact of the consolidation on existing engineering services is expected to be similar to that of other residential properties in the development.

4. Desirability of the proposed utilisation

The consolidation of a property implies that the development parameters of each property becomes applicable to the larger property as a whole. The Mile 16 Beach Estate is governed by an Estate Constitution, as well as Design Guidelines, to ensure that the aesthetic character of the development is consistent and within the control of the Owners' Association. According to the applicant various amendments were made to the original dwelling design to improve its desirability within said context, however, due to the erf area which is more than double that of the average erf in the estate, the

proposed dwelling is also more than twice the size of surrounding dwellings. The sheer volume and mass of the proposed dwelling is so much larger than any of the existing structures inside the estate, that it cannot be considered consistent with the character of the development, and thus cannot be desirable in the context.

The comments from the design architect merely state that the design is acceptable, but provides no reasons or motivations for the statement. For instance, the Design Guidelines clearly include specific acceptable approaches with regard to windows/glazing. The typical West Coast aesthetic is promoted and glazing in facades are limited to percentages in relation to solid elements. The proposed design does not seem to take any of these requirements into account, but is nonetheless supported by the OA and the design architect. While it is not the intention to create conflict, the Municipality cannot consider designs that are subject to an agreed upon aesthetic and guidelines, but which are not enforced within a development itself.

The applicant states that the development aims to fulfil a need for larger residential properties in existing zoned land to prevent investors seeking larger properties elsewhere. It is subsequently unclear why the owner/developer then opted to purchase land within a gated estate, with limited opportunities, restricted by a specific development character and design aesthetic, in order to create an erf and dwelling suited to a residential neighbourhood where the minimum erf sizes are actually limited and larger development is supported. The need of one property owner for a larger erf does not justify the amendment of an entire estate to suit individual needs and the proposal is not considered desirable.

The applicant states that there are some properties in the surrounding area with roughly the same size as the proposed consolidation and as such the proposal will not have an adverse effect on the surrounding area. The applicant bases the statement on the fact that the estate is surrounded by existing Residential Zone 1 neighbourhoods, actually proving the point that the proposed consolidation belongs in such a neighbourhood and not in a development that was designed as a cohesive entity with a character of its own.

The proposed consolidation is inconsistent with the prevailing erf sizes in the estate. The consolidated erf will dictate the size of the dwelling that would be permissible on the property and such a dwelling would also not be consistent with the character of the West Coast aesthetic, promoted by the Design Guidelines.

Only two proposals (including the present application) for consolidation have ever been received inside Mile 16. The statement that an urgent need for larger erven now exist, is thus not supported.

Should a real need for the development of larger erven with larger dwellings arise in future and the market demands it, the estate may enter into the process of amending its constitution and design guideline to suit the needs of all the inhabitants of the Mile 16 Beach Estate.

The application for the consolidation of Erf 2241 and Erf 2385, is thus considered undesirable.

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 consolidation and departure on Erf 2241 and Erf 2385, Yzerfontein be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), stating the following reasons:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The Mile 16 residential development was originally packaged and approved as a medium density resort, in order to make smaller, holiday-orientated housing available that do not necessarily adhere to the minimum erf size of 500m², as applicable to Residential Zone 1 properties. The adoption of SPLUMA, LUPA and the By-Law, with subsequent variations and amendments caused the notion of leisure residential developments to become obsolete and the zoning category was replaced by Residential Zone 3: Estate Housing;
- b) The main objective of a Residential Zone 3 development, in terms of the By-Law, is to create a residential estate that is governed by a homeowners' association, with access control and co-ordinated design requirements;

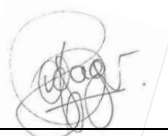
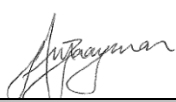
- c) The development layout, objective and design guidelines for Mile 16 Beach Estate have been formulated and approved by the Owners' Association, as well as Swartland Municipality, in terms of the Mile 16 Constitution, to ensure a cohesive character within the development;
- d) Erf 2241 (471m² in extent) and Erf 2385 (354m² in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m² and the largest erf is 663m² in extent). The consolidation of the two erven will create a property of 825m² in extent. The consolidated erf size will not be consistent with the average erf size of the development and is considered excessive within the context;
- e) The design manual clearly states its intention to be the creation of an identifiable overall character, portraying an appropriate response to the sensitive West Coast Environment. A larger erf will inevitably facilitate the development of a much larger dwelling, which is considered incompatible with the architectural character of the surrounding uses and overall character;
- f) The proposal will disrupt the cohesion, intended within the zoning category, of the development by countering the initial intent of creating smaller properties;
- g) The development does not support the existing character of the area, nor does it support the envisaged character of the area portrayed in the applicable spatial planning and policy documents;
- h) The proposal is considered contradictory to the densification policies supported on national, provincial and local levels, and which were cited as motivation for the initial approval of the development;
- i) The development was never intended to be similar in size and density as that of a Residential Zone 1 area. The proposed consolidation will create erven that are suited to a low density, single residential neighbourhood, much more compatible with a different zoning category;
- j) The consolidation of Erf 2241 and Erf 2385, Yzerfontein, does not meet the principles of desirability and is considered undesirable in its context and therefore refused.

2. GENERAL

- a) The approval is, in terms of section 76(2)(w) of the By-Law valid for a period of 5 years. All conditions of approval be complied with before the occupancy certificate be issued. Failure to comply will result in the approval expiring;
- b) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R4 500,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal 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 REFUSAL

- a) The Mile 16 residential development was originally packaged and approved as a medium density resort, in order to make smaller, holiday-orientated housing available that do not necessarily adhere to the minimum erf size of 500m², as applicable to Residential Zone 1 properties. The adoption of SPLUMA, LUPA and the By-Law, with subsequent variations and amendments caused the notion of leisure residential developments to become obsolete and the zoning category was replaced by Residential Zone 3: Estate Housing;
- b) The main objective of a Residential Zone 3 development, in terms of the By-Law, is to create a residential estate that is governed by a homeowners' association, with access control and co-ordinated design requirements;
- c) The development layout, objective and design guidelines for Mile 16 Beach Estate have been formulated and approved by the Owners' Association, as well as Swartland Municipality, in terms of the Mile 16 Constitution, to ensure a cohesive character within the development;
- d) Erf 2241 (471m² in extent) and Erf 2385 (354m² in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m² and the largest erf is 663m² in extent). The consolidation of the two erven will create a property of 825m² in extent. The consolidated erf size will not be consistent with the average erf size of the development and is considered excessive within the context;
- e) The design manual clearly states its intention to be the creation of an identifiable overall character, portraying an appropriate response to the sensitive West Coast Environment. A larger erf will inevitably facilitate the development of a much larger dwelling, which is considered incompatible with the architectural character of the surrounding uses and overall character;
- f) The proposal will disrupt the cohesion, intended within the zoning category, of the development by countering the initial intent of creating smaller properties;
- g) The development does not support the existing character of the area, nor does it support the envisaged character of the area portrayed in the applicable spatial planning and policy documents;
- h) The proposal is considered contradictory to the densification policies supported on national, provincial and local levels, and which were cited as motivation for the initial approval of the development;
- i) The development was never intended to be similar in size and density as that of a Residential Zone 1 area. The proposed consolidation will create erven that are suited to a low density, single residential neighbourhood, much more compatible with a different zoning category;
- j) The consolidation of Erf 2241 and Erf 2385, Yzerfontein, does not meet the principles of desirability and is considered undesirable in its context and therefore refused.

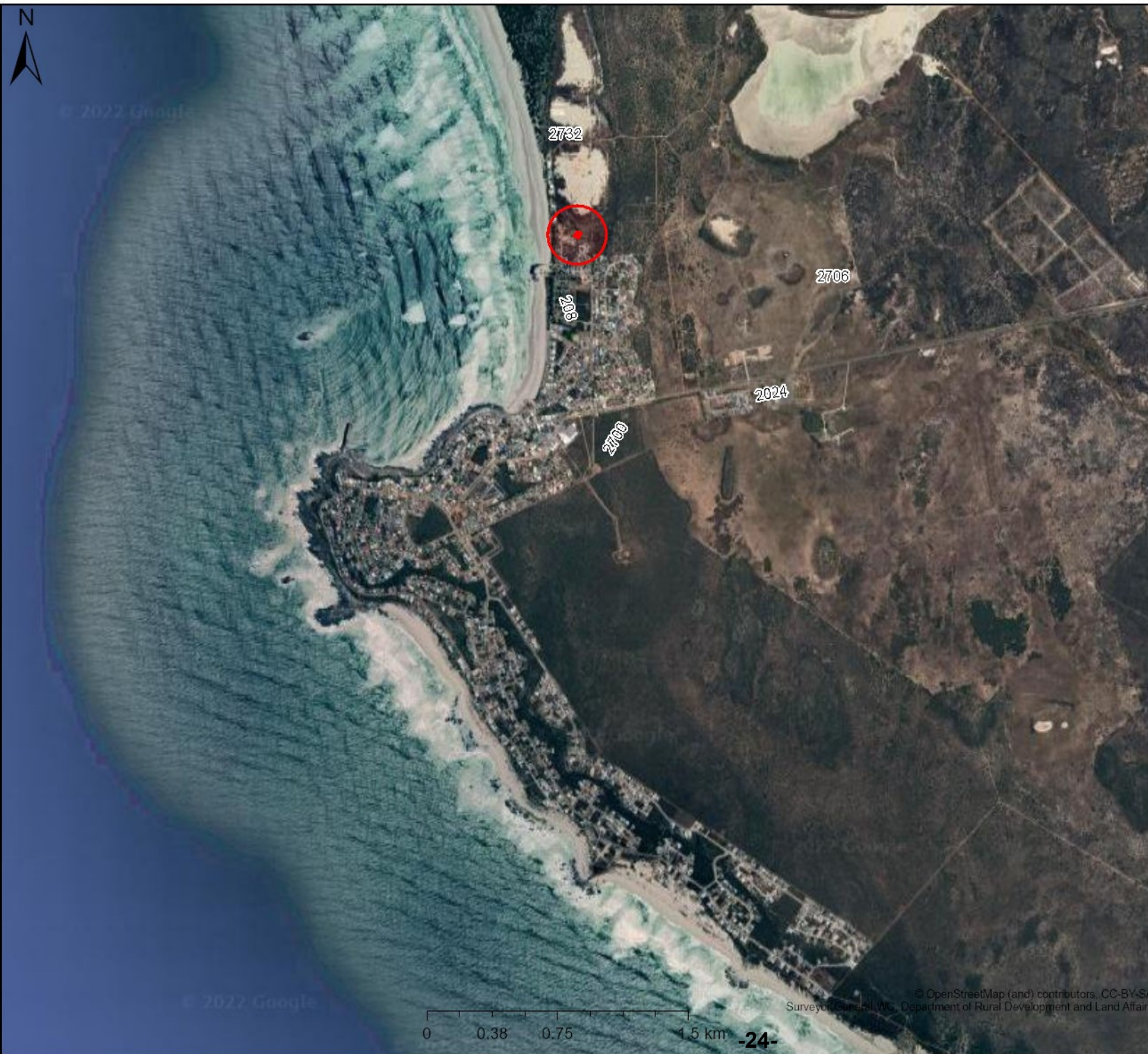
PART N: ANNEXURES				
ANNEXURE A	Locality Map			
ANNEXURE B	Site and Building Plans			
ANNEXURE C	SG Diagrams			
ANNEXURE D	Public Participation Map			
ANNEXURE E	Objections from K. Saunders			
ANNEXURE F	Objections from P. & H. de Bod			
ANNEXURE G	Withdrawal of objections by A. Beukman			
ANNEXURE H	Response to comments			
ANNEXURE I	Estate Architect comments			
PART O: APPLICANT DETAILS				
First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Flagstone Investments 35 CC	Is the applicant authorised to submit this application:	Y	N
PART P: SIGNATURES				
Author details: Annelie de Jager Town & Regional Planner SACPLAN: A/2203/2015				Date: 2 August 2023
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001		Recommended	<input checked="" type="checkbox"/>	Not recommended
				Date: 2 August 2023
PART Q: RESOLUTION				
<p>A. The application for consolidation and departure on Erf 2241 and Erf 2385, Yzerfontein be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);</p> <p>B. GENERAL</p> <p>(a) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal 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;</p> <p>C. The application be refused for the following reasons:</p> <p>(a) The Mile 16 residential development was originally packaged and approved as a medium density resort, in order to make smaller, holiday-orientated housing available that do not necessarily adhere to the minimum erf size of 500m², as applicable to Residential Zone 1 properties. The adoption of SPLUMA, LUPA and the By-Law, with subsequent variations and amendments caused the notion of leisure residential developments to become obsolete and the zoning category was replaced by Residential Zone 3: Estate Housing;</p> <p>(b) The main objective of a Residential Zone 3 development, in terms of the By-Law, is to create a residential estate that is governed by a homeowners' association, with access control and co-ordinated design requirements;</p> <p>(c) The development layout, objective and design guidelines for Mile 16 Beach Estate have been formulated and approved by the Owners' Association, as well as Swartland Municipality, in terms of the Mile 16 Constitution, to ensure a cohesive character within the development;</p> <p>(d) Erf 2241 (471m² in extent) and Erf 2385 (354m² in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m² and the largest erf is 663m² in extent). The consolidation of the two erven will create a property of 825m² in extent. The consolidated erf size will not be consistent with the average erf size of the development and is considered excessive within the context;</p> <p>(e) The design manual clearly states its intention to be the creation of an identifiable overall character, portraying an appropriate response to the sensitive West Coast Environment. A larger erf will inevitably</p>				

facilitate the development of a much larger dwelling, which is considered incompatible with the architectural character of the surrounding uses and overall character;

- (f) The proposal will disrupt the cohesion, intended within the zoning category, of the development by countering the initial intent of creating smaller properties;
- (g) The development does not support the existing character of the area, nor does it support the envisaged character of the area portrayed in the applicable spatial planning and policy documents;
- (h) The proposal is considered contradictory to the densification policies supported on national, provincial and local levels, and which were cited as motivation for the initial approval of the development;
- (i) The development was never intended to be similar in size and density as that of a Residential Zone 1 area. The proposed consolidation will create erven that are suited to a low density, single residential neighbourhood, much more compatible with a different zoning category;
- (j) The consolidation of Erf 2241 and Erf 2385, Yzerfontein, does not meet the principles of desirability and is considered undesirable in its context and therefore refused;
- (k) The existing building lines are a way of providing sight lines which are disregarded by the proposed development and must be taken into consideration with consolidation proposals.

