



**Enquiries**

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File ref: 18/562/KL

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Email

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Via Registered Mail

Department of Rural Development and Land Reform  
Private Bag x 9163  
Cape Town  
8800

Dear Madam,

**PROPOSED SUBDIVISION AND REZONING: KURLAND ERF 562, DIVISION KNYSNA, BITOU MUNICIPALITY.**

1. The Acting Director: Economic Development and Planning made the following decision on 23/01/2020:
2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
  - a) The Rezoning of Erf 562 to 'Subdivisional Area' in terms of Section 15(2)(a) of the Bitou Municipality By-law on Land Use Planning, 2015.
  - b) The Subdivision of Erf 562 Kurland into three (3) portions (Ptn A measuring 0.3228ha (Residential Zone I), Ptn B measuring 74.6950 (Agriculture Zone I) and the Remainder measuring 10.990ha (Agriculture Zone I))- in terms of Section 15(2)(d) of the Bitou Municipality Bylaw on Land Use Planning, 2015.
3. The above approval is subject to the following conditions imposed in terms of Section 66 of the Bitou Municipality Land Use Planning Bylaw (2015):
  - i. *That the approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from council;*
  - ii. *That it be recorded that no building construction may occur on any individual property without prior approval in terms of the provisions of both the National Building Regulations and Building Standards Act, 1997(Act 103 of 1977).*
  - iii. *That it be recorded that the subdivision approval will lapse unless separate registration of at least one land unit is effected in the Deed's office within five (5) years of the date of the notification of coming into operation of this approval (which will be forwarded in due course).*
  - iv. *The standard administrative requirements of the Bitou Municipality By-law on Land Use Planning to finalise the subdivision and rezoning approval are to be complied with.*
  - v. *A subdivision plan, indicating the proposed zoning and realigned servitude shall be submitted Director: Economic Development and Planning for approval.*

- vi. *That municipal services be provided to Portion A to the satisfaction of the Municipality.*
- vii. *That a servitude for private right of way in favour of Farm 496 be relocated to opposite of Zimri Street prior to transfer of any of the land units.*
- viii. *Access to Portion B on the left hand side of Minor Road 7220 must be confirmed with the Provincial Department of Public Works and Transport, prior to transfer of any of the land units.*

4. Reasons for the above decision are as follows:

- a) No objections were received from the relevant External Authorities.
- b) The development proposal will have no impact on Municipal Service Infrastructure.
- c) The development proposal will have no impact on productive agriculture land.
- d) The development proposal will not adversely affect the character of the surrounding area.
- e) The development proposal will ensure formal land tenure with appropriate zoning.
- f) Portion B will be disposed for Ownership to Bitou Municipality for service delivery purposes.
- g) The remainder of Erf 562 will be used for agriculture associated projects funded by DRDLR.
- h) Realignment of servitude with the existing intersection of the Kurland Road allows for a more practical access servitude in favour of Farm No 496. Registration of an access servitude is exempted from a subdivision and consolidation application in terms of Section 24 of the Bitou Municipality By-law on Land Use Planning (2015).
- i) The objections received from the public were adequately addressed by the applicant.

- 5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
- 6. Such an appeal must be submitted in writing to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600, within 21 days of registration of this letter.
- 7. The attached appeal form must be completed and should be directed to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600, within 21 days of notification of this decision together with proof of payment of the appeal fee.
- 8. If you exercise your right to appeal, you are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
- 9. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of registration of this letter.
- 10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
- 11. A notification in terms of Section 61 of the Bitou Municipality Land Use Bylaw (2015) will confirm the coming into operation of the approval, if no appeals were received within 21 days of registration of this letter.

**Yours faithfully**

A handwritten signature in black ink, appearing to read 'M. Buck', written over a horizontal line.

**Chris Schliemann**

**Acting Director: Economic Development and Planning**