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Municipal Notice No: 189/2025

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

**BITOU MUNICIPALITY (WC047)
NOTICE NUMBER: 189/2025**

Property description/ Grondbeskrywing/ Inkcazo yepropati	Type of Application/Aansoek/ Uhlobo lweSicelo
Erf 156 & 237, Plettenberg Bay	<ol style="list-style-type: none">1. The rezoning of Plettenberg Bay Erf 156 from ‘Single Residential Zone I’ to ‘General Residential Zone II’ to allow nine (9x) residential apartments in terms of Section 15(2)(a) of the Bitou Municipality Land Use Planning Bylaw, 2015.2. Closure of a portion of unregistered state land (Sinclair Street) abutting Plettenberg Bay Erven 156 and 255 (lapsed Erf 9170) in terms of Section 15(2)(n) of the Bitou Municipality Land Use Planning Bylaw, 2015.3. The amendment an approved General Plan in terms of Section 15(2)(k) of the Bitou Municipality Land Use Planning Bylaw, 2015, by amending the portion of closed street as an ordinary erf.4. The subdivision of the portion of closed street ($\pm 302\text{m}^2$), in terms of Section 15(2)(d) of the Bitou Municipality Land Use Planning Bylaw, 2015.5. The rezoning of the portion of closed street ($\pm 302\text{m}^2$) from “Transport Zone II” (Public Street) to ‘General Residential Zone II’ to allow nine (9x) residential apartments in terms of Section 15(2)(a) of the Bitou Municipality Land Use Planning Bylaw, 2015.6. The confirmation of an exemption from a consolidation application, by the consolidation of the portion of closed street with Plettenberg Bay Erf 156, to create a new property of $\pm 1250\text{m}^2$, in terms of Section 24(1)(d) of the Bitou Municipality Land Use Planning Bylaw, 2015.7. A Permanent Departure to allow the relaxation of the prescribed coverage from 60% to 90%, in terms of Section 15(2)(b) of the Bitou Municipality Land Use Planning Bylaw, 2015;8. A Permanent Departure to allow the relaxation of the prescribed building lines applicable to the consolidated property, in terms of Section 15(2)(b) of the Bitou Municipality Land Use Planning Bylaw, 2015:<ol style="list-style-type: none">8.1. Relaxation of the Street building line from 5m to 1.5m;8.2. Relaxation of the western lateral building line from 4,5m to 0m;8.3. Relaxation of the southern, eastern and northern lateral building line from 4,5m to 1,5m;

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 ziqhagamshelwano zaloo mntu uchaphazelekayo.

Mr. Mbulelo Memani
MUNICIPAL MANAGER
Bitou Local Municipality

PLETTENBERG BAY ERF 156 & PORTION OF ERF 237

APPLICATION FOR:

**REZONING, SUBDIVISION, CONSOLIDATION
& DEPARTURES**



CLIENT: PLETT PRIME DEVELOPMENTS (PTY) LTD
PREPARED BY: MARIKE VREKEN URBAN & ENVIRONMENTAL PLANNERS



April 2025

CONTENTS

(I) TABLE OF CONTENTS

SECTION A : BACKGROUND	1
1. BACKGROUND	1
1.1. Property History	2
1.2. Property Ownership	2
1.3. Council Resolution to Alienate Council Land	2
1.4. Pre-Application Consultation	2
2. THE APPLICATION.....	3
3. PROPERTY DESCRIPTION, SIZE & OWNERSHIP.....	4
SECTION B : DEVELOPMENT PROPOSAL	5
4. DEVELOPMENT SPECIFICATIONS	5
4.1. Proposed Development	5
4.2. Size and Extent	5
4.3. Residential Apartments	6
4.4. Access and Egress.....	10
4.5. Height.....	11
4.6. Parking Provision.....	12
5. STATUTORY SPECIFICATIONS	13
5.1. Closure of an Open Space	13
5.2. Subdivision	13
5.3. Amendment of General Plan	14
5.4. Rezoning.....	14
5.5. Consolidation (Exemption)	14
5.6. Permanent Departures.....	15
5.7. Plettenberg Bay Zoning Scheme Bylaw	15
6. SERVICES INFRASTRUCTURE	17
6.1. Civil Services.....	17
6.2. Electrical Services	19
SECTION C : CONTEXTUAL INFORMANTS	21
7. LOCALITY	21
8. CURRENT LAND USE & ZONING	21
8.1. Land Use	21

8.2.	Zoning.....	21
9.	SITE CHARACTERISTICS	22
10.	CHARACTER OF THE AREA	24
11.	EXISTING POLICY FRAMEWORKS	26
11.1.	Western Cape Provincial SDF (2014)	26
11.2.	Eden Spatial Development Framework (2017).....	29
11.3.	Bitou Municipal SDF (2021)	31
11.4.	Bitou Integrated Development Plan (2022–2027).....	33
SECTION D : MOTIVATION.....		35
12.	ASSESSMENT OF APPLICATIONS.....	35
12.1.	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) 35	
13.	CONSISTENCY WITH SPATIAL PLANNING POLICIES	35
14.	SPECIFIC LOCATIONAL FACTORS.....	36
15.	CONSISTENCY WITH THE CHARACTER OF THE SURROUNDING AREA	36
16.	INSIGNIFICANT VISUAL IMPACT	37
17.	NO IMPACT ON EXISTING RIGHTS.....	39
18.	NO ENVIRONMENTAL IMPACT.....	40
19.	RESIDENTIAL DENSIFICATION.....	40
20.	URBAN INTEGRATION	41
21.	REASON FOR THE BUILDING LINE RELAXATIONS	41
21.1.	Topography and orientation of the Site	41
21.2.	Parking Provision.....	42
22.	URBAN RENEWAL.....	42
23.	POSITIVE CONTRIBUTION TO THE TOWN & EMPLOYMENT OPPORTUNITIES... 42	
24.	RANGE OF HOUSING OPPORTUNITIES	43
25.	DESIRABILITY	43
26.	WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)	47
26.1.	Spatial Justice.....	48
26.2.	Spatial Sustainability	49
26.3.	Spatial Efficiency	50
26.4.	Spatial Resilience.....	51
26.5.	Good Administration	51
27.	CONCLUSION	52

(II) ANNEXURES

ANNEXURE A.	Confirmation of Transfer – Adams & Adams
ANNEXURE B.	Council Resolution to Alienate Street Portion
ANNEXURE C.	Surveyed Diagram for Erf 9170
ANNEXURE D.	Surveyor General Status Report
ANNEXURE E.	Bitou Municipality signed Power of Attorney
ANNEXURE F.	Pre-Application Consultation Minutes
ANNEXURE G.	Company Resolution & Power of Attorney – Plett Prime Developments
ANNEXURE H.	Application Form
ANNEXURE I.	Draft New Title Deed – Erf 156
ANNEXURE J.	Windeed Copy – Unregistered Erf 237
ANNEXURE K.	Copy of the SG Diagram – Erf 156
ANNEXURE L.	General Plan (SG 6084/1920)
ANNEXURE M.	Architectural Illustrations
ANNEXURE N.	Civil Services Report
ANNEXURE O.	GLS Services Capacity Report
ANNEXURE P.	Electrical Services Report
ANNEXURE Q.	Architectural Renderings

(III) PLANS

PLAN 1.	Locality Plan
PLAN 2.	Land Use Plan
PLAN 3.	Subdivision Plan
PLAN 4.	Architectural Plans

(IV) TABLE OF FIGURES

Figure 1.	Plettenberg Bay Erf 156.....	1
Figure 2.	Proposed Development.....	5
Figure 3.	Level 2: - Unit 1 & Unit 2.....	6
Figure 4.	Level 3: - Parking & Unit 3.....	7
Figure 5.	Level 4: - Units 4 & 5	8
Figure 6.	Level 6: - Units 6 & 7	9
Figure 7.	Level 6: - Units 8 & 9	10
Figure 8.	Access and Egress	11

Figure 9.	Cross Section & Height Restriction	11
Figure 10.	Northern Elevation	12
Figure 11.	Proposed Parking Layout	12
Figure 12.	Proposed Subdivision	13
Figure 13.	Proposed Consolidation	14
Figure 14.	Locality	21
Figure 15.	Extract – Bitou Zoning Map	22
Figure 16.	Existing Dwelling on Erf 156.....	23
Figure 17.	Existing Structure on Erf 156.....	23
Figure 18.	Existing Dwelling on Erf 156.....	23
Figure 19.	Topography of the Application Area	24
Figure 20.	Extract – Land Use Plan.....	25
Figure 21.	Existing Residential Properties in the surrounding area	25
Figure 22.	Business Uses in the surrounding area	26
Figure 23.	Extract - Bitou SDF (2021).....	32
Figure 24.	Character of the Area as seen from Central Beach.....	36
Figure 25.	North Eastern View From Signal Hill.....	37
Figure 26.	Visibility From Signal Hill in Eastern Direction.....	38
Figure 27.	Building Lines	39
Figure 28.		

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

Plettenberg Bay Erf 156 and a Portion of Erf 237 (hereafter referred to as 'the application area'), is located east of the Plettenberg Bay SAPS Station and the Plettenberg Bay Post Office, and west of Plettenberg Bay Central Beach. Access to the application area is obtained from a public street, Sinclair Street. Erf 156 is 948m² in extent and the Portion of Erf 237 is 302m². There is a half-completed building ruin that has been like this for years. The Bitou Municipality has issued a demolition order for this property.

Erf 156 was sold to new owners (Plett Prime Developments (Pty)Ltd), and the new owners envision redeveloping the application area into residential apartments. The figure below shows the existing ruin on the application area.



FIGURE 1: PLETTENBERG BAY ERF 156

According to the Bitou Municipality Public GIS Viewer, Erf 156 is zoned "Single Residential Zone I" and the portion of Erf 237 is zoned "Transport Zone II" in terms of the Bitou Zoning Scheme Bylaw (2023).

1.1. Property History

Erf 156 has a long history of illegal building activities, and attempts for rezoning, extension of validity periods etc. Bitou Municipality obtained a Court Order on 8 November 2016 to demolish the existing unlawful structure, and this structure will be demolished before the proposed new development can take place. Bitou Municipality called for tenders for the demolition during January 2024, and again during November 2024.

1.2. Property Ownership

Plett Prime Developers(Pty)Ltd, a subsidiary company of Feenstra Group(Pty)Ltd purchased the application area (Erf 156) from Cyco Sales(Pty)Ltd. The transfer of the property was registered in the Deeds office on 10 April 2025. A copy of the confirmation of the registration from the transfer Attorneys, is attached as **ANNEXURE A**.

1.3. Council Resolution to Alienate Council Land

During 2001 there was a rezoning application that accompanied an application for the alienation of a portion of Public Street (a Portion of Sinclair Street / unregistered state land). A copy of this Council Resolution is attached as **ANNEXURE B**. The portion of street to be alienated was surveyed (302m²), but the subdivision lapsed before the property was registered. A copy of a survey diagram for Erf 9170 Plettenberg Bay is attached as **ANNEXURE C**. According to the Surveyor General's Status Report for Closure (refer **ANNEXURE D**), this portion of land is unregistered state land. For ease of reference, this portion of land to be subdivided and alienated will be referred to as "Erf 9170".

Even though the subdivision has lapsed, the Council Resolution was not rescinded, and no time frame for the alienation / registration of the subdivided erf was specified in the Council Resolution, hence the resolution stands.

The Applicant wish to pursue this land alienation process and included this portion of land in the development proposal. Bitou Municipality signed a Power of Attorney for the closure application, and this Power of Attorney is attached as **ANNEXURE E**.

1.4. Pre-Application Consultation

A pre-application consultation did take place with Bitou Municipality. A copy of the pre-application consultation minutes is attached as **ANNEXURE F**. The pre-application feedback did not highlight any initial 'red-flags', however, certain aspects were highlighted, and these are listed below:

Points Raised during the Pre-Application Consultation	Reference in Report
Consider desirability – scale of building / density	Par 25
Consider balance between Signal Hill open space / sense of place and development proposal	Par 16
Address desirability of more than 4x units per site.	Par 19

Why departure is necessary, if design starts with a "blank canvas" after demolition.	Par 21
Application to be accompanied by Civil Engineering & Electrical Engineering Reports	Par 6.1 & 6.2
Important to retain permanent residential use, rather than tourism accommodation use	Par 4.1
Inputs / contribution from developer to maintain and retain public open space and viewpoint – safety and security areas?	Par 16

2. THE APPLICATION

Marike Vreken Urban & Environmental Planners has been appointed by **Plett Prime Developments (Pty)Ltd** to prepare and submit the required application documentation (refer to **ANNEXURE G: Company Resolution & Power of Attorney** and **ANNEXURE H: Application Form**) for:

- (i) The rezoning of Plettenberg Bay Erf 156 from 'Single Residential Zone I' to 'General Residential Zone II' to allow nine (9x) residential apartments in terms of Section 15(2)(a) of the Bitou Municipality Land Use Planning Bylaw, 2015.
- (ii) Closure of a portion of unregistered state land (Sinclair Street) abutting Plettenberg Bay Erven 156 and 255 (lapsed Erf 9170) in terms of Section 15(2)(n) of the Bitou Municipality Land Use Planning Bylaw, 2015.
- (iii) The amendment an approved General Plan in terms of Section 15(2)(k) of the Bitou Municipality Land Use Planning Bylaw, 2015, by amending the portion of closed street as an ordinary erf.
- (iv) The subdivision of the portion of closed street ($\pm 302\text{m}^2$), in terms of Section 15(2)(d) of the Bitou Municipality Land Use Planning Bylaw, 2015.
- (v) The rezoning of the portion of closed street ($\pm 302\text{m}^2$) from "Transport Zone II" (Public Street) to 'General Residential Zone II' to allow nine (9x) residential apartments in terms of Section 15(2)(a) of the Bitou Municipality Land Use Planning Bylaw, 2015.
- (vi) The confirmation of an exemption from a consolidation application, by the consolidation of the portion of closed street with Plettenberg Bay Erf 156, to create a new property of $\pm 1250\text{m}^2$, in terms of Section 24(1)(d) of the Bitou Municipality Land Use Planning Bylaw, 2015.
- (vii) A Permanent Departure to allow the relaxation of the prescribed coverage from 60% to 90%, in terms of Section 15(2)(b) of the Bitou Municipality Land Use Planning Bylaw, 2015;
- (viii) A Permanent Departure to allow the relaxation of the prescribed building lines applicable to the consolidated property, in terms of Section 15(2)(b) of the Bitou Municipality Land Use Planning Bylaw, 2015:
 - [a] Relaxation of the Street building line from 5m to 1.5m;

- [b] Relaxation of the western lateral building line from 4,5m to 0m;
- [c] Relaxation of the southern, eastern and northern lateral building line from 4,5m to 1,5m;

3. PROPERTY DESCRIPTION, SIZE & OWNERSHIP

Since the application area was recently registered in the name of the new owners, not new deed is available yet. A copy of the draft new Title Deed for Erf 156 is contained in **ANNEXURE I**. A copy of the confirmation of the recent transfer to Plett Prime Property (Pty)Ltd is attached as **ANNEXURE A**. Since the Portion of Sinclair Street is unregistered state land that vested with Bitou Municipality, no title deed or approved SG diagram is available for the portion of land to be alienated. The SG Diagram (KNQ12-55/1922) for Erf 156 is contained in **ANNEXURE K**. An extract of the General Plan that includes this area (SG 6084/1920) is attached **as ANNEXURE L**. According to this General Plan, the portion of Sinclair Street is merely indicated as "commonage".

	Erf 156	Portion of Sinclair Street (Erf 237)
Title Deed No:	New deed awaited – draft deed attached.	No title deed - Unregistered State Land
Property Owner:	Plett Prime Developments (Pty)Ltd. Registration Number 2022/269457/07	Bitou Municipality – the public streets vested with the local authority, with the registration of the erven in this residential township.
Property Description:	Erf 156 Plettenberg Bay, in the Bitou Municipality, Division of Knysna, Western Cape Province	Portion of unregistered state land, abutting Erven 156 and 255
Property Size:	Erf 156 = 948 m ²	Street Portion = 302m ²
Title Deed Restrictions:	None.	None.
Servitudes:	None	None
Bonds:	A bond is being registered in favour of Investec. The Bond Holder's permission has been applied for, and will be submitted in due course.	No Bond

SECTION B :**DEVELOPMENT PROPOSAL****4. DEVELOPMENT SPECIFICATIONS****4.1. Proposed Development***(Refer Plan 4)*

The proposed development entails the development of 9x sectional title residential apartments, as indicated on the Site Development Plan. The proposed block of apartments will consist of 9x residential apartments, on 6 levels. The proposed building is design to be terraced with the slope of the land, and to comply with the prescribed height restriction of 10,67m above Natural Ground Level.

The figure below shows an artist impression of the proposed apartment block.

**FIGURE 2: PROPOSED DEVELOPMENT**

The units will be alienated via a sectional title scheme, governed by a Body Corporate. The total floor space of the application area is 1522m² of internal floor space, 338m² of covered private recreation space, and 292m² of uncovered private recreation space.

4.2. Size and Extent

The proposed new building will have a total floor area of 2152m². This calculates to a Floor Area Ratio (FAR) of 1.00. The Bitou Zoning Scheme Bylaw prescribes a maximum bulk factor of 1,50 for flats. The proposal is therefore compliant with the prescribed bulk factor of the proposed development.

