



Mr. Mbulelo Memani
Municipal Manager
Tel – 044 501 3000
Bitou Local Municipality
Private Bag X1002
PLETTENBERG BAY, 6600
Municipal Notice No: 142/2025

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

**BITOU MUNICIPALITY (WC047)
NOTICE NUMBER: 142/2025**

Property description/ Grondbeskrywing/ Inkcazo yepropati	Type of Application/Aansoek/ Uhlobo lweSicelo
Erf 2464, Plettenberg Bay	<ul style="list-style-type: none">The Removal of Restrictive Title Deed Conditions I(C)(c), I(D)(10), I(D)(11), II(D)(a) and II(E)(a) from Title Deed No T70002/2024 in terms of Section 15(2)(f) of the Bitou By-Law on Municipal Land Use Planning (2015) to allow a second dwelling, for the erection of a flat roof, and the construction of the proposed dwelling house over the prescribed title deed building lines.
Erf 2464, Plettenbergbaai	<ul style="list-style-type: none">Die verwydering van beperkende titelaktevoorwaardes I(C)(c), I(D)(10), I(D)(11), II(D)(a) en II(E)(a) uit Titelakte No T70002/2024 ingevolge Artikel 15(2)(f) van die Bitou-verordening oor munisipale grondgebruikbeplanning (2015) om 'n tweede woning toe te laat, vir die oprigting van 'n plat dak, en die bou van die voorgestelde woonhuis oor die voorgeskrewe titelakte boulyne.
Isiza 2464, Plettenberg Bay	<ul style="list-style-type: none">Ukususwa kweMiqathango yeTayitile eThintela i-I(C)(c), I(D)(10), I(D)(11), II(D)(a) kunye ne-II(E)(a) kwi-Title Deed No. T70002/2024 ngokweCandelo 15(2)(f) loMthetho kaMasipala woCwangciso loSetyenziso loMhlaba kaMasipala (2015) ukuvumela indawo yokuhlala yesibini, yokwakhiwa kophahla oluthe tyaba, kunye nokwakhiwa kwendlu yokuhlala ecetywayo ngaphezulu kwemigca emiselweyo yokwakha isihloko.

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 saziso, 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: 18/2464/PB

08 April 2025

Sir/Madam

REMOVAL OF TITLE DEED RESTRICTIONS FOR ERF 2464, PLETTENBERG BAY, BITOU MUNICIPALITY

Applicant: Marike Vreken

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. The Removal of Restrictive Title Deed Conditions I(C)(c), I(D)(10), I(D)(11), II(D)(a) and II(E)(a) from Title Deed No T70002/2024 in terms of Section 15(2)(f) of the Bitou By-Law on Municipal Land Use Planning (2015) to allow a second dwelling, for the erection of a flat roof, and the construction of the proposed dwelling house over the prescribed title deed building lines.

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

PLETTENBERG BAY ERF 2464

APPLICATION FOR:

REMOVAL OF TITLE DEED RESTRICTIONS



CLIENT: BLUE BALLOON MARKETING LTD
PREPARED BY: MARIKE VREKEN URBAN & ENVIRONMENTAL PLANNERS



FEBRUARY 2025

CONTENTS

(I) TABLE OF CONTENTS

SECTION A :	BACKGROUND	1
1.	BACKGROUND	1
2.	THE APPLICATION.....	2
3.	PROPERTY DESCRIPTION, SIZE AND OWNERSHIP.....	2
SECTION B :	DEVELOPMENT PROPOSAL	3
4.	DEVELOPMENT SPECIFICATIONS	3
5.	STATUTORY SPECIFICATIONS	4
5.1.	Removal of Restrictive Title Deed Conditions	4
5.2.	Plettenberg Bay Zoning Scheme Bylaw	6
6.	SERVICES INFRASTRUCTURE	7
SECTION C :	CONTEXTUAL INFORMANTS	8
7.	LOCALITY	8
8.	CURRENT LAND USE AND ZONING	8
8.1.	Land Use	8
8.2.	Zoning.....	9
9.	CHARACTER OF THE AREA	9
10.	EXISTING POLICY FRAMEWORKS.....	10
10.1.	Western Cape Provincial SDF (2014)	10
10.2.	Bitou Spatial Development Framework (2021)	13
10.3.	Compliance/Consistency with Spatial Policy Directives	14
10.4.	Bitou Integrated Development Plan (2022 - 2027).....	14
SECTION D :	MOTIVATION.....	16
11.	ASSESSMENT OF APPLICATIONS	16
11.1.	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)	16
11.2.	Bitou Municipality: By-Law on Municipal Land Use Planning (2015).	16
12.	REMOVAL OF TITLE DEED RESTRICTIONS.....	17
13.	CONSISTENCY WITH SPATIAL PLANNING POLICIES.....	19
14.	NO IMPACT ON EXISTING RIGHTS.....	20

15.	PRECEDENTS & CONSISTENCY WITH THE SURROUNDING AREA	20
16.	DESIRABILITY	21
17.	WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)	22
17.1.	Spatial Justice.....	22
17.2.	Spatial Sustainability	23
17.3.	Spatial Efficiency	24
17.4.	Spatial Resilience.....	25
17.5.	Good Administration	25
18.	CONCLUSION	26

(II) ANNEXURES

ANNEXURE A.	Company Resolution & Power of Attorney
ANNEXURE B.	Application Form
ANNEXURE C.	Title Deed - T70002/2024
ANNEXURE D.	SG Diagram – SG436/75
ANNEXURE E.	Precedents in the area

(III) PLANS

PLAN 1.	Locality Plan
PLAN 2.	Land Use Plan
PLAN 3.	Proposed Development Plan

(IV) TABLE OF FIGURES

Figure 1.	The Application Area	1
Figure 2.	Proposed Ground floor	3
Figure 3.	Proposed First floor	3
Figure 4.	Locality	8
Figure 5.	Existing dwelling house to be demolished	9
Figure 6.	Precedents in the area.....	10
Figure 7.	Policies Applicable to the Development	11
Figure 8.	Bitou SDF extract.....	13
Figure 9.	Other Precedents Along Beachy Head Drive.....	21

SECTION A :**BACKGROUND****1. BACKGROUND**

Plettenberg Bay Erf 2464 (*hereafter referred to as the "Application Area"*) is located at 36 Beachy Head Drive, Plettenberg Bay, and is 2841m² in extent and is currently zoned "Single Residential Zone" in terms of the Plettenberg Bay Zoning Scheme (2023).

