



Mr. Mbulelo Memani
Municipal Manager
Tel – 044 501 3000
Bitou Local Municipality
Private Bag X1002
PLETTENBERG BAY, 6600
Municipal Notice No: 151/2025

**NOTICE OF LAND USE APPLICATIONS/
GRONDGEBRUIKAANSOEK KENNISGEWING/
ISAZISO NGESICELO SOKUSETYENZISWA KOMHLABA**

**BITOU MUNICIPALITY (WC047)
NOTICE NUMBER: 151/2025**

Property description/ Grondbeskrywing/ Inkcazo yepropati	Type of Application/Aansoek/ Uhlobo lweSicelo
Erf 2494, Plettenberg Bay	<ul style="list-style-type: none">Departure from the Northern (Lateral) building line from 2,00m to 1,48m for the existing dwelling in terms of Section 15(2)(b) of the Bitou Municipality Land Use Planning By-Law 2015; andApplication is being made in terms of Section 15(2)(o) of the Bitou Municipality Land Use Planning By-Law 2015 for a Consent Use for Guest Accommodation for 5 rooms with (10 guests).
Erf 2494, Plettenbergbaai	<ul style="list-style-type: none">Afwyking van die Noordelike (Laterale) boulyn van 2,00m na 1,48m vir die bestaande woning ingevolge Artikel 15(2)(b) van die Bitou Munisipaliteit Grondgebruikbeplanningsverordening 2015; EnAansoek word ingevolge Artikel 15(2)(o) van die Bitou Munisipaliteit se Grondgebruikbeplanningsverordening 2015 gedoen vir 'n Toestemmingsgebruik vir Gasteverblyf vir 5 kamers met (10 gaste).
Isiza 2494, Plettenberg Bay	<ul style="list-style-type: none">Ukusuka kumgca wokwakha waseMantla (Lateral) ukusuka kwi-2,00m ukuya kwi-1,48m yendawo yokuhlala esele ikho ngokweCandelo 15(2)(b) loMthetho kaMasipala waseBitou woCwangciso loCwangciso loMhlaba ka-2015; kwayeIsicelo senziwa ngokweCandelo le-15(2)(o) loMthetho kaMasipala waseBitou woCwangciso loCwangciso loMhlaba ka-2015 wokuSetyenziswa kweMvume yoKuhlala kweNdwendwe kumagumbi ama-5 kunye neendwendwe ezili-10.

Application is available for viewing at Municipal office, 50 Melville's Corner, during office hours/ Aansoek kan bestudeer word by Kantoor 50, Melville's Corner gedurende kantooreure/ Ikopi yesicelo iyafumaneka ukuze ijongwe kwi-ofisi kaMasipala kwiyunithi engu-50 Melville's Corner, ngamaxesha omsebenzi aqhelekileyo.

Enquiries may be directed to/ Navrae kan gerig word na/ Imibuzo inokubhekiswa kuyo Town planning at 044 501 3303/ townplanning@plett.gov.za

Comments/objections with reasons must be delivered or e-mailed to townplanning@plett.gov.za within 30 days from the date of publication of this notice, and must include the name & contact details of the person concerned. Kommentare/ besware kan na townplanning@plett.gov.za gerig word binne 30 van publikasie van hierdie kennisgewing en moet 'n naam en kontakbesonderhede insluit./ Naziphi na izimvo/izichaso ezinezizathu mazisiwe okanye zithunyelwe nge-imeyile apha townplanning@plett.gov.za zingadlulanga iintsuku ezingama-30 ukususela kumhla wokupapashwa kwesi saziyo, kwaye mazibandakanye igama neenkukacha zoqhagamshelwano zaloo mntu uchaphazelekayo.

Mr. Mbulelo Memani
MUNICIPAL MANAGER
Bitou Local Municipality



Enquiries
Olwethu Yonke

Contact details
044 501 3317

E-mail
townplanning@plett.gov.za

Our ref: 18/2494/PB

14 April 2025

Sir/Madam

PROPOSED PERMANENT DEPARTURE AND CONSENT USE FOR ERF 2494, PLETTENBERG BAY, BITOU MUNICIPALITY

Applicant: Beacon Survey

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. Departure from the Northern (Lateral) building line from 2,00m to 1,48m for the existing dwelling in terms of Section 15(2)(b) of the Bitou Municipality Land Use Planning By-Law 2015; and
2. Application is being made in terms of Section 15(2)(o) of the Bitou Municipality Land Use Planning By-Law 2015 for a Consent Use for Guest Accommodation for 5 rooms with (10 guests).