COPIES:

1. ABB – for attention
2. Town and Regional Planner – for cognisance



Locality of erf 2241 & 2385, Yzerfontein

Legend

ANNEXURE A

Map Center: Lon: 18°9'
Lat: 33°2'

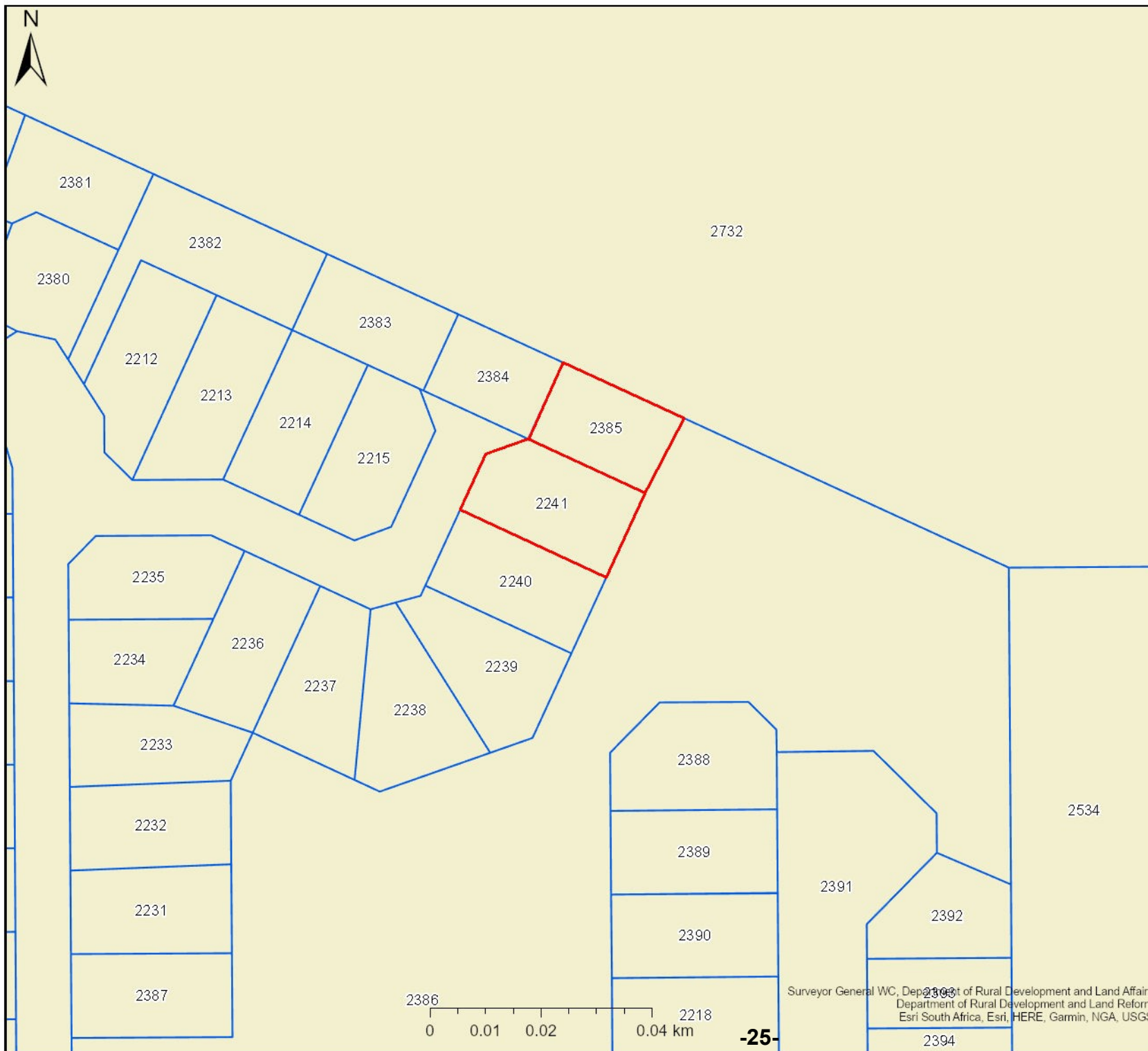
Scale: 1:36 112

Date created: August 5,



Western Cape
Government
FOR YOU

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Surveyor General W.C. Department of Rural Development and Land Affairs



Locality of erf 2241 & 2385, Yzerfontein

Legend



Map Center: Lon: 18°9'46.8"E
Lat: 33°20'6.6"S

Scale: 1:1 128

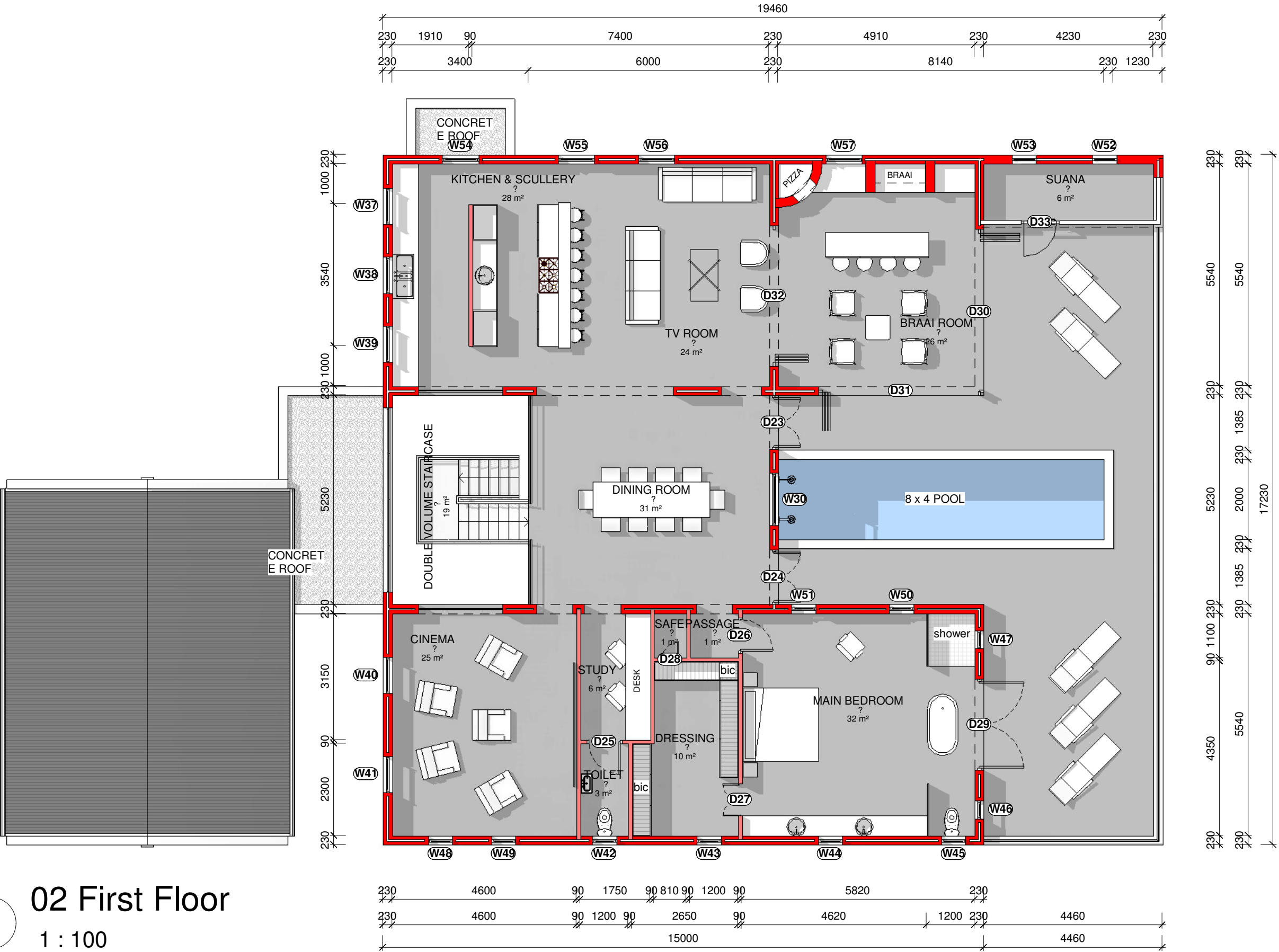
Date created: August 5, 2022



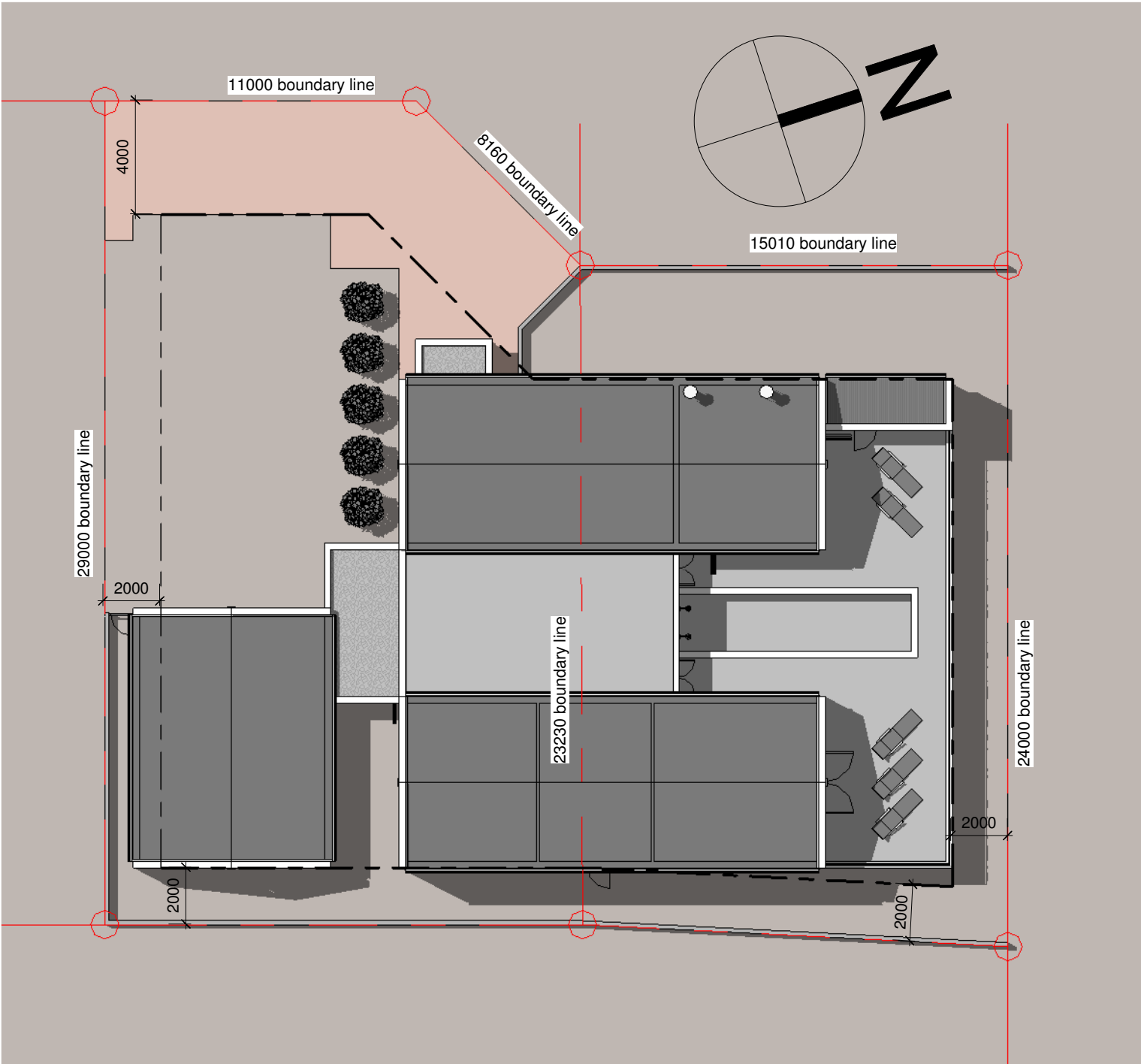
**Western Cape
Government**
FOR YOU

Agriculture

Surveyor General WC, Department of Rural Development and Land Affairs
Department of Rural Development and Land Reform
Esri South Africa, Esri, HERE, Garmin, NGA, USGS



1 02 First Floor
1 : 100



GROUND FLOOR	- 350.3m ²
GARAGE	- 57.9m ²
COVERED ENTRANCE	-
3.0m ²	
COVERED BACK STOEP	- 3.0m ²
FIRST FLOOR	- 231.6m ²
STOEP WITH POOL & SAUNA	- 103.7m ²
TOTAL	- 749.5m²