4.3.3. Level 3: Unit 3 & Covered Parking

The proposed Level 3 will consist of the following:

- Street Level entrance to the proposed development;
- 4x covered parking bays;
- Apartment No 3, with approximately 90m² private recreation space;

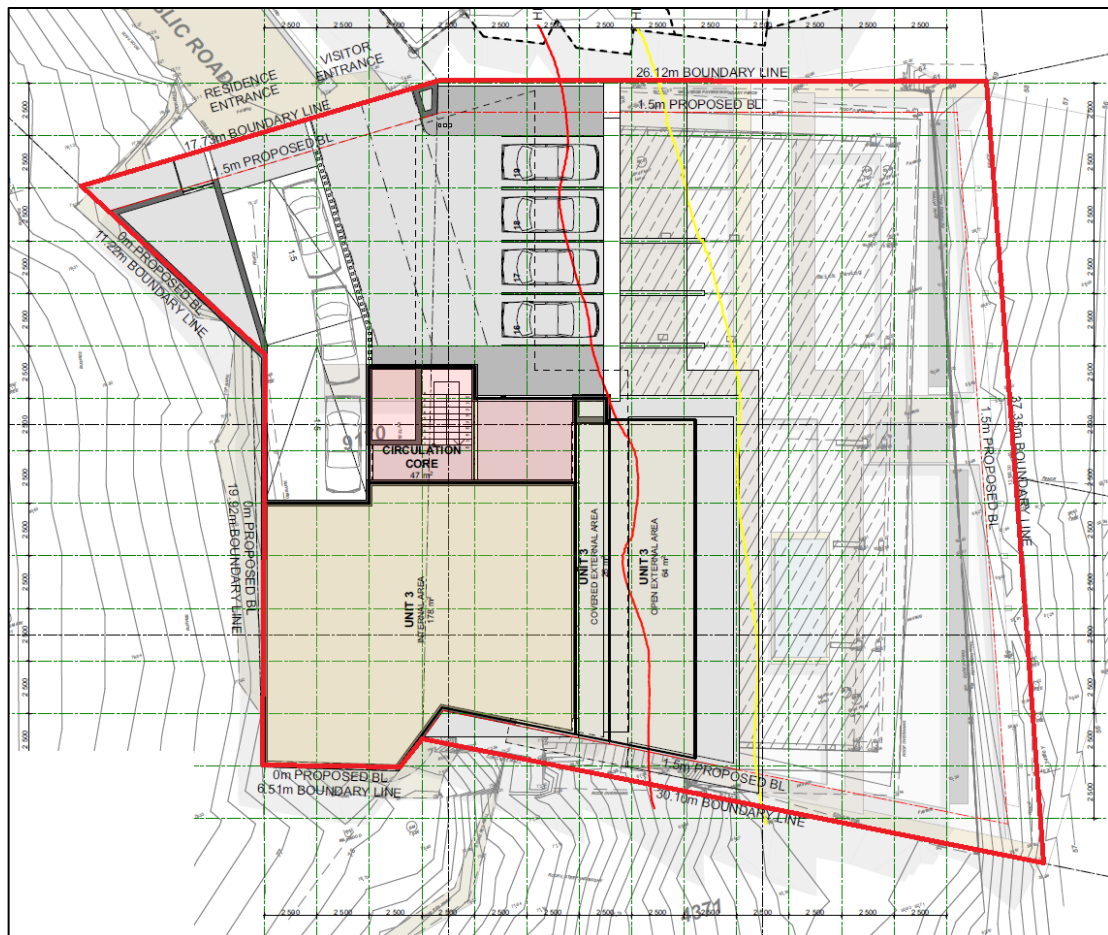


FIGURE 4: LEVEL 3: - PARKING & UNIT 3

4.3.4. Level 4: Unit 4 & Unit 5

The proposed Level 4 will consist of the following:

- Apartment No 4, with approximately 79m² private recreation space;
- Apartment No 5, with approximately 102m² private recreation space;

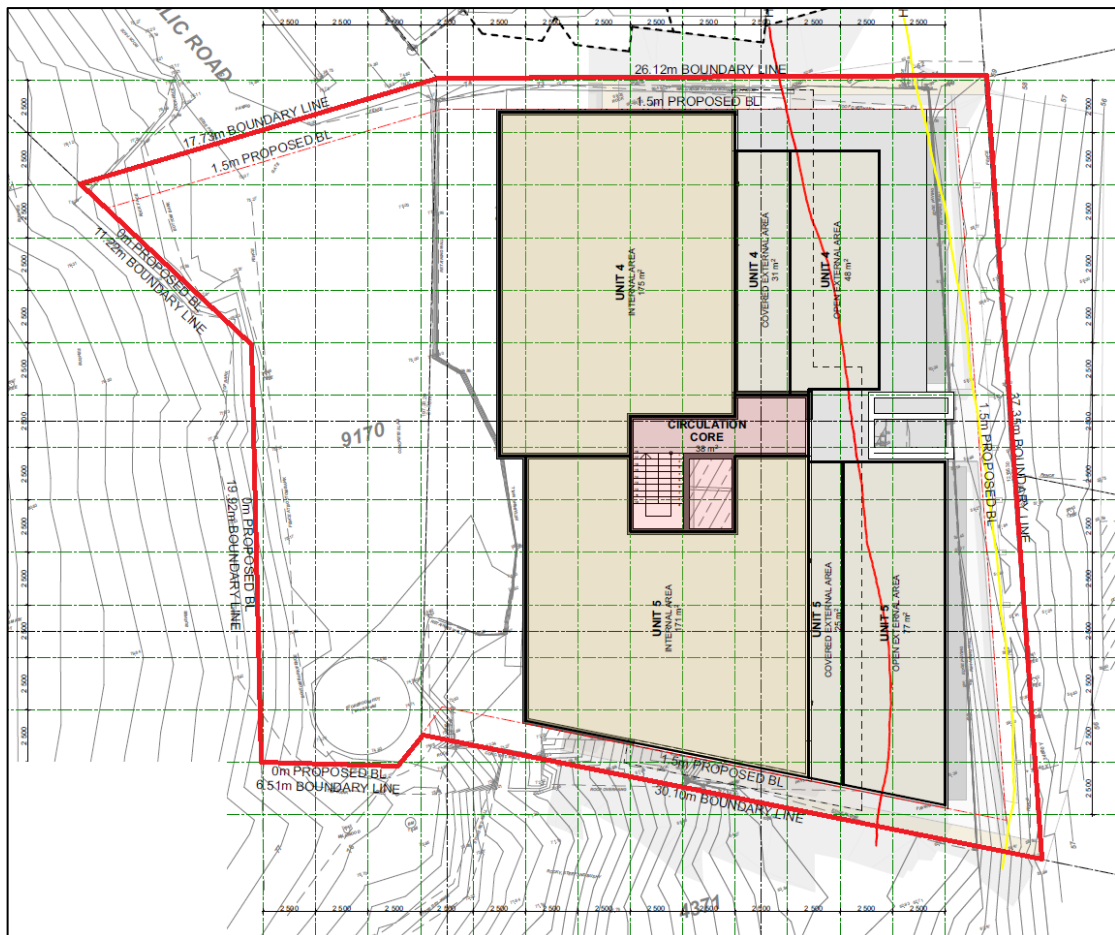


FIGURE 5: LEVEL 4: - UNITS 4 & 5

4.3.5. Level 5: Unit 6 & Unit 7

The proposed Level 5 moves further east, downwards along the slope and will consist of the following:

- Apartment No 6, with approximately 34m² private recreation space;
- Apartment No 7, with approximately 42m² private recreation space;

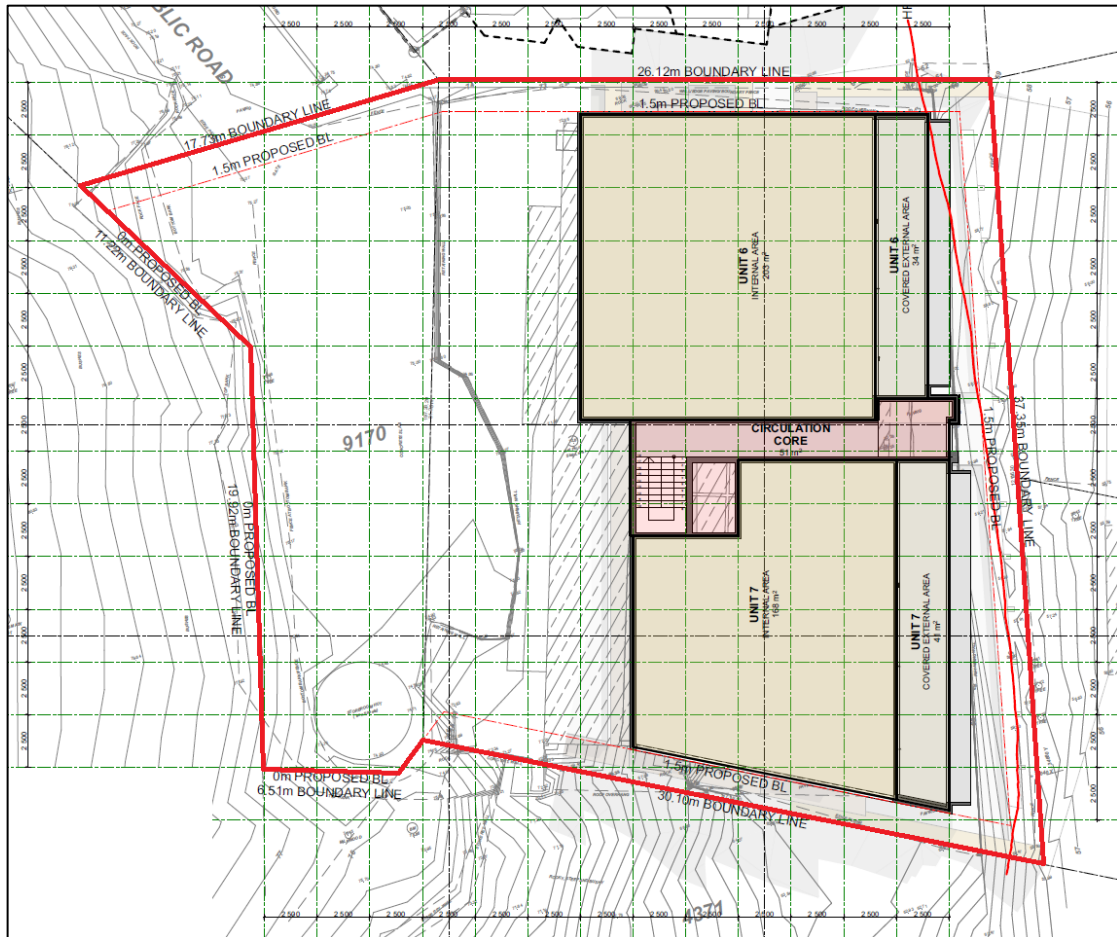


FIGURE 6: LEVEL 6: - UNITS 6 & 7

4.3.6. Level 6: Unit 8 & Unit 9

The proposed Level 6 will be the lowest level on the application area and located to the eastern most portion of the site, 1,5m away from the eastern lateral property boundary. This level will consist of the following:

- Apartment No 8, with approximately 74m² private recreation space;
- Apartment No 9, with approximately 94m² covered private recreation space and 28m² of uncovered recreation space;

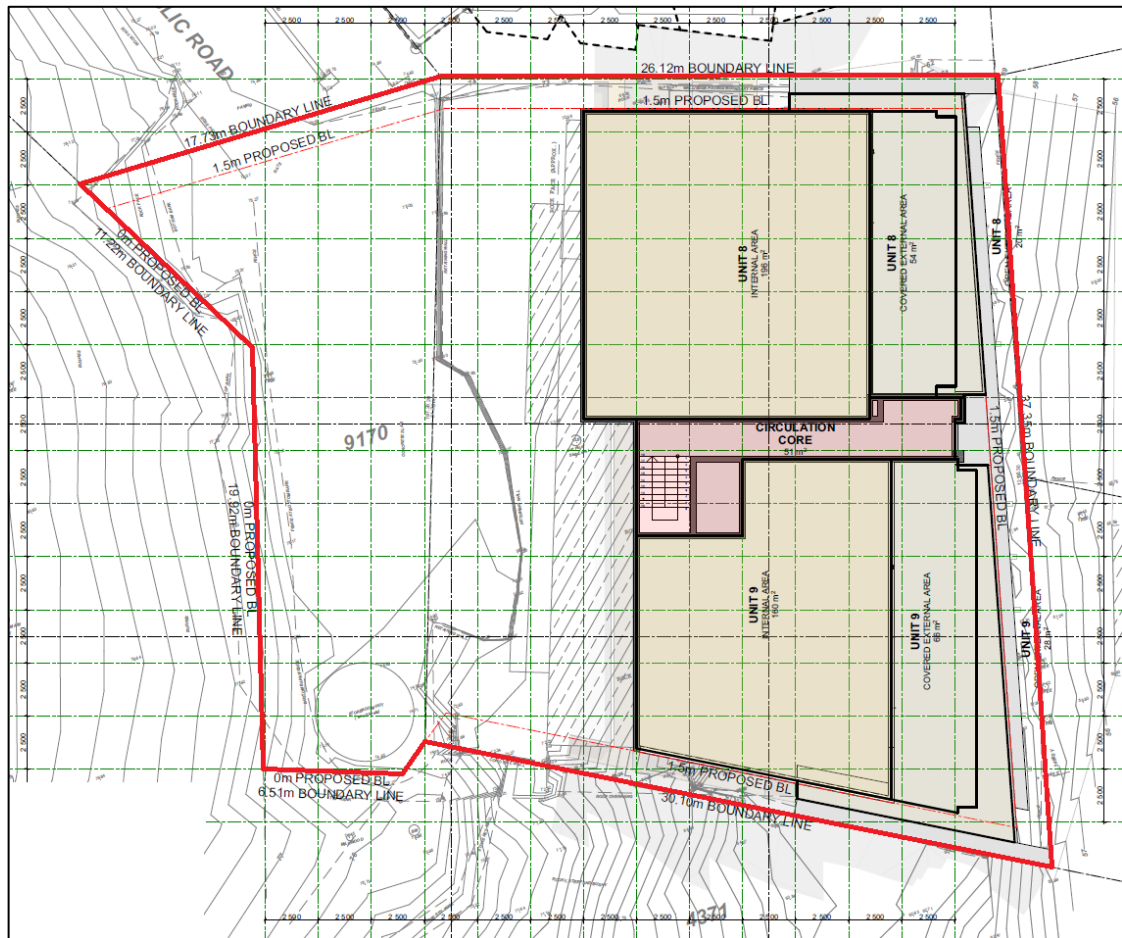


FIGURE 7: LEVEL 6: - UNITS 8 & 9

4.4. Access and Egress

Access and egress will be from the north western corner of the consolidated application area, directly off Sinclair Street. Vehicles will drive directly into building into the private covered parking area. The figure below indicates the entrance into the proposed new building.



The proposed new building is terraced with different levels that follow the lay of the land, from the high point to the west, dropping down towards the east. The proposed building will consist of 6x levels, but the entire building will comply with the prescribed height restriction of flats, which is 10,67m above natural ground level.

Architectural section drawing of a building on a hillside. The drawing shows the internal structure, including rooms, stairs, and a central black void. A red line indicates the roof profile. Elevation markers on the right side include: +10.00 ROOF LINE, +7.00 ROOF LINE, +7.00 ENTRANCE DECK, +7.00 TERRACE, +6.00 FLOOR LINE, +5.00 FLOOR LINE, and +4.00 FLOOR LINE. A red label '10.67m' is placed near the roof line. The text 'SECTION 1' is at the bottom center.

PAGE 11

4.6. Parking Provision

The site plan illustrates the proposed development layout. The building footprint is outlined in red, with various boundary lines and setbacks indicated. Key features include:

- Building Layout:** The main building consists of a central 'CIRCULATION CORE' (pink) and two wings. The left wing contains a 'CIRCULATION CORE' (pink) and a 'POSITION OF GATE TO ALLOW STACKING ON RAMP'. The right wing contains a 'CIRCULATION CORE' (pink) and an 'AMENITIES' area (brown) with a 'POOL' (blue) adjacent to it.
- Parking:** There are two rows of parking spaces, each with 10 spaces, located on either side of the building.
- Boundary Lines and Setbacks:**
 - Top boundary: 17.7m BOUNDARY LINE, 1.5m PROPOSED BL, 26.12m BOUNDARY LINE, 1.5m PROPOSED BL.
 - Left boundary: 9m PROPOSED BL, 11.2m BOUNDARY LINE, 19.1m PROPOSED BL, 19.5m BOUNDARY LINE.
 - Bottom boundary: 0m PROPOSED BL, 6.51m BOUNDARY LINE, 30.1m BOUNDARY LINE, 1.5m PROPOSED BL.
 - Right boundary: 1.5m PROPOSED BL, 17.35m BOUNDARY LINE, 1.5m PROPOSED BL.
- Other Features:** A 'PUBLIC ROAD' is shown at the top left. The plan also includes contour lines and a grid system for reference.

PAGE 12

5. STATUTORY SPECIFICATIONS

The statutory applications that are lodged are as follow:

5.1. Closure of an Open Space

The portion of Sinclair Street to be alienated, is a portion of unregistered state land, and still a public street. In order for the applicant to purchase a portion of the public street, the street parcel has to be closed and a public street. Application is therefore made for the closure of a portion of Sinclair Street (302m²) abutting Erven 255 and 156 Plettenberg Bay, in terms of Section 15(2)(n) of the Bitou Municipality Land Use Planning Bylaw, 2015.

5.2. Subdivision

In order to create a new erf for the portion of Sinclair Street that is unregistered state land, a formal subdivision application must be lodged. This subdivision diagram was prepared in the past (Erf 9170), but the subdivision was never registered, and it lapsed. A new subdivision application will be lodged to subdivide a portion of Sinclair Street (302m²), in order to alienate the land parcel to the owners of Erf 156.

