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**Municipal Notice No: 196/2025**

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

**BITOU MUNICIPALITY (WC047)  
NOTICE NUMBER: 196/2025**

Property description/ Grondbeskrywing/ Inkcazo yepropati	Type of Application/Aansoek/ Uhlobo lweSicelo
Portion 14 of the Farm No. 422	Notice is hereby given that Bitou Municipality has received an application for a consent use on the subject property in terms of section 15 (2(o)) of the current Bitou Municipality By Law on Land Use Planning to allow for the existing off-road trails as defined in the Zoning Scheme.
Gedeelte 14 van die plaas No. 422	Kennis geskied hiermee dat die Bitou Munisipaliteit 'n aansoek ontvang het vir 'n toestemmingsgebruik op die betrokke eiendom ingevolge artikel 15 (2(o)) van die huidige Bitou Munisipaliteit By Wet op Grondgebruikbeplanning om voorsiening te maak vir die bestaande veldrypaadjies soos omskryf in die Soneringskema.
Icandelo le-14 leFama No. 422	Isaziso sinikezelwa ukuba uMasipala waseBitou ufumene isicelo sokuSetyenziswa kwemvume kwipropathi echaphazelekayo ngokwecandelo le-15 (2 (o)) likaMasipala waseBitou ngoMthetho woCwangciso lokuSetyenziswa koMhlaba ukuvumela iindlela ezikhoyo ezingekho ezindleleni njengoko kuchaziwe kwiNkqubo yoKwahlula.

Application is available for viewing at Municipal office, 50 Melville's Corner, during office hours/ Aansoek kan bestudeer word by Kantoer 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](mailto:townplanning@plett.gov.za)

Comments/objections with reasons must be delivered or e-mailed to [townplanning@plett.gov.za](mailto: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](mailto: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](mailto:townplanning@plett.gov.za) zingadlulanga iintsuku ezingama-30 ukususela kumhla wokupapashwa kwesi saziso, kwaye mazibandakanye igama neenkukacha zoqhagamshelwano zaloo mntu uchaphazelekayo.

**Mr. Mbulelo Memani**  
**MUNICIPAL MANAGER**  
Bitou Local Municipality

Prepared by me

P. JORDAAN  
ATTORNEY

## SPECIAL POWER OF ATTORNEY

To whom it may concern:

I/we, the undersigned

**BRENT CONNAN HARPER**  
Identity Number: 770126 5217 08 9

do hereby authorize **FRITZ VAN ZYL**, Identity Number: 770126 5217 08 9

with power of substitution to be my lawful agent in my name and place and stead and to

1. Apply in terms of Bitou By-laws for consent use as per application;
2. Sign and execute all related documentation in order to give effect to submit the application.

and generally to affecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as I might or could do if personally present and acting herein, hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my said agent shall lawfully do, or cause to be done, by virtue of these present.

SIGNED at **PLETTENBERG BAY** this 14<sup>th</sup> day of **FEBRUARY** 2025 in the presence of the undersigned witnesses

### AS WITNESSES:

1.



2.



## **ANNEXURE B**

# **PLANNING MEMORANDUM AS MOTIVATION FOR CONSENT USE APPLICATION**

**- Off Road Trails -**

**Farm 422 / RE 14**

**Plettenberg Bay**

**February 2025**

Prepared for:

BC Harper  
Farm 422 / RE 14  
Harkerville  
Plettenberg Bay

Prepared by:

F van Zyl  
S19 Consultants  
PO Box 802  
Hersham  
6525

Report ref:

MSB23485/P1/REV2

## **Declaration of Specialist Independence**

- I consider myself bound to the rules and ethics of the SA Council for Planners (SACPLAN), the SA Council for the Architectural Profession (SACAP) and the Engineering Council of SA (ECSA)
- I have the necessary qualifications and guidance from professional experts in conducting specialist reports relevant to this application, including knowledge of the relevant legislation, regulations and guidelines that have relevance to the proposed activity
- Work performed for this study was done in an objective manner and I declare that there are no circumstances that may compromise my objectivity in compiling this report
- At the time of compiling this report I did not have any interest, hidden or otherwise, in the proposed development that this report refers to, except for financial compensation for work done in a professional capacity;
- The aim of the report is to present facts, findings and recommendations based on relevant professional experience and existing planning data;
- I do not have any influence over decisions made by the governing authorities and undertake to disclose all material information in my possession that reasonably has or may have the potential of influencing any decision to be taken with respect to the approval of the proposed activity
- This document and all information contained herein are and will remain the intellectual property of S19 Consultants and may not be altered in any manner or form, for any purpose without the specific and written consent of the undersigned



.....  
**F van Zyl**

Pr.PlN (SACPLAN 902/96) / Pr.Eng (ECSA 960570) / Pr.SArchT (SACAP 1377)

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- Annexure B: Planning Memorandum (S19, Mar 2025)
- Annexure C: Locality plan (WCD, Feb 2025)
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- Annexure E: Title Deed (T 33492-2022)
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- Annexure G: Conveyance Certificate (J&S, Mar 2025)
- Annexure H: Approved Building Plans (RUGA, Oct 2022)
- Annexure I: Previous approvals (BM, Feb 2021)

## **1. Executive summary**

The owner of farm 422/14 has appointed S19 Consultants to apply for a consent use in order to allow for the existing off-road trails on the subject property in terms of section 15(2)(o) of the Bitou Municipality By-law on Municipal Land Use Planning. This memorandum outlines the required information of the proposed consent use and promotes the necessity and desirability of the application in order to obtain the required approvals in terms of all applicable legislation.

The proposed land use includes off-road trails (i.e. Motocross track) on the existing farm tracks with associated infrastructure / facilities on a small portion of the subject property. The existing dwelling, plant store, shed and parking areas will be converted to provide the necessary amenities for the proposed tourist facility.

In summary the need and desirability of proposed land use is consistent with strategic objectives as set out by the Bitou Spatial Development Framework and in general compatible with the policies of the Spatial Planning Land Use Management Act and more specific in terms of the following aspects:

- Character of the property and surrounding area,
- Location and accessibility of the site,
- Impact on existing rights,
- Impact on service infrastructure,
- Environmental impacts,
- Socio-economic impact and the
- Land use planning principles in general i.e. spatial justice, sustainability, efficiency, resilience and good administration.

The memorandum indicates that the proposed land use adhere to all relevant criteria as set out in existing legislation / frameworks and in conclusion wants to promote the proposed land use as well needed and desirable in terms of the relevant legislation.

It is therefore recommended that the consent use in terms of the current Bitou By-law on Municipal Land Use Planning be supported and approved by the relevant authorities in order to allow for the proposed consent use

## **2. Introduction**

It is generally accepted that the need for tourist activities and facilities in the Garden Route area have increased and the current Spatial Development Framework (SDF, 2022) for the Bitou Municipality has identified specific areas that can be utilized in order to facilitate this demand.

The subject site (i.e. a portion of farm 422/14) is ideally suitable to be utilised for the development of a tourist facility (i.e. off-road trail) and the combination of the location and the physical characteristics of the site will ensure that a sustainable facility will be possible which is both needed and desirable.

In view of above the owner of farm 422/14 has consulted with the municipality and affected parties regarding the nature and viability of the proposed development. Consequently S19 Consultants was appointed to apply for the consent use in order to allow for the existing off-road trails in terms of section 15(2) (o) of the Bitou Municipality By-law on Municipal Land Use Planning.

This memorandum outlines the required information of the proposed consent use and promotes the necessity and desirability of the application in order to obtain the required approvals from the relevant authorities in terms of Spatial Planning Land Use Management Act (SPLUMA 16/2013) and the Land Use Planning Act (LUPA 3/2014).

## **3. General information**

### **3.1. Location of property**

The farm 422/14 is located in Harkerville alongside the N2 national road approximately 15km to west of the Plettenberg Bay CBD and directly adjacent to the existing Fairview informal settlement. A locality plan is attached as Annexure C



3.2. Registered owner

BC Harper

3.3. Title deed

Registered and held by consolidated title no. T033492/22 (attached as Annexure E)

3.4. Size of property

19.0765 hectares

3.5. Site description

The subject property and the surrounding areas are described in detail under paragraph 8

3.6. Current zoning

The subject property are currently zoned Agriculture Zone 1 as defined in the applicable Zoning Scheme.

3.7. Current land use

A dwelling house is being constructed on the subject property which is also being used for informal camping, a motocross track and small-scale substance agricultural farming.

3.8. Surveyor General Diagram

SG Diagram SG No. 681/2024 (attached as Annexure F)

3.9. Servitudes

The servitudes registered on farm 422/14 are noted on the Title Deed document T033492/22 and the Conveyancer's Certificate (attached as annexure G)

#### **4. Intent of the developer**

The owner of farm 422/14 intends to apply for the required approvals in order to facilitate the existing off-road trails (i.e. Motocross track to accommodate a maximum of 40 riders) during day light hours on the existing farm tracks/trails with associated infrastructure / facilities on the subject property. The existing dwelling, plant store, shed and parking areas will be converted to provide the necessary amenities for the proposed tourist facility.