1 Site Plan
1 : 200



1 North Elevation
1 : 100



2 East Elevation
1 : 100



1 South Elevation
1 : 100



2 West Elevation
1 : 100

1 3D View 1



2 3D View 2

1 3D View 3

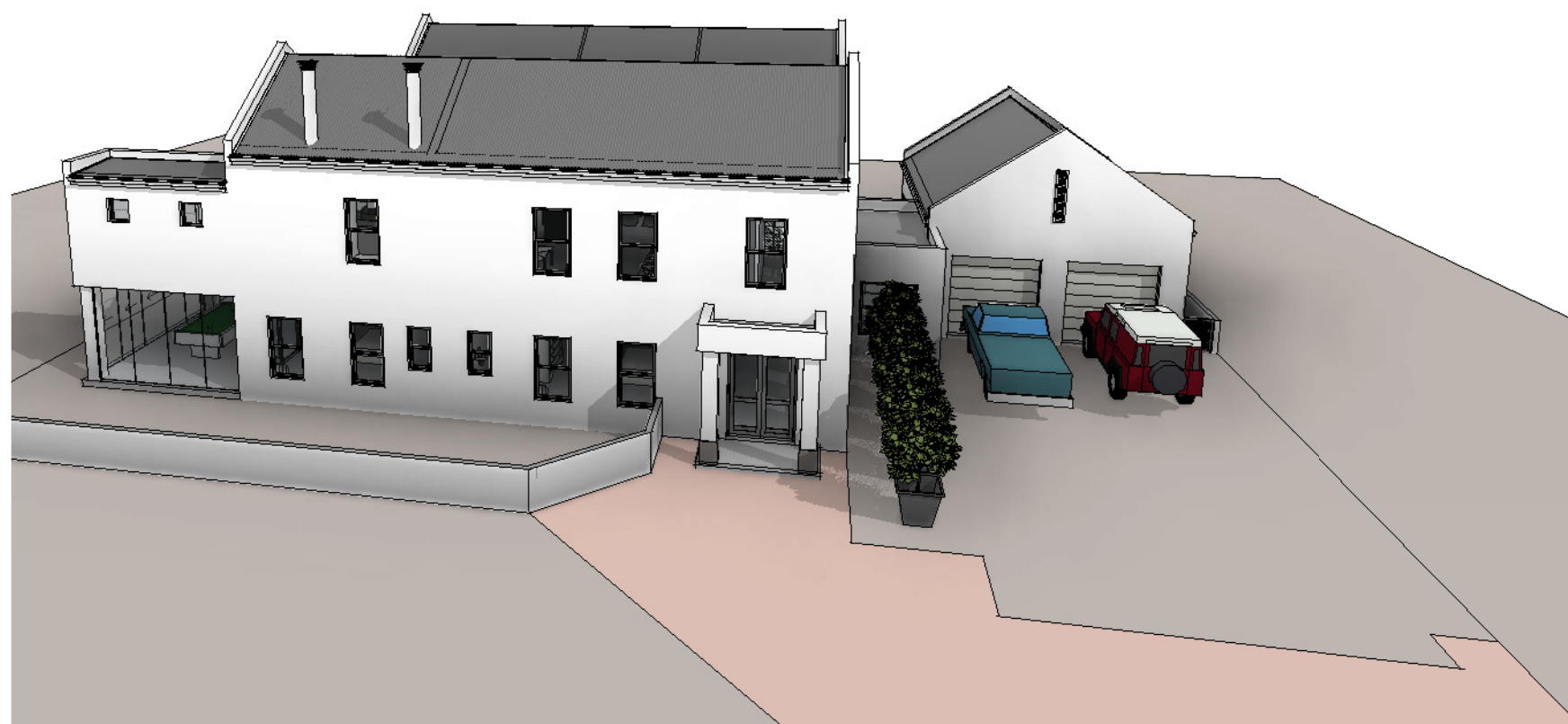


2 3D View 4



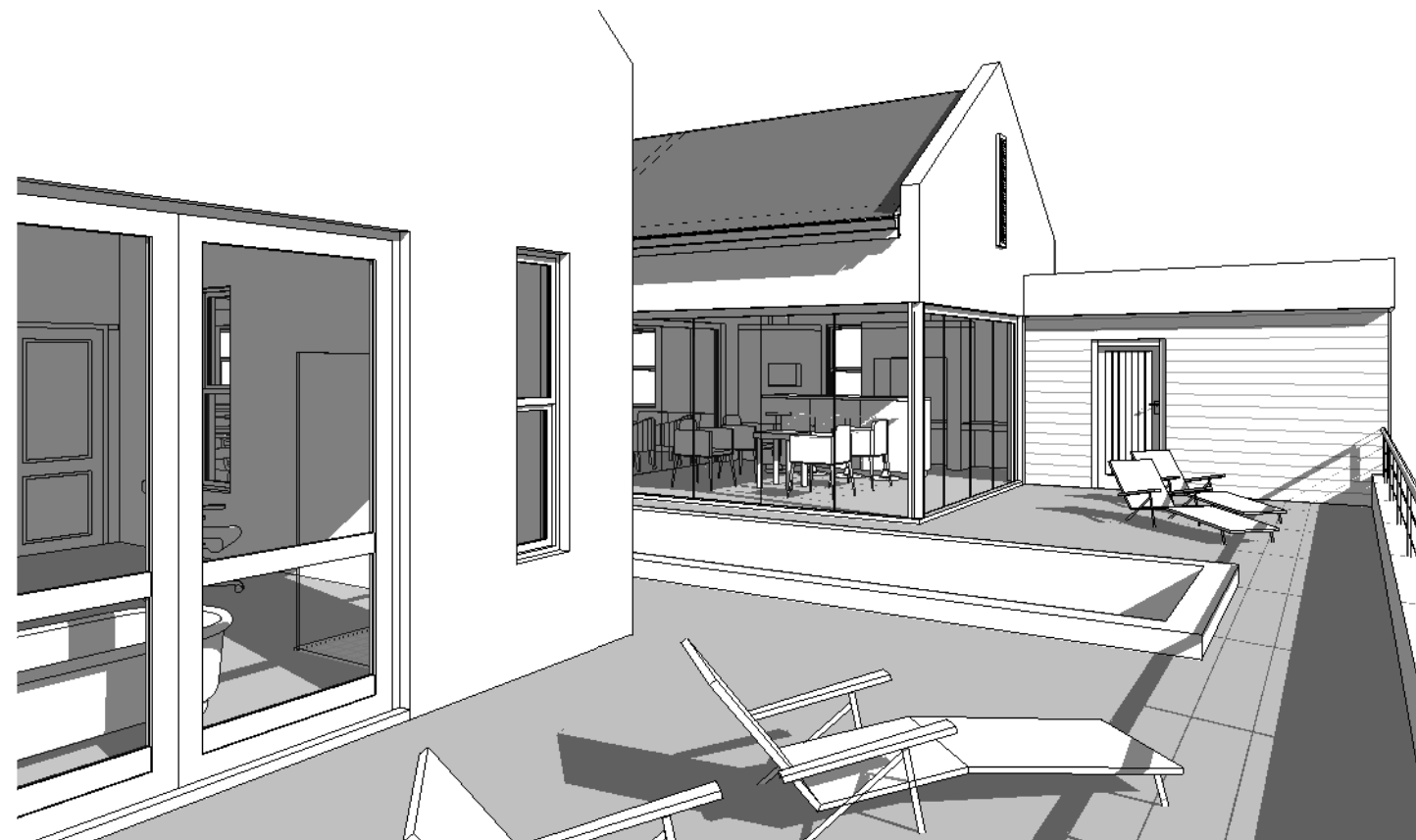


1 3D View 5



2 3D View 8

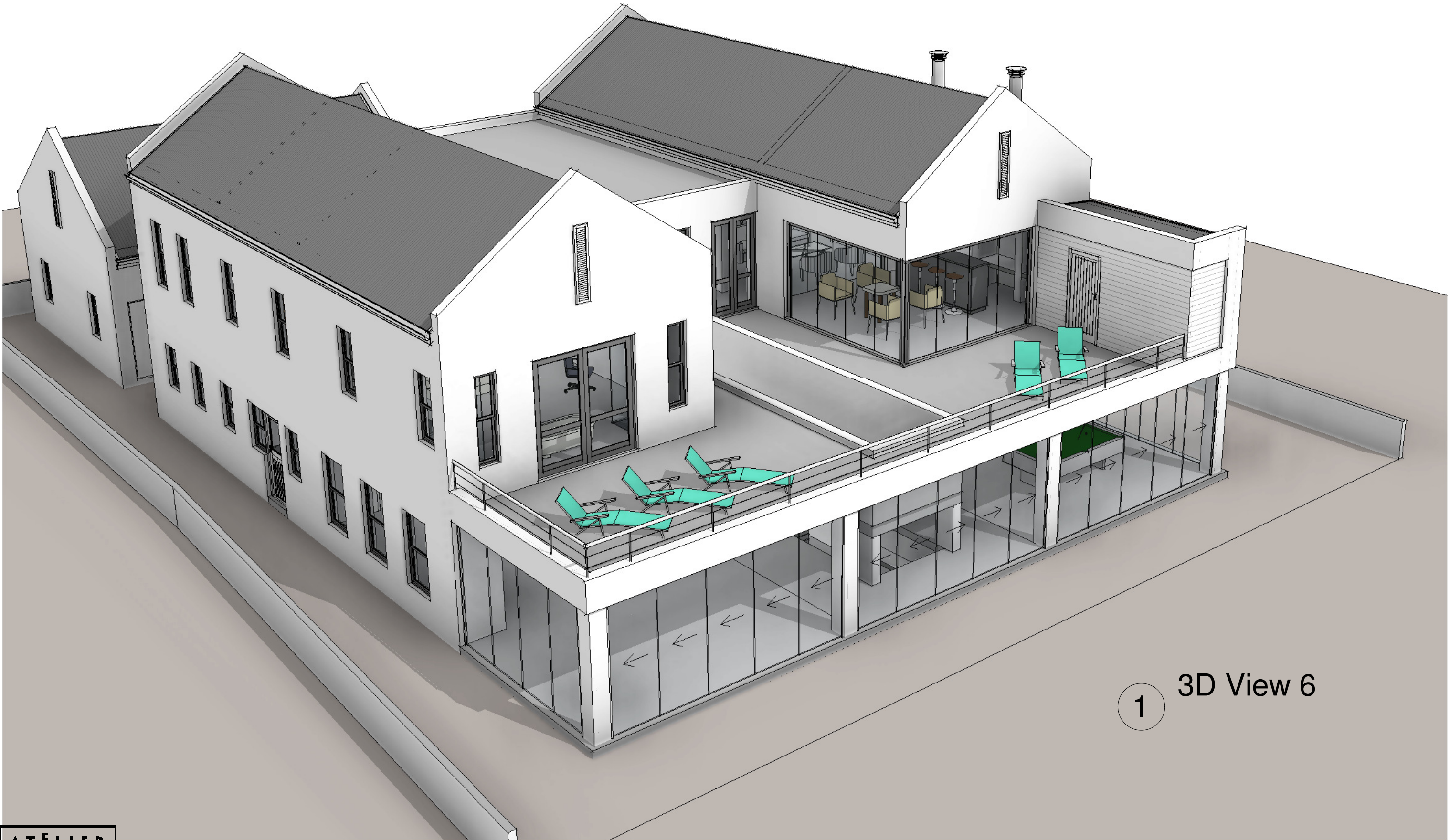
1 3D View 9



3 3D View 11

2 3D View 10





1 3D View 6

1 3D View 7



COR

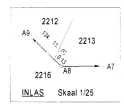
PLS 0761 A.P. Steyl
Professionelle Landmeter

-37-

L.G. Leer No. Malm. 560 Vol. 2
M.S. No. E 1638/2004
Kompilatie BHNQ-2442 (M2485)
LPI C04-0015

U

3604/2004 SHT.2



CDR

(TOEKENNINGSGEBIED YZERFONTEIN)
ALGEMENE PLAN No. 3604/2004
 van
ONDERVERDELINGS VAN ERF 2181 YZERFONTEIN
 geleë in die Munisipaliteit Swartland
 Administratiewe Distrik Malmesbury
 Provinsie Wes-Kaap

SKAAL 1/500

Opgemaak deur my in Julie 2004

PLS 0761 A.P. Steyl
 Professionele Landmeter

L.G. No. 3604/2004
VEL 2 VAN 2 VELLE
Goedgekeur
nms Landmeter-generaal
<i>Jan 09 06</i>

