



**Enquiries**

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By Email

[delarey@delplan.co.za](mailto:delarey@delplan.co.za)

Dear Sir,

**PROPOSED SUBDIVISION, REZONING AND CONSENT USE: PORTION 39 OF THE FARM WITTEDRIFT NO. 306: DIVISION OF KNYSNA, BITOU MUNICIPALITY**

1. The Acting Director: Planning and Development made the following decision on 07/08/2025:
2. That **approval be granted** in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
  - a) The rezoning of Portion 39 of the Farm Wittedrift No.306 from 'Agricultural Zone I' to 'Subdivisional Area' (as applied for in terms of Section 15(2)(a) of the Planning By-Law).
3. That a decision in terms of Section 60 of the Planning By-Law for the following be postponed until such time that the applicant has complied with Conditions 2(c) and 2(d) of the conditions of rezoning approval:
  - b) The proposed subdivision of Portion 39 of the Farm Wittedrift No.306 into Portion A ( $\pm$  0.4563ha) and a Remainder ( $\pm$  65.8897ha) as shown on the Subdivision Plan No 781/BIT/15/TEK/SUB2 dated September 2019 (as applied for in terms of Section 15(2)(d) of the Planning By-Law);
  - c) A Consent Use to allow a second dwelling (in excess of 60m<sup>2</sup>) on Portion A (as applied for in terms of Section 15(2)(o) of the Planning By-Law).
4. 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 it be recorded that the purpose of the rezoning of Portion 39 of the Farm Wittedrift No.306 from 'Agricultural Zone I' to 'Subdivisional Area' is to allow the subdivision of the property into 'Portion A' (to be zoned 'Residential Zone I') and a Remainder (to be zoned 'Agricultural Zone I') as shown on Plan No 781/BIT/15/TEK/SUB2 dated September 2019.*
  - ii. *That the following be recorded in relation to the proposed 'Portion A':*
    - *The land owner will be required to enter into a Service Level Agreement ('SLA') with the Municipality;*
    - *The land owner will be required to connect to the municipal services network (and to extend / upgrade the service network if required to achieve such connection);*
    - *All costs in relation to the connection to (and upgrading / extension of) the municipal services will be for the account of the land owner);*
    - *The abovementioned requirements will be formalized as future conditions of subdivision approval;*

- iii. *That prior to subdivision approval the applicant provides written confirmation from the Department Agriculture, Land Reform and Rural Development that the provisions of the Subdivision of Agricultural Act, 1970 (Act 70 of 1970) are not applicable, or alternatively with a formal approval in terms of Act 70 of 1970;*
- iv. *The prior to subdivision approval the applicant either obtain written approval from the Western Cape Department of Public Works and Transport confirming that the existing access to 'Portion A' may be retained (as contemplated in paragraph 3.4 of their letter dated 28 November 2024), or alternatively make and obtain approval for the required applications to obtain access via the portion of the Remainder of Erf 243, Wittedrift which is shown as a Public Place on the General Plan for Wittedrift.*

5. Reasons for the above decision are as follows:

- a) The proposed land unit sizes are compatible and consistent to the norm for the area.
- b) Proposed 'Portion A' is located inside the urban edge and is suitable for urban development. The proposal is therefore consistent with the Spatial Development Framework.
- c) The proposed rezoning (and subsequent subdivision) is not in conflict with any restrictive conditions of title.
- d) 'Portion A' is to be rezoned to 'Residential Zone I'. This is an urban land use, and the new land unit cannot retain the rudimentary services that are normally only associated with a property zoned for 'Agricultural' purposes.
- e) The portion of the Remainder of Erf 243, Wittedrift between the proposed 'Portion A' and Monument Street is a Public Place. No access approval via this land can be granted until such time that (and if) the relevant portion of the Public Place has been permanently closed.
- f) A permanent access to a subdivided portion is a sine qua non for subdivision approval. The applicant has to obtain that permanent access either prior to or simultaneously with the subdivision approval. To grant subdivision approval prior to permanent access approval would be premature.
- g) The consent use for a second dwelling unit specifically relates to the proposed 'Portion A'. It cannot be considered until such time that the subdivision itself is considered.
- h) There is no record that the applicant has either applied for or obtained approval for subdivision in terms of the provisions of the Subdivision of Agricultural Act, 1970 (Act 70 of 1970).

- 6. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
- 7. Such an appeal must be submitted in writing to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600, within 21 days this letter was emailed or sent to the electronic address.
- 8. 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.
- 9. 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.
- 10. 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.

11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. 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 this letter was emailed or sent to the electronic address.

**Yours faithfully**

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

**Ludolph Gericke**  
**Acting Director: Economic Development and Planning**