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

Navrae/Enquiries:
Ms D N Stellenberg

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