



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



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File ref: 15/3/12-14/Erf 2241, 2385

Navrae/Enquiries:  
A. de Jager

5 December 2022

Ck Rumboll and Partners  
P.O. Box 211  
MALMESBURY  
7300

Sir / Madam

**By Registered Mail**

## **PROPOSED CONSOLIDATION OF ERF 2241 AND ERF 2385, YZERFONTEIN**

Your application with reference number YZER/12712/NJdK, dated 8 August 2022, on behalf of Chantilly Trading (Pty) Ltd., refers.

By virtue of the authority delegated to the Senior Manager: Built Environment in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for the consolidation of Erf 2241, Yzerfontein with Erf 2385, Yzerfontein, is refused in terms of Section 70 of the By-Law.

### **1. REASONS FOR THE 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 500m<sup>2</sup>, 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 (471m<sup>2</sup> in extent) and Erf 2385 (354m<sup>2</sup> in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m<sup>2</sup> and the largest erf is 663m<sup>2</sup> in extent). The consolidation of the two erven will create a property of 825m<sup>2</sup> 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) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to [swartlandmun@swartland.org.za](mailto: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.

Yours sincerely

  
**MUNICIPAL MANAGER**  
per Department Development Services

AdJ/ds