



Enquiries

Marius Buskes

Contact details

044 501 3436

E-mail

mbuskes@plett.gov.za

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By Email

Dear Interested and Affected Party,

ERF 342 WITTEDRIFT: PROPOSED REZONING, AMENDMENT OF CONDITIONS OF APPROVAL, REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE AND REZONING

1. The Acting Director Economic Development in his capacity as the Authorised Official made the following decision on 18/07/2025:
2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
 - a) Rezoning from Residential Zone I to Residential Zone IV (as applied for in terms of Section 15(2)(a) of the Planning By-Law);
 - b) The following permanent departures from the provisions of the Zoning Scheme Regulations (as applied for in terms of Section 15(2)(b) of the Planning By-Law):
 - i. Relaxation of the street building line along Main Road No 395 from 8m to 3m;
 - ii. Relaxation of the street building line along Monument Street from 8m to 4m;
 - iii. Relaxation of the lateral building line along the common boundary between Erf 342 and Erf 38 from 4m or half the height of the building, whichever is the greater, to 4m;
 - iv. Relaxation of the lateral building line along the common boundary between Erf 342 and Erf 41 from 4m or half the height of the building, whichever is the greater, to 4m (along a distance of approximately 12,2m measured from the north-eastern corner of Erf 342);
 - v. Relaxation of the parking requirement from 1, 25 bays per unit for single bedroom units to 1 bay per unit.
 - c) The erection of an outbuilding (or outbuildings) to accommodate refuse / storage with a 0m lateral building line along the common boundary between Erf 342 and Erf 41 (along a distance of approximately 23,3m measured from the south-eastern corner of Erf 342), as allowed for in terms of Section 3.6.3 (a) of the Zoning Scheme Regulations.
 - d) Subdivision to allow for a sectional title development (as applied for in terms of Section 15(2)(d) of the Planning By-Law).
 - e) The removal of Conditions C3 (a), (b) and (d) as set out in the Deed of Transfer No. T45824/2022 (as applied for in terms of Section 15(2)(f) of the Planning By-Law).

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

Owner's Association

- i. *If the subdivision approval to allow a sectional title development is implemented an "Owners' Association" must be established in accordance with the provisions of section 29 of the Planning By-Law.*
- ii. *That the constitution of the "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. *That the constitution clarifies at what stage the responsibility or the provision/maintenance of internal facilities would be transferred from the landowner/developer to the "Owners' Association", and also what standard of completion of such internal services facilities would be at the time;*
 - ii. *Off grid infrastructure services etc.*

Layout, Land Use and Zoning

- iii. *The height of the development be limited to a maximum of two storeys within a height of 8.5m above NGL.*
- iv. *The height of the refuse / storage areas be limited to 3.5m above NGL.*
- v. *No doors or windows will be allowed along the eastern wall of the refuse / storage area.*
- vi. *The storage facilities be reserved members of the owner's association and may not be used by the general public for storage purposes.*
- vii. *Vehicular access to the property will only be allowed along the southern boundary (fronting onto Monument Street).*
- viii. *That it be noted that the zoning category granted in terms of this approval will be converted into a new zoning category in accordance with Schedule 4 of the Bitou Municipality Zoning By-Law (2023).*
- ix. *It is recorded for the purposes of Section 66(2)(w) of the Planning By-Law that this approval is valid for a period of 3 years from the date of the date of finalization of any appeal (if applicable), or from the date of confirmation that no appeal has been received.*

Services and Development Contributions

- x. *That services be provided at the cost of the applicant to the satisfaction of the Municipality, and that a Service Level Agreement ('SLA') based on the provisional Service Report (as well as any other requirements of the Bitou Municipality) be entered into prior to building plan submission or prior to the issuing of the certificate referred to in Section 28 of the Planning By-Law, whichever occurs first.*
- xi. *That the quantum of the augmentation fees and development contributions be stipulated in the SLA.*
- xii. *The augmentation fees and development contributions are payable prior to building plan submission or prior to the issuing of the certificate referred to in Section 28 of the Planning By-Law, whichever occurs first.*

4. Reasons for the above decision are as follows:

- a) The rezoning of Erf 342 to allow the development of flats is consistent with the objectives and spatial directives of the Spatial Development Framework and will support appropriate densification in Wittedrift.

- b) The applicant is correct in his assertion that based on the restrictive conditions of title (which allow for a hotel) a zoning category of Residential Zone V should have been assigned on 1 July 1986. Two aspects are however relevant:
- i. First, no evidence has been provided that the relevant restrictive conditions applied to both Erf 39 and Erf 40 (which were the original component erven of the consolidated Erf 342) by 1 July 1986;
 - ii. Second, application is made for a rezoning of the property, and the Municipality is allowed to impose a condition limiting the height of development as a condition of rezoning approval.
- c) The condition limiting the height of the development on Erf 342 to 8.5m above NGL will preserve the visual 'sense of place' associated with residential uses in Wittedrift. The motivation report of the applicant failed to adequately consider the impact that the proposed 3-storey structure will have on an urban area characterised by predominantly 2- storey structures.
- d) Due to the height limitation of two storeys / 8,5m above NGL for flats and of 3,5m above NGL for the refuse / storage areas the relaxation of the building lines will have little (if any) impact on the abutting properties.
- e) As the proposed rezoning as well as the relaxation of the building lines has been approved it will serve no useful purpose to retain those title conditions which impose restrictions on either the use of the property or on building lines. The removal of these restrictions will not be detrimental to the public interest.
- f) The Engineering Services Reports provided confirmed that adequate water and sewage capacity is available to accommodate the development of Erf 342 for flats.
- g) The rezoning of Erf 342 to accommodate higher density development conforms to the principle of spatial efficiency (both from a land use as well as effective use of available engineering services points of view).
- h) The Zoning Scheme Regulations stipulate a parking requirement of 1,25 bays per unit for flats, irrespective of the size of those flats. This is not practical, as it is simply not reasonable to suggest that a one-bedroom flat should have the same parking requirement as (for example) a four-bedroom flat. This is the reason why the parking requirement is relaxed to 1 bay per unit for one-bedroom flats (whilst the 1,25 bays per unit requirement is retained for two bedroom units).
- i) A validity period of 3 years is imposed to prevent a situation where the Municipality commits to the availability of municipal services, but the land owner fails to implement the development project, thereby effectively 'sterilizing' those services for use by other potential developers.
- j) The application to remove certain of the conditions of the subdivision approval contained in the letter dated 16 July 2015 is deemed to be superfluous to this planning application, and has therefor not been further considered.
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. The attached appeal form must be completed and should be directed 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**.

Yours faithfully



Chris Schliemann

Acting Director: Planning And Development