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.

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) 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

MOTIVATION REPORT

ERF 2494 PLETTENBERG BAY BITOU MUNICIPALITY

PROPOSED DEPARTURE FROM ZONING SCHEME CONDITIONS (BUILDING
LINES) AND
PROPOSED CONSENT USE FOR GUEST ACCOMODATION FOR 5 ROOMS (10
GUESTS)

DECEMBER 2024

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PREPARED BY DOOR to DOOR DATED JUNE 2024

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POSITION OF DEVELOPMENTS AND PROPOSED BUILDING LINE
DEPARTURES

1. INTRODUCTION

1.1 Erf 2494 Plettenberg Bay is situated on Planier Road which is on the way to Robberg 5 beach, one of Plett's premier beaches for surfing, surfing lessons and relaxing (Annexure D).

1.2 The property is 801 square metres in extent.

1.3 The zoning of the property is Single Residential Zone I (SRZI) in terms of the Bitou Municipality Zoning Scheme By-Law.

1.4 The property accommodates a dwelling house.

1.5 Building plans for the dwelling house have been approved by the Municipality.

1.6 The purpose of this application is to allow for the approval of building plans of the proposed alterations (Annexure F) and to allow for a Consent Use for Guest Accommodation with 5 rooms (10 guests).

1.7 Erf 2494 is included in Plettenberg Bay Extension No. 15 (Annexure E).

2. APPLICATION

2.1 Application is being made in terms of Section 15(2)(b) of the Bitou Municipality Land Use Planning By-Law for the following departure from the provisions of the Zoning Scheme:

2.1.1 Departure from the Northern (Lateral) building line from 2,00m to 1,48m for the existing dwelling.

2.2 Application is being made in terms of Section 15(2)(o) of the Bitou Municipality Land Use Planning By-Law for a Consent Use for Guest Accommodation for 5 rooms with (10 guests).

3. THE DECISION-MAKING CRITERIA

3.1 Certain decision-making criteria prescribed in terms of the Land Use Planning and Land Use Management Act, 2013 (Act 16 of 2013) ('SPLUMA') and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)('LUPA') have to be applied by the Municipality during consideration of any application for land development. These will be applied, where applicable, to this application.

4. TITLE DEED

4.1 The title deed is attached as Annexure A.

4.2 There are no conditions in the title deed which prohibit or restrict the proposed Consent Use or the approval of the proposed building plans.

5. BACKGROUND AND THE PROPOSAL

5.1 The zoning scheme building lines are shown on Annexure G and are as follows :

5.1.1 Lateral and rear building line 2.00m

5.1.2 Street building line 4.00m

5.2 The small encroachment of the northern lateral building lines is unlikely to negatively affect the neighbours' amenity or views.

5.3 The proposal is attend to the internal changes as shown on the proposed site development plan (Annexure F) and operate the Guest Accommodation for the proposed 5 rooms with a maximum of 10 guests.

5.4 The dwelling house is to remain.

5.5 Two parking bays are allocated for the dwelling house and a further 5 parking bays are allocated for the guest accommodation.

6. MOTIVATION : MUNICIPAL BUILDING LINES

6.1 For the northern lateral building line (2.00m) application is being made for an effective relaxation of 0.12m for the existing dwelling.

6.2 The existing dwelling is shown on the approved building plans.

6.3 The encroachment is minor and the purposes of the application is to comply with the requirements of the zoning scheme.

6.4 This application, if successful, will result in the regularisation of the existing dwelling.

7. MOTIVATION : CONSENT USE FOR GUEST ACCOMODATION FOR 5 ROOMS (10 GUESTS)

7.1 Objective 4 of the Bitou Spatial Development Framework (SDF) which focuses on sustainable human settlements places a strong emphasis on *"actively promoting development aligned to Smart Growth Principles in all Settlements"*. In accordance with the SDF the smart growth principles that should be applied in all settlements within the Bitou LM include, inter alia:

7.1.1 Creating well designed, compact neighbourhoods where the different activities are located in close proximity to each other; and

7.1.2 Encouraging growth in existing communities through infrastructure upgrade, urban renewal new, new amenities and densification.