Application is made in terms of Section 15(2)(d) of the Bitou Municipality Land Use Planning Bylaw, 2015 to subdivide the portion of closed street (± 302m²). The proposed subdivision is shown in the figure below:

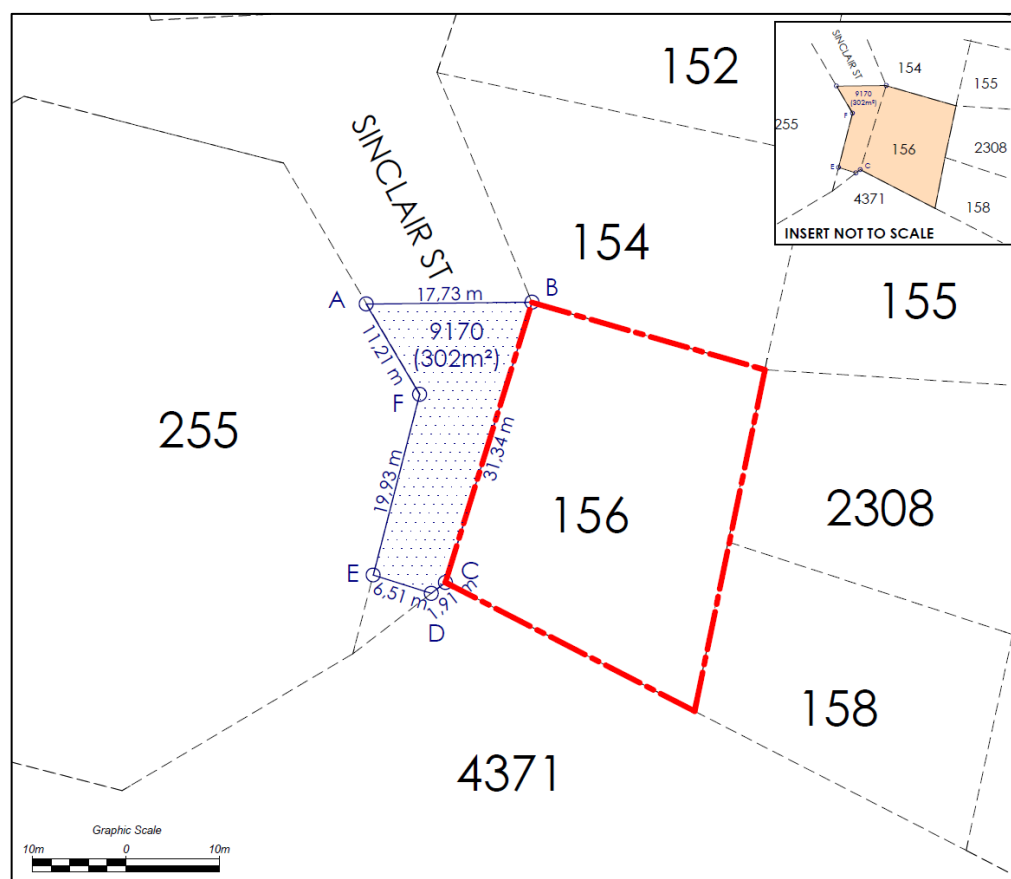


FIGURE 12: PROPOSED SUBDIVISION

5.3. Amendment of General Plan

In order to close an open space, the General Plan for this area must be amended, by closing the street parcel and indicating the portion of unregistered state land / street as an ordinary erf. Hence, application is made for the amendment an approved general plan in terms of Section 15(2)(k) of the Bitou Municipality Land Use Planning Bylaw, 2015, by amending the portion of closed street as an ordinary erf.

5.4. Rezoning

The application area is currently zoned 'Single Residential Zone I' and 'Transport Zone II' (public street). In order to consolidate these properties and allow the development of 9x residential apartments, the application area has to be rezoned to "General Residential Zone II" (flats) in terms of in terms of Section 15(2)(a) of the Bitou Municipality Land Use Planning Bylaw, 2015.

5.5. Consolidation (Exemption)

The consolidation of a portion of closed street is exempted from a consolidation application, in terms of Section 24(1)(d) of the Bitou Municipality Land Use Planning Bylaw, 2015.

Hence, in order to consolidate the portion of closed street with Erf 156 to create a new property of 1250m² in extent, the Bitou Municipality must confirm the exemption. No formal consolidation application will be required. The proposed consolidation is shown in the figure below:

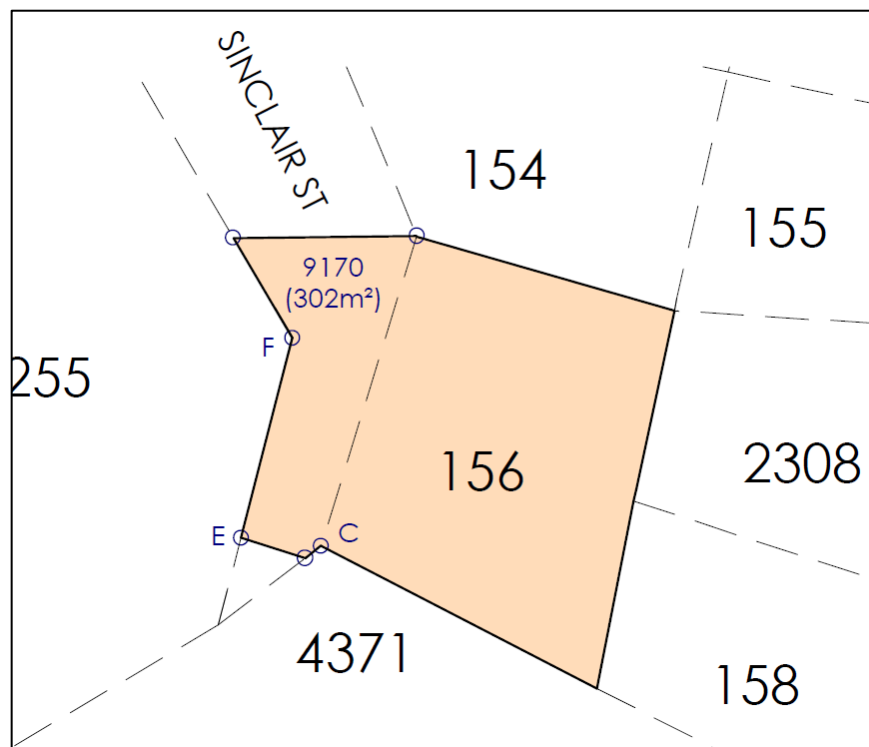


FIGURE 13: PROPOSED CONSOLIDATION

5.6. Permanent Departures

The development proposal on the application area complies with most prescribed development parameters, except for the coverage and the building lines. The increased coverage is mainly because of the covered parking area. Mostly, with residential apartments, parking bays are provided outside, but on the application area, given the slope of the land, it is not practical to provide parking on the outside, and hence parking provision was designed to be inside the building, resulting in a larger covered area.

5.6.1. Coverage

The prescribed coverage for flats is 60%, hence on the application area it will be 750m². The coverage calculates to 90% (1132m²), hence an application for a permanent departure in terms of Section 15(2)(b) of the Bitou Municipality Land Use Planning Bylaw, 2015, is required.

5.6.2. Building Line Relaxations

In order to maximise the space for covered parking inside the building, the building encroaches over the prescribed building lines. Application is made for permanent departure to allow the relaxation of the prescribed building lines applicable to the consolidated property, in terms of Section 15(2)(b) of the Bitou Municipality Land Use Planning Bylaw, 2015. These include

- [a] Relaxation of the Street building line from 5m to 1.5m;
- [b] Relaxation of the western lateral building line from 4,5m to 0m;
- [c] Relaxation of the southern, eastern and northern lateral building line from 4,5m to 1,5m;

5.7. Plettenberg Bay Zoning Scheme Bylaw

The consolidated application area is 1250m² in extent, and consists of Plettenberg Bay Erf 156 and a portion of Sinclair Street.

The Application Area	Area
Plettenberg Bay Erf 156	948m ²
Plettenberg Bay Erf 9171 (street portion to be closed)	302 m ²
<u>Total</u>	<u>1250 m²</u>

The table below summarises the prescribed development parameters for 'flats', in terms of the new Bitou Zoning Scheme Bylaw.

Development Parameter	Prescribed in Bitou Zoning Scheme Bylaw	Actual Proposal	Comments
Maximum coverage	60%	90% - 1132m ²	Departure Application Required.
Parking requirement	2 bays per unit - 18 Parking Bays to be provided.	19 Bays	Comply
Floor factor	may not exceed 1,5 - may not exceed 1880m ²	1.5	Comply
Height	The highest point of a building may not exceed 10,67 meters	10.67m	Comply
Street building line	5m	Erf 9170 (street only) 1.5m Erf 9170 (all other) 0m	Departure Application Required.
Side and rear building lines	4,5m	Erf 156 (all sides) 1.5m Erf 9170 (street only) 1.5m	Departure Application Required.
Open Space provision	Every block of flats must have access on the land unit to an outdoor living area, including private or communal open space, but excluding roads, service yards and parking areas	Provided	Comply
	An outdoor living area of at least 10% of the total erf area must be provided and the outdoor living area(s) must be of reasonable proportions and location to allow for leisure or recreational use by residents, and may include open courtyards within the complex. 125m ² outdoor living area to be provided.	640m ²	Comply

Development Parameter	Prescribed in Bitou Zoning Scheme Bylaw	Actual Proposal	Comments
Service Yard	A service yard must be provided on the land unit	Provided	<i>Comply</i>
Refuse Room	A refuse room must be provided on the land unit	Provided	<i>Comply</i>

From this table, it is evident that the proposed development requires a departure application to relax the coverage and building lines. The proposal complies with the height restriction as well as with the Prescribed Bulk Factor and Parking Provision.

6. SERVICES INFRASTRUCTURE

6.1. Civil Services

Vita Consulting Engineers was appointed to investigate the civil services provision for the proposed development and to compile a services report for the proposed development. This Civil Services Report is attached as **ANNEXURE N** and a Municipal Services Capacity Report from GLS Consulting Engineers (**ANNEXURE O**) is attached, and concluded that:

6.1.1. Traffic and Roads

A Traffic Statement is not required as less than 50 trips per day will be generated from the proposed development.

The profile of the existing access road across Erf 9170 is too narrow and will be upgraded to a 5.5m wide brick paved road surface with formal kerbs/edgings, roadside channels and a stormwater drainage network.

6.1.2. Storm Water Management

Stormwater run-off from the new access road will be collected at a single stormwater recta grid inlet and conveyed via an underground pipe towards the lowest lying south-eastern corner of the site. The inlet and pipeline will have sufficient capacity to adequately manage and convey up to a 1:50year rainfall event.

The roof drainage will be designed to adequately manage a 1:50yr rainfall event. All downpipes will be connected to underground stormwater pipes which will drain towards the south-eastern corner of the site.

The outlet at the south-eastern corner of the site will have an energy dissipation/attenuation structure to reduce the speed/energy of the run-off before it is discharged into the adjacent Erf 4371 (public open space). Due to the likely

occurrence of a seasonal perched ground water table, provision will also be made for a subsoil drainage network behind all retaining walls.

6.1.3. Sanitation

- (i) The master plan indicated that the proposed development falls within the Plettenberg Bay PS 4 pump station drainage area.
- (ii) The existing Plettenberg Bay PS 4 pump station network has sufficient capacity to accommodate the proposed development.
- (iii) The existing downstream pump stations and rising mains have sufficient hydraulic capacity to accommodate the proposed development. Bitou Municipality has however indicated that the Plettenberg Bay PS no. 3. is located on a blue flag beach and currently has no emergency storage to mitigate against any spillages onto the beach and the existing rising main experiences frequent failures. Upgrading of the existing rising main of the Plettenberg Bay PS no. 3 will consequently be required.
- (iv) A section of the existing 225 mm diameter outfall sewer gravitating towards the Plettenberg Bay PS no. 2 is currently at capacity and requires upgrading in order to accommodate the proposed development.
- (v) The internal sewage infrastructure will consist of a standard 110mm/160mm diameter uPVC Class 34 gravity pipe network, brick manholes and rodding eyes. Sewage from the development will be collected inside an underground pipe along the eastern boundary with a single connection into the existing 150mm municipal outfall sewer on the south-eastern corner.

6.1.4. Water Provision

- (i) The master plan indicated that the proposed development should be accommodated within the existing Town Reservoir zone.
- (ii) A 75mm diameter connection to the existing 160mm diameter municipal water system in Sinclair Street will be sufficient for the potable- and fire- water demand from the proposed development;
- (iii) The proposed development will have a single 75mm uPVC Class 12 underground pipe connection onto the existing 160mm diameter municipal water network inside Sinclair Street.
- (iv) A new bulk water meter will be installed on the erf boundary. Allowance will be made for private/individual water meters to each unit.

6.1.5. Solid Waste

- (i) The minimum requirements for domestic waste collection (as per the National Domestic Collection Standards, 2011) will be applicable to this development. The proposed development will generate approximately 20kg of solid waste per apartment per week;

- (ii) Bitou municipality will administrate the collection of the domestic waste from a communal refuse storage area near the entrance of the development. Recycled waste to be collected by a registered Bitou Municipality service provider.
- (iii) The access road to the development will not have sufficient space for a refuse vehicle to successfully complete a turning movement and the refuse area of the proposed development will be located at the entrance to the development.

6.1.6. Conclusion

The findings of this Civil Engineering Services Report support the application for the proposed development on the application area. The Services report recommends that A Services Level Agreement, between the Developer and Bitou Municipality, must be compiled to address the upgrading of the external engineering infrastructure (i.e. foul sewer network) required for this development. The Service Level Agreement must clearly stipulate the following:

- (i) The extent of the external upgrades required;
- (ii) Augmentation Levee's payable from this development;
- (iii) Application of Augmentation Levee's for external upgrades in lieu of direct payment to Bitou Municipality;
- (iv) Responsibility for the construction/implementation of the external upgrades.

6.2. Electrical Services

Clinckscales Maughan Brown Consulting Engineers was appointed to investigate the electrical services provision for the proposed development and to prepare an Electrical Services Report (**ANNEXURE P**) to provide the necessary information on the proposed electrical supply to this Development and the connection to the main infrastructure in the area in order to obtain approval from the Supply Authority. This report concluded that:

- (i) The connection point will be the LV busbars of existing miniature substation "MS-Sintclair" in the approximate location as depicted on Drawing No. 19390/E/SK01
- (ii) The Supply Point at LV will consist of an LV distribution kiosk, equipped with a tariff breaker and kVA/kWh consumption meter. This kiosk shall be supplied and installed in the approximate location as depicted on Drawing No. 19390/E/SK01 by the Developer.
- (iii) Based on the information presently available, the peak kVA demand of this development has been calculated at (9) Town houses @ 13,8kVA (60A single phase) x 0,73 diversity factor = 90 kVA.
- (iv) The Developer will be responsible for the supply, installation and commissioning of the complete internal LV installation and connection to the external network, i.e. LV main underground cable connection and LV kVA/kWh

supply point. This work will be done under the direction of an Electrical Engineer and Electrical Contractor to be approved by the Municipality.

- (v) The Capital Contribution Fees will be calculated in terms of the standard municipal policy in this regard.

SECTION C :

CONTEXTUAL INFORMANTS

7. LOCALITY

(Refer Plan 1: Locality Plan)

Plettenberg Bay Erf 156 and the Portion of Sinclair Street are located in the Formosa Township, ±300m east of the Plettenberg Bay SAPS Station and the Plettenberg Bay Post Office, and west of Plettenberg Bay Central Beach. The application area is situated approximately ±450m southeast of the Plettenberg Bay CBD.

The coordinates for the centre of the property is located at 34° 3'33.71"S & 23°22'29.90"E.



FIGURE 14: LOCALITY

8. CURRENT LAND USE & ZONING

8.1. Land Use

Plettenberg Bay Erf 156 currently has existing structure which was partially constructed and never finalised.

8.2. Zoning

According to the Bitou Municipality Public GIS Viewer, Erf 156 is zoned 'Single Residential Zone I' and the Portion of Erf 237 is zoned "Transport Zone II" in terms of the Bitou Municipality Zoning Scheme Bylaw (2023).

It should be noted that the northern abutting Erf 154 is also zoned for general residential (flats) purposes. This approval for Erf 154 was granted during 2007, and departures for the relaxation of the Bulk factor to 1.25, and relaxation of building lines were also granted on Erf 154.



FIGURE 15: EXTRACT – BITOU ZONING MAP

9. SITE CHARACTERISTICS

The Application Area has a varying topography, with very steep slopes towards the eastern boundary. The highest portion is situated near the western boundary, with an approximate level of 75 msl. The lowest portion of the site is situated on the south-eastern corner, with an approximate level of 57.5 msl.

The existing 4 storeys high unlawful structure on the application area has been in existence for approximately 3 decades. This structure has marred the landscape and will be demolished. The structure can be seen in the figures below:

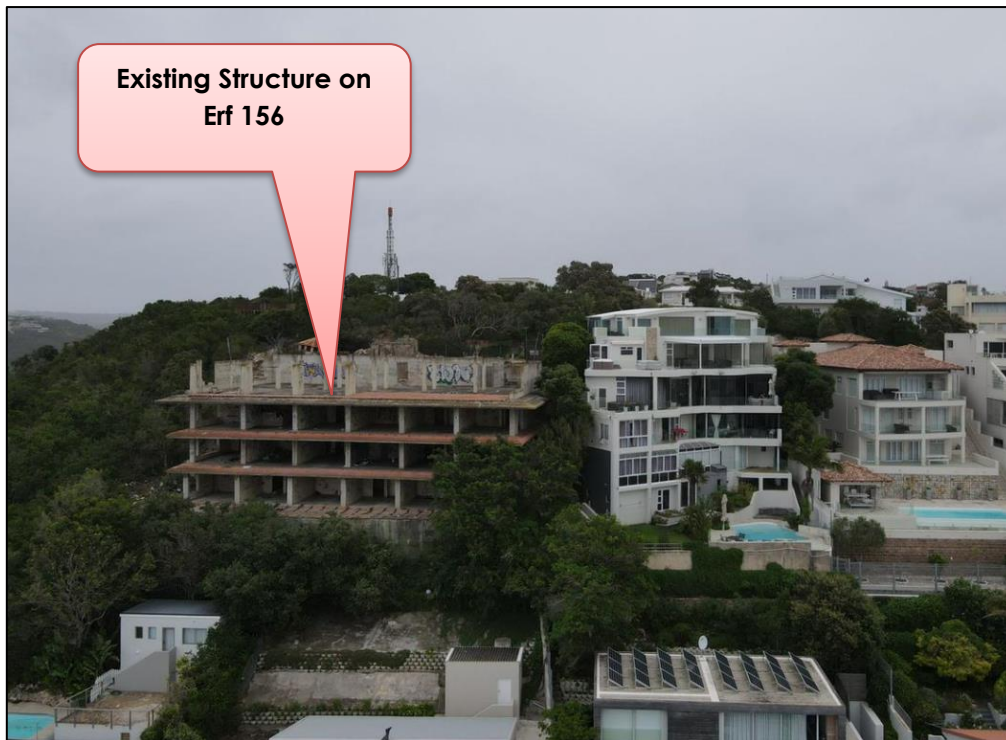


FIGURE 16: EXISTING DWELLING ON ERF 156



FIGURE 17: EXISTING STRUCTURE ON ERF 156



FIGURE 18: EXISTING DWELLING ON ERF 156

Erf 156 is covered by an existing structure, a sheeted round storeroom and dense vegetation, including fynbos, alien trees and shrubs. Erf 9170 is covered by an existing brick paved access road.