The appointed consultants have been instructed to include in their planning and design all necessary consultation to ensure all raised concerns are addressed / mitigated and motivate the application for a consent use on the subject property in terms of section 15 (2(o)) of the current Bitou Municipality By Law on Land Use Planning in order to allow for the existing off-road trails as defined in the Zoning Scheme.

The intent of the developer is illustrated on the Site development plans (LDS, 2025 - Annexure D) and approved building plans included under Annexure H

#### **5. Notifications & feedback**

The owner of farm 422/14 has consulted with the municipality and affected parties regarding the nature and viability of the proposed development. Consequently S19 Consultants was appointed to apply for the consent use in order to allow for off-road trails as defined in the Zoning Scheme

The Bitou Municipality indicated that pre-application consultation was not required and requested the consent use application to be lodged urgently in terms of section 15(2)(o) of the Bitou Municipality By-law on Municipal Land Use Planning.

## **6. Legislation & Policy frameworks**

### **6.1. National Spatial Development Framework (2023)**

The National Spatial Development Framework (SDF) is a broad strategic policy document and sets out a coherent and holistic approach to confronting poverty and inequality based on priorities including safer communities, environmental sustainability, faster/ inclusive economic rural/ urban economic growth, economic infrastructure, promoting health, transforming human settlements / urban space economy.

The matters / principles referred to in National SDF in terms of the Spatial Planning and Land Use Management Act (section 42 of SPLUMA) aim to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances. The principles applicable to spatial planning, land use management as set out in Section 42 of the Act have been considered and the proposed tourist facility (i.e. Off-road trails) does comply with the following applicable principles:

- Spatial justice - The proposal allows for the improved / effective utilisation of farmland through appropriate intensive use as a popular tourist facility
- Spatial sustainability - The proposed land use is appropriate in terms of locality / scale development and complies with the parameters (with consent use approval) of an off-road trail (as defined in the Zoning Scheme). The property has no significant cultural, environmental or natural landscape features and the proposed land use has no negative impact on heritage / tourism resources. The development proposal is spatially compact and cost effective in terms of service delivery and will make use of the existing unused farmland / tracks and will contribute to the rapid expanding tourism market within the Bitou Municipal area
- Spatial efficiency - The proposed land use will maintain the existing rural character of the surrounding environment, spatially compact and will also be cost effective in terms of service delivery through the maximum use of the existing infrastructure. The development will have

a positive economic and social impact through additional job creation and providing much needed recreational facilities for the youth in the Harkerville area

- Spatial resilience - The proposed land use is in line with the relevant spatial plans, policies and zoning parameters that regulates tourism facilities in the Bitou Municipal area and will also comply with the relevant national legislation that promulgates building regulations and standards as indicated in this report.
- Good administration – The Bitou Municipality is obligated to consider the application fairly in terms of the SDF guidelines and within the timeframes as provided for in the municipal planning bylaws

## 6.2. Western Cape Provincial Spatial Development Framework (2014)

The Western Cape Provincial Spatial Development Framework (SDF), as approved in 2014 and a review initiated in 2022 by the Western Cape Parliament. The SDF is broad scale planning document and is not directly applicable to the proposed localised off-road trail development but is generally in keeping with the spatial dynamic principles promoted by the Western Cape Provincial government. The proposed development compliments the SDF spatial goals that aim to take the Western Cape and more specifically the Garden Route area on a path towards greater productivity, competitiveness and opportunities within the spatial economy. The following key policies laid down by the PSDF also have a bearing on this application:

- E2 – Diversify and strengthen the rural economy: Compatible and sustainable rural activities (i.e. activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate) and of an appropriate scale and form can be accommodated outside the urban edge (except in bona fide wilderness areas).
- S3 – Compact, mixed use and integrated settlements: The policy prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that

tourism remain an important economic underpinning of rural settlements

The tourist facility proposal (i.e. off-road trails) is consistent with strategic objectives as set out by the Western Cape Spatial Development Framework and will contribute to provision of compatible and sustainable rural activities of an appropriate scale / form outside the urban edge.

### 6.3. Western Cape Land Use Planning Act (3/2014)

The purpose of the Provincial legislation, specific to the proposed development, is to consolidate legislation in the Province pertaining to regional planning and urban development by the following means:

- Support and monitor of municipal planning and regulation
- Provision for provincial spatial development frameworks
- Provide for minimum standards / norms for, and the efficient coordination of, spatial development frameworks, effective municipal development management;
- Regulate the effect of land development on agriculture;
- Provide for land use planning principles, repeal certain old-order laws and to provide for matters incidental thereto.

The Land Use Planning Principles in section 59 of the Act that are applicable to the proposed are described in paragraph 6.1

### 6.4. Western Cape Land Use Planning Rural Guidelines (2019)

In accordance with the bioregional planning framework that the Western Cape has adopted, the PSDF calls for SDFs to delineate Spatial Planning Categories (SPCs) that cover the entire municipal domain. SPCs are not development proposals and do not confer development rights. They are rather the tools through which the SDF clarifies the inherent land use suitability of different landscapes.

The property is currently earmarked as Agriculture (according to the current Bitou SDF) and due to significant loss of natural habitat / ecological functioning (caused by activities such as ploughing, hardening of surfaces, mining, cultivation and other activities) can be included under the Agricultural SPC as defined in the PSDF .

The Rural Guidelines promotes diversifying the Western Cape's rural economic base into the tourism and recreation sectors, and developing these sectors on a sustainable and equitable basis – the WCG approach to tourism and recreational facilities in rural areas is to facilitate appropriate investment in these sectors across the rural landscape

#### 6.5. Southern Cape / Garden Route / Eden Spatial Development Frameworks

The 2014 Provincial Spatial Development Framework (PSDF) identified three distinct priority regions in the Western Cape which are responsible for driving considerable economic growth and development in the province which included the Southern Cape Region. The Eden/Garden Route municipality forms part of this region and the Eden Spatial Development Framework was approved in 2017 and aims to establish a strong strategic direction, vision guidance to 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 strategies lie at the heart of SDF and the problem statement, spatial concept, spatial proposals and implementation are organised around these directives.

- 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.

The following Spatial Policy Statements & Guidelines are applicable to the consent use planning application:

- Guideline 1.1.1 – Contain development and manage rural areas through appropriate location of SPCs as discussed in paragraph 6.4
- Guideline 3.1.4 – Development approach to rural settlements to ensure compliance with the guidelines as set out in the PSDF study – Scenic & Cultural resources (2013). The proposed development contributes to the diversity of agriculture / tourism and is appropriate in terms of scale, scale and character for the relevant SPC.

#### 6.6. Bitou Municipality Integrated Development Plan (2022-2027)

The Bitou IDP is a municipal planning tool to integrate municipal planning and allocate funding to achieve strategic objectives that will contribute to the overall municipal vision to address the disjuncture in services delivery, inequality, unemployment and economic participation.

Although this application is not considered to be of important strategic importance in terms of the Bitou IDP the proposed off-road trail development will support municipal interventions to provide much needed tourist facilities and create economic jobs within ward 7 where the subject property is located.

#### 6.7. Bitou Municipality Spatial Development Framework (2022)

The Bitou Municipality has implemented an updated Spatial Development Framework in May 2022 and the overall vision is to create a long-term,

sustainable land use pattern through biodiversity conservation, rural tourism, agricultural economic growth and employment creation.

The Spatial Development Frameworks for the Eden Municipality and the Bitou Municipality specify the objectives and strategies to be implemented in terms of the spatial vision that is also articulated in the Integrated Development Plan for the Bitou municipal area. The objectives that is relevant to this specific application refers to the promotion of settlement building that improves liveability and raises prospects - offering residents and visitors access to the services, tourist facilities and recreational opportunities at the scale of the surrounding area.

The Bitou Municipality Land Use Planning By-Law lists the general criteria to be taken into account when evaluating the desirability of a consent use application in order to allow for off-road trails on agricultural land. The desirability and motivation of this application has been based on the following applicable criteria:

- The integrated development plan (IDP) including the applicable spatial development frameworks (SDF) adopted by the Bitou Municipality
- The applicable provisions of the Plettenberg Bay Town Planning Scheme (PBZS)
- The provincial spatial development framework (PSDF)
- The applicable policies, principles and the planning and development norms and criteria that guide decision-making at national, provincial and municipal level;
- The matters/principles referred to in Spatial Planning and Land Use Management Act (section 42 of SPLUMA) and the Land Use Planning Act (chapter 6 of LUPA)

The owner of farm 422/14 has therefore started the process of applying for a consent use on the subject property in terms of clause 4.5 of the current Plettenberg Bay Zoning Scheme, providing all required information and notifying all concerned parties in terms of section 65 of the Land Use Planning By-law for Bitou Municipality in order to allow for the proposed consent use on the subject property.



