



Enquiries

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File ref: 18/103,104 & 245 /WD

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Dear Sir,

PROPOSED ROAD CLOSURE, PERMANENT DEPARTURE, SUBDIVISION, REZONING, CONSENT USE, CONSOLIDATION AND REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION: ERVEN 103, 104 AND ERF 245 (A PORTION OF ROTTERDAM STREET), WITTEDRIFT, BITOU MUNICIPALITY.

1. The Bitou Municipal Planning Tribunal: made the following decision on 23/10/2023:
2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
 - a) Closure of a Portion of Erf 245 Wittedrift (A portion of Rotterdam Street) measuring 2921m² in extent.
 - b) Subdivision of a portion of the Remainder of Erf 245 Wittedrift (A portion of Rotterdam Street) into 2 Portions. Ptn A measuring 2921m² in extent and the Remaining extent.
 - c) Consolidation of Erven 103, 104 and Ptn A to form a new property measuring 3.3428 ha in extent.
 - d) Rezoning the consolidated Erven which included the following:
 - i. Rezoning Ptn A from Transport Zone II to Residential Zone II
 - ii. Rezoning Erven 103 and 104 Wittedrift from Institutional Zone I to Residential Zone II.
 - e) Consent use to allow for a Retirement Village on a Residential Zone II.
 - f) A Permanent Departure to relax the minimum size of Group Housing site to larger than 2ha.
 - g) Subdivision to allow for Sectional title development.
 - h) Removal of Conditions C(3)(a) & (b) for Erf 103 Wittedrift as contained in the Deed of Title T26914/2019.
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):

General

- i. *This approval does not constitute building plan approval in terms of the National Building Regulations and Building Standards Act 1977;*
- ii. *The applicant is to ensure that all proposed building work is permitted in terms of the National Building Regulations;*

- iii. *This approval does not absolve the applicant from compliance with the requirements of any other legislation related to land development.*
- iv. *An "Owners' Association" must be established in accordance with the provisions of section 29 of the Bitou Municipality Land Use Planning Bylaw , 2015 as amended, and shall come into being before the Bitou Municipality will certify in terms of Section 28 of said by-law that any condition on which the subdivision was granted, has been complied with. The Municipality reserves the right to impose additional conditions in this regard) and that the following aspects inter alia be addressed:*
 - i. *Approval of building plans by the Estate Architect prior to submission thereof to the Municipality.*
 - ii. *Maintenance, management etc. of all internal facilities, boardwalks, fences etc.*
 - iii. *Rehabilitation and conservation of private open space*
 - iv. *Off grid infrastructure services etc*
- v. *That the constitution of the Home Owners Association be submitted for consideration and approval by the Municipality, who reserves the right to impose additional conditions in this regard) and that the following aspects inter alia be addressed:*
 - i. *Approval of building plans by the Estate Architect prior to submission thereof to the Municipality*
 - ii. *That the constitution clarifies at what stage the responsibility or the provision/maintenance of internal facilities would be transferred from the land owner/developer to the HOA, and also what standard of completion of such internal services facilities would be at the time.*
- vi. *That an Architectural Design Manual be submitted for consideration and approval by the Municipality, and the municipality reserves the right to impose conditions upon approval of this document. The design manual should amongst others include Architectural styles; size and scale of the proposed development; parameters for the proposed development.*

Layout, Land Use and Zoning

- vii. *That a site development plan be submitted for approval by the Director: Development and Planning prior to building plan submission. The Site Development Plan Should indicate:*
 - i. *The number of Units.*
 - ii. *Designated uses for private open spaces (Community Facility etc).*
 - iii. *Internal Roads and Pedestrian Routes.*
 - iv. *Areas to be landscaped.*
 - v. *Building Lines.*
 - vi. *Floor area restrictions.*
 - vii. *Coverage Restrictions.*
 - viii. *Phasing of SDP.*
 - ix. *Access Point.*
- viii. *That a servitude be registered to prohibit any structures to be developed within 10m from the determined 1:100 flood line measuring 10m wide beyond the determined flood line prior to the transfer of consolidated land unit.*
- ix. *That a servitude be registered to reroute any existing services infrastructure prior to the transfer of the consolidated land unit.*

- x. *That consolidation of the erven 103, 104 and A portion of Erf 245 occur in the Deed's Registry and that the conditions contained in this approval shall be applicable to the consolidated site.*
- xi. *That notwithstanding the building lines permitted in the group housing Zone of the section 8 Zoning Scheme Regulations, building lines shall be as follows:*
 - i. *Street boundary along Protea Street: 3 metres*
 - ii. *Street Boundary along Kammassie Street: 3metres*
 - iii. *Street Boundary along Main Road: 5meters*