The biodiversity map (Vlok VegMap) indicates that the vegetation within the footprint of the proposed consolidated erven is classified as Coastal Mosaic Grassy Fynbos and is not deemed an environmentally sensitive area.

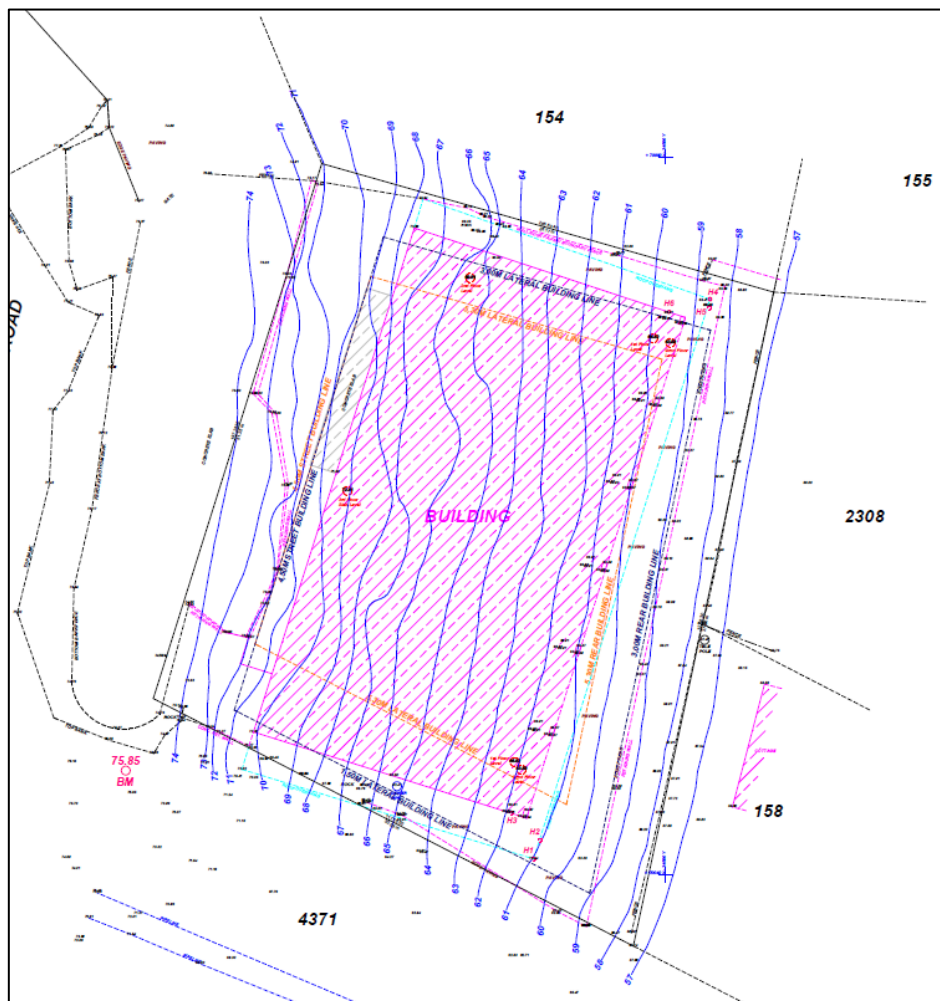


FIGURE 19: TOPOGRAPHY OF THE APPLICATION AREA

10. CHARACTER OF THE AREA

The character of the immediate surrounding area (200m radius from the application area), is characterised by various forms of residential uses, predominantly single residential. Other land uses including accommodation establishments, public open spaces, vacant residential erven, public open spaces, and erven operating mixture of uses (business and residential) on the property.

The Application Area is situated in a unique are of Plettenberg Bay, in between the Plettenberg Bay CBD and Central Beach, and near Signal Hill – a prominent landmark in Plettenberg Bay. Thus, making this area a huge attraction for tourists throughout the year.

The area is central to several tourist attractions and other accommodation establishments. Therefore, the numerous accommodation establishments and single residential dwellings are being rented out in their entirety otherwise known as holiday homes or Airbnb's. The surrounding area has a mixture of low to medium -density residential uses.



FIGURE 20: EXTRACT – LAND USE PLAN



FIGURE 21: EXISTING RESIDENTIAL PROPERTIES IN THE SURROUNDING AREA

The application area is located in proximity from the Plettenberg Bay CBD and there are various business uses in the surrounding area that will complement the development proposal. 'Business' and 'Minor Business' erven the surrounding area include; Pizzeria – Cornutti's (Erf 94) Plettenberg Bay Post Office (Erf 2329) and Business Centre (Erf 2311).



FIGURE 22: BUSINESS USES IN THE SURROUNDING AREA

The most suitable land use for the application area is medium to high density residential. The proposed development will contribute to the existing character of the area. Provincial and local planning policies support densification within the urban edge and the infilling of this site should be encouraged, because it is near high-order transport routes, within a mixed-use node, and within walking distance of the Plettenberg Bay CBD.

The proposal of a residential development can be regarded as consistent with the immediate surround area characterised by the various residential uses contributing to mixed land use character of the area.

11. EXISTING POLICY FRAMEWORKS

11.1. Western Cape Provincial SDF (2014)

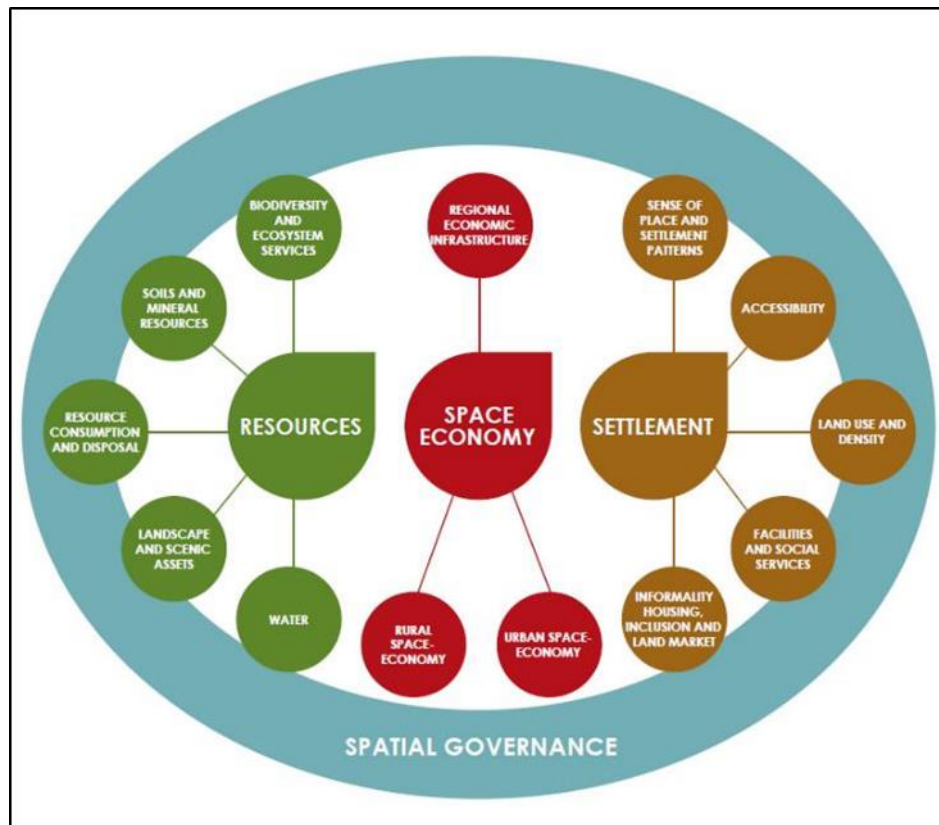
The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as a strategic spatial planning tool that "communicates the provinces spatial planning agenda".

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning.

The proposed development complements the SDF's spatial goals that aim to take the Western Cape on a path towards:

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

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



POLICY R5: SAFEGUARD CULTURAL AND SCENIC ASSETS

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
2. Protect heritage and scenic assets from inappropriate development and land use change.	<ul style="list-style-type: none"> ▪ <i>Signal Hill is located to the west of the application area, and a prominent scenic viewpoint in Plettenberg Bay. The proposed development is lower than Signal Hill, and will not impact on the views enjoyed from this viewpoint.</i>

POLICY E3: REVITALISE AND STRENGTHEN URBAN SPACE-ECONOMIES AS THE ENGINE OF GROWTH

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
5. Existing economic assets (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc.) to be targeted to lever the regeneration and revitalisation of urban economies	<ul style="list-style-type: none"> ▪ <i>This is a strategically located underdeveloped site that will be developed with an appropriate use, creating additional employment opportunities and provides a different range of housing opportunities in the area.</i>

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.	<ul style="list-style-type: none"> ▪ <i>The development area is located within the urban edge.</i> ▪ <i>This is an infill development, preventing urban sprawl.</i> ▪ <i>The proposal constitutes "brownfield development" where an existing area are being redeveloped, resulting in urban renewal.</i>

POLICY S3: PROMOTE COMPACT, MIXED USE AND INTEGRATED SETTLEMENTS

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
1. Target existing economic nodes (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc.) as levers for the regeneration and revitalisation of settlements.	<ul style="list-style-type: none"> ▪ <i>The application area is within walking distance from the business nodes, the proposal constitutes infill development within an existing urban environment.</i>
2. Promote functional integration and mixed use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development	<ul style="list-style-type: none"> ▪ <i>The proposal will contribute to the provision of an additional range of housing opportunities in the area.</i> ▪ <i>The development itself has adequate access, services and functionality. The proposal will contribute to a more integrated town as a whole and have a positive impact on the local economy.</i>

POLICY S5: PROMOTE SUSTAINABLE, INTEGRATED AND INCLUSIVE HOUSING IN FORMAL AND INFORMAL MARKETS

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
5. Achieve a wider range of housing opportunities with regards to diversity of tenure, size, density, height and quality in order to promote a ladder of upward mobility for households to progress as economic circumstances change over time	<ul style="list-style-type: none"> The proposal will contribute to a different range of housing opportunities.
6. Increase densities of settlements and dwelling units in new housing projects	<ul style="list-style-type: none"> The proposed residential development will definitely increase the density of the area, which will ensure the sufficient use of municipal service infrastructure.

Planning Implication:

The Western Cape Spatial Development framework has a strong emphasis on revitalising urban spaces creating an urban living environment which is more convenient, efficient and aesthetically pleasing to residents. The proposal is consistent with strategic objectives as set out by the Western Cape Spatial Development Framework, for the following reasons:

- The development proposal will comply with the Western Cape Spatial Development Framework as the proposed residential development contribute to the regeneration and revitalisation of urban economies.*
- The development proposal ensures densification and contribute to infill development.*
- The proposed development is on a brownfield site, thus contributing to infill development and it will be strengthening the character of the area by contributing to an existing residential neighbourhood.*
- The proposal promotes smart growth, by ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements.*
- The development is a private-sector development, which will help to provide a housing opportunity and expand the housing delivery options.*

From the above it is clear that the proposed development is consistent with the Western Cape Provincial SDF.

11.2. Eden Spatial Development Framework (2017)

The Eden District Spatial Development Framework was approved in 2017 and aims to establish a strong strategic direction and vision, towards increasing levels of detail in the spatial recommendations that are directive rather than prescriptive and guiding local municipalities in the District regarding future spatial planning, strategic decision-making and regional integration.

This vision and strategic direction identify the four key drivers of spatial change within the District. These drivers are defined in terms of spatial legacies, current challenges, future risks and prospects. The four drivers of change around which this SDF are framed are”

- Strategy 1:** The economy is the environment; a strategy founded on the principle that a sustainable economy in Eden District is an economy that is positioned for growth.
- Strategy 2:** Regional accessibility for inclusive growth; a strategy that is based on the notion that improved regional accessibility is essential to achieving inclusive growth
- Strategy 3:** Coordinated growth management for financial sustainability; a strategy informed by the realities of global fiscal austerity and the need for responsible growth management that does more with less to secure future social and economic resilience.
- Strategy 4:** Planning, budgeting and managing as one government, this strategy highlights that real intergovernmental cooperation is essential to achieving the spatial transformation goals of SPLUMA and the three spatial strategies above.

These strategies lie at the heart of this SDF and the problem statement, spatial concept, spatial proposals and implementation are organised around these directives.

According to the Eden SDF, Plettenberg Bay is categorised as a “**Specialised Coastal Centre**”¹ and the function or role of Plettenberg Bay within the Eden District is an ‘exclusive tourism’ orientated town.

The following Spatial Policy Statements & Guidelines are applicable to the proposed land development planning application:

Strategy: Sustainable Growth Management	
Policy 3.1. Direct and encourage growth to match capacity, resources and opportunity in relation to the regional socio-economic hierarchy of cities and towns.	
Guideline 3.1.1. Align growth with infrastructure and fiscal capacity	Compliance
Direct and encourage growth to match capacity, resources and opportunity in relation to the regional socio-economic hierarchy of cities and towns.	<ul style="list-style-type: none"> ▪ <i>The development will contribute to a more intensified use of the land making optimal use of the available municipal infrastructure.</i> ▪ <i>The proposal will contribute to a different range of housing opportunities.</i>

¹ Urban centres with a special function (often tourism related), as well as a role in terms of servicing the surrounding areas and containing a mix of economic activities and services.

Guideline 3.1.3. Role and investment focus of specialised coastal centres	Compliance
<p>These urban centres have a special function (often tourism related), as well as important roles in servicing the surrounding areas and rural settlements. They should be complete settlements. Complete settlements aim to improve standards of living and social inclusion.</p> <p>Investment in these areas should prioritise achieving a balanced mix of uses, economic activities, socio-economic groups and services.</p>	<ul style="list-style-type: none"> ▪ <i>The proposal will contribute to a different range of housing opportunities.</i> ▪ <i>This residential development will attract new investors and visitors, contributing to the development and the economical income of Plettenberg Bay.</i> ▪ <i>It also provides the employment opportunities to several professional people and local people.</i>
<p>Policy 3.3. Optimise existing infrastructure capacity and economic opportunity by directing mixed use, higher density development to areas of opportunity.</p>	
Guideline 3.3.9. Ensure the development of strong resilient towns and places	Compliance
<p>The SDF promotes a considered approach to investment in settlement and growth management that directs new investment towards the establishment of appropriate urban form.</p> <p>A regional settlement hierarchy and framework for accommodating growth has been established in relation to infrastructure, economic and institutional capacity.</p> <p>Growth must be encouraged in towns that have economic, spatial and social capacity to ensure fiscal sustainability.</p>	<ul style="list-style-type: none"> ▪ <i>The application area is within the urban edge and it could be regarded as infill development.</i> ▪ <i>The property is surrounded by urban development, with existing services infrastructure connection points. The proposal is on a brownfield site.</i> ▪ <i>The proposed development will attract local investors, that will contribute to the general expenditure in the area.</i>

11.3. Bitou Municipal SDF (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's 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 SDF's Vision of Bitou Municipality is:

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

The figure below shows an extract of the Bitou Municipal SDF for this area, and the figure shows the application area as being included inside the urban edge of Plettenberg Bay.



FIGURE 23: EXTRACT - BITOU SDF (2021)

According to the Bitou Municipality Spatial Development Framework (SDF), the application area is located inside the urban edge of Plettenberg Bay and is suitable for urban development. The application area is also located within a tourism functional area. The proposal will allow for densification within the urban edge, which is supported and encouraged by the municipal SDF. The SDF promotes and encourages growth in existing communities through infrastructure upgrades, **urban renewal**, new amenities and **densification**.

The Bitou SDF spatial objectives also promote the development of **a diverse range of housing typologies** for all income groups, at low, medium and higher densities and offering a variety of tenure alternatives should be a priority. This applies to housing for permanent residents and for holiday accommodation. The SDF Further recognises that: "...Similarly, the intended future relocation of the municipal offices and some community facilities to the Civic Precinct in the Ladywood Business Node (B1) will also impact negatively on the functionality of the CBD, This means that the three remaining functions need to be strengthened as much as possible: tourism, office and **residential**... This clearly implies the need for densification in the CBD.

Planning Implication:

The Bitou SDF states that settlement footprints should be contained at all costs in order to alleviate pressure on the natural resources of the municipality and to optimise the efficient use of resources (e.g. land) and infrastructure (e.g. engineering services) within existing towns and settlements. The proposed development will contribute to regeneration, revitalisation, and urban renewal through the redevelopment of Erf 156, located within the urban edge and urban area of Bitou Municipality. The development proposal will also contribute to densification within an existing urban area of Bitou Municipality, through the

provision of new residential flats. This promotes compact and mixed land uses within an established residential area of Bitou Municipality.

The proposal will not in any way detract from the character of the area and is therefore not in conflict with the Bitou SDF. This development is regarded as being consistent with the Bitou spatial development framework as it does not conflict with the purpose of the relevant designation in the spatial development framework.

Section 19 (2) of the Western Cape Land Use Planning Act states the following: "...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..." The proposed development is therefore consistent with the Bitou SDF.

11.4. Bitou Integrated Development Plan (2022–2027)

The IDP is a municipal planning instrument that drives the process to address the socioeconomic 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's strongly felt that the Covid 19 crisis and the worsening negative economic climate that has 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:

- S01:** Provide Excellent Service Delivery to the residents of Bitou Municipality.
- S02:** Re-establish, grow and expand tourism within the municipality.
- S03:** Put relevant control measures in place to ensure efficiency and excellence.
- S04:** Provide basic service delivery to informal settlements and the poor.
- S05:** Facilitate growth, jobs and empowerment of the people of Bitou.