KOÖRDINATE				OPPERVLAKTES	
Stelsel : WGS 1984				ERF	VERKANTE
Y Meter X				No.	METER
Konstante				±0,00	+ 3 600 000,00
HOOFFIGUUR				2375	1 7884 Houtkar
SYE	RIGTINGS- HOEKE			2376	437
A B	76,18	230,10,30	A	+ 78 105,41	+ 90 198,02
B C	218,46	294,08,20	B	+ 78 046,90	+ 90 149,23
C D	213,94	359,08,40	C	+ 77 847,54	+ 90 238,57
D E	89,35	89,08,10	D	+ 77 844,34	+ 90 452,49
E F	32,55	179,08,20	E	+ 77 933,69	+ 90 453,84
F G	4,00	268,34,20	F	+ 77 934,18	+ 90 421,29
G H	42,60	211,47,10	G	+ 77 930,18	+ 90 421,19
H I	7,07	240,14,40	H	+ 77 907,74	+ 90 384,98
I J	9,15	268,33,40	I	+ 77 901,60	+ 90 381,47
J K	7,07	313,51,20	K	+ 77 892,45	+ 90 381,04
K L	73,81	179,08,00	L	+ 77 887,35	+ 90 386,14
L M	30,00	359,08,30	M	+ 77 888,47	+ 90 312,34
M N	29,99	359,08,30	N	+ 77 918,46	+ 90 312,87
N P	9,65	88,34,20	P	+ 77 918,01	+ 90 342,86
P Q	43,78	3148,00	Q	+ 77 927,66	+ 90 343,11
Q R	4,95	69,54,40	R	+ 77 920,73	+ 90 380,32
R S	17,36	88,34,50	S	+ 77 955,01	+ 90 382,80
S T	21,00	141,01,50	T	+ 77 972,37	+ 90 383,23
T U	4,56	172,53,50	U	+ 77 985,38	+ 90 366,60
U V	15,00	179,09,40	V	+ 77 986,17	+ 90 362,38
V W	29,00	89,07,50	W	+ 77 986,39	+ 90 347,38
W X	38,48	179,08,20	X	+ 78 015,39	+ 90 347,82
X Y	29,00	269,13,50	Y	+ 78 015,97	+ 90 309,34
Y Z	15,00	179,07,20	Z	+ 77 986,97	+ 90 308,95
1A 1B	15,00	179,09,40	1A	+ 77 987,20	+ 90 293,95
1B 1C	0,95	179,23,50	1B	+ 77 987,42	+ 90 278,95
1C 1D	9,48	204,17,40	1C	+ 77 987,43	+ 90 278,00
1D 1E	25,21	294,19,00	1D	+ 77 983,53	+ 90 269,36
1E 1F	29,16	250,15,40	1E	+ 77 960,56	+ 90 279,74
1F 1G	48,56	204,20,00	1F	+ 77 933,11	+ 90 269,89
1G 1H	100,00	114,02,20	1G	+ 77 913,10	+ 90 225,64
1H 1I	24,50	24,19,30	1H	+ 78 004,36	+ 90 164,75
1I 1J	9,52	146,47,20	1I	+ 78 014,45	+ 90 207,07
1J 1K	7,07	101,45,20	1J	+ 78 019,67	+ 90 199,11
1K 1L	6,00	56,45,40	1K	+ 78 026,59	+ 90 197,07
1L 1M	28,11	116,50,20	1L	+ 78 031,61	+ 90 200,96
1M 1N	133,24	359,13,00	1M	+ 78 056,69	+ 90 188,28
1N 1P	29,99	359,09,50	1N	+ 78 054,87	+ 90 321,50
1P 1Q	29,12	89,12,20	1P	+ 78 025,78	+ 90 321,11
1Q 1R	35,46	359,13,30	1Q	+ 78 025,34	+ 90 351,10
1R 1S	29,77	257,35,00	1R	+ 78 054,46	+ 90 351,50
1S 1T	5,35	320,51,50	1S	+ 78 053,98	+ 90 386,96
1T 1U	35,91	63,44,10	1T	+ 78 024,91	+ 90 380,56
1U 1V	70,11	320,51,30	1U	+ 78 021,13	+ 90 384,71
1V 1W	105,56	89,08,10	1V	+ 78 053,73	+ 90 400,60
1W 1X	298,75	182,07,40	1W	+ 78 009,47	+ 90 454,98
A a			1X	+ 78 115,02	+ 90 456,59
1Y a		89,08,10	1Y		
VERSEKERINGSMERKE					
VM5			+ 77 962,76	+ 90 239,60	
VM6			+ 78 023,26	+ 90 282,57	
VM7			+ 77 955,51	+ 90 413,70	
TRIGONOMETRIESEBAKENS					
152 Slingskop	Δ		+ 68 665,24	+ 87 801,67	
156 Yzerfontein	Δ		+ 77 638,59	+ 92 108,06	
BLOKHOEKE					
A1			+ 78 039,12	+ 90 197,17	
A2			+ 78 033,82	+ 90 182,33	
A3			+ 78 035,24	+ 90 178,41	
A4			+ 78 031,85	+ 90 176,83	
A5			+ 78 027,62	+ 90 178,34	
A6			+ 78 031,99	+ 90 190,58	
A7			+ 78 029,71	+ 90 196,09	
B1			+ 77 947,09	+ 90 193,96	
B2			+ 77 928,11	+ 90 202,46	
B3			+ 77 934,30	+ 90 216,14	
B4			+ 77 953,89	+ 90 207,36	
C1			+ 77 889,08	+ 90 272,08	
C2			+ 77 871,64	+ 90 271,72	
C3			+ 77 860,18	+ 90 282,84	
C4			+ 77 860,07	+ 90 289,91	
C5			+ 77 872,61	+ 90 302,84	
C6			+ 77 872,21	+ 90 329,27	
C7			+ 77 867,37	+ 90 333,96	
C8			+ 77 846,12	+ 90 333,64	
C9			+ 77 862,92	+ 90 452,77	
C10			+ 77 863,35	+ 90 424,38	
C11			+ 77 865,61	+ 90 422,18	
C12			+ 77 881,61	+ 90 422,42	
C13			+ 77 886,60	+ 90 427,56	
C14			+ 77 886,21	+ 90 453,12	
C15			+ 77 893,15	+ 90 453,23	
C16			+ 77 893,41	+ 90 456,67	
C17			+ 77 895,40	+ 90 433,26	
C18			+ 77 933,99	+ 90 433,83	
C19			+ 77 926,82	+ 90 415,77	
C20			+ 77 936,74	+ 90 461,12	
C21			+ 77 921,65	+ 90 426,06	
C22			+ 77 894,10	+ 90 425,66	
C23			+ 77 883,87	+ 90 415,12	
C24			+ 77 868,14	+ 90 414,88	
C25			+ 77 863,28	+ 90 409,83	
C26			+ 77 863,65	+ 90 385,54	
C27			+ 77 868,72	+ 90 380,64	
C28			+ 77 887,42	+ 90 381,11	
C29			+ 77 887,55	+ 90 371,11	
C30			+ 77 868,85	+ 90 370,64	
C31			+ 77 863,92	+ 90 365,52	
C32			+ 77 864,07	+ 90 355,48	
C33			+ 77 874,33	+ 90 345,82	
C34			+ 77 887,93	+ 90 346,16	



(TOEKENNINGSGBIED YZERFONTEIN)

ALGEMENE PLAN No. 4777/2008

van

ONDERVERDELINGS VAN ERF 2374 YZERFONTEIN

Sien Kaart No. 4776/2008 Transportakte 773126/2015
bevattende 36 erve genummer 2375 - 2410
gelee in die Munisipaliteit Swartland
Administratiewe Distrik Malmesbury
Provinsie Wes-Kaap

Opgemee deur my in Julie 2004 en Augustus 2008

PLS 0761 A.P. Steyn
Professionele Landmeter

BAKENBESKRYWINGS

VM5, VM6, VM7 : 12mm ronde ysterpen in plaveisel
A, Z, 1A, 1Y : 16mm ronde ysterpen
B : Ysterhoekpaal
C : Seksie ysterstaander
D, P, 1B, 2375c, 2400c : 12mm gat in beton
G, K, L, U, V, 1D, 1I, 93, B4, : 12mm gat op muur
C9, C15, C19, 2399a, 2405a, b, c, d : 12mm gat in baksteen plaveisel
C25, C29, C34, 2385c, 2398a : 12mm gat in baksteen plaveisel
2377n : Hoek van mure
Alle ander bakens : 12mm ronde ysterpen

L.G. No. 4777/2008
VEL 1 VAN 2 VELLE
Goedgekeur
<i>E. A. A. Blang</i>
nms Landmeter-generaal
2008-10-17
Goedgekeur kragtens Artikel 25
Ordonnansie 15/1985
Verwysing 1604-16/Plaas-566H6
Datum 27 Mer 2006 17 Desember 2014
* 15/3/6-14/Erft-2181
VRYGESTEL VAN DIE BEPALINGS
VAN WET 70/1970
ARTIKEL 1 (a)

ENDOSSEMENTE					
NO	WYSIGING	BYVOEGING	MAGTIGING	GET	DATUM

L.G. KANTOORNOTAS

L.G. Leer No. Malm. 560 V.2
M.S.No E 2192/2008
Kompliasie BHNQ-2442(M2485)
Alg Plan 3604/2004
LPI 00480015

CDR

(TOEKENINGSGEBIED YZERFONTEIN)

ALGEMENE PLAN No. 4777/2008

van

ONDERVERDELINGS VAN ERF 2374 YZERFONTEIN

geleë in die Munisipaliteit Swartland
Administratiewe Distrik Matrusburg
Provinsie Wes-Kaap

SKAAL 1/500

Opgeëet deur my in Julie 2004 en Augustus 2008

PLS 0761 A.P. Steyl
Professionele Landmeter



ANNEXURE D



ANNEXURE E

From: Karen Saunders <saunderskaren760@gmail.com>
Sent: Monday, 03 July 2023 10:49
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: 15/3/12-14/Erf_2411,2385

Good Day

Pertaining to the application for consolidation of the abovementioned stands I would like to raise a concern that if the existing gravel road that is being used by contractors on a daily basis is rendered unusable by the consolidation it is going to cause traffic mayhem within the estate.

Name: Karen Saunders
Address: Stand 2237

Please correspond via email Saunderskaren760@gmail.com

Yours truly
Karen Saunders

ANNEXURE F

Pieter & Heidi de Bod

Erf 2240 en Erf 2230

Mile 16, Yzerfontein

26 Junie 2023

Die Munisipale Bestuurder

Privaatsak X52

Malmesbury, 7299

swarlandmun@swartland.org.za

Goeie dag Mnr Alwyn Burger / Mnr Herman Olivier / Me Annelie de Jager

BESWAAR TEEN VOORGESTELDE KONSOLIDASIE VAN ERF 2241 & ERF 2385, MILE 16 BEACH, YZERFONTEIN

Ons maak beswaar teen die voorgestelde konsolidasie van erf 2241 & erf 2385 Mile 16 Beach, Yzerfontein en wel om die volgende redes:

1. Ons was die eerste intrekke in Mile 16 ~~ongeveer~~ 12 jaar gelede (erf 2230 en 2240). Die ontwikkeling het heelwat ander gelyk as nou. Daar was 'n ~~rustige~~ atmosfeer en die natuurlike omgewing, pragtig.
2. Byna alle nuwe kopers wil veranderinge aan ~~erwe~~ aanbring alvorens Chantilly die koop kan deurhaak. Intussen word daar erwe bygevoeg, groter gemaak en boulyne geskuif, alles in die naam van geld.
3. Mile 16 ontwikkeling was bedoel om 'n goeie balans te handhaaf waar gemiddelde grootte erwe en huise in harmonie met die natuur sou wees. Ongelukkig is dit nie meer die geval nie en is dit nou 'n hoë digtheid ontwikkeling.
4. Die huise word so groot gebou dat groenstroke (green zones) misbruik word as boupersele. Daar is nie plek in die pad vir die trokke om te parkeer ~~wanneer~~ daar aanbouings / nuwe huise gebou word nie. Ons erf 2230 was hoeveel keer betree deur 'n menigte kontrakteurs wat besig was om te bou by 'n nabygeleë erf. Ons plaveisel is vol gate soos trokke ons erf gebruik het as omdraaiplek.
5. Alhoewel ek nie 'n probleem het met vooruitgang en verandering nie, het ek wel 'n probleem met die balans wat daar nie meer is nie.
6. Die konsolidasie van die 2 erwe gaan die karakter van die ontwikkeling verander, maar meer spesifiek myself beïnvloed aangesien ek die eienaar van die aangrensende Erf 2240 is.
7. Ons is van plan om binne die volgende jaar op Erf 2240 te begin bou. Ons erf is rondom 400m² en is nie van plan om 'n te groot of dubbelverdieping te bou nie. Ons huis gaan heeltemal uit proporsie lyk langs die erf van 825m² waarvan meeste van die erf bebou gaan word.

Ek wil benadruk dat ons beswaar maak teen die konsolidasie van Erf 2241 & Erf 2385.

Vriendelike groete



Pieter & Heidi de Bod

084 680 7222 / 082 338 4995

DATE: 12 July 2023


ANNEXURE G

Mr. A. Zaayman
Swartland Municipality
Private Bag X52
MALMESBURY
7299

OBJECTION AGAINST THE CONSOLIDATION OF ERVEN 2241 AND 2385, YZERFONTEIN

I, the owner of Erf 2383, Yzerfontein hereby withdraw my objection to the development on Erve 2241 & 2385, Yzerfontein.

We trust you find the above to be in order.



.....

VENNOTE / PARTNERS:
IHJ Rumbold PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

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

MALMESBURY (T) 022 482 1845 (F) 022 487 1661

CK RUMBOLL & VENNOTE / PARTNERS

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

DATE: 12 July 2023

ONS VERW / OUR REF: YZER/12712/NJdK

U VERW / YOUR REF: 15/3/12-14/Erf_2241 & 2385

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED CONSOLIDATION AND DEPARTURE ON ERVEN 2241 & 2385, YZERFONTEIN

Your letter dated 7 July 2023 refers (see annexure A attached). Please find attached our comments to objections as requested.

This office has been instructed by CHANTILLY TRADING 30 PTY LTD, as owners of Erven 2241 & 2385 to handle all town planning actions for the proposed development.

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

- Karen Saunders (Erf 2237)
- Pieter & Heidi de Bod (Erven 2240 & 2230)
- Aldon Beukman (Erf 2383) - Objection withdrawn

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



Figure 1: Layout of Erven 2241 & 2385 and surrounding objectors.

Objector	Objection	Comment from CK Rumboll & Partners
Karen Saunders (Erf 2237)	1. If the existing gravel road that is being used by contractors on a daily basis is rendered unusable by the consolidation it is going to cause traffic mayhem within the estate.	1. Please take note that a section of the gravel road currently utilized by the contractors is a registered erf. Regardless of the consolidation, the property owners still have the right to construct a dwelling on the land unit, which would result in the gravel road being obstructed. It is recommended that the contractors make use of the existing road within the development.
Pieter and Heide de Bod (Erven 2230 & 2240)	2.1 Almost all new buyers want to adjust their property. In the meanwhile, additional erven are created, erven made bigger and building lines departed from all to gain money.	2.1 Noted. Any adjustments to any of the properties still have to be approved by the HOA and comply with the architectural guidelines of 16 Mile Beach. Since the HOA and Mr Martin Geringer (the scrutiny architect) supported and proposed building plans and consolidation, the proposal can be favourably considered.