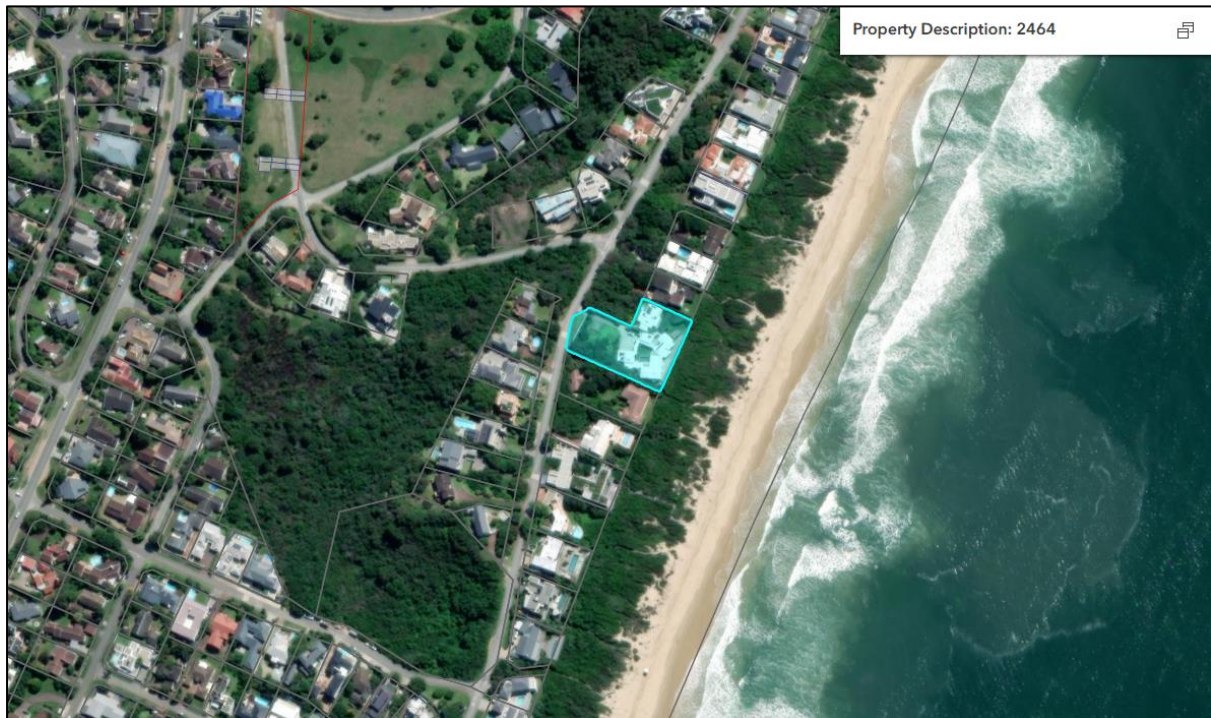


FIGURE 1: THE APPLICATION AREA

The owner of Plettenberg Bay Erf 2464 has recently purchased the property. The Applicant wishes to demolish the current dwelling house on the property and to construct a new dwelling house that better utilises the extent of the property. The new dwelling house will have flat roofs and will encroach the title deed building lines but comply with all the development parameters of the Bitou Zoning Scheme By-law (2023).

The title deed for Plettenberg Bay Erf 2464 contains restrictive title deed condition that prohibits the construction of flat, lean-to or mono-pitch roofs, and also prescribes more restrictive building lines than the Bitou Zoning Scheme Bylaw. The Applicant seeks to remove the restrictive conditions to allow for the design and construction of the proposed dwelling house.

In order to allow for the proposal, it is necessary to apply for a removal of restrictive title deed conditions in terms of Section 15(2)(f) of the Bitou Municipality By-law on Municipal Land Use Planning (2015).

2. THE APPLICATION

Marika Vreken Urban and Environmental Planners have been appointed by **BLUE BALLOON MARKETING LIMITED (INCORPORATED IN THE BRITISH VIRGIN ISLANDS)** to prepare and submit the required application documentation (refer to **ANNEXURE A: Company Resolution & Power of Attorney** and **ANNEXURE B: Application Form**) for:

- (i) The Removal of Restrictive Title Deed Conditions I(C)(c), I(D)(10), I(D)(11), II(D)(a) and II(E)(a) from Title Deed No T70002/2024 in terms of Section 15(2)(f) of the Bitou By-Law on Municipal Land Use Planning (2015) to allow a second dwelling, for the erection of a flat roof, and the construction of the proposed dwelling house over the prescribed title deed building lines.

3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed (T70002/2024) that includes the information outlined below is contained in **ANNEXURE C**. A SG Diagram – SG436/75 for the application area is contained in **ANNEXURE D**.

Property Description:	Erf 2464 Plettenberg Bay in the Bitou Municipality, Division Knysna, Western Cape Province.
Title Deed No:	T70002/2024
Property Owners:	Blue Balloon Marketing Limited (incorporated in the British Virgin Islands)
Property Size:	2841m ² (Two Thousand Eight Hundred and Forty-One) Square Metres
Title Deed Restrictions:	<p>Condition I(C)(c): - "That no more than one dwelling be erected on the said erf..."</p> <p>Condition I(D)(10): - "No more than one residence, together with the necessary outbuildings, shall be erected on the erf hereby transferred..."</p> <p>Condition I(D)(11): - "No building shall be erected within 15 feet from any boundary line of the erf..."</p> <p>Condition II(D)(a): - "...prohibiting (a) the erection of flat lean to or monopitch roofs or of flat corrugated iron buildings..."</p> <p>Condition II(E)(a): - "...prohibiting (a) the erection of flat, lean to or monopitched roofs or of flat or corrugated iron or asbestos fencing..."</p>
Servitudes:	There are no servitudes registered over this property.
Bonds:	There are no bonds registered over this property.

SECTION B :**DEVELOPMENT PROPOSAL****4. DEVELOPMENT SPECIFICATIONS**

(Refer to **Plan 3: Proposed Development Plans**)

The Applicant envisages demolishing the existing dwelling house and existing accompanying structures in order to develop a new dwelling house on the property. The owners would like to obtain the necessary land use approvals and building plan approval in order to allow the proposed construction on Plettenberg Bay Erf 2464.