7.2 This accords in all respects to two of the most critical planning outcomes envisaged by the 'land use planning principles', namely: spatial sustainability and spatial efficiency which respectively aim to:

7.2.1 restructure spatially inefficient settlements; and

7.2.2 to promote the sustainable use of land resources.

7.3 The proposed Consent Use for Guest Accommodation will contribute to densification which upholds the 'land use planning principles' as it results in land development that is 'spatially compact', will 'limit urban sprawl' and will 'optimise the use of existing resources'.

8. CHARACTER OF THE AREA AND IMPACT ON NEIGHBOURS

8.1 The surrounding area comprises single residential erven and properties with similar rights which are being applied for in this application i.e. guest accommodation.

8.2 Any potential impact on the character of the area and the impact on neighbours as a result of the proposed consent use and also the proposed building line departure have been addressed in this report.

9. IMPACT ON SERVICES AND TRAFFIC

9.1 The proposal relating to building lines does not have any impact on services.

9.2 No additional services will be required for the proposal.

9.3 Parking is being provided in accordance with the requirements of the zoning scheme for 1 * dwelling house (2 parking bays) and 5 * guest accommodation rooms (5 parking bays).

10. SITE SPECIFIC CONSIDERATIONS

10.1 Erf 2494 is not situated in an ecological corridor or an area with high biodiversity importance. The immediate surrounding urban environment does not have any features of cultural or heritage significance. The property is not subject to slippages, geological instability, rock falls and the like.

11. LOCALITY FACTORS

11.1 Erf 2494 is situated within what is referred to as an "existing urban development" area in the Bitou Municipality Spatial Development Framework, 2022 ('SDF').

11.2 No specific recommendations are made in the 'SDF' regarding the location of Erf 2494.

11.3 No expansion of the dwelling is proposed and thus the proposal will have no significance environmentally.

11.4 The use of guest accommodation is well established in the general area of the property.

12. APPLICATION OF PRINCIPLES

12.1 Notwithstanding the categorisation of land use principles, all of them apply to all aspects of spatial planning, land development and land use management. Decisions concerning land use development have to be explicitly related to the extent to which the proposal meets the objectives set out in these principles.

12.2 However, it is necessary for the principles to be considered holistically and at the appropriate planning level and geographic scale. This is so because the interpretation and application of the principles are context specific as the conditions upon which the principles have to be applied are not uniform throughout the municipal area.

12.3 In addition (and in particular) a mechanical approach whereby the land use principles are applied on a one-by-one basis without regard for their overall intention and spirit should be avoided. Such a 'one-by-one' methodology is contrary to the very purpose of a normative approach to planning (namely to move away from a controlling to an interpretive approach).

12.4 The reality is that no single development project/proposal can on its own achieve the overall objective envisaged by the introduction of the land use principles. Different development projects/proposals will have/achieved different objectives (compare for example a new school with a new shopping centre), while not all the (components of the) various land use principles will necessarily apply in all instances. It is the responsibility of the Municipality as the 'planning authority' to ensure that the planning for and the actual use of land in the municipal area as a whole would comply with and achieve the desirable envisaged by the introduction of the land use principles.

12.5 In view of the above the land use principles do not prescribe 'yes-or-no' outcomes. In essence, a land development application has to be assessed in terms of its potential to further the holistic goals underpinning the principles.

12.6 Having said the above, the only principles that find direct application in the current matter are :

12.6.1 The principle of spatial sustainability insofar as it relates to :

12.6.1.1 *"Promoting land development that is within the fiscal, institutional and administrative means of the Republic";*

12.6.1.2 *"uphold consistency of land use measures in accordance with environmental management instruments";*

12.6.1.3 *"considering all current and future costs to all parties for the provision of infrastructure and social services in land developments";*

12.6.1.4 *"promoting land development in locations that are sustainable and limit urban sprawl" and*

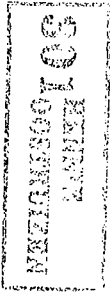
12.6.1.5 *"(which will) result in communities that are viable".*

12.6.1.6 The proposal aligns with and complies with the principle of spatial sustainability insofar as it relates to the property's location within the urban edge. Furthermore the current proposal will not trigger any activities in terms of the environmental legislation.

