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Our ref: 18/39/306

20 June 2024

Sir/Madam

**PROPOSED SUBDIVISION AND REZONING: PORTION 39 OF FARM NO.306, BITOU MUNICIPALITY**

Applicant: DELPLAN Consulting

Notice is hereby given that Bitou Municipality has received an application in terms of section 15(2) of the Bitou By-law on Municipal Land Use Planning 2015; the application details are as follows:

1. Rezoning from 'Agricultural Zone I' to 'Subdivisional Area'.
2. Subdivision of the 'Subdivisional Area' to accommodate the following zoning:
  - a. Portion A ( $\pm 0.4563$ ha): 'Residential Zone I: Dwelling House'.
  - b. Remainder ( $\pm 65.8897$ ha): 'Agricultural Zone I: Agricultural'.
3. Consent Use for an additional dwelling on Portion A.

A copy of the application and full supporting documentation is available for viewing on the Municipal website. Enquiries regarding the application may also be directed to the Municipal Land Use Management official Olwethu Yonke at 044 501 3317/ [townplanning@plett.gov.za](mailto:townplanning@plett.gov.za).

Any comments or objections to the application, with reasons therefore, must be lodged in writing to the abovementioned official by means of email ([townplanning@plett.gov.za](mailto:townplanning@plett.gov.za)) or hand-delivery within 30 days of the date of registration of this notice, and must include the name and contact details of the person concerned. Comments/ objections received after 30 days may be disregarded. A person who cannot write may visit the Land Use Management office, where a staff member will assist to transcribe their comments.

The personal information of anyone who submits comment / objection might be made available as part of processing the application and might be used during formal application processing.

Regards  
**Chris Schliemann**  
**Manager: Land Use and Environmental Management**

**Our Ref.: 781/BIT/15**  
**Your Ref.: Wittedrift 306/39**

12 March 2024

The Municipal Manager  
Bitou Municipality  
Private bag X 1002  
PLETTENBERG BAY  
6600

**ATTENTION: MR. CHRIS SCHLIEMANN**

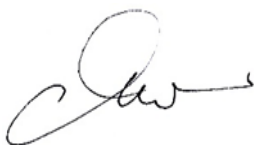
**BY HAND**

Dear Mr. Schliemann,

**PROPOSED SUBDIVISION AND REZONING: WITTEDRIFT 306/39, BITOU MUNICIPALITY AND DIVISION**

1. The above matter refers.
2. Attached hereto find the following documents:
  - Power of Attorney
  - Title Deed & SG Diagram
  - Locality Map
  - Subdivision Plan
  - Pre- Application Consultation (2016 & 2019) Minutes
  - Application Form
3. We trust that you will be able to process the application as soon as possible.

Yours Faithfully,  
**DELPLAN Urban & Regional Planning**



**DELAREY VIJOEN Pr. Pln**

<https://delplan.sharepoint.com/sites/Delplan/Shared Documents/General/Documents/PROJECTS/2015/781-BIT-15/Korrespondensie/2023/1b.doc>

**PROPOSED SUBDIVISION & REZONING OF  
WITTEDRIFT 306/39, C/O MAIN ROAD & CHURCH STREET,  
BITOU MUNICIPALITY AND DIVISION**



**FOR: MKR VAN HUYSSTEEN**



URBAN & REGIONAL PLANNERS

D E V E L O P M E N T   E N V I R O N M E N T   L I N K

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## **PROPOSED SUBDIVISION AND REZONING OF WITTEDRIFT 306/39, C/O HOOF ROAD & CHURCH STREET, BITOU MUNICIPALITY AND DIVISION**

### **1. INTRODUCTION**

*DELPLAN Consulting* was appointed by the registered owner of Wittedrift 306/39, referred hereafter as the “**subject property**”, to prepare and submit the required land use application for the subdivision and rezoning of the subject property. A copy of the Power of Attorney to submit this land use application is attached as **Annexure 1**.

The cadastral land unit subject to this application is as follows:

1. Wittedrift 306/39, Bitou District and Municipality. Located at 34°00'17.4"S 23°20'13.7"E.

The subject property already has two (2) dwelling units and outbuildings located on this portion of the farm. Due to the south-western portion being located within the urban area and edge of Wittedrift, the owner of the farm wants to subdivide and rezone a portion of the farm to “Residential Zone I: Dwelling house”. This portion is not utilized for intensive agricultural activities as the rest of the farm, as shown in the Bitou Municipal Spatial Development Framework (2022).

#### **1.1 Title deed**

The Title Deed T93463/1995 refers to Wittedrift 306/39 registered in the name of *Matthys Konrad Rutger van Huyssteen*. The last-mentioned deed describes that the property is 66, 3460 ha in extent. The SG Diagram and the title deed is attached hereafter as **Annexure 2**. The property is not registered with a bondholder.

It is notable that an Eskom Power Line (servitude) is located next to the subdivided portion.

The Title Deed has been scrutinized and it contains no restrictions that will prohibit the proposed development.

#### **1.2 Land Use Application**

1. **Rezoning** in terms of Section 15(2)(a) of the Bitou Municipality: Land Use Planning By-Law (2015) of **Wittedrift 306/39** from ‘Agricultural Zone I’ to ‘Subdivisional Area’.



2. **Subdivision** in terms of Section 15(2)(d) of the Bitou Municipality: Land Use Planning By-Law (2015) of the 'Subdivisional Area' to accommodate the following zoning:
  - Portion A ( $\pm 0.4563$ ha): 'Residential Zone I: Dwelling House'
  - Remainder of Wittedrift 306/39 ( $\pm 65.8897$ ha): 'Agricultural Zone I: Agricultural'
3. **Consent Use** in terms of Section 15(2)(o) of the Bitou Municipality: Land Use Planning By-Law (2015) for an additional dwelling on Portion A.