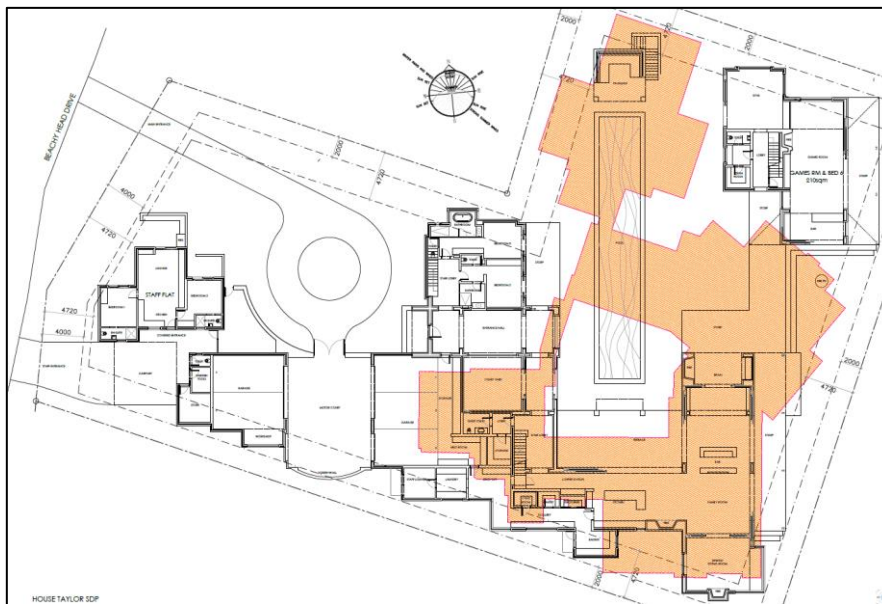


FIGURE 2: PROPOSED GROUND FLOOR

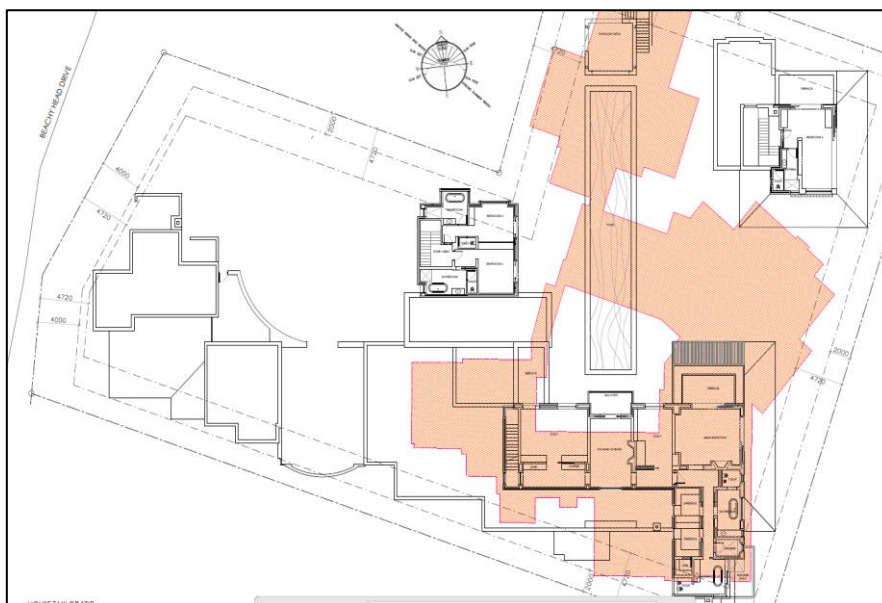


FIGURE 3: PROPOSED FIRST FLOOR

The proposed development is to construct a 6-bedroom dwelling house, with an accompanying kitchen, bar, braai, dining room, gym, games room, staff rooms for laundry and storage and additional dwelling for the staff to live on the application area. The owners wish to remove restrictive title deed Conditions I(C)(c), I(D)(10), I(D)(11), II(D)(a) and II(E)(a) from the Title Deed T70002/2024 of Plettenberg Bay Erf 2464 that prohibits the following:

- a second dwelling;
- the construction of a flat roof, and
- the construction of the proposed dwelling house within the title deed building lines.

The newly proposed dwelling house will comply with all the development parameters of the Bitou Zoning Scheme By-law (2023).

5. STATUTORY SPECIFICATIONS

The following land development applications are lodged in terms of the Bitou Municipality By-law on Municipal Land Use Planning, 2015 to achieve the desired outcome.

5.1. Removal of Restrictive Title Deed Conditions

The Title Deed T70002/2024 for Plettenberg Bay Erf 2464 contains restrictive title deed conditions that prohibit a second dwelling, the construction of a flat roof, and the construction of the proposed dwelling house within the title deed building lines.

(C) **SUBJECT FURTHER** to the following conditions which were approved by the Administrator of the Cape Province, in connection with the establishment of the Plettenberg South Township, under the provisions of Ordinance Number 13 of 1927 and contained in the said Deed of Transfer Number T17063/1946:-

Condition I(C)(c): "...not more than one dwelling be erected on the said erf and not more than one half the area of the said erf be built upon."

Reason for removal: The reason for the departure of that condition is in order to allow a "second dwelling" (staff quarters) on the premises that adhere to the Bitou Zoning Scheme By-law (2023). The zoning by-law allows a second dwelling as a primary land use right, provided that the second dwelling is smaller than 60m². Therefore, condition I(C)(c) is in contradiction with the zoning scheme bylaw of Bitou Municipality.

(D) **SUBJECT FURTHER** to the following special conditions contained in the said Deed of Transfer Number T17063/1946, and imposed by the BEACON ISLAND LIMITED as the registered owner of the remaining extent of the Plettenberg South Township site, registered in its name by Deed of Transfer Number T10843/1939 hereinafter referred to as the Transferor Company: -

Condition I(D)(10): "Not more than one residence, together with the necessary outbuildings, shall be erected on the erf hereby transferred, and no more than half the area

of the erf shall be built upon provided that no flats or *tenement house* shall be erected on the erf hereby transferred."

Reason for removal: The reason for the removal of condition I(D)(10) is the same as the reason for the removal of condition I(C)(c). The Bitou Zoning Scheme By-law (2023) allows for a second dwelling on a single residential zoned erf, as a primary land use right, provided that the size of the second dwelling is smaller than 60m². Therefore, condition I(D)(10) is in contradiction with the zoning scheme bylaw of Bitou municipality, and the landowners seek to construct the property in line with the Bitou Zoning Scheme By-law (2023).

Condition I(D)(11): "No building shall be erected within 15 feet (4,72m) from any boundary line of the erf hereby transferred and any street line which forms a boundary of the said erf."

Reason for removal: The Bitou Zoning Scheme By-law (2023) sets out new development parameters that are less restrictive than those in the property's Title deed. The landowners seek to develop the property to its fullest extent while complying with all development parameters of the zoning scheme by-law.

(D) ENTITLED FURTHER to the terms of an endorsement dated 31 December 1971 on Deed of Transfer Number T10324/1948, which endorsement reads as follows: -

"By deed of transfer 35125/71, Erf 2163 portion of Erf 410 Plettenberg Bay meas: 1638 square metres thereby conveyed is subject to conditions prohibiting (a) the erection of flat lean to or monopitch roofs or of flat or corrugated iron buildings (c)

Condition II(D)(a) "...prohibiting (a) the erection of flat lean to or monopitched roofs or of flat or corrugated iron buildings..."

Reason for removal: This title deed restriction was set in place to create a visually unified community. As the surrounding properties have started to become more modern, their architectural design has also become more modern. Several precedents in the area indicate that mono-pitched/flat-roof dwelling houses are not out of character of the area and will not influence the visually unified community.

(E) ENTITLED FURTHER to the terms of an endorsement dated 1 April 1947 of Deed of Transfer Number T10324/1948, which endorsement reads as follows: -

"By D/T No. 8791/73 dated this day Erf 2162 Portion of Erf 410 Plettenberg Bay meas 3372 sq.m thereby conveyed is subject to conditions prohibiting (a) the erection of flat, lean to or monopitch roofs or of flat or corrugated iron or asbestos fencing (b) nature of buildings and outbuildings (c) the erection of outbuildings

Condition II(E)(a) "...prohibiting (a) the erection of flat, lean to or monopitched roofs or of flat or corrugated iron or asbestos fencing..."

Reason for removal: This title deed restriction was set in place to create a visually unified community. As the surrounding properties have started to become more modern, their

architectural design has also become more modern. Several precedents in the area indicate that mono-pitched/flat-roof dwelling houses are not out of character of the area and will not influence the visually unified community.

It is proposed to remove Conditions I(C)(c), I(D)(10), I(D)(11), II(D)(a) and II(E)(a) that relate to restrictive development parameters, which was imposed at a time when a Town Planning Scheme was not yet available. The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) came into effect on 1 July 2013. Section 45(6) of this Act "replaced" the "Administrator" with the local municipality. Hence the municipality is now able to make a decision on the relaxation/removal of the title deed restrictions.

Since the Local Municipality (Bitou Municipality) has taken over the role of the 'Administrator' they have the authority to remove and/or relax any conditions with regard to the number of dwellings on a property, building lines of the property or the erection of flat/ lean-to or mono-pitched roofs.