12.6.2 The principle of efficiency insofar as it relates to :

12.6.2.1 *"Land development (that) optimizes the use of existing resources and infrastructure".*

12.6.2.2 The property is already developed and situated within the urban edge and will require no additional resources or infrastructure.



MOSDELL, PAMA & COX
6 HIGH STREET
PLETTENBERG BAY
6600

Prepared by me

CONVEYANCER
ANDREW JOHN COX (NUMBER 79009)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 4 350 000.00	R. 2305.00
Reason for exemption	Category Exemption	Exemption i to. Sec/Reg. Act/Proc.

VERIFIED MORTGAGED

VIN FOR R 2 500 000.00

B 00006437 / 2023

27 MAR 2023



T 011542 / 23

DEED OF TRANSFER

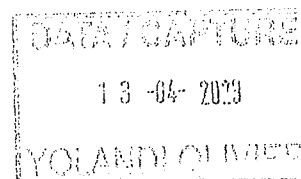
BE IT HEREBY MADE KNOWN THAT

MICHELLE SMIT
(LPC NUMBER 92856)

appeared before me, **REGISTRAR OF DEEDS at CAPE TOWN**, the said appearer
being duly authorised thereto by a Power of Attorney granted to him/her by

JOHANN HERMANUS BARTLO NEL
Identity Number 470416 5038 08 7
Married out of community of property

which said Power of Attorney was signed at **RANDPARK RIDGE**
on **1 FEBRUARY 2023**



And the appearer declared that his/her said principal had, on **21 December 2022**, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

SURF CAFE PROPRIETARY LIMITED
Registration Number 2015/414820/07

or its Successors in Title or assigns, in full and free property

**ERF 2494 PLETTENBERG BAY, IN THE BITOU MUNICIPALITY, DIVISION
OF KNYSNA, PROVINCE OF THE WESTERN CAPE**

**IN EXTENT 801 (EIGHT HUNDRED AND ONE)
Square metres**

FIRST TRANSFERRED by Deed of Transfer T21705/1978 with General Plan No TP 9864 relating thereto and held by Deed of Transfer T56847/2000

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T3540/1942.
- B. **ENTITLED** to the benefit and in terms of the Notarial Deed of Servitude dated 8th March 1947 (No. 191) annexed to Deed of Transfer No. T3544/1942 a reference dated 4 June 1947 being endorsed thereon, which reads as follows:-

"By Not. Deed No. 191 dd 8/3/1947 the property viz "Portion 72, the sanctuary" held by Certificate of Amended Title on Consolidation No. 9880 dd 4.6.1947 is made subject to conditions relating to prohibiting business and trade or hotelkeeping thereon, nature of buildings thereon and regulating sanitation and matters of public health in favour of the within mentioned pptides and certain other pptides subject to conditions as will more fully appear on reference to said Not. Deed Vide copy annexed thereto"

- C. **SUBJECT** to the following conditions contained in said Deed of Transfer No. T21705/1978 imposed by the Administrator of the Cape Province in terms of Ordinance No. 33/1934 when approving the establishment of PLETTENBERG BAY TOWNSHIP EXTENSION NO. 15 viz:-

"1 The owner of this erf shall, without compensation, be obliged to allow electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local or other statutory authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above;

2. The owner of this erf shall be obliged, without compensation, to receive such material or permit excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
3. This erf shall be used for such purposes as are permitted by the Town Planning Scheme of the local authority and subject to the conditions and restrictions stipulated by the scheme.



WHEREFORE the said Appearer, renouncing all rights and title which the said

JOHANN HERMANUS BARTLO NEL, Married as aforesaid

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

SURF CAFE PROPRIETARY LIMITED
Registration Number 2015/414820/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of **R4 350 000,00 (FOUR MILLION THREE HUNDRED AND FIFTY THOUSAND RAND)**.

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at **CAPE TOWN** on 27 March 2023

In my presence



REGISTRAR OF DEEDS



q.q.