VENNOTE / PARTNERS:

IHJ Rumboll PrL (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>2.2 Mile 16 was intended to be a balance between average size erven and houses. Unfortunately this is not the case anymore and is now a high density residential development.</p>	<p>2.2 The only reality or certainty we have in this business of Land Use Planning and Physical Planning of properties is that what we have today in front of us will change. We experience it in established townships as well as in approved developments. It is in our human nature to question and change and then changes back again.</p> <p>The initial layout was done in 2004 with medium density residential properties varying between 417m² and 667m² in extent. Later on in 2008, the need for higher density residential arose and some amendments were made to the general plan and the erf sizes changed, now varying between 144m² and 635m² in extent. The character of the area has changed from properties with a medium density residential extent (20 to 50 units per hectare- as stated in the SDF) to a mixed density residential estate with both medium and high density residential properties (above 50 units per hectare- as stated in the SDF). The amendments were made as the need of the estate changed.</p> <p>The need has once again changed and the property owners and HOA now desire to create larger (low density residential) erven within the estate. Although the high density residential erven were not part of the initial intent, and was not consistent with the average erf size of the development, it was still approved by Swartland Municipality and the HOA without having an adverse impact on the character of the area.</p> <p>16 Mile is therefore not a high density development, but rather a mixed density residential development, in which the proposed consolidation complies with.</p>
	<p>2.3 Although I do not have a problem with development and change, I do have a problem that there is no more balance.</p>	<p>2.3 Noted, the balance in the development shifted from only medium density residential to high, medium and low density development to accommodate various income groups.</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>2.4 The consolidation will change the character of the area. We plan to build a small single storey dwelling on Erf 2240 (approximately 400m²) within the next year. The large dwelling on Erven 2241 and 2385 (825m²) will look out of proportion next to our house.</p>	<p>2.4 Regarding the character mentioned in point 2.2 and 2.3; the variety of erf sizes within the estate is already so widely spread, that the consolidation will not have a significant impact on the existing mixed density character of the area. Since the HOA and scrutiny architect approved the proposed consolidation and building plans, it is clear that the proposed development is in line with the character of the surrounding area.</p> <p>Since the character of the development shifted to a mixed density residential development, building a single storey dwelling (Erf 2240) next to a double storey house (erven 2241 & 2385) will not be out of the ordinary. An example of this is within the 16 Mile Beach Estate between erven 2191 and 2404. Erf 2191 is more than double the property size of Erf 2404, but is still accommodated next to one another.</p>  <p><i>Figure 2: Correlation between erven 2191 and 2404.</i></p>
<p>Aldon Beukman (Erf 2383)</p>	<p>Objection was withdrawn (see letter attached).</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

Considering the above, it is evident that the proposed development will be in line with the mixed density residential character of the area. The proposal can therefore be favourably considered.

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

Kind regards

A handwritten signature in black ink, appearing to read 'Iz de Kock', written over a dotted horizontal line.

Izak Rumboll / 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 I



GERINGER ARCHITECTS
2 Alma Road, Kenridge, Durbanville
martin.geringer@falsebay.org.za
082 338 6531



South African Council
for the Architectural Profession



GREEN BUILDING COUNCIL
OF SOUTH AFRICA

Date: 25-05-2023

Regarding proposed consolidation of Erf 2241 & 2385, Mile 16 Estate, Yzerfontein.

Letter addressed to the Homeowners Association.

The building plans proposal for the consolidation of erf 2241 and 2385, Mile 16 Estate, Yzerfontein is hereby supported by me as the scrutiny architect for the Mile 16 Beach Estate. If the Homeowner's Association is in agreement, kindly provide Letter of Support for submission to the Town Planning Department, Swartland Building Control.

Kindly hoping this to be in order.

Yours sincerely,

Martin Geringer, Architect.

Pr. Arch 7102

COPY

Lêer verw/ 15/3/12-14/Erven_2241, 2385
File ref: 15/3/4-14/Erven_2241, 2385

Navrae/Enquiries:
Ms D N Stallenberg

15 August 2023

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED CONSOLIDATION AND DEPARTURE OF ERF 2241 AND 2385, YZERFONTEIN

Your application with reference YZER/12712/NJDK dated 27 April 2023 on behalf of Chantilly Trading, has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 8 August 2023 to refuse the application for consolidation and departure on Erf 2241 and Erf 2385, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. **GENERAL**
- (a) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal 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;
- C. The application be refused for the following reasons:
- (a) The Mile 16 residential development was originally packaged and approved as a medium density resort, in order to make smaller, holiday-orientated housing available that do not necessarily adhere to the minimum erf size of 500m², as applicable to Residential Zone 1 properties. The adoption of SPLUMA, LUPA and the By-Law, with subsequent variations and amendments caused the notion of leisure residential developments to become obsolete and the zoning category was replaced by Residential Zone 3: Estate Housing;
- (b) The main objective of a Residential Zone 3 development, in terms of the By-Law, is to create a residential estate that is governed by a homeowners' association, with access control and co-ordinated design requirements;
- (c) The development layout, objective and design guidelines for Mile 16 Beach Estate have been formulated and approved by the Owners' Association, as well as Swartland Municipality, in terms of the Mile 16 Constitution, to ensure a cohesive character within the development;
- (d) Erf 2241 (471m² in extent) and Erf 2385 (354m² in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m² and the largest erf is 663m² in extent). The consolidation of the two erven will create a property of 825m² in extent. The consolidated

erf size will not be consistent with the average erf size of the development and is considered excessive within the context;

- (e) The design manual clearly states its intention to be the creation of an identifiable overall character, portraying an appropriate response to the sensitive West Coast Environment. A larger erf will inevitably facilitate the development of a much larger dwelling, which is considered incompatible with the architectural character of the surrounding uses and overall character;
- (f) The proposal will disrupt the cohesion, intended within the zoning category, of the development by countering the initial intent of creating smaller properties;
- (g) The development does not support the existing character of the area, nor does it support the envisaged character of the area portrayed in the applicable spatial planning and policy documents;
- (h) The proposal is considered contradictory to the densification policies supported on national, provincial and local levels, and which were cited as motivation for the initial approval of the development;
- (i) The development was never intended to be similar in size and density as that of a Residential Zone 1 area. The proposed consolidation will create erven that are suited to a low density, single residential neighbourhood, much more compatible with a different zoning category;
- (j) The consolidation of Erf 2241 and Erf 2385, Yzerfontein, does not meet the principles of desirability and is considered undesirable in its context and therefore refused;
- (k) The existing building lines are a way of providing sight lines which are disregarded by the proposed development and must be taken into consideration with consolidation proposals.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services

/ds

15/3/4-14/Erf_2241, 2385

15/3/12-14/Erf_2241, 2385

PROPOSED CONSOLIDATION AND DEPARTURE OF ERF 2241 & 2385, YZERFONTEIN

Per Registered Mail

CK Rumboll & Partners

P.O Box 211

MALMESBURY

7299

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DATUM van AFLEWERING

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ANNEXURE 3

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Lêer verw/ 15/3/4-14/Erf_2241, 2385
15/3/12-14/Erf_2241, 2385

Navrae/Enquiries:
Ms D N Stallenberg

15 August 2023

«First_Name»
«Address_Line_1»
«City»
«ZIP_Code»

«Email_Address»

By Registered Mail

Sir/Madam

PROPOSED CONSOLIDATION AND DEPARTURE OF ERF 2241 & 2385, YZERFONTEIN

Your comment/objection with regard to the abovementioned application has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 8 August 2023 to refuse the application for consolidation and departure on Erf 2241 and Erf 2385, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. **GENERAL**
- (a) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal 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;
- C. The application be refused for the following reasons:
- (a) The Mile 16 residential development was originally packaged and approved as a medium density resort, in order to make smaller, holiday-orientated housing available that do not necessarily adhere to the minimum erf size of 500m², as applicable to Residential Zone 1 properties. The adoption of SPLUMA, LUPA and the By-Law, with subsequent variations and amendments caused the notion of leisure residential developments to become obsolete and the zoning category was replaced by Residential Zone 3: Estate Housing;
- (b) The main objective of a Residential Zone 3 development, in terms of the By-Law, is to create a residential estate that is governed by a homeowners' association, with access control and co-ordinated design requirements;
- (c) The development layout, objective and design guidelines for Mile 16 Beach Estate have been formulated and approved by the Owners' Association, as well as Swartland Municipality, in terms of the Mile 16 Constitution, to ensure a cohesive character within the development;
- (d) Erf 2241 (471m² in extent) and Erf 2385 (354m² in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m² and the largest erf is 663m² in extent). The consolidation of the two erven will create a property of 825m² in extent. The consolidated

erf size will not be consistent with the average erf size of the development and is considered excessive within the context;

- (e) The design manual clearly states its intention to be the creation of an identifiable overall character, portraying an appropriate response to the sensitive West Coast Environment. A larger erf will inevitably facilitate the development of a much larger dwelling, which is considered incompatible with the architectural character of the surrounding uses and overall character;
- (f) The proposal will disrupt the cohesion, intended within the zoning category, of the development by countering the initial intent of creating smaller properties;
- (g) The development does not support the existing character of the area, nor does it support the envisaged character of the area portrayed in the applicable spatial planning and policy documents;
- (h) The proposal is considered contradictory to the densification policies supported on national, provincial and local levels, and which were cited as motivation for the initial approval of the development;
- (i) The development was never intended to be similar in size and density as that of a Residential Zone 1 area. The proposed consolidation will create erven that are suited to a low density, single residential neighbourhood, much more compatible with a different zoning category;
- (j) The consolidation of Erf 2241 and Erf 2385, Yzerfontein, does not meet the principles of desirability and is considered undesirable in its context and therefore refused;
- (k) The existing building lines are a way of providing sight lines which are disregarded by the proposed development and must be taken into consideration with consolidation proposals.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services

/ds

ANNEXURE 4

CK RUMBOLL & VENNOTE / PARTNERS

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

DATE: 23 August 2023

OUR REF: YZER/12712/NJdK

YOUR REF: 15/3/4-14/Erven_2241, 2385

BY HAND

Attention: Mr A Zaayman

Senior Manager: Built Environment
Swartland Municipality
Private bag X52
MALMESBURY
7300

Sir

APPEAL:

PROPOSED CONSOLIDATION AND DEPARTURE ON ERF 2241 AND 2385, YZERFONTEIN

Your letter dated 15 August 2023 (received on 17 August 2023). Please find attached our comments to the appeal.

This office has been instructed by Mr Leon De Lange, as representative of Chantilly Trading 30 Pty Ltd, the owners of Erven 2241 and 2385, Yzerfontein, to submit an appeal against the outcome letter. The purpose of this letter is to appeal against the entire decision received from Swartland Municipality in terms of Section 89 of the Swartland Municipal Land Use Planning By-Law—2020 (PG8226) in order to allow the consolidation of the two properties. Swartland's reasons for refusal will be quoted and counter arguments will be presented to elucidate why the proposal is appropriate.

Although the headline makes reference to the departure of building lines, a pre-consultation with Swartland Municipality confirmed that it was not necessary for the departure, as it complies with the Architectural design guidelines for the Mile S16 Beach Estate.

The outcome letter is attached as **Annexure A**.

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 (F) 022 487 1661

This appeal is motivated by the definition of property ownership and the concept of spatial impacts: Property ownership has as its two main components ownership and zoning. Ownership being entrenched in our constitution and zoning dictates the legal usage on the property. This usage is governed by municipal by-laws and zoning schemes. It is our argument that the proposed consolidation and envisaged development adheres to all the land use planning legislation of Swartland Municipality.

It is a widely accepted principle that urban development should be an integrated exercise catering for a variety of housing topologies, by adhering to uniform plot sizes and uniform building line restrictions it can lead to mundane/boaring urban landscapes which the planning profession is heavily criticised for. Housing of varying sizes leads to an interesting visual vista. From own experience it must be acknowledged that visiting any beach front development, it is pleasing on the eye to see variations in building sizes and clever utilisation of the precious sea front space available.

Ownership of land is one of the economic pillars of the South African economy. In most cases the possession of land represents the largest portion of an individual's estate. The free trading of parcels of land is an acknowledged form of accumulation of wealth. The South African landscape offers investors in land the opportunity to subdivide and consolidate as the market dictates. Developers look at the marketability of the size of plots they create, and this is dictated by the demands of the market at the time. Individual needs for larger or smaller plots is a normal tendency amongst investors further down the line. The freedom to consolidate or subdivide property gives access to new entrance into the property market. The refusal of this consolidation is in our opinion against the natural market forces where some individuals prefer bigger parcels of land. For Council to intervene with this natural tendency, seems to be to prescriptive and will eventually cause abnormalities in what is supposed to be a free flowing desired driven market. No single residential development has as its objective to have uniform sized plots and the free consolidations and subdivisions within Council's parameters should be allowed.

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 (F) 022 487 1661

Please see letter from Mile 16 Beach Estate HOA attached as **annexure B**. The HOA has already approved the consolidation and the draft building plans for Erven 2241 and 2385, Yzerfontein. The housing need and desirability within Mile 16 Beach Estate has changed over time and an increasing number of residents desire a larger property within the estate. Since the objective of the zoning makes provision for a high degree of flexibility for low to medium density residential developments, the proposal to consolidate the two properties to create a low density land unit under the Residential Zone 3 zoning, should be encouraged.