Landscaping

- xii. *Landscaping must be included as part of the SDP for the property concerned and must be submitted to the Director: Development and Planning for approval. Such plan is to indicate, inter alia:*
 - i. *Location of existing mature trees to be retained relocated and/or removed within the property, as well as any street trees.*
 - ii. *Botanical names of trees and Shrubs should be indicated.*
 - iii. *Where trees are to be retained, existing and proposed ground levels around the routes should be indicated.*
 - iv. *Location of proposed trees and vegetation, with their botanical names and sizes, and densities to which ground covers and shrubs will be planted – use of locally indigenous plant species are encouraged as these are more water wise and generally more cost effective in the long term with regard to maintenance.*
 - v. *Street furniture along the main road.*
 - vi. *Vehicular and pedestrian circulation.*
 - vii. *Pedestrian paving along the Main Road.*
 - viii. *Pedestrian Paving along Protea Street.*
 - ix. *Boardwalks.*
 - x. *All landscaping features, including fences, walls, retaining walls, street furniture, lighting etc.*
- xiii. *The approved landscaping plan shall be implemented by and at the cost of the developer, in accordance with the implementation plan submitted for approval.*

Services

- xiv. *That services be provided at the cost of the applicant to the satisfaction of the Bitou Municipality, and that a Service Level Agreement based on the provisional Service Report (as well as any other requirements of the Bitou Municipality) be entered into prior to building plan submission.*
- xv. *The owner shall pay a development charge towards the provision of Water and Sewage Augmentation levies in the amount of R3 024 445.20 ex Vat calculated on the basis of Group Housing units measuring 101-120m² in accordance with the Bitou Municipality Tariffs 23/24 Financial Year. Such payment shall be made prior to construction of the units and of the date of approval of the land development application under consideration. The total amount shall be subject to year-on-year escalation from 2023-2024 onwards as prescribed in the Municipal Tariffs.*
- xvi. *The owner shall pay a development charge towards the provision of Electrical Augmentation levies in the amount of R1 290 332.70 ex Vat calculated on the basis per ERU in accordance with the Bitou Municipality*

Tariffs 23/24 Financial Year. Such payment shall be made prior to construction of the units and of the date of approval of the land development application under consideration. The total amount shall be subject to year on year escalation from 2023-2024 onwards as prescribed in the Municipal Tariffs.

- xvii. *The maximum use of local labour should be incorporated in the service level agreement.*

Environment

- xviii. *The conditions contained in the Environmental Authorisation dated 07 October 2021 be complied with.*
- xix. *An Environmental Management Plan (EMP) is to be drafted and submitted to the Municipality prior to the commencement of construction for consideration by the Economic Development and Planning Directorate, who may impose conditions upon approval of the EMP. The EMP is to detail Construction as well as Operational related environmental management and should contain inter alia:*
- i. Method statements of proposed construction methods;*
 - ii. Specifications of indigenous plant rescue operations;*
 - iii. Rehabilitation and Open Space Management plan;*
 - iv. Sewerage management and a contingency plan should system failures occur;*
 - v. Contractor management and environmental best practice;*
 - vi. Alien Invasive Plant Species management plan;*
 - vii. Conservation management where applicable.*
- xx. *The applicant is to appoint a suitably qualified independent Environmental Control Officer (ECO) who has adequate environmental knowledge to understand and implement the Environmental Management requirements of the approved EMP. This ECO is to monitor the clearing of vegetation and construction of the proposed accommodation units and whether all works are done in accordance with the approved Environmental Management Plan. The ECO is to keep a photographic record of the site and is to submit monthly reports to the Bitou Municipality.*
- xxi. *Removal of protected trees and forest prior to a NFA license being issued is an offence under the provisions of the NFA and can lead to prosecution.*
- xxii. *In terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), Alien and Invasive Species Regulations, 2014, specific alien plant species are prohibited and should be removed, without the use of heavy machinery and without disturbing the topsoil. The owner is to ensure that they comply with the relevant legislation.*

Alienation of a Portion of Erf 245 Rotterdam Street

- xxiii. *The conditions contained in par 4 of the Council Resolution C/6/28/05/22 dated 31 May 2022 be adhered to.*

Miscellaneous

- xxiv. *Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.*

4. **Reasons for the above decision are as follows:**

- a) The on-site supplementary sewage proposal for a lilliput system is not supported by the Bitou Engineering Department.

- b) The Chairman recommended that as a request be forwarded to Council for Engineering services to consider drafting a policy/ by-law for alternatives on-site provision of engineering services related to land development. This policy should reflect the supported alternative technologies supported by Bitou Municipality in with the relevant Authorities regulating water quality and control.
 - c) All Competent Authorities' conditions were considered and imposed as reasonable conditions of approval.
 - d) There is sufficient spare capacity for water and sewage to accommodate the proposed development.
 - e) The applicant must pay the development charges to the Municipality in respect of the provision and installation of external services. The amount of the development charges payable must be calculated in accordance with the Policy adopted by the Municipality.
 - f) The amount and date by which the development charges must be paid must be specified in the conditions of approval.
- 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. Due to this notice being served over the December Holiday period the closing day for the submission of the Appeal will be **31 January 2024**.
 - 7. The attached appeal form must be completed and should be directed to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600, on or before **31 January 2024** 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 the notification was served.
 - 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 on or before **31 January 2024**.

Yours faithfully



Chris Schliemann
Acting Director: Planning and Development