#### 6.8. Spatial Planning and Land Use Management Act (16 /2013)

The Spatial Planning and Land Use Management Act (SPLUMA, 2013) came into effect to provide a framework for spatial planning and land use management to address past spatial / regulatory imbalances by prescribing certain aspects that have to be taken into consideration when deciding applications in terms of the Act. The development principles include the promotion of sustainable use of residential land and must take into account amongst others the following aspects:

- the public interest
- the constitutional transformation imperatives
- the facts and circumstances relevant to the application
- the respective rights and obligations of all those affected
- and the state / impact of engineering services, social infrastructure and recreational requirements

The SPLUMA legislation sets five main development principles applicable to spatial planning, land use management and land development: The Land Use Planning Principles that are applicable to the proposed development / application area are listed and described in paragraph 6.1

In order to allow for the proposed consent use the following application and required documentation will be prepared & submitted for approval in terms of relevant sections of Spatial Planning and Land Use Management Act and section 15 of the Bitou by-law on Municipal Land Use Planning. The Bitou municipality indicated that pre-application documents will not be required and requested that a formal application be submitted for consideration.

#### 6.9. National Building Regulations Act (104/1977)

The main residential dwelling and associated buildings on farm 422/14 have been approved in terms of the National Building Regulations Act (104/1977).

No additions or extensions to the approved buildings and/or upgrades of the existing engineering services are required and/or foreseen. The approved building plans are attached under Annexure H.

6.10. National Environmental Management Act (107 /1998)

In terms of Section 28 of the National Environmental Management Act (NEMA 107 1998) farm owners have a legal obligation to ensure that any development on the property is consistent with the 'Duty of Care' and take reasonable measures to prevent significant environmental degradation. Off-road trails / route are also then regulated through this principle, and landowners must avoid or minimise environmental degradation as a result of the off-road activities / developments on the farm.

The landowner (farm 422/14) and the off-road trail operator will undertake to avoid / limit any form of negative environmental impact as a result of the use / maintenance of the existing off-road trails and associated facilities through taking the following reasonable measures to ensure best practice:

- Develop and adhere to an appropriate Environmental Management Plan (EMP) with measurable objectives and management actions which can be monitored. A regular monitoring programme will detect changes in route conditions through regular audits of the route by the route operator in order to maintain the off-road routes in the desired state.
- Independent audits will be commissioned at regular intervals and after intensive use, through the appointment of a suitably qualified independent party.
- Rehabilitation will be undertaken proactive in disturbed areas.
- Regular maintenance to prevent excessive erosion, rutting, impairment of route drainage and other forms of damage will be undertaken.
- Implementation of mechanisms to control drainage and surface run-off from route surfaces, including cross drains, culverts, energy dissipaters and erosion prevention
- Apply techniques and criteria for sustainable planning and establishment of route sections which require remedial / maintenance work
- Pollution of water bodies and groundwater to be prevented

- Implementation of restrictions on periods of off-road route use, considering seasonal variations in impacts.
- Limit public access to environmentally sensitive areas.
- Avoid informal tracks being created by users.
- Preparation for fire fighting in terms of national and provincial legislation and the implementation of adequate fire management measures. Fire fighting equipment will be easily accessible and maintained in good working condition.
- Adequate facilities will be provide to attend to oil spills, towing of vehicles, evacuation of vehicles / drivers, medical facilities, air compressors (to inflate tyres) and vehicle wash-down facilities.
- A precautionary decision-making process will be adopted in the absence of clear or definitive data regarding the environmental impacts associated with the off-road routes.
- Records will be kept of all events, incidents, procedures, remedial work and maintenance undertaken
- Implementation of mechanisms to reduce the impact on neighbouring landowners / land users i.e. noise, dust and visual impact control
- Prevent uncontrolled or unauthorised access through strict security measures.
- In order to ensure safe operating conditions steep grades, steep terrain, sharp curves, slippery or unstable route surfaces, or limited visibility will be avoided as far a possible.
- Landscaping, berms, trees and indigenous natural vegetation will be installed to provide better aesthetic quality and sense of place for the property and surrounding area
- An alien vegetation control strategy will be implemented to limit weed and alien species infestation within the disturbed footprint.
- Ensure compatibility with relevant provincial and local planning policies, including spatial and non-spatial planning documents.

#### 6.11. National Heritage Resources Act (125/1999)

The South African Heritage Resources Agency (SAHRA) and/or Heritage Western Cape will be informed of the proposed activity in terms of the

requirements of Section 38 of the National Heritage Resources Act in order to determine the applicability and the need for a Heritage Impact Assessment.

## **7. Restrictive conditions**

### **7.1. Title deed conditions**

The existing title deed has no restrictive conditions in terms of the proposed development. The existing servitudes are indicated on Site development plans (LDS, 2025 - Annexure D) and allowed for in terms of the approved building plans included under Annexure H

The servitudes registered are also noted on the Title Deed document title no. T033492/22 (attached as Annexure E) and the Conveyance Certificate (attached as annexure G)

### **7.2. Zoning restrictions**

The current zoning of the above property is Agriculture Zone I and does not allow for the proposed off-road trails as a primary right and it is therefore requested that the Bitou Municipality consider and approve an application for consent to accommodate the proposed land use.

The proposed land use is in line with the requirements / definitions of the applicable sections in the current Bitou Municipality Zoning Scheme By-Law (2023)

### **7.3. Mortgages & bonds**

No mortgage or bonds are registered over the subject property

## **8. Need & desirability**

The need & desirability of the proposed development were also assessed, evaluated and discussed in terms of the following aspects and are briefly summarised below:

### **8.1. Physical characteristics of the property / surrounding area**

The landform of the subject property and surrounding area is an undulating landscape and rounded hill slopes with gradual drainage towards the perennial Bos River traversing the northern boundary. The transformed agricultural lands and the old mining areas dominate the landscape and are surrounded by patches of natural vegetation comprising in general of degraded / transformed Fynbos.

The geology of the site falls under a land type unit of soils with a diagnostic Ferrihumic horizon which is predominantly deep and the land capability has been classified as Non-arable (i.e. grazing, woodland or wildlife unit - Mucina / Rutherford, 2006).

A 2018 ecological field study on the subject property conducted by Regalis Environmental Services concluded / stated the following:

- The entire area is dominated by alien tree species
- No rare or threatened plants were found or are suspected to occur within the entire affected area
- The affected area and immediate surrounding areas consists of completely transformed vegetation
- The removal of the dense infestation of alien plants will not result in the natural re-establishment of the original vegetation
- The type of vegetation on site (i.e. South Outeniqua Sandstone Fynbos) classified as 'least threatened' in terms of its conservation status and much of this vegetation type on the property has been degraded and/or removed over time.

The application area has a low to moderate potential for agricultural activities suitable for grazing purposes (Refer WCG, Cape Farm Mapper, 2025). The vegetation on the site is severely disturbed through historic agricultural practices which consisted exclusively of subsistence farming. The proposed off-road trails will cover approximately 5% of the property and will not result in any loss of high potential agricultural land. The negative impact on the agricultural yield of the subject area is deemed to be of low significance.

The subject site is located outside the SDF demarcated Urban Edge within the Harkerville rural settlement (adjacent to the Forest View informal settlement) where several tourist related activities / accommodation establishments are operated with minimal negative impacts or source of nuisance. The proposed tourist off-road trails within the existing rural area are considered consistent with the existing character and land use of the area.

The physical characteristics of the property and surrounding areas are also illustrated on the location plan and site development plan attached as annexure C & D

## 8.2. Location & accessibility

The application area will receive access via the existing approved access road / turnoff shoulder to the property which is located near the 47km Mark on the N2 National Road towards Plettenberg Bay. The proposed land use will not generate an increase in the existing traffic volume to / from the subject property and the need for a Traffic Impact Statement is not considered necessary. The existing access roads will be used to access the proposed land use and no upgrades to the existing roads / entrances are required or foreseen. Sufficient on-site parking and manoeuvrability is provided within the boundaries of the subject property.

The existing access and associated parking layout is illustrated on the Site development plan included under annexure D

### 8.3. Provision of services

The provision for essential engineering services for the proposed land use has been evaluated according to the provisions of the current national and municipal standards and regulations. The required capital contributions will be paid to the municipality if required.

#### 8.3.1. Water supply

The existing borehole location and water supply is illustrated on the approved Building Plans included under annexure H

No upgrades to the existing water supply network are required or foreseen

#### 8.3.2. Sewage

The existing septic tank and sewer layout are indicated on the approved Building Plans included under annexure H

No upgrades to the existing sewer network are required or foreseen

#### 8.3.3. Access / Roads

The existing access, proposed parking layout and manoeuvring space is illustrated on the Site development plan included under annexure D

No upgrades to the existing street and entrances are required or foreseen

#### 8.3.4. Stormwater control

The existing stormwater control measures are indicated on the Site development plan included under annexure D

No upgrades to the existing stormwater control measures are required or foreseen

#### 8.3.5. Electrical supply

The existing internal electrical layout are illustrated on the approved Building Plans included under annexure H

No upgrades to the existing electrical supply are required or foreseen

#### 8.3.6. Solid waste

Solid waste collection & recycling practices will form part of the responsibility of the owner of the subject property and recycled material will be collected by private contractors and all other refuse will be carted to an approved landfill site or transfer station.