## 2. CONTEXTUAL INFORMATION

### 2.1 The locality of the subject property

The subject property earmarked for the proposed subdivision and rezoning is situated in Wittedrift which can be defined as a rural area or small settlement. Most of the subject property is located outside the urban edge and the proposed subdivided property (Portion A) is located within the existing urban edge of Wittedrift. The property is located 6km from Plettenberg Bay which is a major settlement according to the SDF of Bitou. Figure 1 below indicates the subject property, in relation to Bitou. Figure 2 provides a closer look at the subject property and surrounding area.



**Figure 1:** The location of the subject property in relation to Bitou and major roads



**Figure 2:** An extract of satellite imagery of the subject property (indicated in red) together with the immediately surrounding land uses.

No significant historic buildings, ruins, gravesites or any other heritage-related activities and objects are evident within the landscape. A locality plan is attached hereto as **Annexure 3**.

## 2.2 Existing Land Uses and Character of the Area

The surrounding properties are mostly associated with agricultural properties to the north, east and west that are mostly associated with low-density developments which consist of dwelling units and agricultural related buildings on the farms. To the south of the subject property, a rural town, namely Wittedrift, is located which is characterized with low-density developments within the urban edge of the town, social amenities and secondary- and tertiary- facilities.

The subdivision will not affect the visual impact and will comply with the minimum property size of the area. Thus, it will not change the sense of place since only  $\pm 0.4563$  ha will be subdivided. Thus, the proposed development will not disrupt the character of the area and will conform to the existing development within the urban edge. The existing dwellings are being used by the owner as a holiday house. The rest of the agricultural part of the farm is being rented to a neighbouring farmer.



This subject property is currently zoned as “Agricultural Zone I” according to the Scheme 8 Regulations.

### 2.4.1 Topography

Slope Percentage Class

- 0 - 3
- 3 - 10
- 10 - 30
- > 30

Farm Portions

Erf

### 2.4.2 Soil Conditions and Geology

The geology of the property is mostly covered with “*gneissic granite and granodiorite, as well as phyllite, schist, grit, hornfels and quartzite of the Kaaimans Group, and quartzitic sandstone of the Table Mountain Group, Cape Supergroup.*”

This mixture of soil and the geology of the property means that it can be developed upon.

### 2.4.3 Vegetation

The National Vegetation Map, 2018, indicate that the vegetation on the site comprises Garden Route Shale Fynbos. As already mentioned, the proposed subdivided portion is already been disturbed and cleared.

According to the information, the subject property has Critical Biodiversity Area's (CBA) or Ecological Support Areas but the subdivided property is cleared of any sensitive vegetation. The terrestrial (which is marked as CBA) is located to the west and south-west of the property. There are also no watercourses present on the subject property.



**Figure 4:** Critical Biodiversity Area's located on the subject property.

It must be noted that the subject property was never utilized for agricultural purposes and that this portion of the property is underutilized. Thus, the subdivision and rezoning of this portion can be seen as acceptable. The proposed development has taken into account the natural environment surrounding the subdivided portion and made sure that it will not be harmed.

In light of the above, it is argued that the site is not deemed to be environmentally sensitive or hold any conservation significance. Thus, no listed activities as contemplated by the National Environmental Management Act, 1998 (as amended) (NEMA) are triggered by this subdivision application.

## 2.4.4 Wetland

The subject property is mostly covered by an estuary but only the proposed subdivided portion and the already developed area to the west does not form part of the wetland. Thus, it can be argued that the proposed subdivision is outside of the wetland and will not disrupt the estuary.

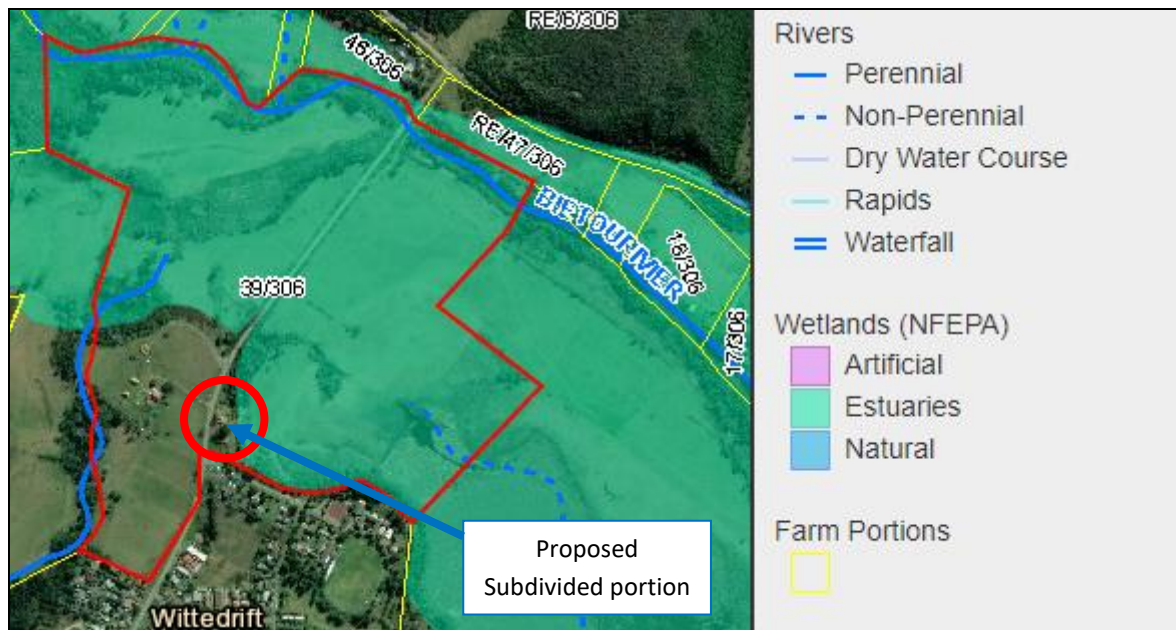


Figure 5: Wetlands and rivers located adjacent to the property

## 3 DEVELOPMENT PROPOSAL

### 3.1 Proposed Development

This section of the report motivates the subdivision, rezoning and the consent use of the subject property to allow the property to be divided into Portion A and the remainder of the subject property, and Portion A to be rezoned from 'Agricultural Zone I' to 'Single Residential Zone I'. It will be made clear to the new owner and the architect that the proposed new development must comply with the parameters associated with "Single Residential Zone I: Dwelling house".