Application is therefore made for the removal of these restrictive conditions from the Title Deed T70002/2024 for Plettenberg Bay Erf 2464 in terms of Section 15(2)(f) of the Bitou Municipality By-Law on Municipal Land Use Planning (2015) to allow the construction of a second dwelling, flat/mono-pitched roofs and the buildings within the title deed building lines.

5.2. Plettenberg Bay Zoning Scheme Bylaw

A summary of the prescribed development parameters for "Single Residential Zone" is shown in the table below. The proposed dwelling house must comply with these development parameters.

Prescribed Development Parameter		Proposed Development	Compliance
Primary Use	dwelling house	dwelling house	Comply
Coverage	50%	38.4%	Comply
Building Lines	Street building line: 4m (North-West)	4m	Comply
	Northwestern lateral building line: 2m	2m	Comply
	Northeastern lateral building line: 2m	2m	Comply
	Southeastern rear building line: 2m	2m	Comply
	Southwestern lateral building line: 2m	2m	Comply
	Street building line: 4.572m (North-West) * TITLE DEED	4m	Removal Required
	Northwestern lateral building line: 4.572m * TITLE DEED	2m	Removal Required

Prescribed Development Parameter		Proposed Development	Compliance
	Northeastern lateral building line: 4.572m * TITLE DEED	2m	Removal Required
	Southeastern rear building line: 4.572m * TITLE DEED	2m	Removal Required
	Southwestern lateral building line: 4.572m * TITLE DEED	2m	Removal Required
Height	The height of a dwelling house may not exceed 8,5 metres from natural ground level.	<8,5m	Comply
Windows & Doors	Must be set back at least 1.5m from boundary	Further than 1.5m	Comply
Parking & Access	2 parking bays	2 bays are provided	Comply
Additional access	Property boundary more than 30m	>30m	Comply
	Distance between access more than 12m	>12m	Comply

From the above table it is clear that even though it is necessary to apply for the removal of the restrictive title deed conditions, no other land development applications such as departures or consent uses are required. The proposal is fully compliant with the Bitou Zoning Scheme Bylaw (2023).

6. SERVICES INFRASTRUCTURE

The application area is located within the existing urban fabric and within an existing residential area. The property currently has a single residential dwelling, and the existing service provision is adequate for a dwelling house. No additional supply will be required.

SECTION C :**CONTEXTUAL INFORMANTS****7. LOCALITY***(Plan 1: Locality Plan)*

Plettenberg Bay Erf 2464 is located at 36 Beachy Head Drive, Plettenberg Bay. The application area is approximately 680m south-west of 'Beacon Island Resort'.

The coordinates to the centre of the property are located at 34° 3'57.86"S and 23°22'31.25"E.

**FIGURE 4: LOCALITY****8. CURRENT LAND USE AND ZONING****8.1. Land Use**

Plettenberg Bay Erf 2464 is currently used for single residential purposes (dwelling house) and within a residential neighbourhood. The newly proposed dwelling house will also be used for single residential purposes.



FIGURE 5: EXISTING DWELLING HOUSE TO BE DEMOLISHED

8.2. Zoning

Plettenberg Bay Erf 2464 is currently zoned as “Single Residential Zone” in terms of the Bitou Zoning Scheme By-law (2023).

9. CHARACTER OF THE AREA

(Plan 2: Land Use Plan)

The area is dominated by single residential erven containing large single residential dwellings, as it is within a residential neighbourhood. All the surrounding properties are dwelling houses, other land uses include ‘Beacon Island Resort/volleyball field’, guest accommodation a group housing development, vacant properties, public open space and a place of worship, but the dominant character of the area remains single residential.

During a survey of the area, houses with flat roofs were identified in the immediate surrounding area. Several dwelling houses in the area have flat roofs showing a clear precedent in the area (see **ANNEXURE E**), as well as an adjacent property with a second dwelling on the property. This is a clear indication that these restrictive title deed conditions were imposed at a time when there were no regulations in place to regulate design guidelines and to ensure a uniform design neighbourhood, they imposed certain design conditions within the title deeds.

However, these conditions have become outdated and the fact that there are numerous examples of flat roofs in the surrounding area confirms that a precedent has been set to deviate from these imposed conditions.



FIGURE 6: PRECEDENTS IN THE AREA

The surrounding land uses as indicated above clearly indicate that the character of the area is dominated by single residential properties. The proposal to construct a single residential dwelling with a flat roof, that adheres to the development parameters, in the area can be regarded as highly consistent with the existing character of the surrounding area and it will in no way detract or affect the existing character of the area.

10. EXISTING POLICY FRAMEWORKS

10.1. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as a strategic spatial planning tool that “communicates the provinces spatial planning agenda”.

The Western Cape Province’s Strategic objectives include:

- **Educating Cape:** Everyone has access to a good education, and the cities, towns and rural villages are places of innovation and learning.
- **Working Cape:** There are livelihood prospects available to urban and rural residents, and opportunities for them to find employment and develop enterprises in these markets.
- **Green Cape:** All households can access basic services that are delivered resource efficiently, residents use land and finite resources prudently and safeguard their ecosystems.

- **Connecting Cape:** Urban and rural communities are inclusive, integrated, connected and collaborative.
- **Living Cape:** Living and working environments are healthy, safe, enabling and accessible, and all have access to the region's unique lifestyle offering.
- **Leading Cape:** Urban and rural areas are effectively managed.

The PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. Each of the three spatial themes contributes to the achievement of the Western Cape's strategic objectives. These policies are categorised into three themes, namely:

- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements

For each theme, key challenges as distilled from the Provincial spatial profile and their spatial implications are noted and Provincial policies for dealing with them are presented. These themes and policies are summarised in the figure below.