S06: To ensure the safety of residents and visitors of Bitou Municipality.

S07: 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 development on the subject property.

Planning Implication:

The IDP is a municipal planning tool to integrate municipal planning and allocates municipal funding to achieve strategic objectives that will contribute to the overall municipal vision.

The proposed land development 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 proposal will provide new and additional economic growth prospects and create new job opportunities within the ward, empowering the people of Bitou (SO5). Below are several ways in which the proposed development will aim to contribute positively to the community of Bitou:

- **Job Creation:** *The demolition and subsequent construction of the proposed development, creates employment opportunities for various professionals and skilled laborers such as architects, engineers, construction workers, and contractors. This influx of jobs stimulates the local economy.*
- **Community Revitalisation:** *Demolishing an uncompleted building and replacing it with a new, functional structure can contribute to the revitalization of the community and urban renewal of Bitou. It can attract new residents, businesses, and investments, fostering a sense of pride and belonging among current residents.*
- **Property Value:** *The development proposal will renew and enhance the overall aesthetic appeal of the area, potentially increasing property values for neighbouring properties. This uplift in property values can have positive economic effects for homeowners, potentially leading to increased wealth and investment in the area*
- **Increased Housing Opportunity:** *New additional residential dwellings will increase the available housing units in the area, addressing potential housing shortages and contributing to the increased housing demand. The proposed development will contribute to densification within the urban edge and existing urban area of Bitou Municipality.*

The proposed development will have a substantial positive socio-economic impact on the local municipality by contributing to the local economy, creating employment opportunities, and continuing to provide new economic prospects. It is, therefore, the considered opinion that the proposed development is consistent with the objectives and vision of the Bitou IDP.

SECTION D :**MOTIVATION****12. ASSESSMENT OF APPLICATIONS****12.1. 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.

13. CONSISTENCY WITH SPATIAL PLANNING POLICIES

The proposal is in line with the applicable policy documentation (Western Cape Provincial SDF, Eden SDF, Bitou SDF and the Bitou IDP), meaning that it is in line with the spatial policy and vision for the area whilst complying to the development guidelines for the area. Therefore, the approval of this application would not compromise the integrity of the applicable policy documents agreed to by the relevant authorities.

It is clear that all the applicable policy documentation encourages densification within urban areas, and it is clear from the statistics that infill development and densification should be encouraged.

The proposed development is considered desirable as it is not in conflict with the spatial development policies. Furthermore, the approval of the application will not prevent any surrounding landowner to lawfully exercise his/her existing land use rights or detract from the character of the area and can, therefore, be considered to be desirable and suitable for the area that it is to be situated in.

14. SPECIFIC LOCATIONAL FACTORS

Specific locational factors that favour the proposed land-use are also important when desirability is assessed. Specific attention was paid to the location of the application area, which considered the wider situation. These factors include:

- (i) The proximity of the property to the Plettenberg Bay CBD – the application area is situated between two sub-centre nodes, and within walking distance from the Plettenberg Bay CBD.
- (ii) The property is easily accessible – the application area is close to Marine Way Dr, which connects the N2 National Road, and is one of the main transport linkages in Plettenberg Bay.
- (iii) The property will be vacant after demolition and within the urban edge – regarded as infill development and will result in more efficient utilisation of bulk services infrastructure.
- (iv) The proposal will ensure urban renewal and urban revitalisation, which will contribute to the upliftment of the area.
- (v) The proposal abuts a public open space (Erf 4371) and the Signal Hill View Point (Erf 255), which makes this site ideal for densification.

15. CONSISTENCY WITH THE CHARACTER OF THE SURROUNDING AREA

The character of the area is a mixed land use character with a strong residential component; thus, a residential development will not be out of character.

When viewed from Central Beach, the area where the application area is located, between other multi-level residential buildings. The figure below shows various other 4; 5 & 6-level buildings in close proximity to the application area. The proposal will therefore not impact negatively on the character of the area.

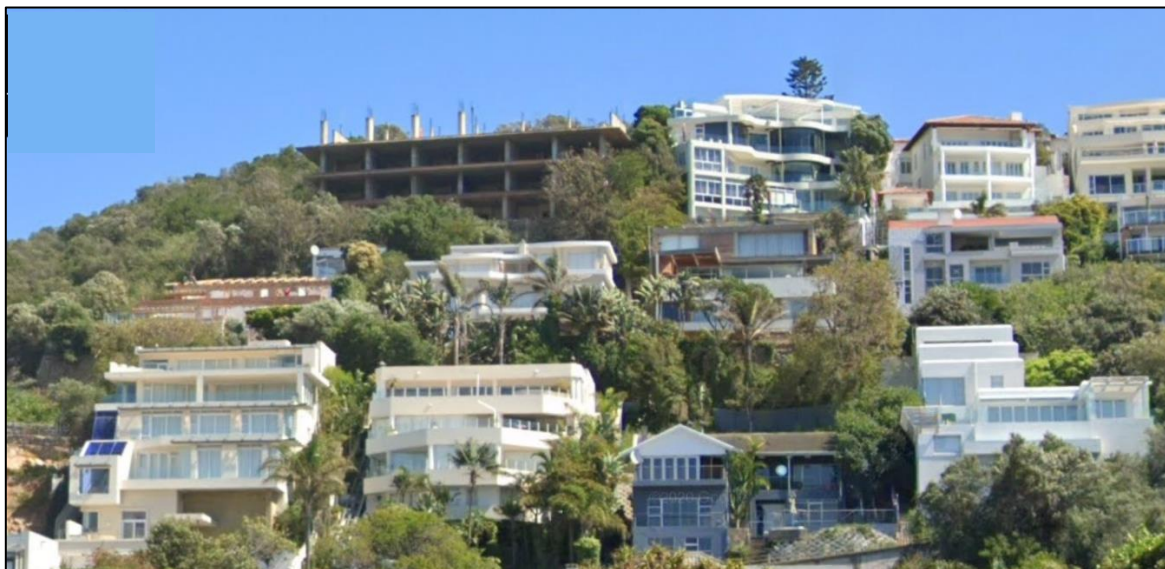


FIGURE 24: CHARACTER OF THE AREA AS SEEN FROM CENTRAL BEACH

The application area is well connected to the CBD via Perestrello Street, which runs near the application area. The application area is situated in an area that has already formed a “node” with a mixture of land uses. The most suitable land use for the application area is medium to high density residential. The proposed development will contribute to the existing character of the area.

The proposal of a group housing development can be regarded as consistent in an area characterised by the various residential uses contributing to character of the area.

16. INSIGNIFICANT VISUAL IMPACT

During the pre-application consultation, the Town Planning Department specifically mentioned that the potential visual impact of the proposed development from Signal Hill be addressed, since Signal Hill is a prominent tourism landmark.

The proposed development can contribute to the revitalisation of the neighbourhood surrounding, Signal Hill, resulting in the upgrading of the Signal Hill Viewpoint, enhancing its attractiveness and ensuring the continued relevance and sense of place of the cultural historic landmark, without impacting on any sea views from Signal Hill. The applicant has confirmed that they are amenable to do certain works and upgrades to the Signal Hill tourism landmark, in lieu of services contributions.

The figure below shows a 3d rendering of the proposed development as seen from Signal Hill, in a northeastern direction. The roof of the building will be visible, but no impact on the sea views and view of the horizon.



FIGURE 25: NORTH EASTERN VIEW FROM SIGNAL HILL

The figures below, is a photograph from the current view from Signal Hill, where the existing structure is visible, as well as a 3d rendering view from Signal Hill in an eastern direction, where the top of the roof of the new building will be barely visible. No impact on the views to Robberg. The proposal will therefore have an insignificant visual impact.



FIGURE 26: VISIBILITY FROM SIGNAL HILL IN EASTERN DIRECTION

The existing 6-level building on the northern abutting Erf 154 fronts in a north eastern direction, away from the application area.

17. NO IMPACT ON EXISTING RIGHTS

Given the existing residential character of the area, it is the considered opinion that the proposed residential development will not impact on the existing land use rights of any property owners in the area.

The proposal will not prevent any surrounding owner to exercise their legal land use rights, in fact, the proposal will rather enhance the amenity of the area. The proposed residential development will also allow for a more efficient use of municipal services.

All property owners have a right to ventilation, privacy and accessibility of lateral space. The building on Erf 154 (also a 6-level building) is $\pm 2\text{m}$ from the communal property boundary, leaving a space of $\pm 3,5\text{m}$ between the two buildings. The building on Erf 154 faces in a north eastern direction, hence ample ventilation, and no impact on privacy. The existing 6-level building on Erf 154 has obtained approval for building line relaxations to $1,2\text{m}$ for the street building line, $1,5\text{m}$ and 3m for the lateral building lines, and 90% coverage. The proposal on Erf 156 will also have a coverage of 90%, which is of a similar size and scale of the development on Erf 154.



FIGURE 27: BUILDING LINES

The buildings on Erven 2308 and 158, east of the application area, are lower lying and faces in an eastern direction, towards the ocean. The nearest structure on Erf 2308 appears to be about 7m from the boundary, hence a buffer of more than $8,8\text{m}$ between the proposed new building and the buildings on Erven 2308 and 158. Ample buffers for ventilation, sunlight and privacy are provided, thereby not impacting on these rights of the owners of Erven 154; 158 & 2308.

The fact that there will be consistent movement in this area, an increase in land value as well as an increase in urban renewal to the property will contribute to the surrounding area. The proposed redevelopment of the application area will also bring an end to the imposing eyesore on Erf 156 that attracts loiterers and vagrants.

18. NO ENVIRONMENTAL IMPACT

No listed activities as contemplated by the National Environmental Management Act, 1998 (as amended) (NEMA) are triggered by this application.

19. RESIDENTIAL DENSIFICATION

The proposed development will address the need for residential intensification and densification in an appropriate manner.

The proposal encourages densification and the aim to support an efficient, convenient and affordable urban structure by developing land that is demarcated for restructuring and intensification. It is important to note that the proposal complies with the density requirements (floor area ratio) as set out in the Bitou Zoning Scheme Bylaw.

It will be to the benefit of many role-players if the applicant is allowed to develop the proposed general residential development. The applicant will be able to develop the property, create employment opportunities, contribute to local expenditure, suitably densify within the urban edge and will be able to contribute to the economic growth of the town.

The proposed development has a slightly higher density than other general residential apartments in the area, for the following reasons:

- (i) Other medium – high density residential developments in the area were developed, when there was more availability of developable urban land, and when the growth management policies were not as strictly enforced;
- (ii) Land is scarcer, and given the opportunity costs and costs of services upgrades, the financial viability of the entire project is dependant on achieving a higher residential density on the application area;
- (iii) Communal recreation facilities are provided inside the proposed apartment building.
- (iv) Given the width of this site, compared to other sites in the aread, the site is ideally situated to accommodate two apartments per level.
- (v) Given the unique location of the application area, bordered by large pulic open spaces, development of this site for higher density residential development, is more suitable than other, smaller residentia properties, that abut residential sites by all boundaries.
- (vi) Densifying the application area to a higher density have environmental benefits, such as reducing urban sprawl, minimising habitat fragmentation, and preserving green space or natural areas by concentrating development in a smaller footprint.

Plettenberg Bay is a town known for luxury residential properties catering for the high-income people. There is a need for more affordable, medium-income residential properties. This development is there to contribute to the gap in medium-income residential properties.

20. URBAN INTEGRATION

The integration of working and living environments is a strategic town planning principle that promotes sustainable development. Planning and development should address the separation of workplace and residences in urban areas. The proposed rezoning will promote the integration of living environments and workplaces and will bring residential areas closer to the CBD area, promoting integration of land uses.

The integration of working and living environments also decreases the dependency on private transport within the CBD of a town.

21. REASON FOR THE BUILDING LINE RELAXATIONS

There are two main factors to consider from an architectural viewpoint when contemplating the encroachment of the building lines.

21.1. Topography and orientation of the Site

The foremost design consideration for the new proposed development was the topography and orientation of the stand, which slopes steeply from the western erf boundary towards the eastern erf boundary. The main view from the erf faces east, overlooking the ocean, extending in a 180-degree direction from north to south. This site boasts strong visual connections to the iconic Beacon Island Resort and the Robberg Nature Reserve.

The Architectural design of the proposed development aims to incorporate a luxurious densification of residential units, with a focus on accommodating young families. The width of the site allows for two residential units per floor, spanning over six storeys vertically. The structure is carefully stepped to follow and mimic the natural contours of the hill, seamlessly blending into the surrounding natural areas. The proposed development primarily opens towards the east, maximizing the eastern façade length to allow natural light into the development. All other sides are intentionally simplistic and understated, contributing to a building that is visually hidden and harmonises with the surrounding environment.

To ensure optimal natural light penetration into internal areas, the design of the buildings propose to encroach on the northern and southern building lines. The elongated eastern façade length not only maximises visual connections to the external surroundings but also enhances the internal experience for users circulating through the building. The building is cut into the hill, with the complete western façade concealed below ground, except for the top storey, preventing natural light from entering the building from the west.

21.2. Parking Provision

Considering the width and slope of the stand, special attention has been given to providing sufficient parking for all building users. Two parking spaces have been allocated, with one at the main entrance on street level and another complete storey below street level. The vehicle ramp, necessary for parking circulation, encroaches on both the northern and southern building lines. This unconventional approach ensures adequate parking while minimizing the visual impact, allowing the proposed building to seamlessly blend into its surroundings.

Given the topography of the site, it becomes very challenging to provide enough flat / level space for parking provision, hence the decision to provide parking inside the building. There are specific dimensions that the parking layout has to adhere to, and in order to fit the parking inside the building, the building slightly encroaches over the side and rear building lines.

It is crucial to emphasise that the proposed encroachments do not negatively affect the surrounding areas of the site. Instead, they are essential to creating a positive environment for users, complying with statutory requirements, fostering property growth in the vicinity, and leaving a positive impression on the community.

22. URBAN RENEWAL

The natural process of urban decay and urban renewal is a common occurrence in any town / urban environment. Urban decay can be described as the process where the existing structures in an area are not in a very good condition, where other land uses than the original uses have moved into an area and where residential land values have dropped compared to other residential areas in the town.

Urban renewal is the process where these decayed properties are redeveloped, where value is added to these properties and existing structures are renovated etc. These areas then become attractive again to live and work.

The proposal to redevelop the 'single residential' property for medium density residential purposes is a good example of urban renewal. The proposed general residential development will therefore contribute towards the urban renewal of this area.

23. POSITIVE CONTRIBUTION TO THE TOWN & EMPLOYMENT OPPORTUNITIES

The proposed development will have a positive socio-economic impact on the area. The development will create a mix of short-term and permanent jobs. Short term employment will be provided by additional availability of employment in the construction industry and related fields. Increased employment opportunities within Plettenberg Bay will have a knock-on effect for local businesses meaning that there is a net increase in prosperity and standard of living in the town as a whole.

Permanent jobs include security staff, maintenance staff, receptionist, cleaners etc.

Allowing the applicant to develop the application area will unlock the full potential of the property and it will allow for an increase in local expenditure. The development of the property will create employment opportunities and it will contribute to effective service delivery.

24. RANGE OF HOUSING OPPORTUNITIES

According to <https://www.bizcommunity.com/Article/196/568/226410.html> the Western Cape is the most popular province to semigrate to in the country at 35%, according to 2021 Lightstone data. Holiday destinations along the Garden Route like Plettenberg Bay, Wilderness and George have seen an uptick of activity among retirees as have whale-watching hotspots such as Hermanus and Gansbaai.

It will be to the benefit of many role-players if the property is allowed to develop the proposed group housing development. The applicant will be able to develop the property, create employment opportunities, contribute to local expenditure, suitably densify within the urban edge and will be able to contribute to the economic growth of the town.

25. 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 rezoning, 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 development is considered desirable as it is not in conflict with the spatial development policies. Furthermore, the approval of the application will not prevent any surrounding landowner to lawfully exercise his/her existing land use rights or detract from the character of the area and can, therefore, be considered to be desirable and suitable for the area that it is to be situated in.

