



CLEAN AUDITS SINCE 2010/11



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Lêer verw/  
File ref: 15/3/4-14/Erf\_1631

Navrae/Enquiries:  
Ms D N Stellenberg

15 Maart 2022

Andrew Murray Hofmeyer Argitek  
P O Box 1783  
WORCESTER  
6849

**By Registered Mail**

Sir/Madam

### **PROPOSED DEPARTURE ON ERF 1631, YZERFONTEIN**

Your application dated 29 Oktober 2021 on behalf of Blaarfontein Trust, has reference.

- A The Municipal Planning Tribunal has resolved at a meeting held on 9 March 2022 to refuse the application for departure use on Erf 1631, Yzerfontein, in order to depart from the 1 m maximum height from which the ground floor of a building may be raised above the natural ground level to 1,892 m and the 10,5 m height restriction of the highest point of the roof in the case of pitched roofs to 10,867 m, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B **GENERAL**
- (a) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal, within 21 days of this notice, in terms of section 89(2) of the By-Law;
- C The application be refused for the following reasons:
- (a) Erf 1631 is vacant;
- (b) Erf 1631 has a marginal slope from the street to the rear of the property with no other physical restrictions;
- (c) There are no architectural design guidelines applicable to Erf 1631 which gives optimal design freedom within the zoning parameters and National Building Regulations;
- (d) Erf 1631 is situated on the sea front giving unobstructed views towards the beach and ocean;
- (e) The impact on views from affected properties are deemed a right and need to be protected as the owner/developer intends to develop the property outside the permitted land use rights.

In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 8226 of 25 March 2020), you as well as the objectors have a right to appeal within 21 days of date of registration of this letter to the appeal authority of the Swartland Municipality against Council's decision.

*Rig asseblief alle korrespondensie aan:*  
**Die Munisipale Bestuurder**  
Privaatsak X52  
Malmesbury 7299

Tel: 022 487 9400  
Faks/Fax: 022 487 9440  
Epos/Email: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

Moorreesburg Tel: 022 433 2246

*Kindly address all correspondence to:*  
**The Municipal Manager**  
Private Bag X52  
Malmesbury 7299

Darling Tel: 022 492 2237

Yzerfontein Tel: 022 451 2366

Should you decide to appeal, you can write to the following address:

The Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299

Please note that if the applicant/objector does appeal, an appeal fee of R2 400-00 is payable. The appeal must be accompanied by the proof of payment and only then will the appeal be regarded as valid.

Yours faithfully



**MUNICIPAL MANAGER**

via Department Development Services

/ds