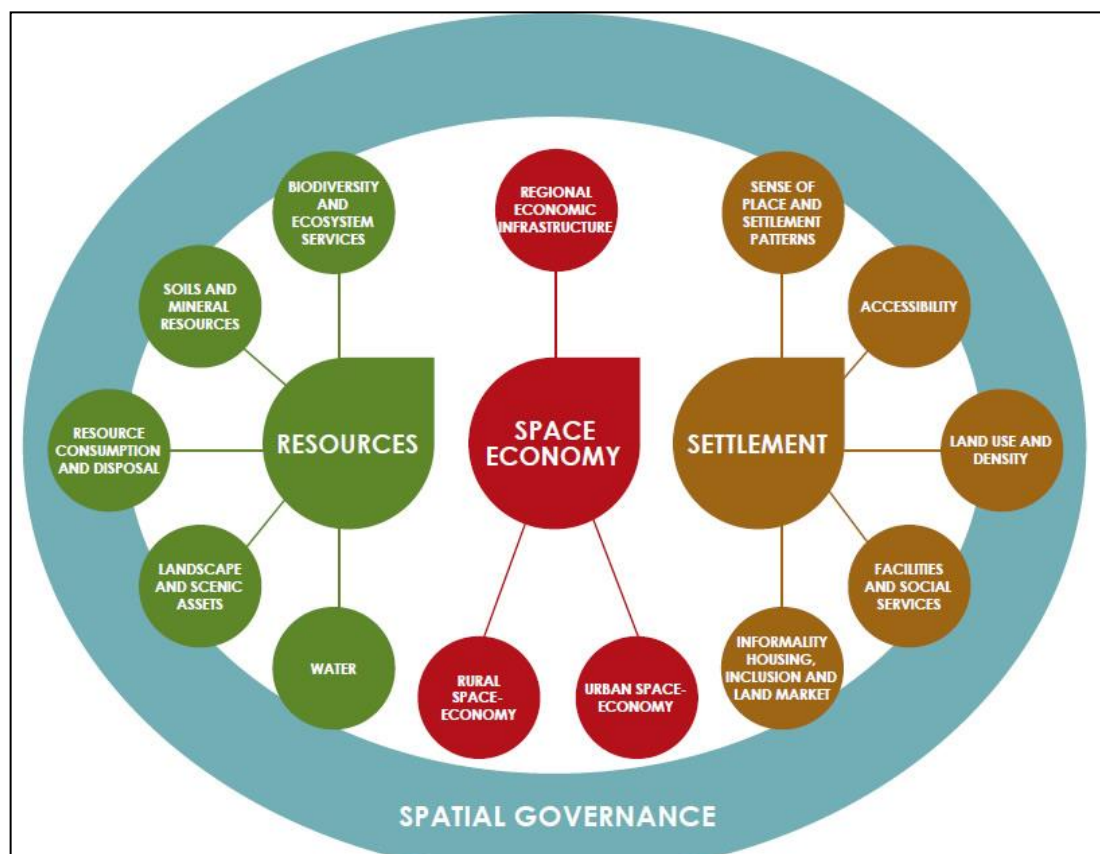


FIGURE 7: POLICIES APPLICABLE TO THE DEVELOPMENT

The proposed departures and consent use complement the SDF's spatial goals that aim to take the Western Cape on a path towards:

- (i) Greater productivity, competitiveness and opportunities within the spatial economy;
- (ii) More inclusive development in urban areas; and
- (iii) Strengthening resilience and sustainable development.

However, it is important to note some of the key policies laid down by the Western Cape PSDF have a bearing on this application.

POLICY S1: PROTECT, MANAGE AND ENHANCE SENSE OF PLACE, CULTURAL AND SCENIC LANDSCAPES

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
2. Promote smart growth ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements.	<p>(i) <i>The proposal will allow for more efficient use of land.</i></p> <p>(ii) <i>The development area is located within the urban edge and is suitable for urban development/redevelopment.</i></p> <p>(iii) <i>The property is to be redeveloped, promoting smart growth and seeks to intensify the land use on the property whilst adhering to the zoning scheme development parameters.</i></p>
3. Respond to and enhance an economically, socially and spatially meaningful settlement hierarchy that takes into account the role, character and location of settlements in relation to one another while preserving the structural hierarchy of towns, villages, hamlets and farmsteads in relation to historical settlement patterns.	<p>(i) <i>The proposal is in line with the existing character of the area and will not deviate from the existing aesthetics of the application area and the surrounding neighbours.</i></p>

Planning Implication:

*The subject property is situated **inside the urban edge** of Plettenberg Bay. The provincial SDF is a provincial scale planning document rather than a municipal scale. Meaning, an application for removal of restrictive title deed conditions relating to second dwellings, the type of roofs and materials used for the construction of a single residential dwelling on a Single Residential Zone stand, and allowing proposed development inside the title deed building lines are not directly applicable to the spatial planning policies of the PSDF. The proposal is on such a small scale it is difficult to indicate how it will comply or deviate from the Western Cape Spatial Development Framework which applies to provincial scale planning. Several similar precedents exist and therefore the proposal will not impact the character of the area.*

10.2. Bitou Spatial Development Framework (2021)

The latest Bitou Spatial Development Framework (SDF) was approved by the Bitou Municipal Council on 31 March 2022 (Council Resolution C/6/16/03/22).

The Bitou Municipality Spatial Development Framework serves as a regulatory framework for spatial development within the local municipality. The SDF is the primary spatial tool for guiding development within the municipal area. The SDF echoes the principles laid down by the provincial SDF including densification, the importance of compact settlements and walkability and the promotion of a mixture of uses in close proximity to one another. The purpose of the Bitou SDF report is to provide relevant background information regarding the biophysical, economic and social context of Bitou Municipality. The Spatial Development Vision of Bitou Municipality:

"...To become the Garden Route's sustainable tourism hub for the benefit of all..."

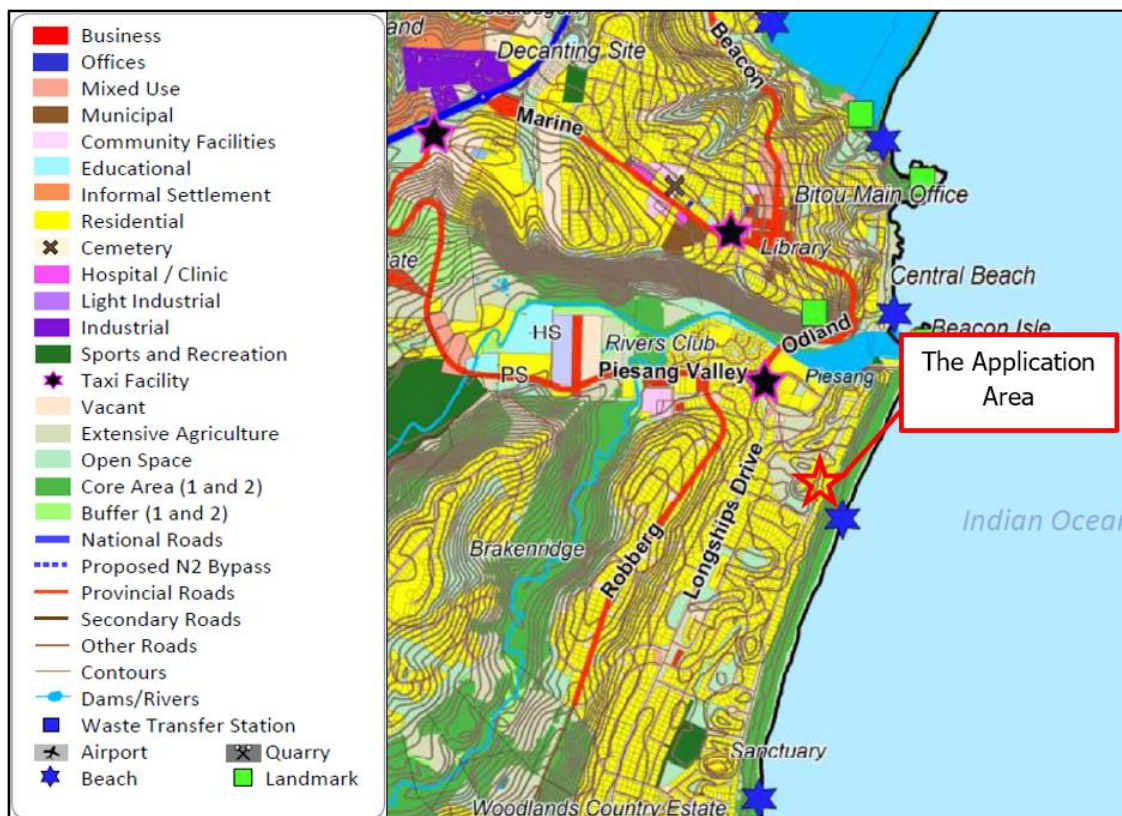


FIGURE 8: BITOU SDF EXTRACT

Planning Implication:

According to the Plettenberg Bay Municipality Spatial Development Framework (SDF), the application area is located inside the urban edge of Plettenberg Bay and within and is suitable for urban development. The proposal to remove the restrictive title deed conditions to allow the proposed development will not influence any policies or guidelines in the Bitou 2021 SDF.