The following key considerations are taken into account to determine the desirability of the proposed land use:

Elements for Consideration	Key Questions to Ask	Desirability of Development Proposal
Economic impact	Positive or Negative impact on neighbourhood / settlement?	<p>(i) <i>Positive economic impact. No negative impact on surrounding property owners or their rights.</i></p> <p>(ii) <i>Additional Rates & Taxes for the local authority;</i></p> <p>(iii) <i>Development will create and employment opportunities for skilled and unskilled workers.</i></p> <p>(iv) <i>With the rise of smart buildings and sustainable development</i></p>

Elements for Consideration	Key Questions to Ask	Desirability of Development Proposal
		<p><i>practices, there will be opportunities for jobs related to technology integration, energy efficiency, and environmental sustainability;</i></p> <p>(v) <i>Brownfield redevelopment can breathe new life into neglected or underutilised areas, revitalizing the neighborhood and increasing property values.</i></p> <p>(vi) <i>The redevelopment of this brownfield site involves cleaning up contaminated land and replacing derelict structures with modern, well-designed apartment buildings, improving the overall aesthetics of the neighbourhood.</i></p>
Social impact	Greater social justice, equity of access to opportunity	<p>(i) <i>With the influx of more residents to Plettenberg Bay, especially the post-covid 19 semigration trends, there is a high need for more lock-up-and go accommodation opportunities.</i></p> <p>(ii) <i>Promote inclusivity and provide a desirable establishment.</i></p> <p>(iii) <i>The proposed higher density apartments could bring people together from diverse backgrounds, fostering social interaction and community cohesion. Residents may have more opportunities to connect with their neighbours, participate in community events, and build relationships</i></p> <p>(iv) <i>Reduce levels of exclusion from opportunities, ultimately contributing to the overall development and well-being of the community.</i></p>
Scale of capital investment	> capital investment - > positive impact	<p>(i) <i>Private investment. No Municipal funding is required.</i></p> <p>(ii) <i>Additional rates and taxes =income for the municipality.</i></p>

Elements for Consideration	Key Questions to Ask	Desirability of Development Proposal
		(iii) <i>The private capital investment of the proposed development (±R70 Mil)</i>
Compatibility with surrounding land uses		(i) <i>The proposal is indeed compatible with the surrounding land uses – refer to Par 10.</i>
Impact on external engineering services	How much must the developer contribute to municipal costs incurred?	(ii) <i>Refer to 6.1 & 6.2</i> (iii) <i>Sufficient Bulk capacity exists. Developer will be responsible from some local upgrades and then also pay augmentation levies, hence a capital injection for the local authority for services.</i>
Impact on safety, health & well-being of the surrounding community		(i) <i>Increased movement in the area increases security in the area.</i> (ii) <i>The vacant ruin, attracts loiterers and vagrants, which is a safety risk for residents and tourists. Increased surveillance will increase the safety and security of the the area.</i> (iii) <i>The development of high-density apartments in urban areas can improve access to essential services and resources, such as healthcare facilities, educational institutions, public transportation, and retail establishments, enhancing residents' quality of life and convenience.</i>
Impact on heritage		(i) <i>No heritage impacts.</i> (ii) <i>No heritage value.</i>
Impact on the biophysical environment	Are there negative impacts? Are they adequately mitigated?	(i) <i>Within urban edge.</i> (ii) <i>No NEMA listed activities were triggered.</i> (iii) <i>Outside any CBA areas.</i> (iv) <i>The side is transformed and an existing brownfield development site. No impact on the biophysical environment.</i>

Elements for Consideration	Key Questions to Ask	Desirability of Development Proposal
Traffic impacts, parking access, other transport considerations	Support for densification & functional public transport system?	<p>(i) The application area is walking distance from the Plettenberg Bay CBD, hence redevelopment of this site to higher density development will result in good accessibility to the CBD.</p> <p>(ii) Ample off-street parking is provided.</p> <p>(iii) The proposal will generate an insignificant number of additional vehicular trips per day, hence an insignificant traffic impact.</p>
Impact on quality of life (incl. views, sunlight, privacy, visual impact, character)		<p>(i) No views will be obscured.</p> <p>(ii) Fits within the character of the area.</p> <p>(iii) Given the locality of the application area, it only abuts one other residential property – the proposed development will not overlook this property, hence an insignificant impact.</p> <p>(iv) The proposed development will not impact negatively on the sunlight of any of the surrounding properties.</p> <p>(v) The well-designed high-density development with adequate lighting, surveillance, and security measures will contribute to a safer and more secure environment for surrounding residents, reducing crime and increasing feelings of safety and well-being.</p>
Timing – need to densify or protect urban edges	The best option for the site at this point?	<p>(i) Within urban edge.</p> <p>(ii) Suitable area for proposal.</p> <p>(iii) Encouraged by all relevant spatial planning policies.</p> <p>(iv) The high population growth rate in Plettenberg Bay, and the high rate of semigration of higher income residents, result in a need for smaller, higher density, convenient and accessible lock-up-and-go accommodation. This</p>

Elements for Consideration	Key Questions to Ask	Desirability of Development Proposal
		<i>will be a more efficient development than a low density residential dwelling.</i>
Cumulative impacts	Unacceptable cumulative impacts?	<i>(i) Only positive impacts. No negative impact on any of the surrounding property owners.</i> <i>(ii) Since the application area is surrounded by vacant, undevelopable public land, the proposal will not have any cumulative negative impacts.</i> <i>(iii) In fact, the proposal will result in upgrading of services infrastructure, that will be to the benefit of the neighbourhood.</i>
Opportunity costs	Any unacceptable opportunity costs?	<i>(i) Private investment</i> <i>(ii) No municipal funding required</i>
Alignment with SDF's		<i>Proposal is consistent with all relevant spatial planning policy documents.</i>

Note: LUPA (Land Use Planning Act) does not refer to a lack of desirability, nor does it require there to be a positive advantage (i.e. the absence of a positive advantage should not automatically lead to a decision to refuse).

From the table above, it is clear that the proposed development on the application area, is desirable.

26. 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 are applicable to all land development in the Province. These are summarised in the tables below.

The tables below aim to summarise how the proposed development on the application area complies with these planning principles.

26.1. Spatial Justice

Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	COMPLY	<p>(i) Proposed development will result in more integrated housing development as more affordable housing will be provided within the formally exclusive high-income housing area.</p> <p>(ii) The proposed densification will provide a different housing topology.</p> <p>(iii) The proposal will provide employment opportunities for skilled and unskilled workers.</p>
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.	Not applicable	<p><i>This policy is not applicable to the application area.</i></p> <p><i>Not a Spatial Development Framework or Policy.</i></p>
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Not applicable	<p><i>This policy is not applicable to the application area.</i></p>
Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.	Not applicable	<p><i>This policy is not applicable to the application area.</i></p>
Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.	Not applicable	<p><i>This policy is not applicable to the application area.</i></p>

Criteria	Compliance	Planning Implication
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.	Not applicable	<i>The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Bitou Municipality, 2015</i>
The right of owners to develop land in accordance with current use rights should be recognised.	Not applicable	<i>The applicant does not want to develop the property in accordance with the current land use rights.</i>

26.2. 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	<p>(i) <i>The proposal will expand the municipality's rates base. More residents = more rate and taxes income for the municipality.</i></p> <p>(ii) <i>Any upgrades of infrastructure will be for the account of the applicant, hence there will be no additional capital expenses for the municipality, should this proposal be approved.</i></p> <p>(iii) <i>The proposed development can be regarded as infill development, hence spatially compact development for Plettenberg Bay.</i></p> <p>(iv) <i>The proposed densification will result in more efficient utilisation of bulk services infrastructure.</i></p>
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	Not applicable	<i>This policy is not applicable to the application area. Not agricultural land.</i>
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.	COMPLY	<p>(i) <i>The proposal will positively impact the functioning of the market in the area, by attracting investment to the area and will be beneficial to the area.</i></p> <p>(ii) <i>Redevelopment & urban renewal will increase the value of surrounding properties.</i></p>

Criteria	Compliance	Planning Implication
		<p>(iii) <i>The functioning of the land markets in the area will not be impacted in such a way that any of the surrounding properties landowners will be unfairly impacted and negatively impact the functioning of land markets.</i></p> <p>(iv) <i>The proposal will provide housing opportunities, supporting the functioning of land markets in the area.</i></p> <p>(v) <i>Development is occurring in the area and change of land use is not an irregular occurrence.</i></p>
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	COMPLY	<p>(i) <i>Any service upgrades at the cost of the applicant.</i></p> <p>(ii) <i>The proposed new development will result in efficient and more affordable services delivery than what a new development far outside the urban area would have resulted in.</i></p>
Promote land development in locations that are sustainable and limit urban sprawl, and result in communities that are viable.	COMPLY	<p>(i) <i>No urban sprawl will be created.</i></p> <p>(ii) <i>The development area is located within the urban edge.</i></p> <p>(iii) <i>Regarded as brownfield infill development.</i></p> <p>(iv) <i>Urban integration results in less dependence on private vehicles and less dependence on public transport – good walkability results in more viable communities.</i></p>
Strive to ensure that the basic needs of all citizens are met in an affordable way.	Not Applicable	<i>This principle is not applicable to the applicant or this development.</i>
The sustained protection of the environment should be ensured.	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>

26.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities.	COMPLY	<i>Any service upgrades at the cost of the applicant.</i>

Criteria	Compliance	Planning Implication
Integrated cities and towns should be developed.	Not Applicable	<i>This principle is not applicable to the applicant or this development.</i>
Policy, administrative practice and legislation should promote speedy land development.	Not Applicable	<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>

26.4. 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	<p>(i) <i>The proposal is in line with all the various spatial plans, zoning scheme and policies, as motivated by the report.</i></p> <p>(ii) <i>It will have no negative impact on the livelihood of the community.</i></p> <p>(iii) <i>The proposal will uplift the community.</i></p> <p>(iv) <i>The proposed application complies with the requirements of the Land Use Planning By-Law for Bitou Municipality, 2015.</i></p>

26.5. Good Administration

Criteria	Compliance	Planning Implication
All spheres of government should ensure an integrated approach to land use planning.	Applicable to Bitou Municipality	<p><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></p> <p><i>What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.</i></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.		
The requirements of any law relating to land development and land use must be met timeously.		
The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of		

Criteria	Compliance	Planning Implication
public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
The legislation, procedures and administrative practice relating to land development should be clear, promote predictability, trust and 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.		

27. CONCLUSION

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

- (i) The rezoning of Plettenberg Bay Erf 156 from 'Single Residential Zone I' to 'General Residential Zone II' to allow nine (9x) residential apartments in terms of Section 15(2)(a) of the Bitou Municipality Land Use Planning Bylaw, 2015.

- (ii) Closure of a portion of unregistered state land (Sinclair Street) abutting Plettenberg Bay Erven 156 and 255 (lapsed Erf 9170) in terms of Section 15(2)(n) of the Bitou Municipality Land Use Planning Bylaw, 2015.
- (iii) The amendment an approved General Plan in terms of Section 15(2)(k) of the Bitou Municipality Land Use Planning Bylaw, 2015, by amending the portion of closed street as an ordinary erf.
- (iv) The subdivision of the portion of closed street ($\pm 302\text{m}^2$), in terms of Section 15(2)(d) of the Bitou Municipality Land Use Planning Bylaw, 2015.
- (v) The rezoning of the portion of closed street ($\pm 302\text{m}^2$) from "Transport Zone II" (Public Street) to 'General Residential Zone II' to allow nine (9x) residential apartments in terms of Section 15(2)(a) of the Bitou Municipality Land Use Planning Bylaw, 2015.
- (vi) The confirmation of an exemption from a consolidation application, by the consolidation of the portion of closed street with Plettenberg Bay Erf 156, to create a new property of $\pm 1250\text{m}^2$, in terms of Section 24(1)(d) of the Bitou Municipality Land Use Planning Bylaw, 2015.
- (vii) A Permanent Departure to allow the relaxation of the prescribed coverage from 60% to 90%, in terms of Section 15(2)(b) of the Bitou Municipality Land Use Planning Bylaw, 2015;
- (viii) A Permanent Departure to allow the relaxation of the prescribed building lines applicable to the consolidated property, in terms of Section 15(2)(b) of the Bitou Municipality Land Use Planning Bylaw, 2015:
 - [a] Relaxation of the Street building line from 5m to 1.5m;
 - [b] Relaxation of the western lateral building line from 4,5m to 0m;
 - [c] Relaxation of the southern, eastern and northern lateral building line from 4,5m to 1,5m;

Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Bitou Land Use Planning Bylaw; is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by Bitou Municipality.

Marika Vreken Urban and Environmental Planners
April 2025

ATTORNEYS

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Our Reference: MDDS/J3698/LEAS

Your Reference:

Date: 11 April 2025

The directors of

PLETT PRIME DEVELOPMENTS (PTY) LTD

By email: francois@feenstragroup.co.za / sabelo@feenstragroup.co.za / andries@feenstragroup.co.za

Dear Sir,

TRANSFER: CYCO SALES (PTY) LTD / PLETT PRIME DEVELOPMENTS (PTY) LTD

PROPERTY: ERF 156 PLETTENBERG BAY

We refer to the above matter and are pleased to advise that the transfer was duly registered in the Cape Town deeds office on **10 April 2025**.

We enclose our final reconciliation statement for your records and confirm that the amount of **R475,586.63** is due by you.

Please be reminded to ensure that a new rates -, water - and electricity account is opened in your name at the municipality.

Thank you for your assistance during the registration process. We hope to be of assistance to you again in future.

Yours faithfully

ADAMS & ADAMS

M. DA SILVA

Checked and signed by author and sent electronically

OFFICES: Pretoria | Johannesburg | Cape Town | Durban ASSOCIATE OFFICES: Angola | Botswana | Burundi | Cameroon (OAPI) | Cape Verde | Egypt | Ethiopia | Ghana | Kenya | Lesotho | Liberia | Libya | Mauritius | Mozambique (ARIPO) | Namibia | Nigeria | Sierra Leone | São Tomé and Príncipe | Eswatini | Tanzania (including Zanzibar) | The Gambia | Zimbabwe

Partners Dario Tanziani Colin MacKenzie Gérard du Plessis Phil Pla Louis van der Walt Russell Bagnall Simon Brown Grégor Wolter Joseph Goedhals Blain de Villiers Eugene Honey Darren Olivier Nolwazi Gcaba David Scheepers Megan Moerdijk Kelly Thompson Nolo Khechane Janice Galvad Nishi Chetty Lucy Signorelli Steven Yeates Johnny Fandeiros Jenny Pienaar Danie Dohmen Alexis Apostolidis Bilkis Daby Debbie Marriot Lauren Ross Dale Healy Mandy Swanepoel Roelof Grové Nicolette Koch James Davies Nicky Garnett Vishen Pillay Godfrey Budeli Jac Marais Nthabisheng Phaswana Nishan Singh Pieter Visagie Sajidha Gamielidien Thando Manentsa Werina Griffiths Wilhelm Prozesky Jean-Paul Rudd Somayya Khan Jani Cronjé Nicolette Biggar Stephen Hollis Alicia Kabini Alicia van der Walt Wynand Fourie Lita Miti-Qamata Jan-Harm Swanepoel Amina Suliman Wensel Britz Kim Rampersadh Femke Van Dyk Helgard Janse Van Rensburg Nicole Smalberger Alissa Naran (née Nayanah) Donald Mokhele Jameel Hamid Kagisho Manyashi Demi Pretorius Udi Pillay Thapelo Mmatong

Consultants Sophia Smallbones

Associates Deborah Marsicano Thérèse Davis Dakalo Luvhimbiri Richard Wiers Jean-Louis La Grange Nicole Haworth Jevonne Le Roux Lisa Van Zuydam Misha Van Niekerk Robyn Müller-Mabuza Shani Van Niekerk Alicia Heyneke Lavashnee Mandry Charleen Rupnarain Ramon Pereira Thembi Khoza Sophia Smallbones Mthokazisi Maphumulo Maureen Makoko Mia de Jager Daniëlle van Deventer Lethabo Mashishi Melissa Jade Morris Michael Lamont Lebohlang Mosala Alison Levesley Esmé Van Rooyen Cohen Grootboom Monique Schröten Mzwakhe Poswa Whitney Govender-Williams Tsholofelo Maluleke Thapelo Segodi Kim Erasmus Micaela da Silva Matome Matsheta Darshan Moodley Kelly Mzobe Tesslyn Francis Sikelela Masumpa Courney Elson Raznae Narayanasami Chanel Tewary Rebene Dikotla Mpumelelo Ndlela Aliza Hay (née Wilmans) Thandiwe Seboletswe Lindokuhle Gwala Tuelo Mokoka Marilé Fauché Corbyn Selzer Magdalene Haripersad Chervaune Utermöhlen Jared de Canha Tiro Maticoe Nontando Tusi Rahula Kgabu Michelle Langeveld Tanya Dreyer (née Minaar) Rutendo Chapwanya Linda Khumalo Simoné Engelbrecht Rachael Lee Anika Bawa Clare Snaddon Fanele Mabaso Christopher Nyarukowa Hashiem Logday Gizela Lombard Kiara du Preez Christine Strauss

Africa Practice Manager

Chief Operating Officer Menzi Maboyi

Dave Forbes

Level 1 BBBEE Contributor

www.adams.africa



KJA
EXTRACTS FROM THE AGENDA & MINUTES OF THE SPECIAL
COUNCIL MEETING HELD ON 2 August 2001

ITEM S/7: ERF 156, PLETTENBERG BAY

Report by the Acting Director: Corporate Services together with Annexures circulated herewith.

MINUTE NO. 426

ITEM S/7: ERF 156: PLETTENBERG BAY

Report by the Acting Director: Corporate Services together with Annexures circulated with the Agenda.

Letters received from abutting owners were tabled at the Meeting.

After discussion, it was:

RESOLVED

1. That the Provincial Government be informed that Council supports the rezoning of Erf 156, Plettenberg Bay from Single Residential to General Residential in terms of Section 16 of Ordinance 15 of Ordinance 15 of 1985, subject to the following:
 - i) That development of the property occurs in accordance with the building plans dated 2 August 2001, or such minor deviations thereof that may be required to ensure compliance with the provisions of the National Building Regulations.
 - ii) That should the 4 units to be constructed be separately alienated, a Home Owners Association or Body Corporate, as the case may be, be established to the satisfaction of the Council.
 - iii) That the required augmentation fees in respect of water, sewerage and electricity be paid in accordance with Council's policy for the 3 additional units to be constructed at the date of approval of building plans.
2. That the Provincial Government be informed that Council supports the following proposed departures from the provisions of the Plettenberg Bay Zoning Scheme in terms of Section 15 of Ordinance 15 of 1985 in order to allow the development of Erf 156 in accordance with the building plans dated 2 August 2001 subject to:
 - i) ~~Repeal~~ of the current 4,5m street building line (along Sinclair Street), provided that development within this section of the property be limited to an absolute height restriction of 78,7m above mean sea level.
 - ii) A ~~departure~~ from the prescribed 1 000m² minimum erf size for a General Residential property to 948m² in the case of Erf 156, provided that Erf 156 be ~~not~~ combined with an adjacent site in order to increase its effective extent to more than 1 000m².