- b) The main objective of a Residential Zone 3 development, in terms of the By-Law, is to create a residential estate that is governed by a homeowners' association, with access control and co-ordinated design requirements;

Given that the Mile 16 Beach Estate is governed by the Homeowners Association, which already approved the consolidation and draft building plans for the development, the proposed consolidation therefore complies with the main objective of Residential Zone 3 as stated in point B.

- c) The development layout, objective and design guidelines for Mile 16 Beach Estate have been formulated and approved by the Owners' Association, as well as Swartland Municipality, in terms of the Mile 16 Constitution, to ensure a cohesive character within the development;

The proposed consolidation and building plans were evaluated in terms of the development layout, objective and design guidelines by the Mile 16 Beach Estate Homeowners Association and were found sufficient for the estate. See letter of approval attached as **Annexure B**.

- d) Erf 2241 (471m² in extent) and Erf 2385 (354m² in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m² and the largest erf is 663m² in extent). The consolidation of the two erven will create a property of 825m² in extent. The consolidated erf size will not be consistent with the average erf size of the development and is considered excessive within the context;

With reference to the letter received from Mile 16 Beach Estate, the need and desirability for the estate has changed and given that the largest erf in the estate is more than four times larger than the smallest erf, which indicates that the need for a variety of erf sizes already occur in the estate. Regarding the cohesive character mentioned in point C; the variety of erf sizes within the estate is already so widely spread, that the consolidation will not have a significant impact on the existing character of the area.

The initial layout was done in 2004 with medium density residential properties varying between 417m² and 667m² in extent. Later on in 2008, the need for higher density residential arose and some amendments were made to the general plan and the erf sizes changed, now varying between 144m² and 635m² in extent. The character of the area has changed from properties with a medium density residential extent (20 to 50 units per hectare- as stated in the SDF) to a mixed density residential estate with both medium and high density residential properties (above 50 units per hectare- as stated in the SDF). The amendments were made as the need of the estate changed.

VENNOTE / PARTNERS:

I.H.J. Rumboll PrL (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 (F) 022 487 1661



Figure 1: Dwelling units extract from Mile 16 Beach Estate

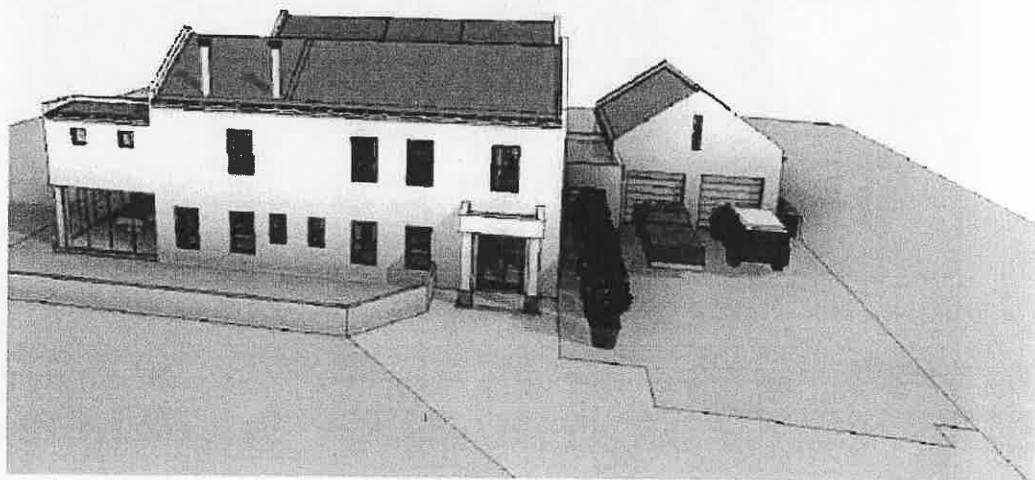


Figure 2: 3D Proposal on erven 2241 and 2385

- f) The proposal will disrupt the cohesion, intended within the zoning category, of the development by countering the initial intent of creating smaller properties;

As mentioned in point D above, the cohesion of the intended medium density zoning category was already disrupted when the high density residential units were granted (2008) within the estate. The character of the area has already changed from properties with a medium density residential extent (20 to 50 units per hectare- as stated in the SDF) to a mixed density residential estate with both medium and high density residential properties (above 50 units per hectare- as stated in the SDF). Even though the high density residential erven were not part of the initial intent, it was still approved by Swartland Municipality and the HOA without having an adverse impact on the character of the area. The proposal to consolidate erven 2241 and 2385 to create a low density residential erf can therefore be favourably considered.

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@numboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661

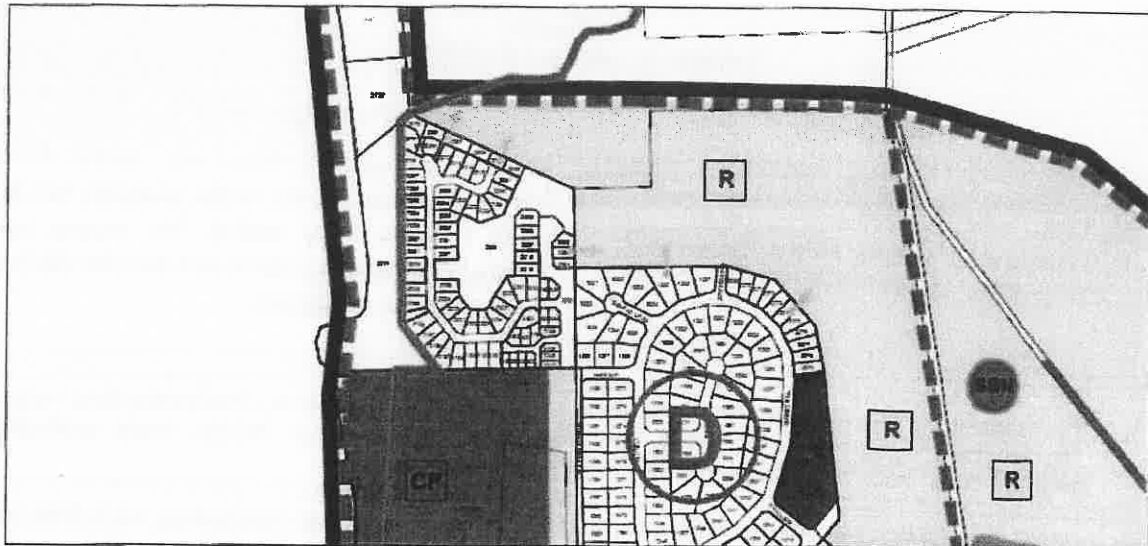


Figure 4: Extract from Swartland SDF

YZERFONTEIN LAND USE ZONES		Low Density Residential Uses	Medium Density Residential Uses	High Density Residential Uses	Secondary Educational Uses	Institutional Uses	Professional Services	Business Uses	Secondary Business Uses	Churches	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
D	Zone D 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 3	X	X	X 2	X 2	X	X		X	X	X 6	

Figure 5: Extract from Swartland SDF

- h) The proposal is considered contradictory to the densification policies supported on national, provincial and local levels, and which were cited as motivation for the Initial approval of the development;

Although it may seem that the proposal is contradicting densification policies, it complies with densification directives of the Swartland Spatial Development Framework as stated in Table 1 below.

Table 1: Extract from Swartland SDF

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 (F) 022 487 1661

- (k) The existing building lines are a way of providing sight lines which are disregarded by the proposed development and must be taken into consideration with consolidation proposals.

Building lines and sight lines were taken into consideration with the proposed consolidation of the two properties. Since there are no properties located south-east of the development, which may have been impacted by the consolidation, the proposal will not have an impact on any sight lines of properties facing towards the ocean. The only property which may have been impacted by the proposed consolidation was Erf 2215. Since the property is a double storey dwelling with a 180 degree view from its balcony, the single storey garage on the proposed consolidated property will not impact the view of Erf 2215. Refer to figure 7 for the view from Erf 2215 towards the consolidation and figure 8 for the current view from the balcony. Furthermore, since the owners of Erf 2215 did not object to the proposal, it can be concluded that they support it.

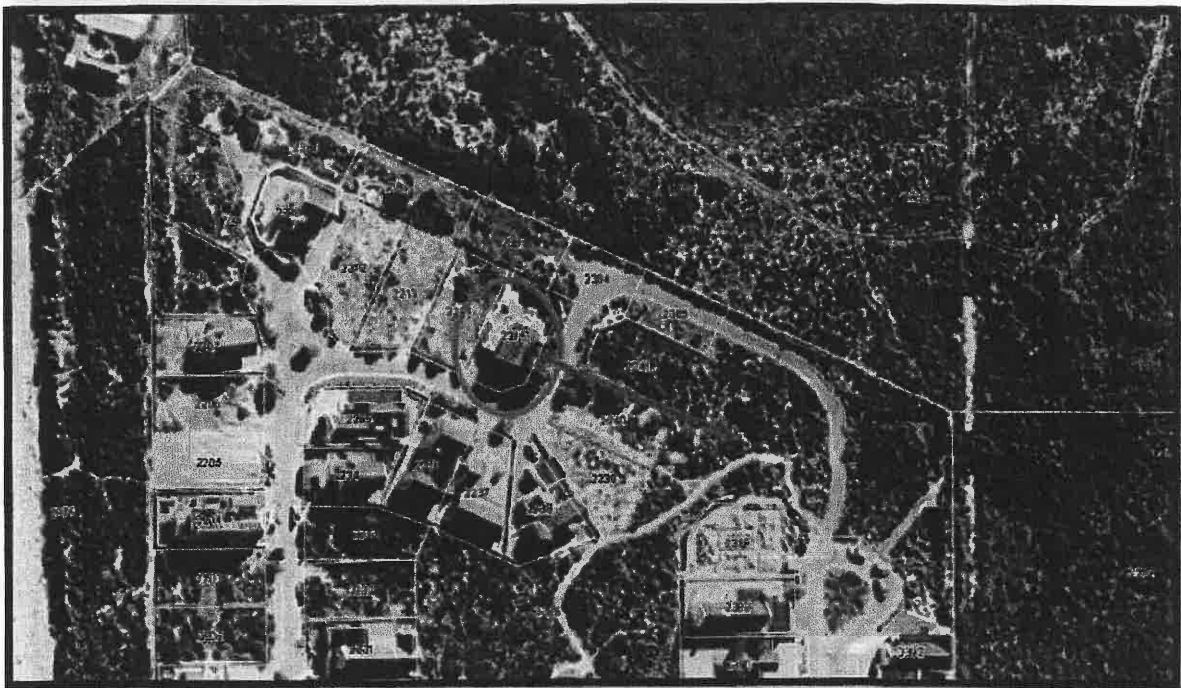


Figure 6: Erf 2215 sight lines

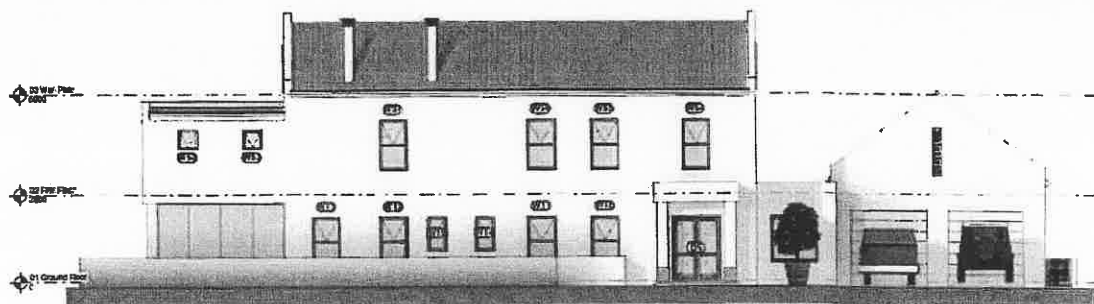


Figure 7: Erf 2215 view towards the proposed development

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 (F) 022 487 1661

Annexure A

Reasons for refusal

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 (F) 022 487 1661

- Yours faithfully**

/ds

Kindly address all correspondence to:
The Municipal Manager
Private Bag X52
Malmesbury 7299
Yzerfontein Tel: 022 451 2366

MILE

PRIVATE BEACH ESTATE

Mile 16 Beach Estate Home Owners Association
Leon de Lange (Chairman)
Box 6279
Welgemoed
7538

Mr Cleve Beukman

And:

Swartland Municipality
Church Street
Malmesbury
7299

29 June 2022

To Whom It May Concern

RE: CONSOLIDATION OF ERF 2241 AND 2385

Herewith the developer, Chantilly Trading 30 (Pty) Ltd and the Chairman of the Mile 16 Beach Estate HOA, confirm that the application to consolidate erven 2241 and 2385 into one erf has been approved by the HOA.

Kindly note that you must obtain permission from the Swartland Municipal Council to finalise the consolidation application.

Kind regards



Nelleke Bakkes on behalf of Leon de Lange
Chairman of the Mile 16 Beach Estate HOA



GERINGER ARCHITECTS

2 Alma Road, Kenridge, Durbanville
martin.geringer@falsebay.org.za
082 338 6531



South African Council
for the Architectural Profession



Date: 25-05-2023

Regarding proposed consolidation of Erf 2241 & 2385, Mile 16 Estate, Yzerfontein.

Letter addressed to the Homeowners Association.

The building plans proposal for the consolidation of erfs 2241 and 2385, Mile 16 Estate, Yzerfontein is hereby supported by me as the scrutiny architect for the Mile 16 Beach Estate. If the Homeowner's Association is in agreement, kindly provide Letter of Support for submission to the Town Planning Department, Swartland Building Control.