The proposal will not in any way detract from the character of the area and is therefore not in conflict with the Bitou SDF. The Bitou Municipal SDF Promotes densification in urban areas, and therefore the proposal to redevelop an existing single residential property and to include a second dwelling (staff quarters) is in line with the densification of the property. Further, the other conditions to be removed do not contradict the priorities set out in the Bitou SDF.

The proposed application will not have any impact on the existing character of the area. The current service supply for Erf 2464 is adequate and the proposal will not have any additional impact on the current services provided. The proposed development is consistent with the spatial pattern of the area and will not detract from the current spatial pattern. It can therefore be concluded that the proposed development is in line with the Bitou SDF.

10.3. Compliance/Consistency with Spatial Policy Directives

Section 19(1) and (2) of LUPA state 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.”

Taking into account Section 19(2) of LUPA, the proposal can be regarded as being consistent with the applicable spatial planning policies, as the policies does not make any specific reference to second dwellings, building lines or flat/mono-pitched roofs. The proposed development is consistent with the urban development designation, and consistent with this character of this neighbourhood.

10.4. Bitou Integrated Development Plan (2022 - 2027)

The IDP is a municipal planning instrument that drives the process to address the socio-economic challenges as well as the service delivery and infrastructure backlogs experienced by communities in the municipality’s area of jurisdiction.

The Bitou Council opted to adopt a new five-year IDP for the period 2022 – 2027. According to this IDP, the municipality strongly felt that the current -19 crisis and the worsening negative economic climate have affected so many Bitou residents, and the current vision is

even more fitting as the municipality weathers the storm. The goal of coming out on the other side with the best possible outcome **TOGETHER**.

VISION 2030

"To be the best together"

The council adopted a new set of Strategic Objectives (SO) in response to the challenges presented by the -19 pandemic as well as the worsening economic climate and to help realize the objectives of the district economic development, provincial strategic goals and national development plan which eventually will contribute to the global sustainable development goals. These strategic objectives aim to streamline municipal planning and resource use for effective and efficient service delivery. The council decided on the following strategic objectives for 2022-2027:

- SO1:** Provide Excellent Service Delivery to the residents of Bitou Municipality.
- SO2:** Re-establish, grow and expand tourism within the municipality.
- SO3:** Put relevant control measures in place to ensure efficiency and excellence.
- SO4:** Provide basic service delivery to informal settlements and the poor.
- SO5:** Facilitate growth, jobs and empowerment of the people of Bitou.
- SO6:** To ensure the safety of residents and visitors of Bitou Municipality.
- SO7:** To build institutional and financial sustainability.

The application area is located within **Ward 2** of the Bitou Municipality. None of the identified ward-based needs and priorities has a direct bearing or any reference to the proposed departure and consent use on the subject property.

Planning Implication:

The IDP is a municipal planning tool that integrates municipal planning and allocates municipal funding to achieve strategic objectives that will contribute to the overall municipal vision. The proposed departure application will not directly contribute to any of the Ward-based issues/priorities but is important to note that the proposal does not contradict any of them or the desired outcome for this ward.

The utilization of a larger portion of the property could increase the property value. Home renovations create local job opportunities for contractors, architects, designers, and tradespeople. This boosts the local economy and supports small businesses within the community. This could also contribute to the increase of the neighbouring property values. The development will be in line with the aesthetics and existing character of the area. Therefore, the proposal is regarded as being consistent with the Bitou Integrated Development Plan.

SECTION D :**MOTIVATION****11. ASSESSMENT OF APPLICATIONS****11.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Section 42 of SPLUMA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

- (1). Development principles set out in Chapter 2 of SPLUMA
- (2). Protect and promote the sustainable use of agricultural land
- (3). National and provincial government policies the municipal spatial development framework; and take into account: —
 - (i) the public interest;
 - (ii) the constitutional transformation imperatives and the related duties of the State;
 - (iii) the facts and circumstances relevant to the application;
 - (iv) the respective rights and obligations of all those affected;
 - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
 - (vi) any factors that may be prescribed, including timeframes for making decisions.

11.2. Bitou Municipality: By-Law on Municipal Land Use Planning (2015).

The Bitou Municipality By-law on Municipal Land Use Planning (2015) as promulgated by G.N 7467 dated 12 August 2015 states in Section 65 the general criteria necessary for considering an application by the municipality.

It must be noted that the application has not undergone the notice phase of the application process and that the information below is the necessary information required by the municipality to process the application. The following criteria must be considered when evaluating the desirability of this land development application:

CRITERIA	REFERENCE IN REPORT
The impact of the proposed land development on municipal engineering services .	Par.0
The integrated development plan , including the municipal spatial development framework.	Par.10.4

CRITERIA	REFERENCE IN REPORT
The applicable local spatial development frameworks adopted by the Municipality.	Par.10.2
The applicable structure plans .	n/a
The applicable policies of the Municipality that guide decision-making .	Par.11.2
The provincial spatial development framework .	Par.10.1
where applicable, a regional spatial development framework contemplated in section 18 of the Act and provincial regional spatial development framework.	Par.10.3
The policies, principles and the planning and development norms and criteria set by the national and provincial government;	Par.11.1
The matters referred to in Section 42 of the Act; Principles referred to in Chapter VI (6) of the Western Cape Land Use Planning Act ; and	Par.17
applicable provisions of the zoning scheme	Par.5.2
any restrictive condition applicable to the land concerned	Par.5.1

12. REMOVAL OF TITLE DEED RESTRICTIONS

According to Section 33(5) of the Bitou Municipality By-law on Municipal Land Use Planning, the municipality must have regard to the following, when considering the removal, suspension or amendment of restrictive title deed conditions:

a) The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person, as the owner of a dominant tenement.

Response:

It is the considered opinion that there is no financial value associated with the restrictive title deed restrictions. The only value associated with the restrictive title deed conditions was to maintain a uniform township as no zoning schemes were in place at the and title deeds contained the properties specific development parameters and guidelines. This restriction is outdated, and several precedents exist in the area.

b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition.

Response:

The holder of the rights is the entire community of this township (Plettenberg Bay Ext 5) and 'Beacon Island Limited'. Beacon Island Limited' no longer exists; therefore there are no benefits for the holder of the rights. The benefits were to create and maintain a uniform neighbourhood prior to zoning schemes being implemented.

The construction of a dwelling house that complies with the prescribed development parameters of the Bitou Zoning Scheme Bylaw, will have no benefits (or negative impacts) on the community of this township.

c) The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition if it is amended, suspended, or removed.

Response:

The personal benefit which accrues to the person seeking to remove the condition will allow the landowner to:

- i. To construct the proposed dwelling house in accordance with their preferred design that entails the construction of a flat roof, a second dwelling (staff quarters), and within the title deed building lines. It is important to note that the proposed development is in line with all development parameters as set out in the Bitou Zoning Scheme By-law (2023).*

d) The social benefit of the restrictive condition remaining in place in its existing form.