#### 8.4. Impact on existing rights

Given the status of the subject site in the SDF it is the considered opinion that the proposed land use within the confines of the subject property will not have a negative impact on the existing land use rights, privacy, view and value of surrounding properties / residents. The consent use for an off-road trail, if approved, will not prevent surrounding property owners to exercise their legal land use rights but rather enhance the amenities, municipal services and stimulate tourism which will in turn contribute to increased land values of surrounding properties. The potential negative impacts / source of nuisance of the proposed land use is considered negligible

#### 8.5. Noise, dust and visual impact

The potential noise, dust and visual impact associated with the proposed off-road trails will include the following:

- Noise & dust generation caused by the machinery involved with the grading and maintenance of the gravel tracks



- Noise, dust & visual nuisance caused by the off-road vehicles & motorbikes racing on the gravel tracks
- Noise disturbance caused by visitors (i.e. loud music)
- Dust generation caused by visiting vehicles entering / leaving the subject property on the existing gravel tracks
- Visual impact of dust generation by vehicles driving / working on the gravel tracks & trails
- Visual impact of the cleared areas limited to the gravel track & trail areas

The risk of noise, dust and visual impact generated from the proposed land use activities, having a negative impact on the surrounding neighbours and environment can be reduced to being low / medium through the implementation of the following mitigation measures:

- The applicant to provide supervision / security to ensure that staff and visitors conduct themselves in an acceptable manner while on site.
- The off-road trails be placed to a minimum setback distance of 200m from the N2 national road and at least 50m from dwellings on neighbouring properties
- Noise from and social events / loud music to conform to municipal legislation and permit conditions that regulates noise levels.
- All off-road vehicles must be equipped with silencer devices and will not be allowed onto the off-road trails if not compliant with maximum allowed noise levels
- All on-site noise levels and expected dust pollution during construction, maintenance and racing will be monitored / controlled.
- If the noise levels measured on the boundaries of the site exceed maximum allowed decibel levels, the local authorities will be informed. All activities will take place in daylight hours to ensure safety of visitors and avoid night time noise disturbances.
- When the results of the dust monitoring indicate that fall out levels exceeds the acceptable limit, the Regional Air Quality Officer will be contacted to instruct the applicant to develop / implement a dust management plan.

- Water bowing equipment will be on standby and filled from on-site storage dams / tanks to control / suppress the dust on the tracks when required. Dust suppression alternatives will be used when water restrictions are in force.
- Although the noise & dust generation from off-road vehicles on gravel tracks is commonly far below the threshold as defined in the relevant legislation the agreed monitoring / management plan will ensure any potential nuisance be detected and corrected timeously.
- Due to the proposed location of the off-road trails the proposed land use will not be visible from the N2 or surrounding roads. The track areas will also be screened with additional berms and indigenous vegetation in order to further minimise any negative visual impacts from surrounding properties.
- The applicant to provide the necessary staff and equipment to ensure that the site is kept a neat and in good working condition at all times.

#### 8.6. Socio-economic impact

The proposed land use will have a positive social impact through the provision of much needed recreational facilities for local families, additional job creation and increased rates payable to the Bitou Municipality.

#### 8.7. Existing planning & legislation

The approval of the proposed land use in terms of existing relevant legislation is discussed in detail in paragraph 6 of this memorandum.

In summary the need and desirability of proposed development is consistent with strategic objectives as set out by the Spatial Development Framework (SDF) and also compatible with the policies of the Spatial Planning Land Use Management Act (SPLUMA) and specifically consistent i.t.o. the character of the surrounding area, accessibility of the site, impact on existing rights, impact on service infrastructure, environmental impacts, infill development and the SPLUMA principles in general i.e. spatial justice, sustainability, efficiency, resilience and good administration.

## **9. Conclusion & recommendations**

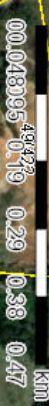
The purpose of this memorandum is to provide the required information regarding the consent use application, to indicate that the proposed land use adhere to all relevant criteria as set out in existing legislation / frameworks and in conclusion wants to promote the proposed land use as well needed and desirable.

It is therefore recommended that the consent use in terms of the current Bitou By-law on Municipal Land Use Planning be supported and approved by the relevant authorities in order to allow for the proposed consent use (i.e. off-road trails) on the farm 422/14.

The proponents of the proposed development want to emphasise their willingness to include in their planning and design the necessary consultation and alternatives to ensure that all raised concerns are addressed and mitigated.



### Legend



Lon: 23°13'53.1"E  
Lat: 34°1'55.8"S

1:9,028

2025/03/17



253

Ward Brink Attorneys  
12th Floor Touchstone House  
7 Bree Street  
Cape Town

Prepared by me



CONVEYANCER  
JULIA WARD (84817)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 3 200 000,00	R. 1900,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....


T 033492/22

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

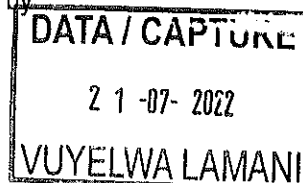
~~JULIA WARD (84817)~~

GRAHAM JOHN SONNENBERG

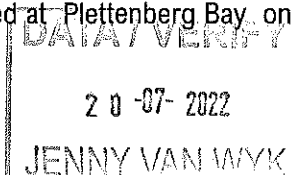
(79408) 

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

THERÉSE SCHNETLER  
Identity Number 710226 0002 081  
Married out of community of property



which said Power of Attorney was signed at Plettenberg Bay on 25 November 2021



And the appearer declared that his/her said principal had, on 27 October 2021, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**BRENT CONNAN HARPER**  
**Identity Number 770126 5217 089**  
**Married out of community of property**

his Heirs, Executors, Administrators or Assigns, in full and free property

**REMAINDER PORTION 14 (A PORTION OF PORTION 4) OF FARM NUMBER 422**  
In the Bitou Municipality, Division of Knysna  
Province of the Western Cape

IN EXTENT 19,0765 (NINETEEN COMMA ZERO SEVEN SIX FIVE) Hectares

**FIRST TRANSFERRED** by Deed of Transfer Number T18959/1970 with Diagram SG Number 979/1969 relating thereto and held by Deed of Transfer Number T54759/2015

- A. SUBJECT** to the conditions referred to in Deed of Transfer Number T1963/1915.
- B. FURTHER SUBJECT** to the following conditions contained in Deed of Transfer Number T18959/1970 imposed by the Divisional Council of Knysna in accordance with Act Number 21 of 1940, as read with Act Number 44 of 1948 namely:
1. No more than one dwelling house together with such outbuildings as are ordinarily required to be used in connection therewith, shall be erected on the land without the written approval of the controlling authority as defined in Section 1 of Act 21/1940, read in conjunction with Act 44/1948;
  2. The land shall be used for residential and agricultural purposes only and no store, business or industry whatsoever shall be opened or conducted thereon, without the written approval of the controlling authority as defined in section 1 of Act 21/1940, read in conjunction with Act 44/1948;
  3. No further structures or any other thing whatsoever shall be erected within a distance of 94.46 metres measured from the centre line of the national road without the written approval of the controlling authority, as defined in Section 1 of Act 21/1940 read in conjunction with Act 44/1948.
- C. ENTITLED** as contained in Deed of Transfer Number T18959/1970, to a servitude right of way 6,3 metres wide from the National Road over Portion 15 (a Portion of Erf D) of the Farm Erf Number 15, situated in the Knysna Division, in extent 26,4027 Hectares.
- Held by Deed of Transfer Number 18960 dated 8 July 1970 of which right of way the centreline on Diagram Number 980/69 attached to Deed of Transfer 18960/1970 is represented by the black line e.f.
- D. FURTHER SUBJECT** to the expropriation referred to in the following endorsement dated 16 February 1978 on Deed of Transfer Number T4620/1970 namely –

"n Gedeelte van die eiendom hierin vermeld groot  $\pm 1,90$  ha is onteien deur die Republiek van Suid-Afrika kragtens Art 8(1)(a) van Wet 54/1971 Vide onteieningskennisgewing Nommer N10/3/1/064/91 d.d. 7.2.78 geliasseer hiermee as onteinings caveat Ex 111/78 planne in tweevoud geliasseer hiermee."

- E. **FURTHER SUBJECT** to the expropriation referred to in the following endorsement dated 17 August 1979 on Deed of Transfer Number T4620/1971 namely –

"n Ged van die eiendom hierin vermeld Groot  $\pm 5241m$  is onteien deur die Republiek van Suid-Afrika kragtens Art 8 (1)(a) van Wet op Nasionale Paaie 54/71 Vide Onteieningskennisgewing Nommer N10/3/1/064/91 d.d. 10-8-79 geliasseer as onteinings caveat Ex 515/79 planne in tweevoud geliasseer hiermee."

- F. **BY VIRTUE OF** Notarial Deed Number K1344/93 the hereinmentioned property, in extent 26.4042 hectares, is subject to a power line servitude in favour of Eskom with additional rights.

- G. **BY VIRTUE OF** Deed of Transfer Number T2315/1983 a portion of the hereinmentioned property, in extent 4134 square metres is expropriated by the Provisional Administrator of the Cape in terms of Section 27 of the Ordinance on Roads, Ordinance 19 of 1976, vide expropriation notice no. R/D17/2 – 11/9 d.d. 28-8-1993 filed as expropriation caveat Ex 324/83 plans filed in duplicate Ex 324/83.