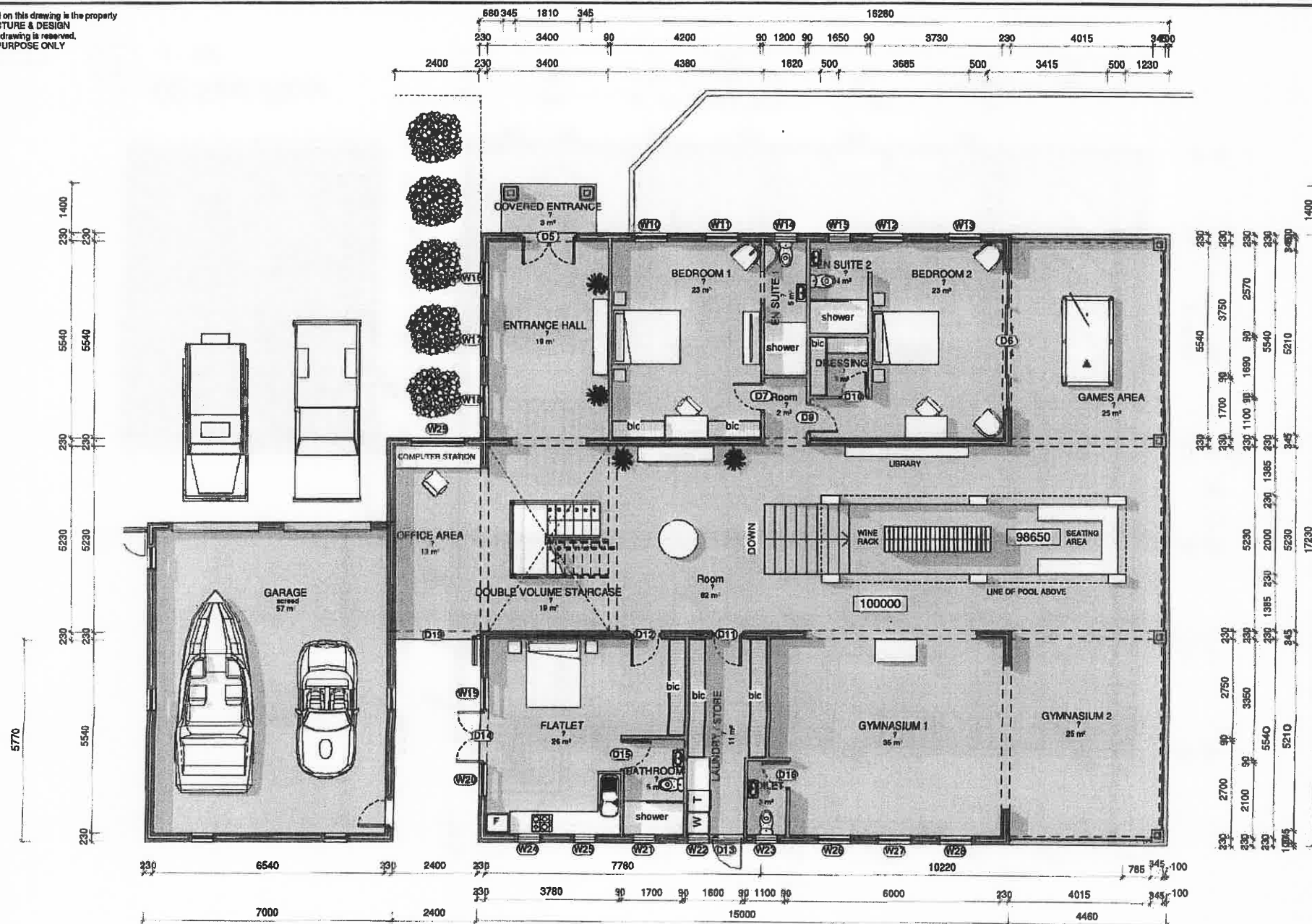
Kindly hoping this to be in order.

Yours sincerely,

Martin Geringer, Architect.

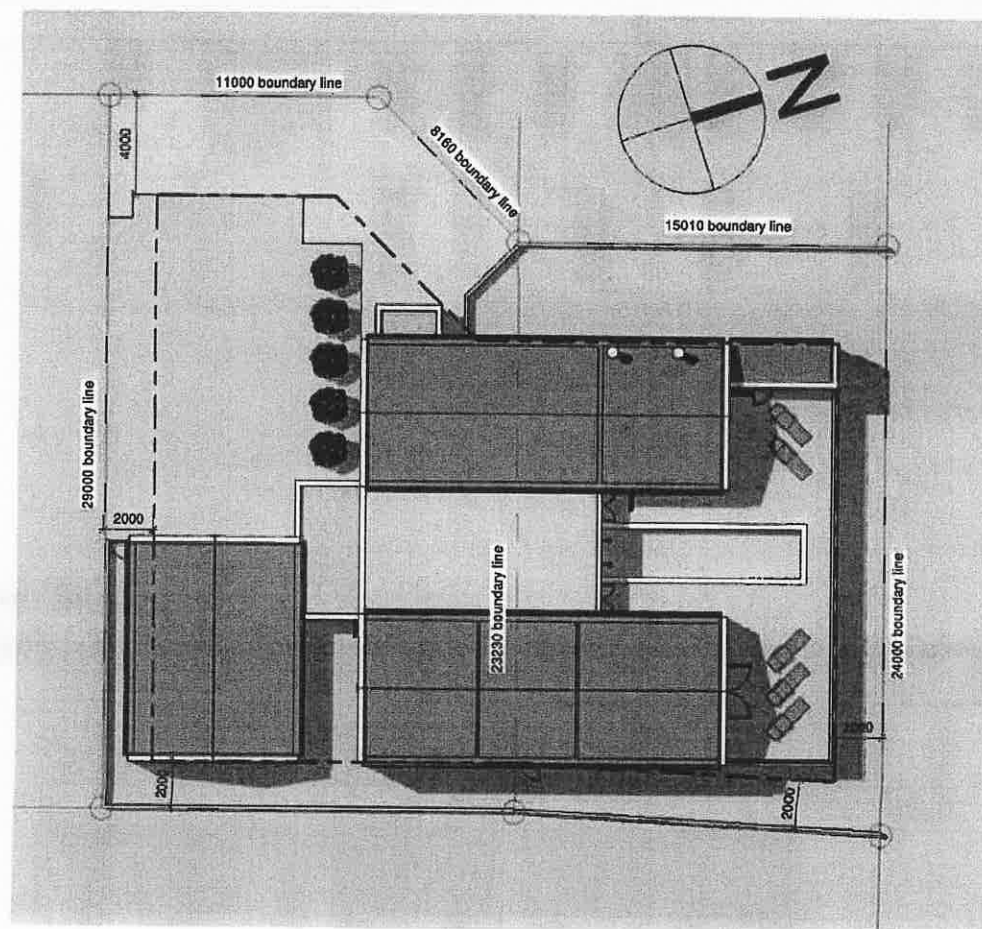
Pr. Arch 7102

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DESIGN

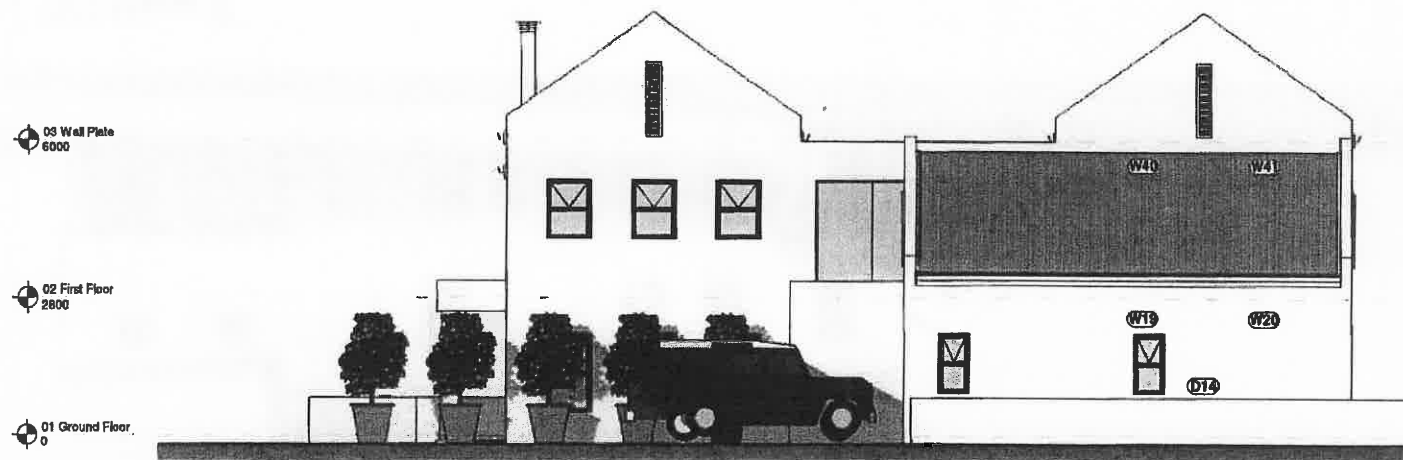
1 01 Ground Floor
1 : 100



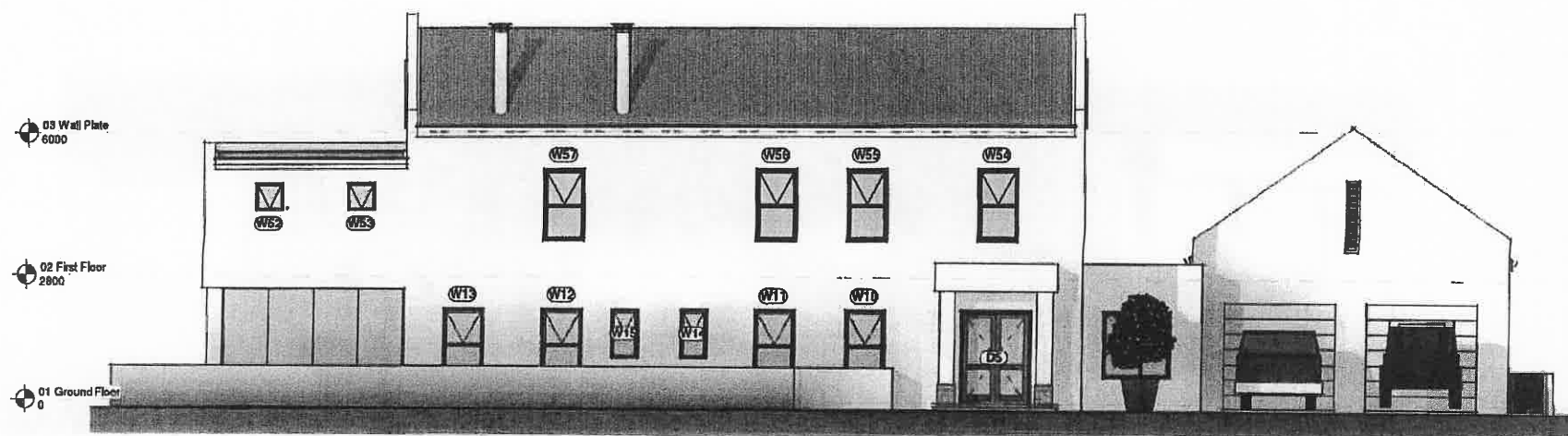
GROUND FLOOR	- 350.3m ²
GARAGE	- 57.9m ²
COVERED ENTRANCE	- 3.0m ²
COVERED BACK STOEP	- 3.0m ²
FIRST FLOOR	- 231.6m ²
STOEP WITH POOL & SAUNA	- 103.7m ²
TOTAL	- 749.5m²