The owner of the property seized the opportunity to subdivide Wittedrift 306/39 into Portion A ( $\pm 0$ , 4563.ha) and the Remainder of Wittedrift 306/39 ( $\pm 65$ , 8897ha) to sell off the underutilized property. The proposed subdivision plan is attached as **Annexure 4**.

As stipulated in the BMSDF (2022) that the proposed subdivision and rezoning of the underutilized portion is a natural expansion of Wittedrift since it is located within the urban edge and will have the least harm to the environment. According to BMSDF (2022), Wittedrift lacks housing opportunities. This proposed development will cater to the demand for housing and will simultaneously promote a sense of place.

This subdivided portion will be rezoned from '*Agricultural Zone I*' to '*Single Residential Zone I: Dwelling house*' since the area is located next to Wittedrift which is mostly associated with residential development that is developed with low-density developments. Thus, it is acceptable to rezone the subdivided property to single residential since it will complement the surrounding properties. It forms physically part of the town and gets its services from there.

It can be noticed that the subdivided property is large enough to accommodate a dwelling house. The subject property consists of two dwelling houses and outbuilding. Only one dwelling and an outbuilding below 60m<sup>2</sup> are allowed on a single residential property, hence the reason for the consent use application for an additional dwelling. An additional dwelling is allowed under a consent use according to the Scheme 8 Regulations. The building lines for the property are 4m along the street boundary and 2m along the rear and lateral boundary lines. The current structures on the subject property does not exceed these building lines. The buildable area will be more than enough to develop the property. If the contours of the proposed development are studied carefully, it can be noticed that the property is flat and will not negatively affect the proposed dwelling on the subdivided property.

### **3.2 Accessibility**

The subject property gets access from the public road, namely Church Street. It can be noticed that the public road has more than enough sight distance for the vehicles to get access. There are two existing access points to the two houses.

### **3.3 Engineering Services**

The property is in an already developed and serviced rural residential area. The subdivided property (Portion A) already has water and electrical connection. This area does not have a sewage system and the developed dwelling has a septic tank.

Thus, the necessary engineering services are available for the proposed development. Capital contributions for the new erf will be paid accordingly.

## 4 RELEVANT SPATIAL PLANNING POLICIES

### 4.1 Exiting Policy Frameworks

This section briefly addresses the relevant spatial policy frameworks that provide guidance to development proposals in general and its applicability to this proposed development. These include:

#### 4.1.1 Bitou Amended Integrated Development Plan (IDP) (2023/2024)

The IDP is a broad municipal-wide plan. This plan seeks to integrate and balance the economic, ecological and social pillars of sustainability without compromising effective service delivery. The subject property forms part of Ward 7. Various development needs were identified for this ward, however, none of the needs applies to this application.

The IDP was reviewed and it was found that no specific reference is made to the subject property. The proposal is, therefore, not considered to be in conflict with the IDP.

#### 4.1.2 Bitou Municipal Spatial Development Framework (2022)

The above-mentioned SDF explains that *“Wittedrift’s growth potential was capped in terms of the limited agricultural hinterland it serves and the nearby location of the higher-order Plettenberg Bay. Similarly, Kurland, although better located on the N2 than Wittedrift, also had its growth potential capped by the limited growth potential in its immediate hinterland and competition from nearby Plettenberg Bay.”*

Due to the low growth potential of Wittedrift, the MSDF (2022) explains that urban development must be promoted along the main route, namely Hoof Road. The last-mentioned document further explains that *“Main Street becomes the central axis along which a variety of land uses are to be consolidated and intensified.*

The BMSDF (2022) indicates that one of the main concerns for the municipality is the demand for housing opportunities in the municipal area. The SDF explains that Wittedrift has a limit future expansion due to limited economic development potential and that community facilities are limited as well. The table below illustrates the housing backlog in Wittedrift.



Township	Item	Incremental Demand needed per Town (calculated from LUB)				Supply	
		Demand Database (Backlog)(ha)	Inc. 2016-2025 (ha)	Inc. 2025-2040 (ha)	2016-2040 (incl. Backlog) (ha)	SDA Areas (ha)	Planned Current Units
Kwanokuthula/ New Horizons/ Qolweni-Bossiesgif	Dwelling Units	5 347	4 489	7 655	17 491		4 425
	Land (ha)	155	176	301	632	307	
Plettenberg Bay Town	Dwelling Units	371	1 164	1 957	3 491		810
	Land (ha)	11	47	79	137	409	
Kranshoek	Dwelling Units	1 207	987	1 686	3 880		1 457
	Land (ha)	38	41	70	148	87	
Wittedrift	Dwelling Units	330	152	253	735		-
	Land (ha)	10	6	10	27	44	
Kurland	Dwelling Units	884	495	832	2 211		344
	Land (ha)	26	19	33	79	89	
Total Area	Dwelling Units	8 139	7 287	12 383	27 808		7 036
	Land (ha)	240	289	493	1 022	936	