- H. **BY VIRTUE OF** Notarial Deed of Servitude Number K **528** <sup>5</sup>/2022 the hereinmentioned property is subject to a perpetual right of way in favour of The South African National Roads Agency SOC Limited, registration number: 1998/009584/30 ("SANRAL") and a perpetual servitude of right of way in favour of the general public as indicated by the figure ABCDEFGHJK on diagram S.G. Number 630/2013, which represents 3 909 (Three Thousand Nine Hundred and Nine) square metres of land over the property together with the right to use the Servitude Area in perpetuity for the purposes of a road.

As will appear more fully on the Notarial Deed of Servitude, with diagram annexed thereto.

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

**THERÉSE SCHNETLER, Married as aforesaid**

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

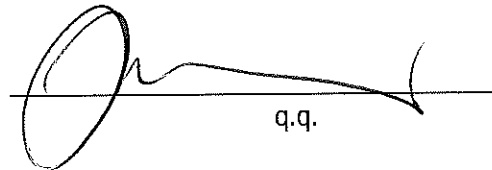
**BRENT CONNAN HARPER, Married as aforesaid**

his Heirs, Executors, Administrators 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

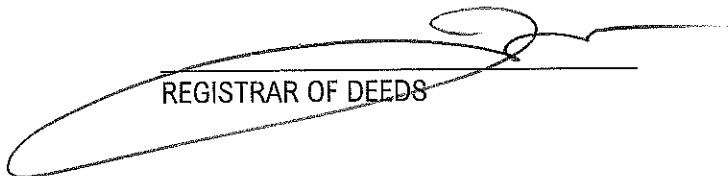
**R3 200 000,00 (THREE MILLION TWO HUNDRED THOUSAND RAND) .**

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN  
on 13th July 2022

  
q.q.

In my presence

  
REGISTRAR OF DEEDS

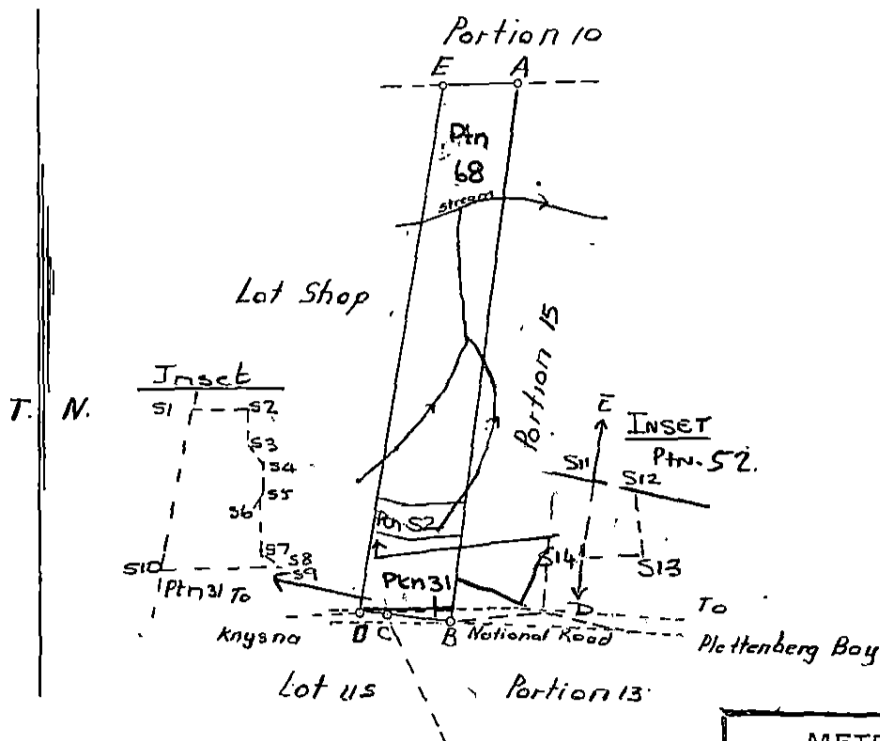


OFFICE COPY  
KANTOOR AFSKRIF

SIDES Cape Feet		ANGLES OF DIRECTION	CO-ORDINATES System Lo = 23°		S.G. No.
			Y	X	0 9 7 9 / 6 9
AB	4193.8	7.16.50	- 30000.0	+11910000.0	Approved <i>K. P. van der Merwe</i> Surveyor-General 29-4-1969
BC	485.0	96.08.40	- 37552.0	+ 51770.2	
CD	221.9	95.39.50	- 37020.6	+ 55930.2	
DE	4119.2	189.05.00	- 36538.4	+ 55878.3	
EA	584.5	268.09.10	- 36317.6	+ 55856.4	
			E	- 36967.8	+ 51788.9

Description of Beacons

A.B.....  $\frac{3}{4}$ " iron peg in stone cairn.  
C..... No beacon.  
D..... Planted stone flush with ground.  
E..... Planted stone proj. 9".



1/4 portion of Portion 14 of the farm  
No. 422  
Knysna

Scale: 1:18000

METRIC AREA  
26.4042 HECTARES

The figure A B C D E

represents

30.8268 morgen

of land, being

PORTION 14 (a portion of Lot D) of the farm LOT NO 15

situate in the

Administrative District

of Knysna

Province of Cape of Good Hope.

Surveyed in November 1950, January 1969

by me

*J. P. van der Merwe*  
Land Surveyors

This diagram is annexed to

D/T.  
No. 18959/70  
dated  
i.f.o.

The original diagram is

No. 2167/1914 annexed to  
Transfer/Grant  
No. 1915.30.1962.

File No. 5/8228

S.R. No. E 280/69

Comp. : AM-LAB.

Registrar of Deeds

Knysna Farm 422/14

FOR ENDORSEMENTS  
SEE BACK OF DOCUMENT



# Jordaan & Smith

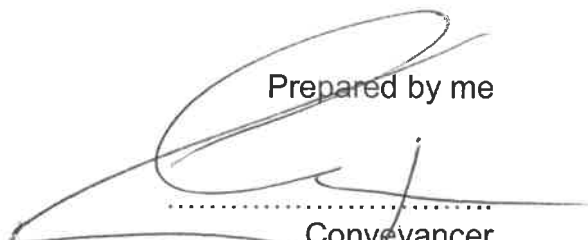
ATTORNEYS | PROKUREURS | CONVEYANCERS | AKTEBESORGERES

---

Tel: 044 533 2140 • Fax/Faks: 044 533 1506 • E-mail/E-pos: jordanatt@mweb.co.za or amanda@jordaansmith.co.za  
PO Box/Posbus 57, Plettenberg Bay/Plettenbergbaai, 6600 • 8 High Street, Plettenberg Bay/Plettenbergbaai, 6600

---

Prepared by me



Conveyancer  
PAUL JORDAAN  
(78728)

## CONVEYANCER'S CERTIFICATE

I, PAUL JORDAAN, the undersigned Conveyancer, practicing as such in Plettenberg Bay, do hereby certify and confirm that

1. BRENT CONNAN HARPER  
Identity Number 770126 5217 08 9  
Married Out of Community of Property

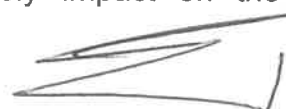
Is the registered owner of the property known as

Remainder Portion 14 (a portion of portion 4) of Farm number 422  
In the Bitou Municipality, Division of Knysna  
Province of the Western Cape

In Extent: 19,0765 (NINETEEN COMMA ZERO SEVEN SIX FIVE) hectares

By virtue of the Title Deed no. T033492/22

2. The property was registered in the name of B C Harper on 17 July 2022.
3. A copy of the Title Deed is annexed hereto marked "A".
4. We confirm that there are no Title Deed Conditions contained in the Title Deed no. T033492/22 which will negatively impact on the current Land Use Application.



SIGNED AT PLETTENBERG BAY on 27<sup>th</sup> FEBRUARY 2025



.....  
CONVEYANCER  
PAUL JORDAAN

KOMM. VAN EDE / COMM. OF OATHS  
**PAUL JORDAAN**  
Praktiserende Prokureur / Aktebesorger  
Practicing Attorney / Conveyancer  
Tuscan Mood Building, High Str. / Hoogstraat 8  
P.O Box / Posbus 87 Plettenberg Bay 6600  
Date: 27/2/2025

253

Ward Brink Attorneys  
12th Floor Touchstone House  
7 Bree Street  
Cape Town

Prepared by me

*[Signature]*

CONVEYANCER  
JULIA WARD (84817)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 3 200 000,00	R. 1900,00
Reason for exemption	Category Exemption.....	Exemption I t o. Sec/Reg..... Act/Proc.....