SURF CAFE (PTY) LTD

(Name of Company, Partnership, Trust or Close Corporation)

RESOLUTION

Resolution passed at the meeting of the Shareholders / Partners / Trustees / Members held in PLETTENBERG BAY on the 7 day of AUGUST 2024.

Resolved that CLAYTON BISCHOFF in his / ~~her~~ capacity as DIRECTOR, be and is hereby authorised to do whatever may be necessary to give effect to this resolution and to enter into and sign such documents necessary to proceed with the applications as specified hereunder on behalf of the Company / Partnership / Trust / Close Corporation with such modification as he/she sole discretion as he / she in his sole discretion shall deem fit, his / her signature to be conclusive proof that the documents which bear it are authorised in terms hereof.

DESCRIPTION OF PROPERTY:


ERF 2494 PLETTENBERG BAY


NATURE OF APPLICATION:

- 1) REMOVAL OF TITLE DEED RESTRICTIONS.
- 2) DEPARTURE FROM ZONING SCHEME CONDITIONS.
- 3) CONSENT USE FOR GUEST ACCOMMODATION.

SIGNATURE OF SHAREHOLDERS / PARTNERS / TRUSTEES / MEMBERS

(NAME)

 (CLAYTON BISCHOFF)

 (Andrew Fosbrook)

..... ()

..... ()

SPECIAL POWER OF ATTORNEY

I, the undersigned,

CLAYTON BISCHOFF

duly authorised, do hereby nominate, constitute and appoint **PHILIP GEORGE TEGGIN** of the firm **BEACON SURVEY**, Land surveyors, with power of substitution to be my lawful agent, in my name, place and stead to make application, as described below, to the relevant authorities and to sign all application forms, documents and other papers as may be required in such application.

DESCRIPTION OF PROPERTY:

ERF 2494 PLETTENBERG BAY

NATURE OF APPLICATION:

- 1) REMOVAL OF TITLE DEED RESTRICTIONS.
- 2) DEPARTURE FROM ZONING SCHEME CONDITIONS.
- 3) CONSENT USE FOR GUEST ACCOMMODATION.

SIGNED AT PLETTENBERG BAY

THIS 7 DAY OF AUGUST, 2024.

[Signature]

OWNER/AUTHORISED AGENT

WITNESSES

1. [Signature]

2. [Signature]

LOCALITY PLAN
ERF 2494 PLETTENBERG BAY
situate in BITOU MUNICIPALITY
Administrative District of Knysna
Province of the Western Cape



SCALE 1:2000



Notes:

1. Cadastral information from Surveyor-General's GIS.

Beacon Survey

Professional Land Surveyors
 and Sectional Title Practitioners

103 Longships Drive P.O.Box 350 Plettenberg Bay

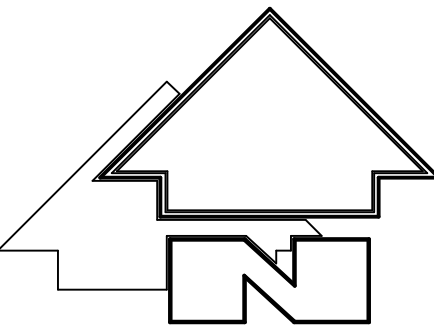
Tel: (044) 533 2230 Fax: (044) 533 0264

e-mail: beaconsurvey@mweb.co.za

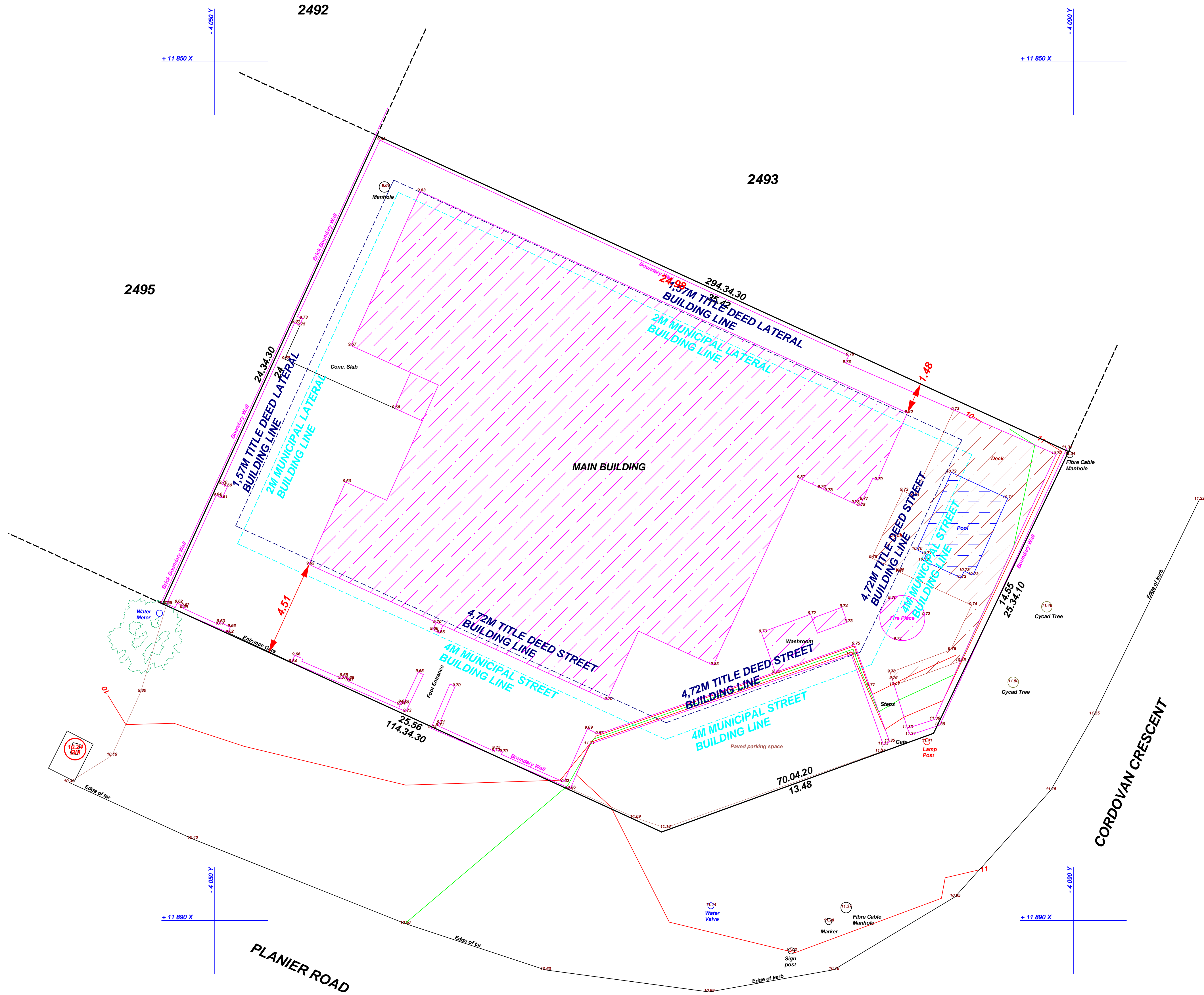
Date: August 2024

PLAN NO. P2494/LOC





SCALE 1:100
Lo.23



NOTES :
1) HEIGHTS ARE ABOVE AN ARBITRARY DATUM.
2) BENCHMARK "BM" = CENTRE OF MANHOLE COVER, HEIGHT = 10.24M.
3) CONTOURS SHOWN ON THE PLAN ARE IN-SITU CONTOURS AND ARE NOT TO BE USED FOR HEIGHT RESTRICTION CALCULATIONS.

C		
B		
A		
NO		DESCRIPTION
REVISIONS		
DATE: April 2024	SCALE 1:100	
SURVEYED: P. G. Trapp	APPROVED	
THIS DRAWING STORED IN FILE F:\PLETTBERG\2494DP.DWG		

Beacon Survey
Professional Land Surveyors
and Sectional Title Practitioners
103 Longships Drive P.O.Box 350 Plettenberg Bay
Tel: (044) 533 2230 Fax: (044) 533 0264
e-mail: beaconsurvey@mweb.co.za

CLIENT
MR C. BISCHOFF

PROJECT
**ERF 2494
PLETTENBERG BAY**

TITLE
DETAIL PLAN

DRG NO **P2494DP-1** REV