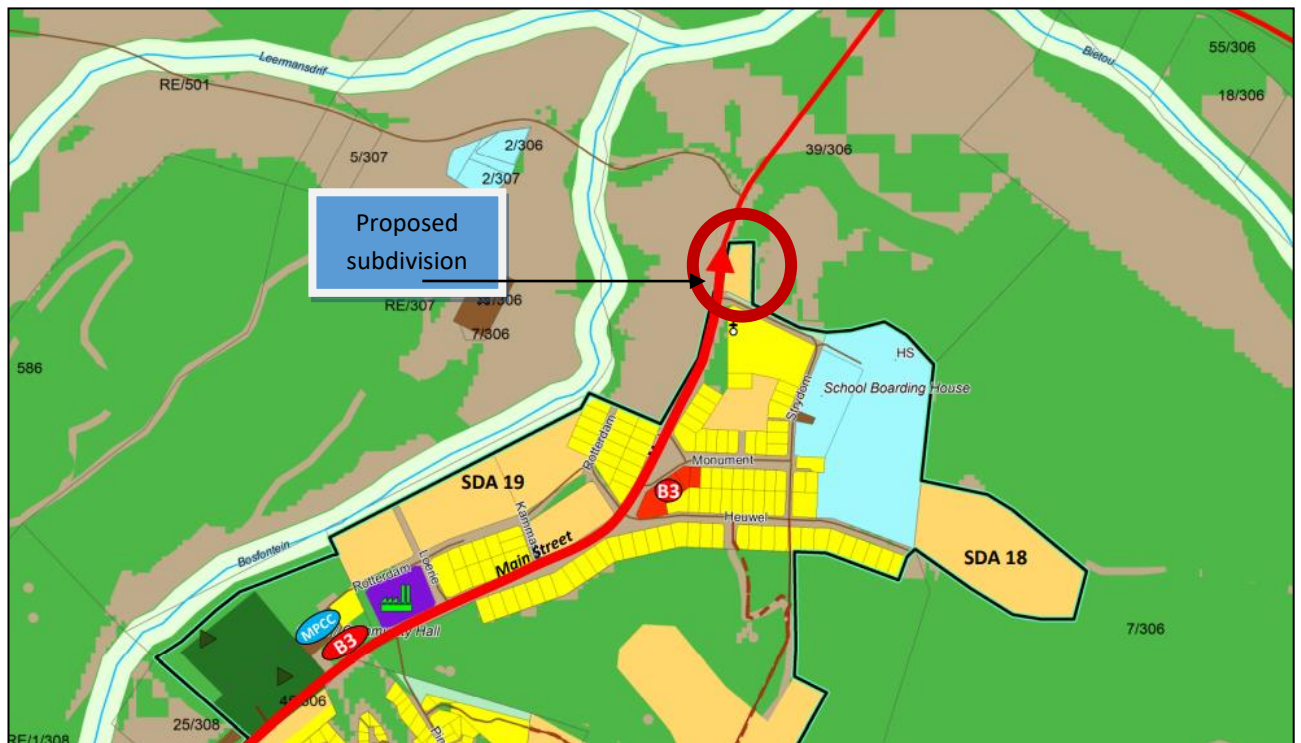
**Table 1:** Housing unit demand

It can be noticed from the above table that Wittedrift needs 27ha of land that must provide a total of 735 dwelling units to meet the need for housing. This is only a forecast for the possible housing need to 2030 and can change depending on the demand.

The SDF (2022) explains that Wittedrift can be promoted with settlement planning principles such as the following:

- *walking distance as the primary measure of accessibility;*
- *functional integration*
- *socio-economic integration*
- *taking into account locations for educational institutions;*

These principles above will ultimately result in residents that will move to Wittedrift and which will seek for housing opportunities. Thus, the proposed development will cater to the need and will provide housing opportunities in an area that desperately needs it.



**Figure 6:** Extract from SDF (2022)

Figure 6 above illustrates the SDF proposals for Wittedrift. It can be noticed that the proposed subdivision and rezoning (marked in red) is earmarked as a 'Strategic Development Area'. white which means that this portion is not utilized for intensive agricultural activities.

The subdivision and rezoning fit into the character of the area. Moreover, the services for the additional property are available and the subdivision will not be a burden on the scenic character of the area.

The proposed subdivided portion of the subject property is located inside of the urban edge and is evident that the proposed development is in line with the principles of the BMSDF (2022) and that it contributes to the character of the area.

#### 4.1.3 Pre-Application

A pre-application was done with a Municipal Town Planner. The Town Planner stipulated that the application may be submitted for consideration. The following comments came out of the pre-application:

- The subject property is still outside of the urban edge for the reason that the new SDF is still not approved.

*This “new” SDF was approved since this pre-application was completed, motivation for this application written according to this new SDF dated 2022.*

- Thus, we have to discuss the 2017 SDF.
- Lastly, we have to discuss “Site Specific Circumstance” in terms Section 24 (3)(b) of SPLUMA (2013).

*Noted, included herewith.*

All of the comments were discussed in this report. The minutes of the pre-application is attached to the report as **Annexure 5**.

## 5 STATUTORY FRAMEWORKS

Following the most recent legislative and procedural changes that have become applicable to the management of land use planning in South Africa, and consequently the Western Cape Province, it is considered necessary to summarise the implications of the current statutory framework within the context of this land-use planning application. Set out below are a set of principles and ethical conventions related to this application.

### 5.1 Spatial Planning and Land Use Management Act, 2013 (ACT 16 OF 2013) (SPLUMA)

Section 7 of SPLUMA lists the five development principles that apply to spatial planning, land use development and land use management namely (each of which to be elaborated on);

1. *Spatial justice* refers to the need for improved access and use of land in order to readdress past spatial and development imbalances as well as the need for SDF’s and relevant planning policies, spatial planning mechanisms, land use management systems and land development procedures to address these imbalances.
  - *This development will also contribute to the character of the surrounding area.*
  - *The owners of the subdivided portion will develop according to the use of rights.*
2. *Spatial sustainability* refers to the need for spatial planning and land use management systems to promote land development that is viable and feasible within a South African context, to ensure the protection of agricultural land and maintain environmental management mechanisms. It furthermore relates to the need to promote effective/equitable land markets, whilst considering the cost implications of future development on infrastructure and social services as well as the need to limit urban sprawl and ensure viable communities.