T 033492/22

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

JULIA WARD (84817)

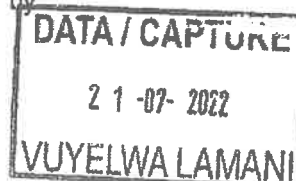
GRAHAM JOHN SONNENBERG

(79408)

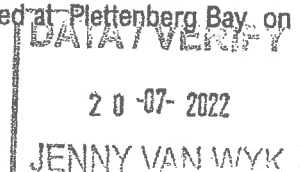
*[Signature]*

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

THERÉSE SCHNETLER  
Identity Number 710226 0002 081  
Married out of community of property



which said Power of Attorney was signed at Plettenberg Bay on 25 November 2021



And the appearer declared that his/her said principal had, on 27 October 2021, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**BRENT CONNAN HARPER**  
**Identity Number 770126 5217 089**  
**Married out of community of property**

his Heirs, Executors, Administrators or Assigns, in full and free property

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1. No more than one dwelling house together with such outbuildings as are ordinarily required to be used in connection therewith, shall be erected on the land without the written approval of the controlling authority as defined in Section 1 of Act 21/1940, read in conjunction with Act 44/1948;
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  3. No further structures or any other thing whatsoever shall be erected within a distance of 94.46 metres measured from the centre line of the national road without the written approval of the controlling authority, as defined in Section 1 of Act 21/1940 read in conjunction with Act 44/1948.
- C. **ENTITLED** as contained in Deed of Transfer Number T18959/1970, to a servitude right of way 6,3 metres wide from the National Road over Portion 15 (a Portion of Erf D) of the Farm Erf Number 15, situated in the Knysna Division, in extent 26,4027 Hectares.
- Held by Deed of Transfer Number 18960 dated 8 July 1970 of which right of way the centreline on Diagram Number 980/69 attached to Deed of Transfer 18960/1970 is represented by the black line e.f.
- D. **FURTHER SUBJECT** to the expropriation referred to in the following endorsement dated 16 February 1978 on Deed of Transfer Number T4620/1970 namely –

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11 E. **FURTHER SUBJECT** to the expropriation referred to in the following endorsement dated 17 August 1979 on Deed of Transfer Number T4620/1971 namely –

"n Ged van die eiendom hierin vermeld Groot ±5241m is onteien deur die Republiek van Suid-Afrika kragtens Art 8 (1)(a) van Wet op Nasionale Paaie 54/71 Vide Onteieningskenniskewing Nommer N10/3/1/064/91 d.d. 10-8-79 geliasseer as onteinings caveat Ex 515/79 planne in tweevoud geliasseer hiermee."

F. **BY VIRTUE OF** Notarial Deed Number K1344/93 the hereinmentioned property, in extent 26.4042 hectares, is subject to a power line servitude in favour of Eskom with additional rights.

11 G. **BY VIRTUE OF** Deed of Transfer Number T2315/1983 a portion of the hereinmentioned property, in extent 4134 square metres is expropriated by the Provisional Administrator of the Cape in terms of Section 27 of the Ordinance on Roads, Ordinance 19 of 1976, vide expropriation notice no. R/D17/2 – 11/9 d.d. 28-8-1993 filed as expropriation caveat Ex 324/83 plans filed in duplicate Ex 324/83.

H. **BY VIRTUE OF** Notarial Deed of Servitude Number K **528** <sup>5</sup>/2022 the hereinmentioned property is subject to a perpetual right of way in favour of The South African National Roads Agency SOC Limited, registration number: 1998/009584/30 ("SANRAL") and a perpetual servitude of right of way in favour of the general public as indicated by the figure ABCDEFGHJK on diagram S.G. Number 630/2013, which represents 3 909 (Three Thousand Nine Hundred and Nine) square metres of land over the property together with the right to use the Servitude Area in perpetuity for the purposes of a road.

As will appear more fully on the Notarial Deed of Servitude, with diagram annexed thereto.

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

**THERÉSE SCHNETLER, Married as aforesaid**

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

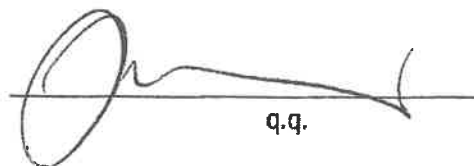
**BRENT CONNAN HARPER, Married as aforesaid**

his Heirs, Executors, Administrators 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

**R3 200 000,00 (THREE MILLION TWO HUNDRED THOUSAND RAND) .**

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN  
on 13th July 2022

  
q.q.

In my presence

  
REGISTRAR OF DEEDS





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GENERAL NOTES:

All construction work is to comply with the National Building Regulations, the Local Authority by-laws and to conform with the applicable SABS (401) Standard. All dimensions and levels are to be verified on site prior to commencement of any construction work and any discrepancies are to be reported to the N.A.

Wherever applicable, this Drawing is to be read in conjunction with all other Drawings and Documentation issued by the Architect and any other Consultant. Specialist Subcontractor to forward Shop Drawings to Architect for approval.

**STANDARD NOTES:**  
 1. THESE JUNCTIONS ARE NOT IN EXTENSION. POINTS MUST BE 200 FT. IN SPACING. CITIES, COUNTRIES AND DISTRICTS WITH 50,000 OR MORE

2. PIPES ON SURFACES WILL BE PREPARED & PAINTED TO MATCH WALL COLOURS.

3.4.1 HORIZONTAL PLASTER SURFACES TO BE INTERLOCKED WITH FIBERGLASS STRIPS AND ARE TO BE FINISHED WITH A LAYER OF SMOOTH PLASTER AND IS TO SLOPE TO AUGUST WORKS ON EXTERIOR OF PLASTER AND PAINTED SURFACES.

PHASIS AND STORMWATER  
FUNDATIONS

WALLS EXCEEDING 2.30 M IN HEIGHT,  
FOUR SLABS,  
STIFFENING OF STRUCTURE WHERE REQUIRED,  
EXPANSION JOINTS

5.1.1 MEASUREMENTS MUST BE CHECKED ON SITE BEFORE BUILDING WORK COMMENCES. ANY DISCREPANCIES MUST BE DISCUSSED WITH THE ARCHITECT BEFORE WORK IS CARRIED OUT.

6 ANY DISCREPANCIES TO BE DISCUSSED WITH ARCHITECT BEFORE CONSTRUCTION STARTS.

7 DO NOT SCALE FROM DRAWINGS.

8. ALL PLASTER MUST BE KEPT WET DURING THE CURING PROCESS TO AVOID CRACKS. LATER ON, 9. NATURAL GROUND LEVEL TO BE 20mm MIN BELOW UNFINISHED FLOOR LEVEL.

ALL EXTERIOR BALCONIES & SLABS TO BE TREATED WITH PENETRATING OR ADSORBED WATER-PROOF ACCORDING TO THE MANUFACTURER'S RECOMMENDATION.

1.FOR AND WORKS ARE NOT SHOWN ON DRAWINGS. THE SYSTEM OF GROUND WORKS AND/OR EXCAVATIONS, ACCORDING TO ENGINEER DRAWINGS, ANY RESULTANT COSTS WILL BE FOR THE ACCOUNT OF THE CONTRACTOR. E.G. THE USE OF LOGS, MATERIALS TO IMPROVE ARTS AS DESCRIBED BY THE FOLLOWING SECTION ACTIONS.

CEILING HATCH MUST BE PROVIDED TO THE ROOF SPACE IN EACH UNIT. (WHERE APPLICABLE)

[illegible]

adequate lightning protection to be provided.

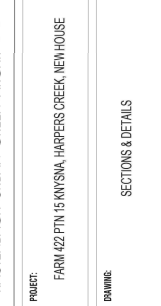
(1) THE ARCHITECT DOES NOT TAKE RESPONSIBILITY FOR ANY WORK DONE BEFORE DRAWINGS HAVE BEEN APPROVED BY LOCAL

ALL GLAZING SHALL BE IN STRICT COMPLIANCE WITH GLASS MANUFACTURERS' RECOMMENDATIONS @ ALL IN ACCORDANCE WITH NATIONAL BUILDING REGULATIONS PART N, S405 (13), S405 (15), S405 (16), S405 (17) AND MATERIALS SELECTION GUIDE FOR SAFETY GLAZING

SAFETY GLAZING

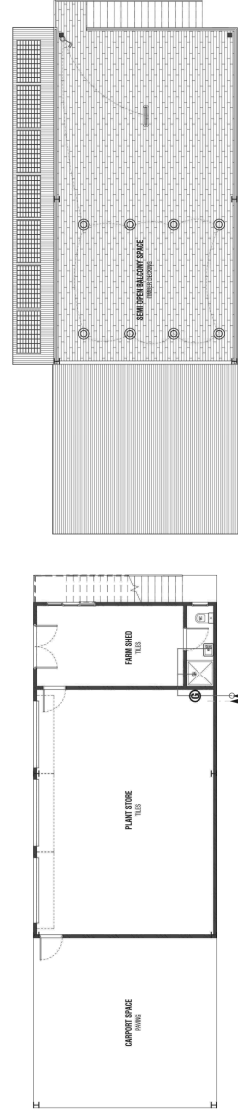
POSITION OF SEWER CONNECTION TO BE CHECKED ON SITE BEFORE CONSTRUCTION STARTS.

ALL BUILDING WORK TO COMPLY WITH MFR, SABS 1101, SABS 1102, SABS 204, APPLICABLE SABS CODES & BUILDING SOCIETY REGULATIONS ALL MATERIALS TO BE SABS APPROVED OR AGREEMENT BOARD APPROVED.