✓

76

10/10/01 11:11 AM

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COUNCIL MEETING HELD ON 2 August 2001

- iii) A departure from the prescribed maximum coverage restriction of 50% to ~~between 50% and 90%~~.
 - iv) A departure from the prescribed maximum bulk restriction of 0,70 to ~~between 1,5 and 1,2~~.
 - v) ~~Answer~~ of the 4,5 lateral building line requirements.
3. That as no objections have been received in terms of Section 137(2) (c) of Ordinance 20 of 1974 against the proposed closure of portion of Erven 255 (Signal Hill) and 4317 as "Public Places" and the proposed closure of portion of Erf 2377 ("Sinclair Street") as "Public Street", and as the owners of the affected properties (Erven 154 and 156) directly abutting these "Public Place/Street" area to be closed have furthermore given their written support to the proposal (which makes compliance with Section 137 (2)(b) of Ordinance 20 of 1974 superfluous), Council proceeds to close the relevant portions of Erven 255, 4317 and 237 by notice in the Provincial Gazette in accordance with Section 137 (1) of Ordinance 20 of 1974, subject to the following conditions:
- i) That diagrams of the areas to be closed be framed by a professional Land Surveyor (for endorsement in terms of Section 25 of Ordinance 15 of 1985) at the cost of the developer to the satisfaction of the Council.
4. That in terms of section 25 of Ordinance 15 of 1985 Council approves the following subdivisions:
- i) Subdivision of Erf 255 into Portion A ($\pm 126m^2$) and a Remainder.
 - ii) Subdivision of erf 237 into Portion A ($\pm 284m^2$) and a Remainder.
 - iii) Subdivision of Erf 4317 into Portion A ($\pm 1,4m^2$), Portion B ($\pm 6,7m^2$) and a Remainder.
5. That the Provincial Government be informed that Council supports the following proposed-rezoning in terms of Section 16 of Ordinance 15 of 1985:
- i) Rezoning of Portion A of Erf 255 from Public Open Space to General Residential.
 - ii) Rezoning of Portion A of Erf 237 from Public Street to General Residential.
 - iii) Rezoning of Portions A and B of Erf 4317 from Public Open Space to General Residential.
6. That the Provincial Government be informed that the support of Council for the rezoning referred to in paragraph (5) above is subject to the following express and material conditions:
- i) Finalisation of the purchase agreement referred to in paragraph (7) below.
 - ii) Consolidation of Portion B of Erf 4317 with Erf 156.

177
Initialled and signed

EXTRACTS FROM ^{KJA} AGENDA & MINUTES OF THE SPECIAL

COUNCIL MEETING HELD ON 2 August 2001

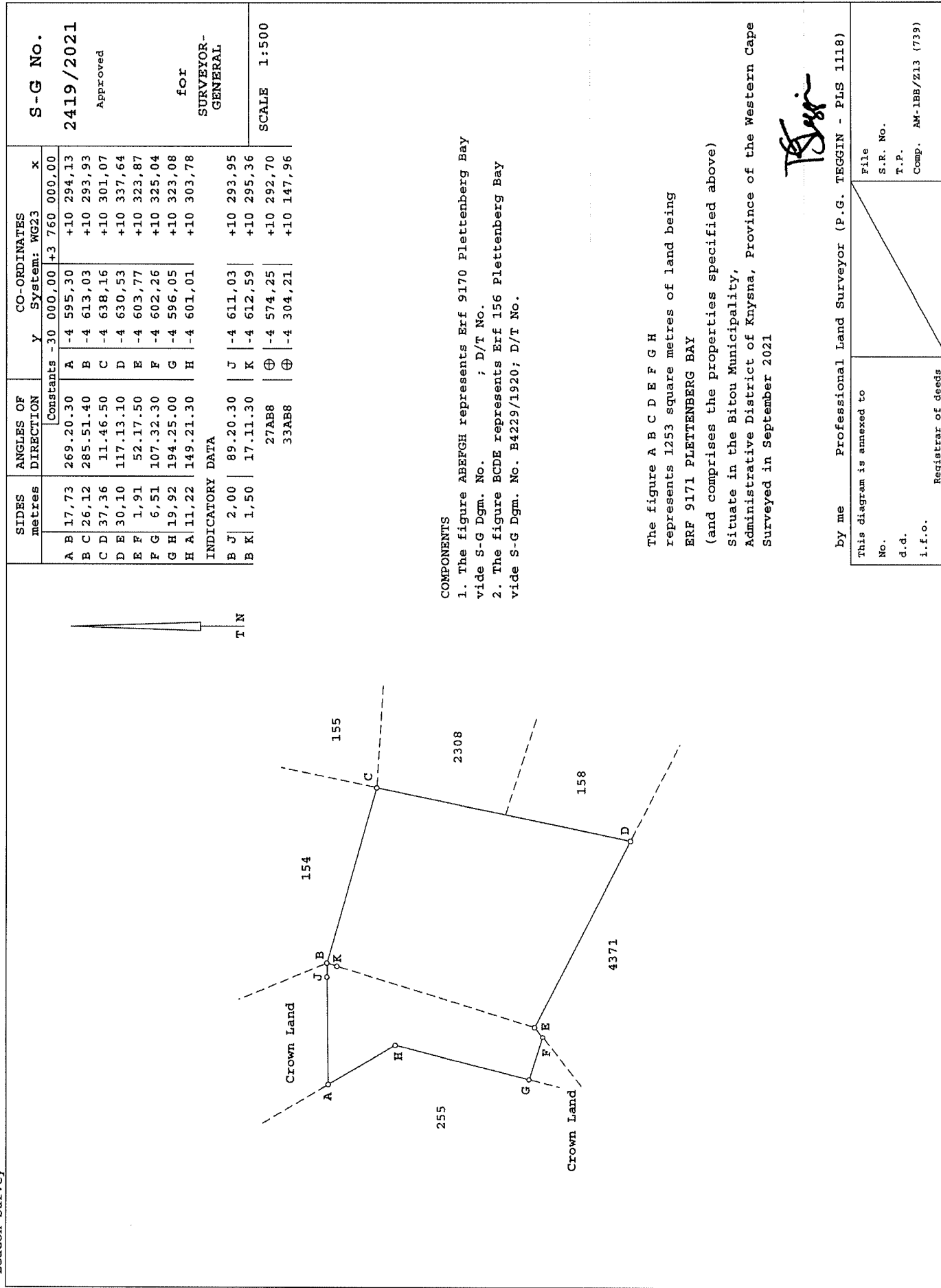
- iii) Consolidation of Portion A of Erf 255, Portion A of 237 and Portion A of 4317 into a single residential erf.
 - iv) That the use of this consolidated new erf be limited to a single storey garage (with a parking deck above) only, with no coverage or building line restriction, but with a maximum height restriction of 78,7m above mean sea level (as indicated on the building plans dated 2 August 2001).
7. That Council approves the sale of Portion A of Erf 255, Portion A of 237 and Portion A and B of Erf 4317 to the owners of Erf 156, subject to the following conditions:
- i) That two independent appraisers be appointed by Council at the cost of the developer to determine the value of the land to be sold.
 - ii) That the consolidated new erf (referred to in paragraph above) be "permanently linked" with Erf 156 by means of a notarial deed in restraint of free alienation in favour of Council (or other suitable mechanism to the satisfaction of Council) at the cost of the developer.
 - iii) That the existing 300mm diameter pipeline, as well as any other Municipal services that may be affected, be relocated at the cost of the developer to the satisfaction of the Council.
8. That the Building plans be submitted to the August meeting of Council for final approval, after scrutiny of the plans by all the municipal officials.
9. That the Developer fund the holding of an Architectural Competition for the development of Tourist facilities on Signal Hill (Erf 255). AD: CORP. SER

178

Beacon Survey

SIDES metres		ANGLES OF DIRECTION	CO-ORDINATES y System: WG23 x			S-G No. 2418/2021 Approved for SURVEYOR- GENERAL
			Constants -30 000,00 +3 760 000,00			
A B	17,73	269.20.30	A	-4 595,30	+10 294,13	
B C	31,34	17.11.30	B	-4 613,03	+10 293,93	
C D	1,91	52.17.50	C	-4 603,77	+10 323,87	
D E	6,51	107.32.30	D	-4 602,26	+10 325,04	
E F	19,92	194.25.00	E	-4 596,05	+10 323,08	
F A	11,22	149.21.30	F	-4 601,01	+10 303,78	
INDICATORY DATA						
B G	2,00	89.20.30	G	-4 611,03	+10 293,95	
B H	1,50	17.11.30	H	-4 612,59	+10 295,36	
		27AB8	⊕	-4 574,25	+10 292,70	
		33AB8	⊕	-4 304,21	+10 147,96	
DESCRIPTION OF BEACONS						
A,E 12mm iron peg in concrete						
B No beacon						
C,H Hole in concrete						
D,F,G ... 12mm iron peg						
<p>The figure A B C D E F represents 302 square metres of land being ERF 9170 PLETTENBERG BAY Situate in the Bitou Municipality, Administrative District of Knysna, Province of the Western Cape Surveyed in September 2021</p> <p style="text-align: right;"><i>P. G. Tegg</i></p> <p>by me Professional Land Surveyor (P.G. TEGGIN - PLS 1118)</p>						
This diagram is annexed to No. d.d. i.f.o. Registrar of deeds			<p>File S.R. No. T.P. Comp. AM-1BB/Z13 (739)</p>			

SCALE 1:500



SIDES metres		ANGLES OF DIRECTION	CO-ORDINATES			
			Y		X	
			System: WG23			
		Constants	-30	000,00	+3	760 000,00
A B	17,73	269.20.30	A	-4 595,30		+10 294,13
B C	26,12	285.51.40	B	-4 613,03		+10 293,93
C D	37,36	11.46.50	C	-4 638,16		+10 301,07
D E	30,10	117.13.10	D	-4 630,53		+10 337,64
E F	1,91	52.17.50	E	-4 603,77		+10 323,87
F G	6,51	107.32.30	F	-4 602,26		+10 325,04
G H	19,92	194.25.00	G	-4 596,05		+10 323,08
H A	11,22	149.21.30	H	-4 601,01		+10 303,78
INDICATORY DATA						
B J	2,00	89.20.30	J	-4 611,03		+10 293,95
B K	1,50	17.11.30	K	-4 612,59		+10 295,36
		27AB8	⊕	-4 574,25		+10 292,70
		33AB8	⊕	-4 304,21		+10 147,96

SCALE 1:500

S-G No.

2419/2021

Approved

for
SURVEYOR-
GENERAL

COMPONENTS

1. The figure ABCEFGH represents Erf 9170 Plettenberg Bay vide S-G Dgm. No. ; D/T No.
2. The figure BCDE represents Erf 156 Plettenberg Bay vide S-G Dgm. No. B4229/1920; D/T No.

The figure A B C D E F G H
represents 1253 square metres of land being
ERF 9171 PLETTENBERG BAY

(and comprises the properties specified above)
Situate in the Bitou Municipality,
Administrative District of Knysna, Province of the Western Cape
Surveyed in September 2021

by me Professional Land Surveyor (P.G. TEGGIN - PLS 1118)

This diagram is annexed to

No.

d.d.

i.f.o.

Registrar of deeds

File

S.R. No.

T.P.

Comp. AM-1BB/213 (739)

Tel: (021) 467 4800

Fax: (021) 465 3008

MARIKE VREKEN
URBAN & ENVIROMENTAL PLANNERS
P O BOX 2180
KNYSNA
6570

SURVEYOR GENERAL-WESTERN CAPE
PRIVATE BAG X9028
CAPE TOWN
8000

2024-04-18

MY REF: S/1517/17

Your ref:

Dated: 2024-04-11

Note: THIS STATUS REPORT IS
VALID FOR 3 YEARS.

Attention: Riekie van Rensburg

Sir

**STATUS REPORT: CLOSURE OF PORTION OF UNREGISTERED STATE LAND
ABUTTING ERVEN 156 AND 255 PLETTENBERG BAY.**

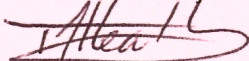
1. The proposed closure of land as shown **HATCHED BLUE** on your attached Locality plan represents: **PORTION OF UNREGISTERED STATE LAND PLETTENBERG BAY AS SHOWN ON GENERAL PLAN PF.2 (5180) OF PLETTENBERG BAY TOWNSHIP.**

It is shown as **PUBLIC STREET** in my records.

2. **FOR OFFICE USE** The following properties will be endorsed: **ERVEN 156, 255 AND GENERAL PLANS PF.2 (5180)**
3. Endorsement fees amount to: **R 360.00**
4. I require a copy of a diagram suitable for registration purposes, surveyed by a land surveyor, of the following: **PORTION TO BE CLOSED**
5. A written consent (accompanied by a sketch) is required in terms of **Section 23(3) of the Bitou's Municipal Planning By-Law 2015** for the amendment of: **GENERAL PLAN NO: (5180)**

SEE REVERSE SIDE, EXAMPLE A

Yours faithfully



TJ HEATH

For SURVEYOR-GENERAL: WESTERN CAPE

FOR OFFICE USE

CERTIFICATE:

GAZETTE No

DATED

p

TYPICAL EXAMPLES OF WRITTEN CONSENTS REQUIRED BY LOCAL AUTHORITIES.

The following could be used as guidelines.

A WHERE A PORTION OF ROAD IS CLOSED.

Consent is hereby given in terms of **Section 23(1) of the Bitou's Municipal Planning By-Law 2015** to the amendment of **General Plan PF.2 (5180)** by the addition of the portion of road to be closed, shown **Hatched Blue** on the attached locality plan as one additional erf **[with/without]** conditions.

[with/without] Please Specify

SPECIAL POWER OF ATTORNEY

I, the undersigned

MBULELO MEMANI

in my capacity as the Acting Municipal Manager of the Bitou Local Municipality and duly authorised to do so in accordance with the Council resolution of 2 August 2001 (Minute No. 426)

do hereby nominate, constitute and appoint

MARIKE VREKEN TOWN & REGIONAL PLANNERS CC and duly authorised employees of
Marike Vreken Town Planners CC
with power of Substitution to be our lawful representatives in the application for:

CLOSURE, SUBDIVISION, CONSOLIDATION; REZONING & DEPARTURE

In respect of

**PORTION OF SINCLAIR STREET (PORTION OF PLETTENBERG BAY ERF 237, AND ALSO
REFERRED TO AS UNREGISTERED ERF 9170)**

And generally do whatever may be necessary or desirable to procure the approval of the application (but on the clear understanding that all costs in relation to the appointment are for the account of the lawful representative of the owner of Erf 156, Plettenberg Bay).

Signed at **PLETTENBERG BAY** on this **11** day of **APRIL** 2025.

SIGNED:



In the presence of the undersigned witnesses:

AS WITNESSES:

1. _____

2. _____

Plett Erf 156 – pre-app discussion 4 December 2023, Via Teams

Attendance:

- Marike Vreken (MV) – MV TRP
- George Bezuidenhout (GB) – Feentra Group (developer)
- Marius Buskes (MB) – Bitou Municipality Town Planner

Discussion:

1. MV gave brief description of development proposal:
 - 1.1. Development proposal on consolidated site, including a portion of Street that Council agreed to alienation in the past;
 - 1.2. Building with 6x levels along the slope, within 10,6m height restriction
 - 1.3. A total of 9x units
 - 1.4. Inside, under roof parking;
 - 1.5. Compliant with all development parameters of new zoning bylaw, except for building lines along bordering public open spaces, and a portion of Erf 154 to the north
 - 1.6. Application will be for subdivision of street, closure of street, rezoning and consolidation and departure.
 - 1.7. MV confirms application will be submitted under name of current owners.
2. Inputs from Municipality on proposal:
 - 2.1. – consider desirability – scale of building / density
 - 2.2. Concurr that building line relaxations along public open space no significant impact
 - 2.3. Current development proposal is an improvement on previous proposal
 - 2.4. Need to consider balance between signal hill open space / sense of place and development proposal;
 - 2.5. Previous precedents were 4x units per erf in this area (Erven 154 and 169). Applicant to address desirability of more than 4x units.
 - 2.6. Will go to Tribunal for decision making
 - 2.7. Applicant has to motivate the deed for building line relaxations
 - 2.8. Tender for demolition – tender closes end of January 2024.
 - 2.9. Application to be accompanied by Civil Engineering & Electrical Engineering Reports
 - 2.10. Architectural 3d Renderings will be an added benefit to application.
 - 2.11. important to retain permanent residential use, rather than tourism accommodation use
 - 2.12. what inputs / contribution from developer to maintain and retain public open space and view point – safety and security areas?

3. GB confirmed, developers are amenable to do certain works and upgrades in lieu of services contributions.

SPECIAL POWER OF ATTORNEY

I/We

P. J. Feenstra (ID No: 540521 5086 089)

the undersigned,

do hereby nominate, constitute and appoint

THE AUTHORISED AGENTS OF MARIKE VREKEN TOWN & REGIONAL PLANNERS CC and duly

authorised employees of Marike Vreken Town Planners CC

with power of Substitution to be *my/our lawful representatives in *my/our application for:

REZONING, SUBDIVISION, CLOSURE, PERMANENT DEPARTURE

on

PLETTENBERG BAY ERF 156 & ERF 9170 (PORTION OF PUBLIC STREET)

In addition to apply for such amendments of any zoning schemes / structure plans / Removal of Title Deed Restrictions as may be deemed necessary and to make other necessary application and further to represent *me/us at any inquiry in relation to the abovementioned matters and generally do whatever may be necessary or desirable to procure the approval of the application, by virtue of those present and whatever our said representative have to date done herein.

Signed at

PLETT

on this

16th

day of

APRIL

2025

SIGNED:



SIGNED:

SIGNED:

In the presence of the undersigned witnesses:

AS WITNESSES:

1.



2.

**EXTRACT FROM THE MINUTES OF A MEETING OF THE BOARD
OF DIRECTORS OF CYCO SALES (PTY) LTD ("COMPANY")
(REGISTRATION NUMBER: 1991/004708/07)**

HELD ON THE ____ DAY OF _____ 2024 AT _____

RESOLVED

1. That the Company, being the registered owner Erf 156 Plettenberg Bay, Registration Division Knysna RD, Western Cape Province (the "**Property**"), which is situated adjacent to Erf 9170 Plettenberg Bay, Registration Division Knysna RD, Western Cape Province (the "**Road Portion**") hereby authorize, nominate, constitute and appoint **MARIKE VREKEN**, from the firm **MARIKE VREKEN TOWN PLANNERS CC (REG. NO. 2005/032114/23)** (the "**Applicant**") and or any employees of the Applicant, with the power of substitution and agency to be the lawful representatives and agents in the name, place and stead of the Company, and to act as such on the Company's behalf in the lodgement and pursuance of

- i. A formal road closure application in respect of a portion the Road Portion;
- ii. A Subdivision Application in relation to the portion of the Road Portion to be closed;
- iii. Rezoning of land applications of both the Road Portion and the Property to General Residential Zone 2;
- iv. A permanent departure application (for certain departures from the standard development controls);
- v. Exemption of consolidation application,


in respect of the Road Portion and/or the Property with the Bitou Municipality in terms of Section 15(2) and/or Section 24 of the Bitou By-law on Municipal Land Use Planning 2015 (as amended) or any other applicable legislation, for the development of 9 residential units on the Property and Road Portion, or any other applications which may be considered necessary and appropriate to procure the necessary development rights on the Road Portion and Property and to pursue same to finality.