- *This development complies with the Western Cape Provincial Spatial Development Framework (2013) as a spatial tool to guide future development on a provincial level.*
  - *This development fits with the Bitou Municipal Local Municipality's Spatial Development Framework (2022) principles which is a tool to guide future development within Bitou Local Municipality.*
  - *The subject property was never utilized for agricultural purposes and the subdivision can be seen as acceptable.*
  - *The necessary infrastructure is available to service the additional portion.*
3. *Efficiency* relates to the need for optimal use of existing resources and infrastructure, decision- making that minimizes negative financial, social, economic or environmental impacts and development application procedures that are efficient and streamlined.
- *The proposed development will optimize existing resources related to the subject property that will not have a financial, social, economic or environmental impact on the subject property and the surrounding properties.*
  - *The development will make use of existing local resources and contribute to specialized skills development within the municipality.*
  - *The proposed development's aesthetical appearance which will contribute to the character of the surrounding area promoting sustainable development and to minimize the negative impact on the surrounding area.*
4. *Spatial resilience* refers to the extent to which spatial plans, policies and land use management systems are flexible and accommodating to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.
- *The proposed development complies with the following spatial development frameworks:*
    - *Western Cape Provincial Spatial Development Framework; and*
  - *The BMSDF (2022) indicates that the vacant and underutilized properties can be developed as infill development alongside the main route of Wittedrift.*
5. *Good administration* refers to the obligation on all spheres of government to ensure implementation of the above efficiently, responsibly and transparently.
- *This principle has no direct bearing on the application. Bitou Municipality should consider the application within the prescribed timeframes. Public participation must be transparent with policies and legislation. Procedures should be clear to inform and empower members of the public.*

### 5.1.1 Site-specific departure from Bitou Municipal Spatial Development Framework (2022).

According to the Spatial Planning and Land Use Management Act (2013) Section 22 (2), “... land development decision may depart from the provisions of a municipal spatial development framework only if site-specific circumstances justify a departure from the provisions of such municipal spatial development framework.”

Furthermore, the last-mentioned Act stipulates that the following (Section 42) must be considered when a Municipal Planning Tribunal wants to make a decision:

- *“be guided by the development principles set out in Chapter 2;*
- *Make a decision which is consistent with norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework; and*
- *Take into account –*
  - *The public interest;*
  - *The constitutional transformation imperatives and the related duties of the State;*
  - *The facts and circumstances relevant to the application;*
  - *The respective rights and obligations of all those affected;*
  - *The state and impact of engineering services, social infrastructure, and open space requirements; and*
  - *Any factors that may be prescribed, including timeframes for making decisions.”*

This proposed development is in line the 5 development principles of SPLUMA (2013) as discussed in **Section 5.1** of this report.

It must be kept in mind that this proposed development does not trigger any listed activity and is compliant with the environmental legislation according to Section 42(2) of SPLUMA (2013). This application is also in line with all the factors stipulated in Section 42 of SPLUMA (2013).

Furthermore, if the BMSDF (2022) is analysed, it can interpret that this proposed development will complement the residential character of Wittedrift. In **Section 2.2** of this report, it eludes that the character of the area is associated with residential properties. Therefore, it can be said that this application is in line with this framework.

According to SPLUMA (2013), an application must justify the departure from the provisions stipulated in the above-said SDF. Throughout this application, it can be noticed that this



proposed development will justify the potential of this property and will have the least negative impact on the current physical character, surrounding properties and will not disturb the natural environment.

Considering the application and the elucidation above, the application can be considered as a site-specific site that is in line with the above-said policies.

## 5.2 Land Use Planning Act (LUPA)

The development objectives entrenched in SPLUMA have been assimilated into the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) and sets out a basis for the adjudication of land use planning applications in the province. It requires that local municipalities have due regard to at least the following when doing so:

- Applicable spatial development frameworks;
- Applicable structure plans;
- Land use planning principles referred to in Chapter VI (Section 59);
- The desirability of the proposed land use; and
- Guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

The land-use planning principles of LUPA (Section 59) is, in essence, the expansion of the five development principles of SPLUMA listed above.

### 5.2.1 Compliance/consistency with spatial policy directives

Section 19(1) and (2) of LUPA states that the following:

*“(1) If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or a land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan;*

*(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development does not conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structured plan.”*

As addressed under Section 4.1.2, it is clear that the application is compliant with the spatial vision, specifically the Bitou Municipality's Spatial Development Framework (2022).

### 5.2.2 Need

The need for a development primarily refers to the timing of the development and whether the development is needed at this time. Consistency with approved planning and land use policy is an important consideration of the need.

The proposed development will cater to the housing demand in Wittedrift. The Bitou Spatial Development Framework indicates that there is a need for housing.

### 5.2.3 Desirability

The concept "*desirability*" in the land use planning context may be defined as the degree of acceptability of a proposed development on land units concerned or the proposed rezoning of a property. This section expresses the desirability of the proposed subdivision and rezoning of the subdivided portion, taken in conjunction with the development principles and criteria set out through the statutory planning framework listed above, as well as the degree to which this proposal may be considered within the context of broader public interest. It is our view that the initial investigation into the desirability of the proposal reveals no obvious negative impacts.

As discussed in section 3.1, the portion on the subject property is currently underutilised and is ideally located to be subdivided. It must be noted that the subject property is located in a low-density area that is associated with agricultural properties that protect the natural beauty and agricultural properties. The subdivision will not harm the environment, nor will it disrupt any agricultural potential land. The proposal will not deviate from this standard and will be earmarked with zoning that is associated with low-density development which fits into the spatial vision for Wittedrift. Although the subject property is located outside of the urban edge of Wittedrift, it must be noted that the subdivided portion is within the urban edge thus making it an underutilized urban asset. It is also notable that the subdivided portion is too small for agricultural activities, thus, the proposed development will justify the potential of the property to be developed and be utilized for residential purposes.

The subdivision of the property with developed dwelling houses, and an additional dwelling, can be seen as acceptable as it will not harm the biodiversity in the surrounding area. The desirability is also routed in the fact that the consent use for the additional unit will optimise the usability of the site as the space requirement is sufficient to support such development. The necessary services are also available, and each property can be serviced accordingly. It was mentioned that the subject property was never utilized for agricultural purpose, thus, it

can be seen as more desirable to develop the subdivided portion for residential purposes, in addition to the fact that the development is now located within the urban edge.

Given the above, the proposed development is considered desirable according to BMSDF (2022).

## 6. CONCLUSION

We believe that the above-mentioned principles, considerations and guidelines for this land use application for Wittedrift 306/39 satisfy the applicable legislation. As a result, it is trusted that this application can be finalized successfully.