MS NUMBER

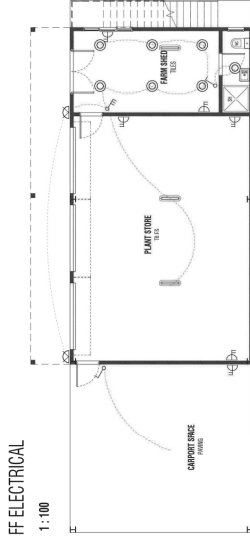
Project Status





GF HOT WATER  
1:100

FF ELECTRICAL  
1:100



GF ELECTRICAL  
1:100

FENESTRATION CALCULATION

WINDOWS				DIMENSION		AREA	
NORTH ELEVATION				WIDTH	HEIGHT		
W3				2.40	1.20	2.88	
W3				2.40	1.20	2.88	5.76



- future national road reserve boundary.
- c. The removed topsoil should be used to form a berm on the western side of the property between the proposed mining area on Portion 14 and the 50m powerline servitude where the current vegetation does not provide acceptable screening. Further screening by means of vegetation should also occur on the berms where necessary. The Municipal Environmental Officer should be consulted for the appropriate vegetation type.

- d. An Environmental Management Plan (EMP) must be prepared by the developer for the area north of the mining area and the Boschrivier. This must, amongst others, include an alien management plan.
- e. The above (d) must be submitted to the Municipal Environmental Officer for approval.
- f. A copy of the quarry - and yearly report submitted to the Department of Minerals And Energy, must be provided to the Municipal Environmental Officer for approval.
- g. The mine closure plan be submitted to the Municipal Environmental Officer for approval.
- h. The rehabilitation and closure plan of the building rubble site must be submitted to the Municipality when the lifetime of the facility comes to an end.
- i. That the attention of the applicant be drawn to the conditions imposed by the following State Departments:
- SANRAL (DATED 12 December 2019 ref: W11/3/3-2/129)
  - Environmental approval issued by the Department of Environmental Affairs and Development Planning (dated 27 november 2019, ref: 16/3/3/6/D1/4/0026/19)

#### Reasons for decision

- The proposal is in essence an extension of the existing quarry on Portion 15 of Farm Nr. 422.
- The proposed quarry is a potential job creator.
- The proposed quarry mining activities have received an Environmental Authorisation in terms of the National Environmental Act, 2002, for sand mining activities.

Should any person with an interest in the aforementioned matter not be satisfied with the manner in which the decision was taken, such person may submit an appeal in terms of Section 79 of the Bitou Land Use Planning Bylaw. An appeal, if any, should be submitted in writing to the Municipal Manager within 21 days of date of registration/ e-mail of this notice at **Private Bag X1002, PLETTENBERG BAY, 6600** and a copy to the Director: Economic Development and Planning.

Yours faithfully



**Chris Schlemann**  
Manager: Land Use Management

**Bitou**

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

Enquiries	Contact details	E-mail
Adel Stander	044 501 3321	astander@plett.gov.za

Our Ref: 18/14&15/433

3 February 2021

Marke Vreken Urban & Environmental Planners  
Marke@vreken.co.za

PER E-MAIL

Dear Madam

#### **PROPOSED REZONING (AGRICULTURE ZONE I TO INDUSTRIAL ZONE III: PORTION 14 & 15 OF FARM NR.422, HARKERVILLE, BITOU MUNICIPALITY**

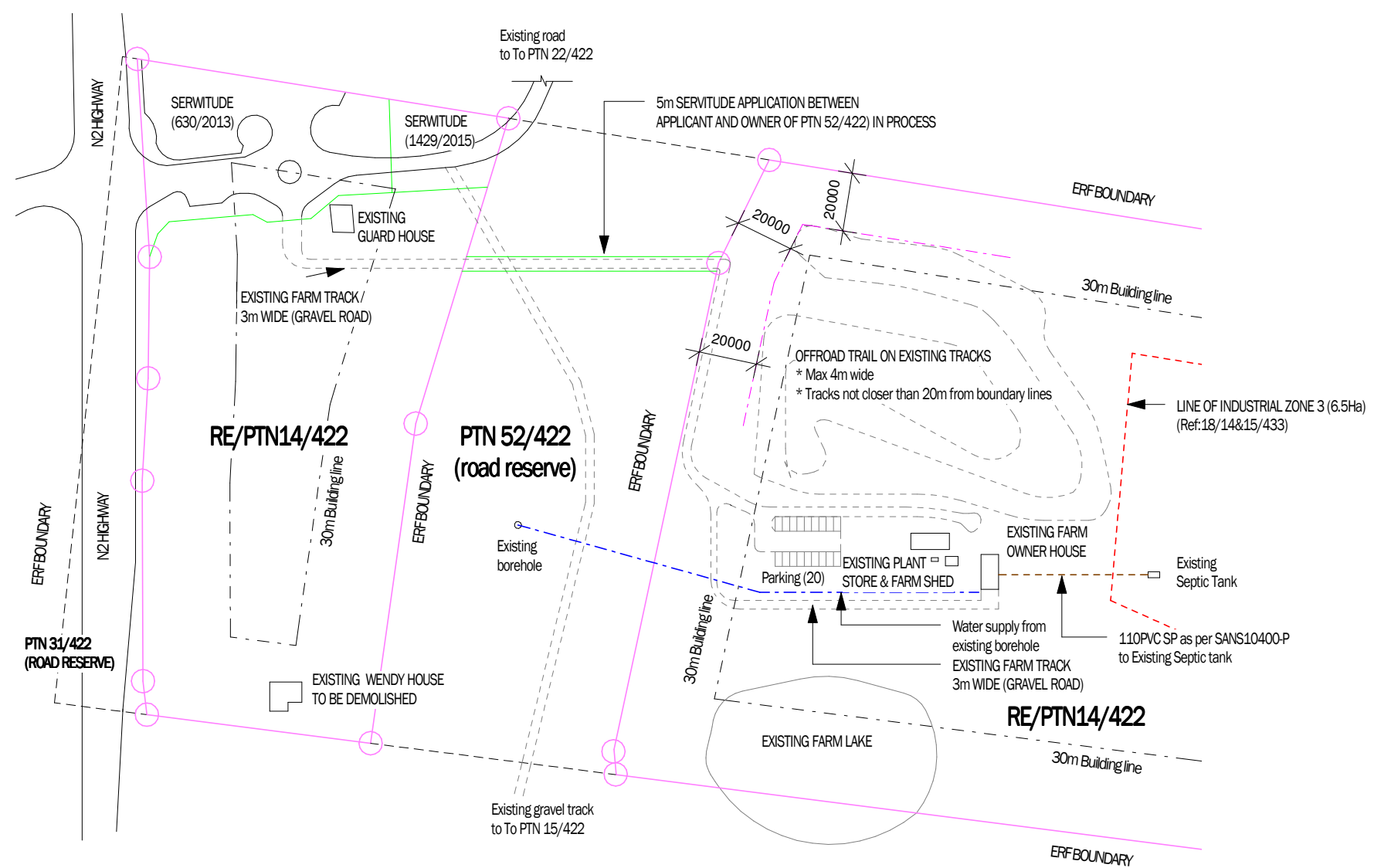
The Bitou Planning Tribunal made the following decision in terms of Section 60 of the Land Use Planning Bylaw 2015 on 6 October 2020:

That the application be **approved** in terms of Section 60 of the Bitou By-law on Municipal Land Use Planning 2015 for:

- Rezoning of 6,5ha of Portion 14 of Farm Nr.422 from Agriculture Zone I to Industrial Zone III (mining), as per attached zoning plan.
- Rezoning of 8,1ha of Portion 15 of Farm Nr.422 from Agriculture Zone I to Industrial Zone III (mining) as per attached zoning plan.
- A permission required in terms of Section 8 Zoning Scheme Regulations, in terms of Section 4.1.1 to allow for construction waste disposal facility on Portion 15 of the farm nr. 422.