2. That the Company in pursuing the applications envisaged in paragraph 1 above to finality, participates in any proceedings before any relevant authority in terms of any prevailing legislation or appoints attorneys for that purpose, and if required and necessary, lodges or opposes any Appeal in terms of any prevailing legislation to any relevant Appeal Authority or other statutory body duly authorized to process such Appeal proceedings, and to pursue same to finality.
3. That **MASON EBEN LECUONA** in his capacity as Director of the Company hereby be authorized with the power of delegation, substitution and ratification, to appoint any



consultants for purposes of pursuing the aforementioned applications to finality, to sign all documents and/or agreements in this regard on behalf of the Company in respect of the applications envisaged in paragraphs 1 and 2 hereto, and to pursue same to finality in order to give effect to paragraph 1 above.

CERTIFIED AS A TRUE EXTRACT FROM THE MINUTES OF THE ABOVE MEETING



MASON EBEN LECUONA
DIRECTOR

POWER OF ATTORNEY

I, the undersigned

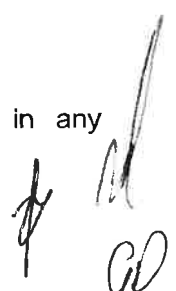
MASON EBEN LECUONA (ID NO: 7005165109085)

1. in my capacity as Director of **CYCO SALES (PTY) LTD (REGISTRATION NUMBER: 1991/004708/07)** (the "**Company**") duly authorized thereto by way of a Resolution of the Board of Directors of the Company, hereby authorize, nominate, constitute and appoint **MARIKE VREKEN**, from the firm **MARIKE VREKEN TOWN PLANNERS CC (REG. NO. 2005/032114/23)** (hereinafter referred to as the "**Applicant**") and or any employees of the **Applicant**, with the power of substitution and agency to be the lawful representatives and agents in the name, place and stead of the **Company**, and to act as such on the **Company's** behalf in the lodgement and pursuance of –

- i. A formal road closure application in respect of a portion of Erf 9170 Plettenberg Bay, Registration Division Knysna RD, Western Cape Province (the "**Road Portion**");
- ii. A Subdivision Application in relation to the portion of the Road Portion to be closed;
- iii. Rezoning of land applications of both the Road Portion and Erf 156 Plettenberg Bay, Registration Division Knysna RD, Western Cape Province (the "**Property**") to General Residential Zone 2;
- iv. A permanent departure application (for certain departures from the standard development controls);
- v. Exemption of consolidation application,

in respect of the Road Portion and/or the Property with the Bitou Municipality in terms of Section 15(2) and/or Section 24 of the Bitou By-law on Municipal Land Use Planning 2015 (as amended) or any other applicable legislation, for the development of 9 residential units on the Property and Road Portion, or any other applications which may be considered necessary and appropriate to procure the necessary development rights on the Road Portion and Property and to pursue same to finality.

2. This authority specifically includes the right to appear and participate in any

Handwritten signatures and initials in the bottom right corner of the document. There are two distinct signatures, one appearing to be 'M' and the other 'GD', along with some other scribbles.

proceedings before any relevant authority in terms of any prevailing legislation on behalf of the Company or to appoint attorneys for that purpose, and if required and necessary, to lodge or oppose any Appeal in terms of any prevailing legislation to any relevant Appeal Authority or other statutory body duly authorized to process such Appeal proceedings, and to pursue same to finality, including the authority to sign all documents, affidavits or applications which may be required for that purpose.

3. I hereby ratify, allow, confirm and promise and agree to ratify, allow and confirm all and whatsoever such agents shall lawfully do, or cause to be done, by virtue of these present and whatever such agents have to date done herein.

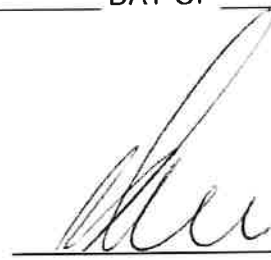
SIGNED AT _____ ON THIS _____ DAY OF _____ 2024.

WITNESSES:

1.



2.


MASON EBEN LECUONA

PLETT PRIME DEVELOPMENTS (PTY) LTD

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

RESOLUTION

Resolution passed at the meeting of the Shareholders/ Partners/ Trustees/ Members held in Plett on the 15th day of April 2025.

Resolved that P.J. FEENSTRA in his capacity as DIRECTOR, be and is hereby authorized to do whatever may be necessary to give effect to this resolution and to enter into and to 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 in his/ her 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:

PLETTENBERG BAY ERF 156 & ERF 9170 (PORTION OF PUBLIC STREET)

NATURE OF APPLICATION:

REZONING, SUBDIVISION, CLOSURE, PERMANENT DEPARTURE

SIGNATURE OF SHAREHOLDERS/ PARTNERS/ TRUSTEES/ MEMBERS:

NAME:

P.J. FEENSTRA

SIGNATURE:

[Signature]



municipaliteit umasipala municipality

to be the best together

Private Bag X1002 Plettenberg Bay 6600
Tel+27 (0)44 501 3000 Fax +27(0)44 533 3485

LAND USE PLANNING APPLICATION FORM

BITOU MUNICIPALITY: LAND USE PLANNING BY-LAW

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

PART A: APPLICANT DETAILS

First name(s)	MARIKE				
Surname	VREKEN				
South African Council for Planners (SACPLAN) registration number (if applicable)	A/1101/1999				
Company name (if applicable)	MARIKE VREKEN TOWN PLANNERS CC				
Postal Address	PO BOX 2180				
	KNYSNA	Postal Code	6570		
Email	info@vreken.co.za				
Tel	044 382 0420	Fax		Cell	082 927 5310

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

Registered owner(s)	Plett Prime Developments (PTY)LTD & Bitou Municipality (Street Portion)				
Physical address	18 Sinclair Street				
		Postal code			
E-mail					
Tel		Fax		Cell	

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

Erf 156 Plettenberg Bay, in the Municipality of Plettenberg Bay, Division of Knysna, Western Cape Province					
Physical Address	18 Sinclair Street, Formosa, Plettenberg Bay				
GPS Coordinates	34° 3'33.71"S & 23°22'29.90"E		Town/City	PLETTENBERG BAY	
Current Zoning	Single Residential Zone I & Transport Zone II	Extent	Erf 156 = 984m ² Ptn of 237 = 302m ²	Are there existing buildings?	Y N
Applicable Zoning Scheme	Bitou Zoning Scheme Bylaw 2023	X	LUPO Scheme Regulations: Section 8		
Current Land Use	Vacant – unauthorised, half completed structure				
Title Deed number and date	T	Erf 156 = T89929/1994 Ptn Street = Unregistered			
Any restrictive conditions?	≠	N	If Yes, list condition(s)	N/A	

Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies)	N/A
Have you informed the Bondholder of the application?	Y	N	Yes – Bond Holder's consent has been applied for	
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalize the building / land use?	Y N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	N	Are there any land claim(s) registered on the subject property(ies)?	Y N

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	Y	N	Copy of Minutes attached as Annexure E		
Official's name	Teams – M Buskes	Reference Number	n/a	Date of consultation	04/12/2023

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

Tick	Section	Type of application
	2(a)	a rezoning of land;
√	2(b)	a permanent departure from the development parameters of the zoning scheme;
√	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;
√	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;
√	2(e)	a consolidation of land that is not exempted in terms of section 24;
√	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;
√	2(g)	a permission required in terms of the zoning scheme;
√	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;
√	2(i)	an extension of the validity period of an approval;
√	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;
√	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;
√	2(l)	a permission required in terms of a condition of approval;
√	2(m)	a determination of a zoning;
√	2(n)	a closure of a public place or part thereof;
√	2(o)	a consent use contemplated in the zoning scheme;
√	2(p)	an occasional use of land;
√	2(q)	to disestablish a home owner's association;
√	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
√	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.

Will you want to advertise upon Municipal Consent?	Yes							
APPLICATION FEES ** (please note the following)								
* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.								
** The applicant is liable for the cost of publishing and serving notice of an application.								
*** Relevant fees will be determined by Council, and an invoice will be sent to the applicant accordingly.								
PART F: DETAILS OF PROPOSAL								
Complete description of proposed development / intent of application:								
REFER TO MOTIVATION REPORT								
PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION [section 15(2)(a) to (s) of the Bitou Municipality Land Use Planning By- Law]								
Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete. It will not be considered complete until all required information and documentation have been submitted.								
Required minimum documentation required in terms of section 38(1) of said legislation								
Y	N/A	Written motivation		Y	N/A	S.G. diagram / General plan extract		
Y	N/A	Locality plan		Y	N/A	Site development plan or conceptual layout plan		
Y	N/A	Proposed subdivision plan		Y	N/A	Proof of agreement or permission for required servitude		
Y	N/A	Conveyancer's certificate		Y	N/A	Minutes of pre-application consultation meeting (if applicable)		
Supporting information and documentation:								
Y	N	N/A	Consolidation plan		Y	N	N/A	Land use plan / Zoning plan
Y	N	N/A	Street name and numbering plan		Y	N	N/A	1:50 / 1:100 Flood line determination (plan / report)
Y	N	N/A	Landscaping (if applicable)		Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Abutting owner's comment		Y	N	N/A	Services Report or indication of all municipal services / registered servitudes
Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) /		Y	N	N/A	

			Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)				
Y	N	N/A	Copy of any previous approval	Y	N	N/A	Proof of failure of Home owner's association
Y	N	N/A	Proof of lawful use right	Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	N/A	Required number of documentation copies (<u>2 Hard Copies, 8 CD's, additional digital copies could be required</u>)	Y	N	N/A	Civil Services Report Electrical Services Report

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

Y	N	National Heritage Resources Act, 1999 (Act 25 of 1999)		Y	N	Specific Environmental Management Act(s) (SEMA)
Y	N	National Environmental Management Act, 1998 (Act 107 of 1998)				(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004),
Y	N	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)				National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008),
Y	N	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)				National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)
Y	N	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations				
Y	N	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		Y	N	Other (specify)
Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.				
Y	N	If required, do you want to follow an integrated application procedure in terms of section 44(1) of Bitou Municipality: Land Use Planning By-Law ? If yes, please attach motivation.				

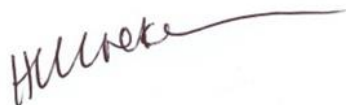
SECTION I: DECLARATION

I hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section [86\(1\)](#) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.

3. I am properly authorized to make this application on behalf of the owner and (where applicable) that a copy of the relevant power of attorney or consent are attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. That this submission includes all necessary land use planning applications required, by Bitou Municipality: Land Use Planning By-Law to enable the development proposed herein.
6. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
7. I am aware that development charges to the Municipality in respect of the provision and installation of external engineering services are payable by the applicant as a result of the proposed development.

Applicant's signature:



Date:

17-04-2025

Full name:

Marike Vreken

Professional capacity:

Professional Town Planner

SACPLAN registration
number:

A/1101/1999

FOR OFFICE USE ONLY

Date received:

Received by:

Municipal Stamp

Municipal Stamp

ANNEXURES

The following Annexures are attached for the applicant's information.

Please do not submit these Annexures with the application form.

Annexure A: Minimum requirements matrix

Annexure B: Land use planning application submission and protocol

Annexure C: Land use planning application workflow

ADAMS & ADAMS
Lynnwood Bridge
4 Daventry Street
Lynnwood Manor
Pretoria

Prepared by me

CONVEYANCER
MICAELA DIAS DA SILVA (55650)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R.....	R.....
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

T

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ELENE GROENEWALD (85686)

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

CYCO SALES PROPRIETARY LIMITED
Registration Number 1991/004708/07

which said Power of Attorney was signed at Cape Town on 5 December 2022

And the appearer declared that his/her said principal had, on 7 November 2022, truly and legally sold by Public Auction, 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:

PLETT PRIME DEVELOPMENTS PROPRIETARY LIMITED
Registration Number 2022/269457/07

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

ERF 156 PLETTENBERG BAY
IN THE BITOU MUNICIPALITY
DIVISION KNYSNA
WESTERN CAPE PROVINCE

IN EXTENT 948 (NINE HUNDRED AND FORTY EIGHT) Square metres

FIRST registered by Deed of Grant dated 25 January 1922 (Knysna Quitrents, Volume 12 No.55) with a Diagram relating thereto and held by Deed of Transfer T89929/1994.

SUBJECT to the conditions contained in the annexure to the Deed of Grant dated 25 January 1922 (Knysna Quitrents, Volume 12 No.55), which conditions read as follows:

“VIII

IX That no individual or company shall be allowed to purchase more than seven lots.

X. That any building proposed to be erected must first receive approval of the local magistrate.”

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

CYCO SALES PROPRIETARY LIMITED
Registration Number 1991/004708/07

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

PLETT PRIME DEVELOPMENTS PROPRIETARY LIMITED
Registration Number 2022/269457/07

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 R8 600 000,00 (EIGHT MILLION SIX HUNDRED THOUSAND RAND) and that transfer duty was paid on the amount of R9 589 000,00 (NINE MILLION FIVE HUNDRED AND EIGHTY NINE THOUSAND RAND) being the purchase price of R8 600 000,00 (EIGHT MILLION SIX HUNDRED THOUSAND RAND) plus Commission in the sum of R989 000,00 (NINE HUNDRED AND EIGHTY NINE 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:
WESTERN CAPE at CAPE TOWN on

q.q.

In my presence

REGISTRAR OF DEEDS



This report is compiled exclusively from the very latest data directly supplied to WinDeed by the Deeds Office.

Any personal information obtained from this search will only be used as per the Terms and Conditions agreed to and in accordance with applicable data protection laws including the Protection of Personal Information Act, 2013 (POPI), and shall not be used for marketing purposes.

**** ASTERISKS INDICATE THE INFORMATION IS ENRICHED FROM THE WINDEED DATABASE.**

SEARCH CRITERIA

Search Date	2024/04/24 12:16	Erf Number	237
Reference	Pr23/11	Portion Number	-
Report Print Date	2024/04/24 12:24	Deeds Office	Cape Town
Township	PLETTENBERG BAY	Search Source	Deeds Office

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	DUM
Township	PLETTENBERG BAY	Local Authority	PLETTENBERG BAY TC
Erf Number	237	Province	WESTERN CAPE
Portion Number	0	Extent	0.0000DUM
Registration Division	KNYSNA RD	LPI Code	C03900080000023700000
Previous Description	-	Co-ordinates (Lat/Long)**	-34.060858 / 23.375903
Suburb / Town**	PLETTENBERG BAY		

OWNER INFORMATION

No owner information to display

ENDORSEMENTS

No endorsements to display

HISTORIC DOCUMENTS

No historic documents to display

DISCLAIMER

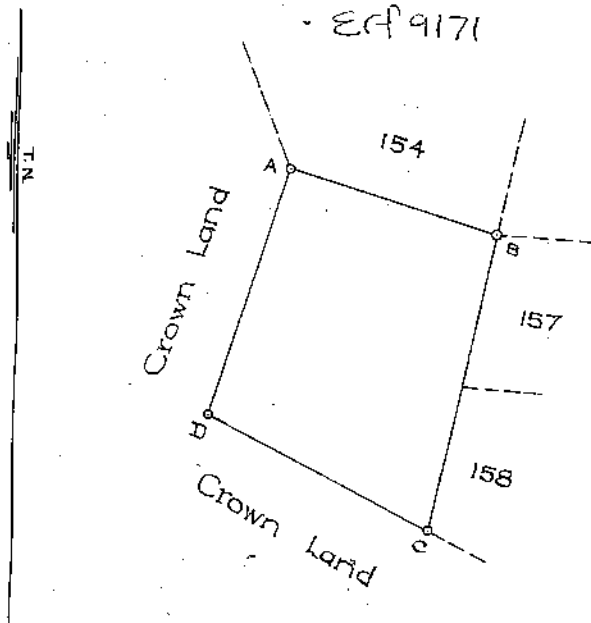
This report contains information provided to LNRM by content providers and LNRM cannot control the accuracy of the data nor the timely accessibility. LNRM will not be held liable for any claims based on reliance of the search information provided. This report is subject to the terms and conditions of LexisNexis Risk Management Agreement. LexisNexis Risk Management (Pty) Ltd is a registered credit bureau (NCRCB26).

No. ³⁰~~4279~~ 1920.
Genl. Plan No. FF.2.

Approved

[Signature]
Surveyor General.

Included in consol/
Diagram No. 2419/2021;
- ERF 9171



Sides.	C.F.
A B	154.96
B C	157.53
C D	158.03
D A	159.48

Angles.	
A	91. 21. 10"
B	93. 49. 20
C	74. 46. 10
D	100. 3. 20



The above figure A B C D represents 66 Square Roods, 59 Square Feet of land, being *Lot No. 156 in the Village of FORMOSA, Division of Knysna.

Bounded as indicated above.

Surveyed and beacons by me according to regulations.

July 1920

[Signature]

Government Land Surveyor.

N/S: AM-188/213(739)

I certify that this Diagram belongs to the Title Deed this day issued in favour of

H. W. Theron

25-1-1922

Department of Lands.

Kny. & 12-55

Secretary for Lands









Home

To view the documentation or to create an application, please select the application below

Bitou Municipality

Select application

Town planning

Create application

View documentation

Create town planning applications: Status

✓ Welcome

✓ Property

✓ Application

✓ Applicant

✓ Agent

✓ Notes

✓ Required documentation

Thank you for submitting your application.

Start Date: Not yet started

Created by: info@vrekem.co.za

Application id: 221

Reference number: TP/2024/2025/221

Status: Documentation

Progress (%): 3 %

Description: Plettenberg Bay Erf 156 & 237: Closure, Subdivision, Rezoning & Departures