**DELAREY VILJOEN Pr. Pln**

**MARCH 2024**



municipaliteit umasipala municipality

to be the best together

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## LAND USE PLANNING APPLICATION FORM

### BITOU MUNICIPALITY: LAND USE PLANNING BY-LAW

**KINDLY NOTE:** Please complete this form using BLOCK capitals and ticking the appropriate boxes.

#### PART A: APPLICANT DETAILS

First name(s)	Delarey				
Surname	Viljoen				
South African Council for Planners (SACPLAN) registration number (if applicable)	A/1021/1998				
Company name (if applicable)	DELplan Consulting				
Postal Address	PO Box 9956				
	GEORGE			Postal Code	GEORGE
Email	delarey@delplan.co.za				
Tel	044 873 4566		Tel	044 873 4566	
			Tel	044 873 4566	

#### PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Registered owner(s)	MKR van Huyssteen				
Physical address	Stellenbosch				
				Postal code	
E-mail	-				
Tel	021 880 1658		Fax		
			Cell	071 370 6887	

#### PART C: PROPERTY DETAILS (in accordance with title deed)

Property description- Erf No / Farm No:	Wittedrif 306/39, Plettenberg Bay
Physical Address	

GPS Coordinates	<b>34°00'12.71"S 23°20'14.39"E</b>		Town/City	<b>Wittedrif</b>		
Current Zoning	<b>Agriculture Zone I</b>	Extent	<b>66.3460 ha</b>	Are there existing buildings?	<b>Y</b>	<b>N</b>
Applicable Zoning Scheme	Plettenberg Bay Zoning Scheme Section 7		<b>LUPO Scheme Regulations : Section 8</b>			
Current Land Use	<b>Residential and limited agricultural activities</b>					
Title Deed number and date	<b>T</b>	<b>T/93463/1995</b>				
Any restrictive conditions?	<b>Y</b>	<b>N</b>	If Yes, list condition(s)			
Are the restrictive conditions in favour of a third party(ies)?	<b>Y</b>	<b>N</b>	If Yes, list the party(ies)			
Have you informed the Bondholder of the application?	<b>Y</b>	<b>N</b>	<b>Not applicable</b>			
Any existing unauthorized buildings and/or land use on the subject property(ies)?	<b>Y</b>	<b>N</b>	If yes, is this application to legalize the building / land use?	<b>Y</b>	<b>N</b>	
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	<b>Y</b>	<b>N</b>	Are there any land claim(s) registered on the subject property(ies)?	<b>Y</b>	<b>N</b>	

**PART D: PRE-APPLICATION CONSULTATION**

Has there been any pre-application consultation?	<b>Y</b>	<b>N</b>	If Yes, complete the information below and attach the minutes of the pre-application consultation.			
Official's name	<b>A Stander M Buskes</b>	Reference Number		Date of consultation	<b>20 / 09 / 2016 10 / 09 / 2019</b>	

**PART E: LAND USE PLANNING APPLICATIONS IN TERMS OF SECTION 15 (2) OF THE BITOU MUNICIPALITY : LAND USE PLANNING BY-LAW AND APPLICATION FEES PAYABLE**

Tick	Section	Type of application
√	2(a)	<b>a rezoning of land;</b>
	2(b)	a permanent departure from the development parameters of the zoning scheme;
√	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;
√	2(d)	<b>a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;</b>
√	2(e)	a consolidation of land that is not exempted in terms of section 24;
√	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;
√	2(g)	a permission required in terms of the zoning scheme;
√	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;



✓	2(i)	an extension of the validity period of an approval;
✓	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;
✓	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;
✓	2(l)	a permission required in terms of a condition of approval;
✓	2(m)	a determination of a zoning;
✓	2(n)	a closure of a public place or part thereof;
✓	2(o)	<b>a consent use contemplated in the zoning scheme;</b>
✓	2(p)	an occasional use of land;
✓	2(q)	to disestablish a home owner's association;
✓	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
✓	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.

Will you want to advertise upon Municipal Consent?

Y

N

#### APPLICATION FEES \*\* (please note the following)

**\* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.**

**\*\* The applicant is liable for the cost of publishing and serving notice of an application.**

**\*\*\* Relevant fees will be determined by Council, and an invoice will be sent to the applicant accordingly.**

#### PART F: DETAILS OF PROPOSAL

##### Complete description of proposed development / intent of application:

- Rezoning** in terms of Section 15(2)(a) of the Bitou Municipality: Land Use Planning By-Law (2015) of **Wittedrift 306/39** from 'Agricultural Zone I' to 'Subdivisional Area'.
- Subdivision** in terms of Section 15(2)(d) of the Bitou Municipality: Land Use Planning By-Law (2015) of the 'Subdivisional Area' to accommodate the following zoning:
  - Portion A ( $\pm 0.4563$ ha): 'Residential Zone I: Dwelling House'
  - Remainder of Wittedrift 306/39 ( $\pm 65.8897$ ha): 'Agricultural Zone I: Agricultural'
- Consent Use** in terms of Section 15(2)(o) of the Bitou Municipality: Land Use Planning By-Law (2015) for an additional dwelling on Portion

#### PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION [section 15(2)(a) to (s) of the Bitou Municipality Land Use Planning By- Law ]

**Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete. It will not be considered complete until all required information and documentation have been submitted.**

Required minimum documentation required in terms of section 38(1) of said legislation

Y	N/A	Written motivation	Y	N/A	S.G. diagram / General plan extract
Y	N/A	Locality plan	Y	N/A	Site development plan or conceptual layout plan
Y	N/A	Proposed subdivision plan	Y	N/	Proof of agreement or permission for required servitude

Y	N/A	Conveyancer's certificate		Y	N/A	Minutes of pre-application consultation meeting (if applicable)
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Supporting information and documentation:

Y	N	N/A	Consolidation plan		Y	N	N/A	Land use plan / Zoning plan
Y	N	N/A	Street name and numbering plan		Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	N/A	Landscaping (if applicable)		Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Abutting owner's comment		Y	N	N/A	Services Report or indication of all municipal services / registered servitudes
Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)		Y	N	N/A	Proof of failure of Home owner's association
Y	N	N/A	Copy of any previous approval		Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	N/A	Proof of lawful use right		Y	N	N/A	Other (specify)
Y	N	N/A	Required number of documentation copies ( <u>2 Hard Copies , 8 CD's, additional digital copies could be required</u> )		Y	N	N/A	

#### PART H: AUTHORISATION(S) OBTAINED IN TERMS OF OTHER LEGISLATION

Y	N	National Heritage Resources Act, 1999 (Act 25 of 1999)		Y	N	Specific Environmental Management Act(s) (SEMA)
Y	N	National Environmental Management Act, 1998 (Act 107 of 1998)				(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental
Y	N	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)				
Y	N	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)				

Y	N	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations			Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)
Y	N	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	Y	N	Other (specify)
Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.			
Y	N	If required, do you want to follow an integrated application procedure in terms of <a href="#">section 44(1) of Bitou Municipality : Land Use Planning By-Law</a> ? If yes, please attach motivation.			

### SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section [86\(1\)](#) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and (where applicable) that a copy of the relevant power of attorney or consent are attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. That this submission includes all necessary land use planning applications required, by Bitou Municipality: Land Use Planning By-Law to enable the development proposed herein.
6. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
7. I am aware that development charges to the Municipality in respect of the provision and installation of external engineering services are payable by the applicant as a result of the proposed development.

Applicant's signature:

\_\_\_\_\_  \_\_\_\_\_

Date:

12 March 2024

Professional capacity:

Professional Planner

SACPLAN registration number:

A/1021/1998

**FOR OFFICE USE ONLY**

Date received:

\_\_\_\_\_

Received by:

\_\_\_\_\_

Municipal Stamp

Municipal Stamp

**ANNEXURES**

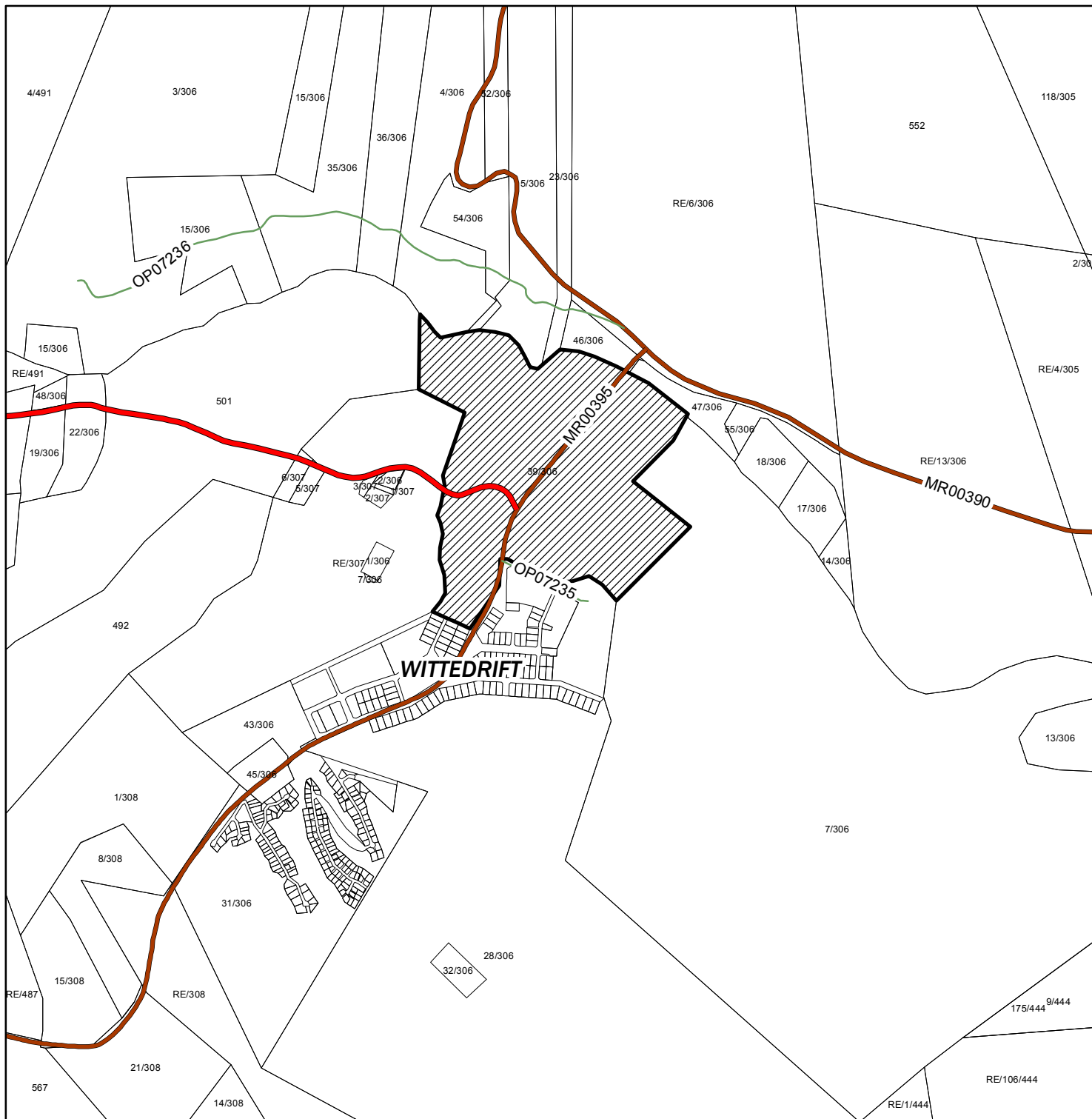
The following Annexures are attached for the applicants information.