Response:

There are no social benefits to maintaining this restrictive title deed condition in place. This restriction is outdated, and several precedents already exist in the area. The conditions were imposed at a time when a Town Planning Scheme was not yet available. Should the restrictive condition remain in place it will prohibit the landowner to construct their dwelling house according to their preferred design, which complies with the applicable development parameters and has no impact on the surrounding area. Therefore, it will have no social benefit if it remains in place.

e) The social benefit of the removal, suspension or amendment of the restrictive condition.

Response:

The conditions were imposed before any zoning schemes existed or were applicable to this area. The purpose of these title deed conditions was to ensure that a uniform neighbourhood was created. The surrounding property owners in this extension will not be negatively affected by the removal of the title deed restriction in any way whatsoever, as the zoning scheme has development parameters that ensure no rights are encroached on.

As mentioned, several precedents exist in the area and it would be unfair to restrict the landowner to comply with the Title Deed Restrictions in favour of a company that no longer exists. The social benefit if the removal of these conditions that are in conflict with the Zoning Scheme Bylaw is that there will be only one set of development rules to apply with, and no more confusion about adhering to a double set of rules.

f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

Response:

The beneficiaries of these rights are the entire community of Plettenberg Bay Extension 5. Nowadays, the Bitou Zoning Scheme Bylaw prescribes development rules and development parameters, and these have to be enforced by the Bitou Municipality. It should be noted that any land development on the application area must still comply with the prescribed development parameters of the Bitou Zoning Scheme By-law (2023). Therefore, the beneficiaries of these conditions are still protected by means of the provisions of the Zoning Scheme Bylaw.

g) Whether the removal would be in the public interest.

Response:

The removal of the restrictive condition will have no influence on the public interest, as this will allow this member of the public to construct the dwelling house as preferred, whilst still being consistent with the character of the area and have no impact on the existing land use right currently enjoyed by any of the surrounding property owners or any member of the public.

The fact that several similar examples in the surrounding area confirm that a precedent has been set to deviate from these imposed conditions.

13. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in **Par.10** of this report, the proposal is consistent with the relevant spatial planning policies for the following reasons:

- (i) The subject property is within the urban edge of Plettenberg Bay, and the provincial SDF governs provincial-scale planning, not municipal matters.
- (ii) The proposal is small in scale, making it difficult to assess against the Western Cape SDF, but similar precedents exist, ensuring no impact on the area's character.
- (iii) The property is inside the urban edge and suitable for urban development, aligning with the Bitou SDF, which promotes densification.
- (iv) The proposal does not contradict Bitou SDF policies, will not impact services, and maintains the area's spatial pattern and character.
- (v) The proposal aligns with Section 19(2) of LUPA, as spatial policies do not specifically regulate second dwellings, building lines, or roof types.
- (vi) It is consistent with the urban development designation and fits the existing neighborhood character.
- (vii) The proposal does not directly address ward-based IDP priorities but does not contradict them either.
- (viii) It supports the local economy by creating jobs and potentially increasing property values while maintaining the area's aesthetics and character.

14. NO IMPACT ON EXISTING RIGHTS

The proposed development will not negatively impact the rights of the surrounding property owners and will not disturb or negatively influence the character of the area. The proposal will uplift and enhance the area. The proposal will have no impact on any landowners existing land use rights currently enjoyed.

Several similar precedents exist within the surrounding area, this is a clear indication that Bitou Municipality has the view that removing these restrictive conditions does not impact the rights enjoyed by the residents but contributes to the spatial vision for the area. These conditions have not in the past been enforced by the beneficiaries thereof. Further, the Bitou Zoning Scheme By-law allows for the proposed development that the conditions that restrict the proposed development restrict. This is a clear indication that the title deed restrictions are outdated.

The proposal to demolish and reconstruct a new dwelling house on the application area will not prevent any surrounding landowner to exercise their legal land use rights, nor will it result in any nuisances or invasion of privacy in any way whatsoever. The newly proposed design will comply with all the prescribed development parameters including the height restriction and will not affect any views of the neighbours. Also, no additional land use rights are being applied for.

It can therefore be concluded that the proposal would be desirable as this will allow the land owners to construct a dwelling house on Erf 2464 to the landowners liking, providing to their needs whilst also being compatible with the surrounding built environment (where several similar precedents of dwelling houses with flat roofs exist, building to the zoning scheme building lines), and complying with the Plettenberg Bay Zoning Scheme Regulations.

15. PRECEDENTS & CONSISTENCY WITH THE SURROUNDING AREA

The newly proposed dwelling house will remain for single residential use, thus no change in the land use. No change in the character of the area will occur as a result of this application. The proposed dwelling house will fit in the character of the surrounding area as all surrounding properties that are used for residential purposes.

The proposed development of a flat roof dwelling house, with a second dwelling, will not impact the visual character of the area, but it will enhance the aesthetic appearance of the area. The proposed use will be highly consistent with the character of the surrounding area

Several other flat roofs could be identified from the street front showing a clear precedent in the area. This is a clear indication that an environment for residential dwellings with flat roofs has been created. The modern designs of the dwelling houses in the area are the trend being followed. The attached plan as discussed in **Par.9** identifies precedents in the immediate surrounding area. The applicant has also further along Beachy Head Drive identified more dwelling houses with flat roofs.

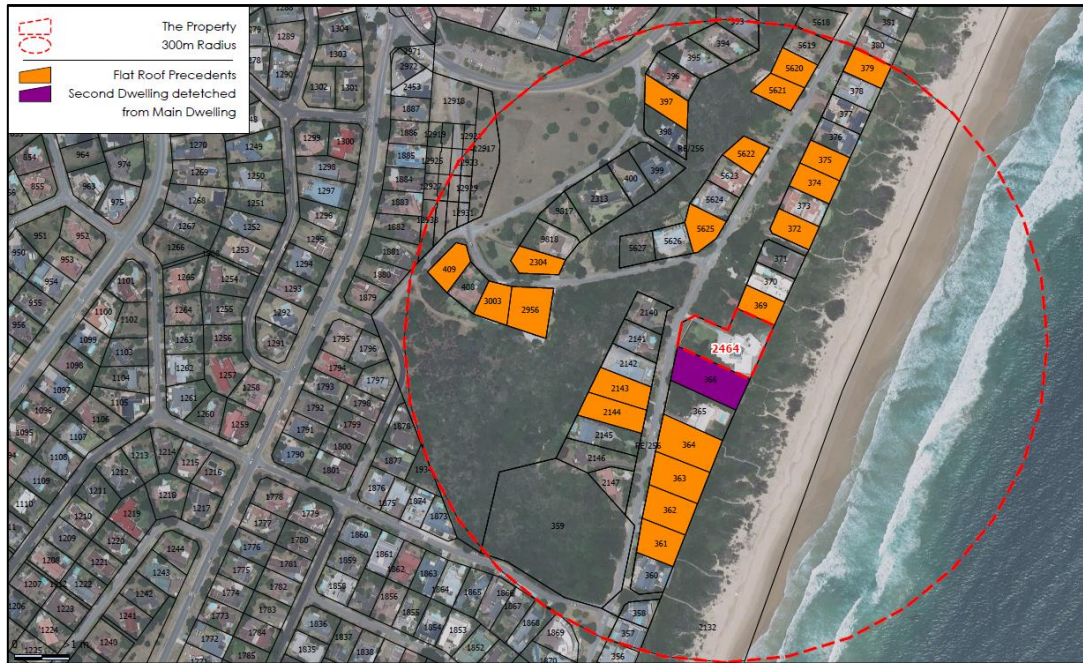


FIGURE 9: OTHER PRECEDENTS ALONG BEACHY HEAD DRIVE

The proposal to construct a single residential dwelling with a flat roof in the area can be regarded as highly consistent with the existing character of the area and it will in no way detract or affect the existing character of the area. Various similar precedents are present in the area and the entire Extension 5.