1 Site Plan
1 : 200

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1 South Elevation
1 : 100

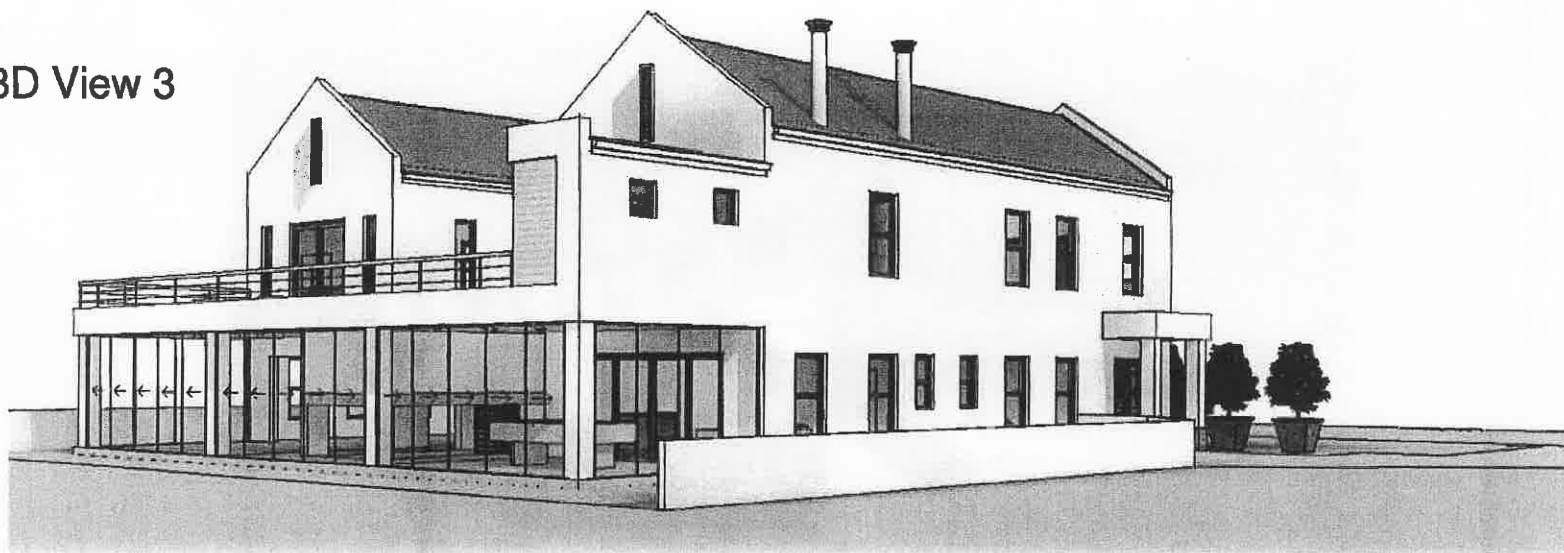


2 West Elevation
1 : 100

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① 3D View 3

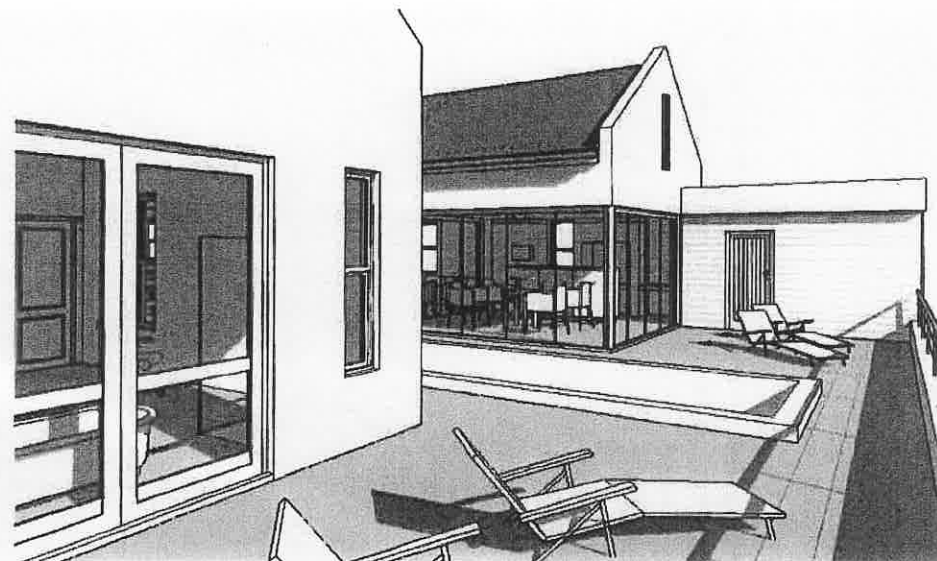


② 3D View 4

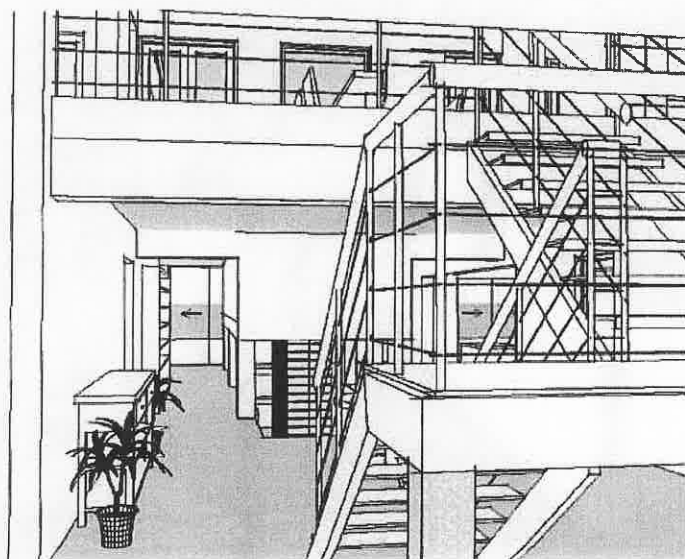


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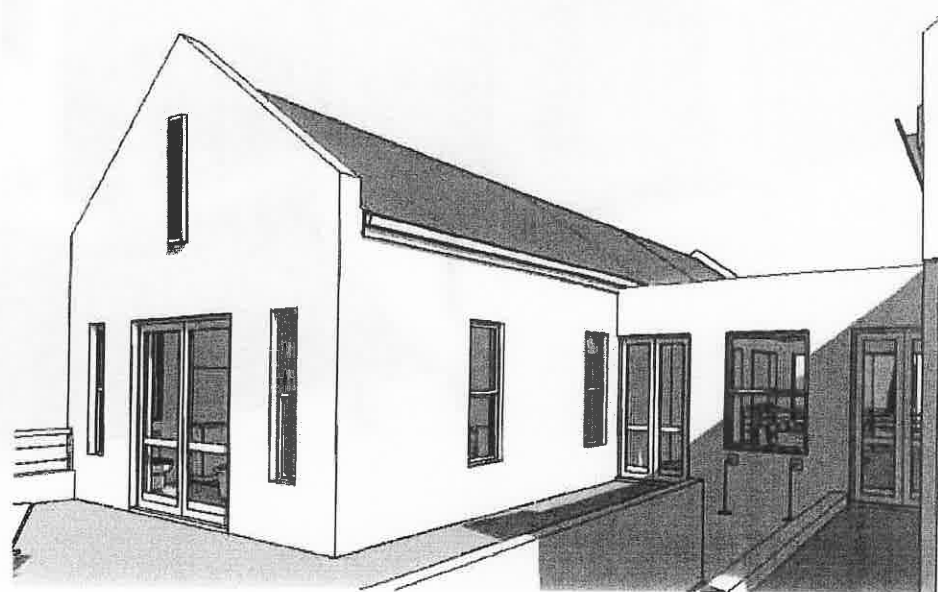
① 3D View 9



③ 3D View 11

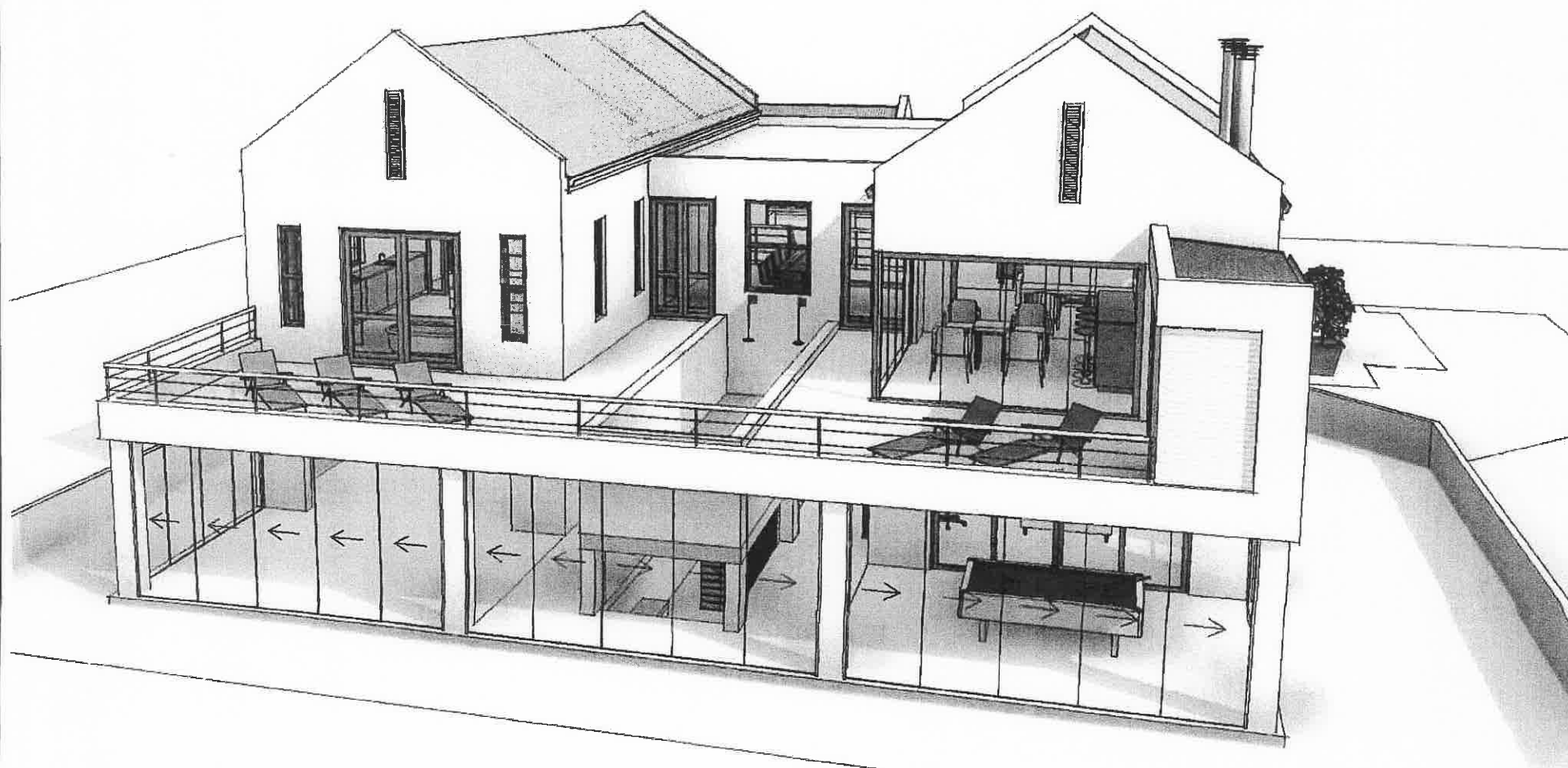


② 3D View 10

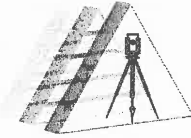


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1 3D View 7



CK RUMBOLL & VENNOTE / PARTNERS



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

DATUM/DATE: 24 AUGUST 2023

VERW/REF: YZER/12712/NJdK

PER REGISTERED POST

Karen Saunders
30 Barbel Road
KEMPTON PARK
1619

VOORGESTELDE KONSOLIDASIE EN AFWYKING OP ERF 2241 EN 2385, YZERFONTEIN

PROPOSED CONSOLIDATION AND DEPARTURE ON ERF 2241 AND 2385, YZERFONTEIN

Kennis geskied hiermee dat hierdie kantoor ingevolge Artikel 89(2) van die Swartland Munisipaliteit Grondgebruikbeplanning Verordening (PK 8226 of 25 Maart 2020) appel aangeteken het teen die besluit geneem deur die Munisipale Beplanningstribunaal op 15 Augustus 2023. Die doel van hierdie skrywe is om u in kennis te stel dat u die geleentheid gegun word om kommentaar te lewer op die appel binne 21 dae van kennisgewing van hierdie appel.

Die datum van kennisgewing ten opsigte van hierdie kennisgewing beteken die datum van registrasie van hierdie kennisgewing. Enige kommentaar moet op skrif gerig word aan die Die Munisipale Bestuurder, Swartland Munisipaliteit, Privaatsak X52, MALMESBURY, 7299.

Ons vertrou u vind die bogenoemde in orde.

Vriendelike groete

NJ de Kock
VIR CK RUMBOLL EN VENNOTE

Notice is hereby given that this office has lodged an appeal in terms of Section 89(2) of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020) against the decision as determined by the Municipal Planning Tribunal on 15 August 2023. The purpose of this letter is to inform you that an opportunity is provided to comment on the appeal within 21 days of notice of this appeal.

The date of notification in respect of this notice served is the date of the registration of this notice. Any comments must be directed, in writing, to The Municipal Manager, Swartland Municipality, Private Bag X52, MALMESBURY, 7299.

We trust you find the above to be in order.

Kind regards

NJ de Kock
For CK RUMBOLL AND PARTNERS

VENNOTE / PARTNERS:

IHJ Rumboll PRL (SA), BSc (Sury), M.I.P.L.S., AP Steyl PrL (SA), BSc (Sury), M.I.P.L.S.

ADDRESS/ ADRES: planning1@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 0224821845 (F) 0224871661

CK RUMBOLL & VENNOTE / PARTNERS



PROFESSIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATUM/DATE: 24 AUGUST 2023

VERW/REF: YZER/12712/NJdK

PER REGISTERED POST

Heidi de Bod
113 Amandel Street
YZERFONTEIN
7351

VOORGESTELDE KONSOLIDASIE EN AFWYKING OP ERF 2241 EN 2385, YZERFONTEIN

PROPOSED CONSOLIDATION AND DEPARTURE ON ERF 2241 AND 2385, YZERFONTEIN

Kennis geskied hiermee dat hierdie kantoor ingevolge Artikel 89(2) van die Swartland Munisipaliteit Grondgebruikbeplanning Verordening (PK 8226 of 25 Maart 2020) appel aangeteken het teen die besluit geneem deur die Munisipale Beplanningstribunaal op 15 Augustus 2023. Die doel van hierdie skrywe is om u in kennis te stel dat u die geleentheid gegun word om kommentaar te lewer op die appel binne 21 dae van kennisgewing van hierdie appel.

Die datum van kennisgewing ten opsigte van hierdie kennisgewing beteken die datum van registrasie van hierdie kennisgewing. Enige kommentaar moet op skrif gerig word aan die Die Munisipale Bestuurder, Swartland Munisipaliteit, Privaatsak X52, MALMESBURY, 7299.

Ons vertrou u vind die bogenoemde in orde.

Vriendelike groete

NJ de Kock
VIR CK RUMBOLL EN VENNOTE

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LANDMETERS & STABOULE! "ANWIL: SURVEYORS & TOWN PLANNERS.

PC 7700/P O BOX 211, Madison, WI, 53701

TEL: 022 482 1845 / FAX: 022 437 1661

Reinhold

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Malmesbury 7299

~~Post Office~~

~~25 AUG 2023~~

Cashier