**Please do not submit these Annexures with the application form.**

Annexure A: Minimum requirements matrix

Annexure B: Land use planning application submission and protocol

Annexure C: Land use planning application workflow



#### LEGEND:



A4 Scale:  
1:20 000

#### PROJECT:

Proposed subdivision & rezoning  
for MKR van Huyssteen

#### PROJEK:

#### DESCRIPTION:

Wittedrift 306/39, Plettenbergbaai

#### BESKRYWING:

#### TITLE:

Locality plan

#### TITEL:

781/BIT/15/GIS/Ligging

DESIGNED:  
ONTWERP: SG

DRAWN:  
GETEKEN: MV

DATE:  
DATUM: DEC 2020

PLAN NO:  
PLAN NR: ANNEXURE 5

Tel: 044 873 4566, Email: [planning@delplan.co.za](mailto:planning@delplan.co.za)  
[www.delplan.co.za](http://www.delplan.co.za)



URBAN & REGIONAL PLANNERS

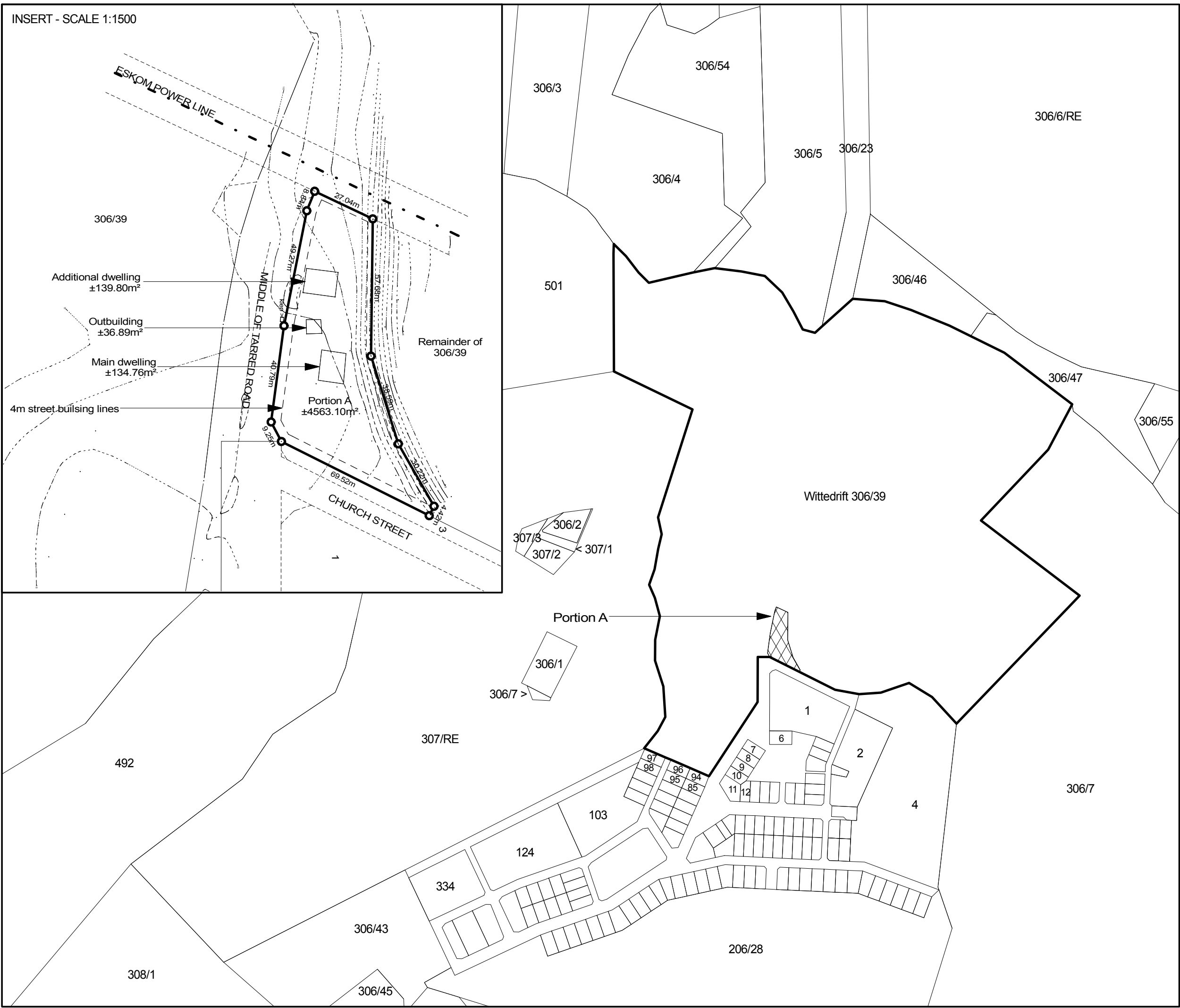
#### COPYRIGHT:

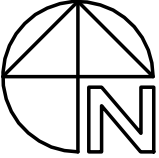

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#### KOPIEREG:





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<b>PROJECT:</b> Proposed subdivision for MKR van Huyssteen	<b>PROJEK:</b>
<b>DESCRIPTION:</b> Wittedrift 306/39, Plettenberg Bay	<b>BESKRYWING:</b>
<b>TITLE:</b> Draft subdivision plan	<b>TITEL:</b>
<b>NOTES:</b> Subdivision of Portion 39 (a ptn of ptn 7) of the Farm Wittedrift 306 into two portions: <ul style="list-style-type: none"><li>- Portion A = ±0.4563.ha; and</li><li>- Remainder = 65.8897ha.</li></ul>	<b>NOTAS:</b>
A3 Scale:  1:7500	
<p>Tel: 044 873 4566 • Email: <a href="mailto:planning@delplan.co.za">planning@delplan.co.za</a> <a href="http://www.delplan.co.za">www.delplan.co.za</a></p>  <p>DELPLAN CONSULTING URBAN &amp; REGIONAL PLANNERS</p>	
<b>DESIGNED:</b> DV	
<b>DRAWN:</b> MV	781/BIT/15/TEK/SUB2
<b>DATE:</b> SEPTEMBER 2019	
<b>PLAN NO:</b> ANNEXURE 5	