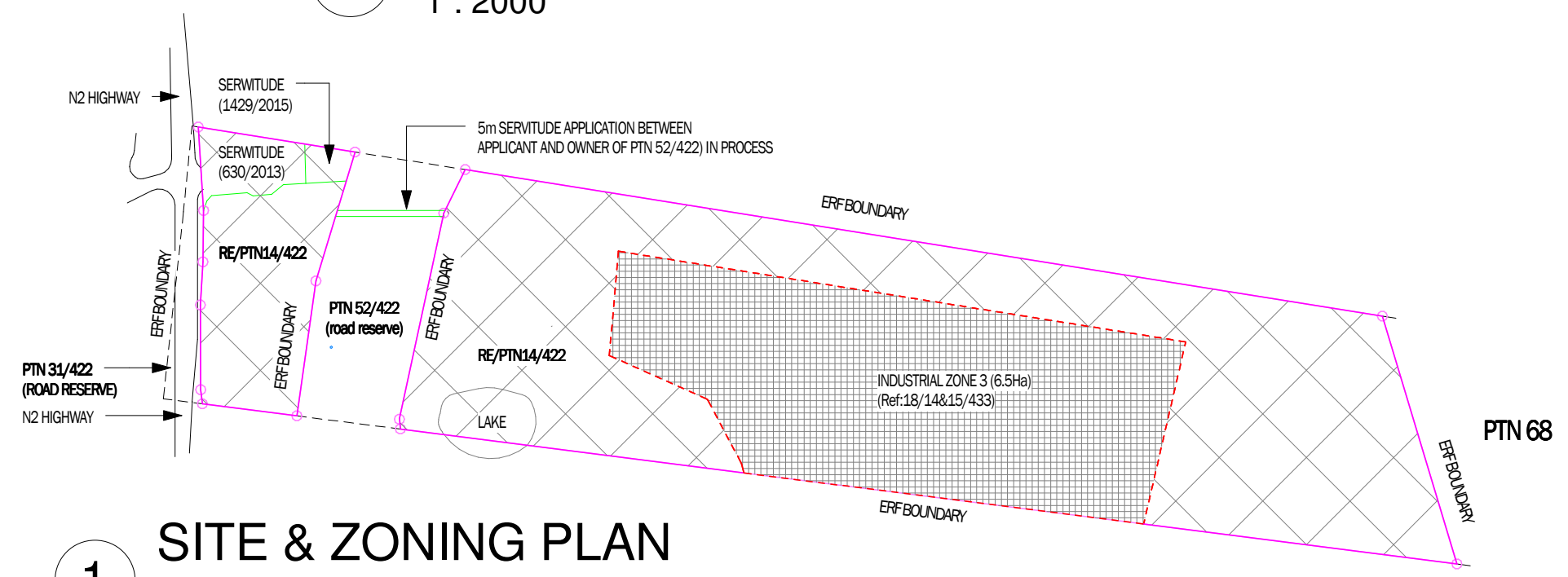
#### **Conditions of approval in terms of Section 66 of the Bitou By-law on Municipal Land Use Planning 2015:**

- That the proposed sand mining occurs according to the following plans submitted with the application:
  - "Site Development Plan" by Ukhana Group (Pty) Ltd, Ref: GSP/200718REV4, dated 20/07/2018.
  - "Zoning Plan" by Marke Vreken Urban & Environmental Planners for Portion 14 AND Portion 15 of the Farm No.422.
  - Sand mining and the waste disposal activity may not occur within 60m measured from the future national road reserve boundary.
  - The removed topsoil should be used to form a berm on the western side of the property between the proposed mining area on Portion 14 and the 50m powerline servitude where the current vegetation does not provide acceptable screening. Further screening by means of vegetation should also occur on the berms where necessary. The Municipal Environmental Officer should be consulted for the appropriate vegetation type.



AREA SCHEDULE:	
ERF: <b>RE/PTN14/422</b> ERF SIZE: 190765m² (19,0765ha)	
COVERED AREA :	
Existing House :	328m²
Outbuildings:	256m²
Total:	584m²
TOTAL COVERAGE:	0.30%

2 SITE DEVELOPMENT PLAN  
1 : 2000



1 SITE & ZONING PLAN  
1 : 5000

ZONING LEGEND:	
	AGRICULTURE ZONE 1
	INDUSTRIAL ZONE 3 (6.5Ha) (Ref:18/14&15/433)

ownerdesigner

copyright reserved

**LONGHOUSE**  
DESIGN | STUDIO  
2 Seventh Ave, Denneoord, George, 6529  
charlopperman@hotmail.com  
082 619 3236  
SACAP PAD21061 | SAIBD O0412 | SAIAT 32896

client

**B.C. HARPER**

project

SDP FOR RE/PTN14/422, BITOU MUNICIPALITY, KNYSNA

issue

SDP003

drawing name

SITE DEVELOPMENT PLAN

date / datum

29.03.2025

sheet

A3-01



munisipaliteit 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)	Fritz		
Surname	Van Zyl		
South African Council for Planners (SACPLAN) registration number (if applicable)	SACPLAN 902/96		
Company name (if applicable)	Studio19		
Postal Address	PO Box 802		
	Hersham	Postal Code	6525
E-mail	<a href="mailto:S19@lantic.net">S19@lantic.net</a>		
Tel		Cell 0836605795	

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

Name of registered owner(s)	BC Harper		
E-mail	<a href="mailto:info@harperscreek.co.za">info@harperscreek.co.za</a>		
Tel		Cell 0794674669	



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

Property Description ( Erf No / Farm No):	Farm 422 Remainder portion 14		
Physical/ Street Address	n/a		
Town	Plettenberg Bay		
Current Zoning	Agriculture I	Land Use	Agriculture
Extent	19.0765 ha		
Applicable Zoning Scheme	Plettenberg Bay Zoning Scheme Section 7		
	LUPO Scheme Regulations : Section 8		
Are there existing buildings?	Yes		
Title Deed number and date	T033492/22		

Are there any restrictive conditions in the title deed that prohibit the proposed use/ development?		No
If Yes, list such condition(s)		

Are the restrictive conditions in favour of a third party(ies)?		No
If Yes, list the party(ies)		

Is the property bonded?		No
If yes, (attach proof )		

Are there any existing unauthorized buildings and/or land use/s on the subject property(ies)?	Yes		If yes, is this application to legalize the building / land use?	Yes	
Are there any pending court case(s) / order(s) relating to the subject property(ies)?		No	Are there any land claim(s) registered on the subject property(ies)?		No

**PART D: PRE-APPLICATION CONSULTATION**

Was a pre-application consultation held with the Municipality?		No	If Yes, complete the information below and attach the minutes of the pre-application consultation.
Official's name		Date of consultation	

**PART E: LAND USE PLANNING APPLICATIONS IN TERMS OF SECTION 15 (2) OF THE BITOU MUNICIPALITY : LAND USE PLANNING BY-LAW** (tick applicable application/s)

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.

**APPLICATION AND NOTICE FEES** (please note the following)

1. Application fees are determined by Council annually in terms of the approved Municipal tariffs. An invoice will be sent to the applicant after an application is confirmed to be complete.
2. Application fees that are paid to the Municipality are non-refundable. Applications will only be processed after the application fees are paid in full and proof of payment is submitted to the Municipality.
3. The applicant is liable for the cost of publishing and serving notice of an application by.
4. The Municipality may request the applicant to undertake the publication and serving of notices
5. The Municipality will be responsible to serve notices to External Commenting Authorities, if necessary.



**PART F: 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 has been submitted.

**Primary Documentation**

Yes		Power of Attorney (Annex A)
	n/a	Company Resolution
Yes		Motivation (based on the criteria in section 65 of the Bitou Planning By-law) (Annex B)
Yes		Executive Summary of the Motivation (Annex B)
Yes		Locality plan (Annex C)
Yes		Site development plan or conceptual layout plan (Annex D)
Yes		Full copy of Title Deed (Annex E)
Yes		S.G. diagram / General plan extract (Annex F)
	n/a	Bondholders Consent

**Supporting Information & Documentation (if applicable)**

Yes		Land use plan / Zoning plan (Annex D)
	n/a	Consolidation plan
	n/a	Proposed subdivision plan
	n/a	Proof of agreement or permission for required servitude
Yes		Copy of any previous land development approvals (Annex H )
	Refer PPP	Abutting owner's consent (see PPP documents – to be confirmed)
Yes		Services Report or indication of all municipal services / registered servitudes (Annex B)
Yes		Conveyancer's certificate (Annex G)
	n/a	Street name and numbering plan (Applicable to Subdivision Only)
	n/a	1 : 50 / 1:100 Flood line determination (plan / report)
	n/a	Landscaping Plan(if applicable)
	n/a	Home Owners' Association consent
	n/a	Proof of failure of Home owner's association
	n/a	Other (Specify)

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

	n/a	National Environmental Management Act, 1998 (Act 107 of 1998)
	n/a	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989) National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998)
	n/a	National Heritage Resources Act, 1999 (Act 25 of 1999)
	n/a	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)
	n/a	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)
	n/a	If required, has application for EIA / HIA / TIA / TIS / approval been made? If yes, attach documents / plans / proof of submission etc.
	n/a	If required, do you want to follow an integrated application procedure in terms of <a href="#">section 44(1) of Bitou Municipality: Land Use Planning By-Law</a> ? If yes, please attach motivation.
	n/a	Other (specify)

**PART H: SUBMISSION OF APPLICATION**

The application together with supporting information and documentation should be electronically lodged on the AFLA PORTAL system. This AFLA PORTAL has been designed and developed by Esri South Africa to assist Bitou Municipality to diminish queues and promote faster turnaround times on land development applications. The AFLA system is accessible to members of the public, enabling online submission of town planning applications at Bitou Municipality using GIS. A profile by either the owner of agent needs to be created before an application can be lodged on the Portal. Below is a link to the AFLA Portal.

<https://maps.bitou.gov.za/aflaportal/>

**SECTION I: DECLARATION**

I hereby 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 in terms of the Bitou Municipality: Land Use Planning Bylaw (2015) as amended.
6. I am aware that development charges to the Municipality in respect of the provision and installation of external engineering services may be payable by the owner as a result of the proposed development.
7. I am aware that by lodging an application, the information in the application and obtained during the process, may be made available to the public.

**SUBMISSION REQUIREMENTS**

Yes		Soft copy of the application submitted on the AFLA PORTAL (see Part H)
-----	--	--

Applicant's signature:



Date:

5/03/2025

Full name:

Fritz van Zyl

Professional capacity:

Pr.Pln (SACPLAN 902/96)  
Pr.Eng (ECSA960570)