16. 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. This section expresses the desirability of the proposed departure, taken in conjunction with the development principles and criteria set out through the statutory planning framework, 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.

The proposed application is considered desirable as it is not in conflict with the spatial development policies. Furthermore, the approval of the application will not have a negative impact on the character of the area as well as the surrounding neighbours. The proposal is only for the demolition of the existing dwelling house and reconstruction of a new dwelling, and to enhance their living quality and comfortability to have a new, more aesthetically pleasing dwelling house adhering to the needs of the homeowners.

The dwelling house will be in line with the prescribed land use, building lines, coverage, parking requirement and the height restriction as set out in the Zoning Scheme.

17. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws, and to provide for matters incidental thereto.

Section 59 of this Act prescribe the Land Use Planning Principles that apply to all land development in the province. The tables below aim to summarise how the proposed development on Plettenberg Bay Erf 2464 complies with these principles.

17.1. Spatial Justice

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Past spatial and other development imbalances must be redressed through improved access to and use of land.	COMPLY	<i>The proposal aims to create a more inclusive, functional urban integrated living environment which is strategically aligned with the surrounding land uses. The proposal will also ensure that the property is utilised to its fullest potential.</i>
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	N/A	<ul style="list-style-type: none"> ▪ <i>This policy is not applicable to the application area.</i> ▪ <i>Not a Spatial Development Framework or Policy.</i>
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	N/A	<i>This policy is not applicable to the application area.</i>
Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the	N/A	<i>This policy is not applicable to the application area.</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
management of disadvantaged areas and informal settlements.		
Land development procedures must include provisions that accommodate access to, and facilitation of, the security of tenure and the incremental upgrading of informal areas.	Applicable to Bitou Municipality	<i>The municipality must process this application within the prescribed guidelines of the Bitou By-Law on Municipal Land Use Planning (2015).</i>
A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.	Applicable to Bitou Municipality	<i>The municipality must process this application within the prescribed guidelines of the Bitou By-Law on Municipal Land Use Planning (2015).</i>
The right of owners to develop land in accordance with current use rights should be recognised.	COMPLY	<ul style="list-style-type: none"> <i>The landowner will exercise his rights to develop his land in accordance with the current land use rights, as prescribed by the Bitou Zoning Scheme By-law (Single Residential Zone) and exercise their rights to apply in terms of Section 15 of the Bitou By-Law on Municipal Land Use Planning (2015), for the removal of a restrictive title deed condition.</i> <i>No change in land use is proposed. The land use will remain single residential.</i>

17.2. Spatial Sustainability

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority.	COMPLY	<ul style="list-style-type: none"> <i>The proposal is resource-frugal, as all activities will make use of the existing services.</i> <i>The proposed development is within the urban edge of Plettenberg Bay and within an established urban environment.</i> <i>No additional services capacity is required to enable the proposal.</i>
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	N/A	<i>Not Agricultural land.</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Uphold consistency of land use measures in accordance with environmental management instruments.	COMPLY	<i>The application area is located within an existing urban area and does not trigger any environmental listed activities in terms of the National Environmental Management Act (1998).</i>
Promote and stimulate the effective and equitable functioning of land markets.	N/A	<i>This policy is not applicable to the application.</i>
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	COMPLY	<ul style="list-style-type: none"> <i>The existing infrastructure is adequate, and no upgrade is required. See Par.0.</i> <i>Any future costs will be at the cost of the applicant or as determined by the municipality.</i>
Promote land development in locations that are sustainable and limit urban sprawl.	COMPLY	<ul style="list-style-type: none"> <i>The proposed development is within an existing urban area.</i> <i>No urban sprawl will be created as a result of the proposed development, or the removal of restrictive conditions.</i>
Result in communities that are viable.	COMPLY	<ul style="list-style-type: none"> <i>The proposal will not detract from the existing character of the area and result in a viable residential community.</i> <i>Contributes to a more viable community by allowing this landowner to fully utilise the land, in accordance with the prescribed zoning scheme bylaw.</i>
Strive to ensure that the basic needs of all citizens are met in an affordable way.	N/A	<i>This principle is not applicable to the applicant or this development.</i>
The sustained protection of the environment should be ensured.	COMPLY	<ul style="list-style-type: none"> <i>In line with all Environmental policy documents and legislation.</i> <i>The application area is located within the existing urban area of Plettenberg Bay and within the existing urban fabric.</i>

17.3. Spatial Efficiency

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Land development optimises the use of existing resources and infrastructure.	COMPLY	<ul style="list-style-type: none"> <i>The proposal will require and fully utilise the existing municipal infrastructure. No upgrades to the existing infrastructure will be required. See Par.0.</i>
Integrated cities and towns should be developed.	N/A	<i>This policy is applicable to new township developments.</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Policy, administrative practice and legislation should promote speedy land development.	Applicable to Bitou Municipality	<i>The municipality should process this application within the prescribed time frames of the Bitou Municipality By-law on Municipal Land Use Planning, 2015.</i>

17.4. Spatial Resilience

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks	COMPLY	<ul style="list-style-type: none"> ▪ <i>The proposal is consistent with the various applicable spatial plans, policies and land use management systems.</i> ▪ <i>It will have no negative impact on the livelihood of the community.</i> ▪ <i>The proposed application complies with the requirements of the Bitou Municipality By-Law on Municipal Land Use Planning (2015).</i>

17.5. Good Administration

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
<p>All spheres of government should ensure an integrated approach to land use planning.</p> <p>All government departments must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks.</p> <p>The requirements of any law relating to land development and land use must be met timeously.</p> <p>The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.</p> <p>The legislation, procedures and administrative practice relating to land development should be clear, promote predictability, trust and</p>	Applicable to Bitou Municipality	<ul style="list-style-type: none"> ▪ <i>This principle has no direct bearing on the application; however, the Bitou Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.</i> ▪ <i>What is however important is that all decision making is aligned with sound policies based on national, provincial and local development policies.</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
acceptance in order to inform and empower members of the public.		
A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.		
Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.		
Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.		
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

18. CONCLUSION

In light of this motivation, and the information contained in the foregoing report, it is clear that the application for:

- (i) Removal of Restrictive Title Deed Condition I(C)(c), I(D)(10), I(D)(11), II(D)(a) and II(E)(a) from Title Deed No T70002/2024 in terms of Section 15(2)(f) of the Bitou By-Law on Municipal Land Use Planning (2015) to allow a second dwelling, for the erection of a flat roof, and the erection of the proposed dwelling house within the title deed building lines.

Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Bitou Municipality By-law on Municipal Land Use Planning; 2015 is desirable and it is therefore recommended that the application be supported by the relevant authorities and approved by Bitou Municipality.

Marika Vreken Urban and Environmental Planners
February 2025

