

**ERVEN 16835 &
16836 PLETT**

CONSOLIDATION APPLICATION



Planning  Space
Town and Regional Planners

www.planningspace.co.za

7/4/2025

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INFORMATION REQUIRED IN TERMS OF SECTION 38. OF THE BY-LAW

COMPULSORY INFORMATION AND DOCUMENTATION REQUIRED

	CONSOLIDATION	ANNEXURE REFERENCE
Completed & signed application form	√	T2
Power of Attorney / Owner's consent (1)	√	Annexure A
Resolution (2)	√	Annexure A
Proof of registered ownership (3)	√	Annexure B
Bondholder's consent (if any)	√	N/A
Written motivation (4)	√	Main document
S.G. diagram / Extract of the general plan	√	Annexure C
Locality plan	√	Diagram 1
SDP / conceptual layout plan	-	Not required
Subdivision plan [incl street name(s) &no]	-	Not required
Proof of payment of application fees	√	Attached
Copy of title deed	√	Annexure B
Conveyancer certificate (7)	√	Not required
Minutes of pre-application meeting (8)	√	Not available
Zoning plan	-	Diagram 3
Phasing plan	-	No Phasing required
Consolidation plan	√	Not required
Proof of lawful use right	-	Not required
Proof of failure of HOA (9)	√	Annexure D
Copy of original approval letter (s)	√	Annexure E

1. INTRODUCTION

Planning Space Pty Ltd has been appointed by **Candlewood Capital Proprietary Limited**, the owners of Erven 16835 and 16836 Plettenberg Bay, to prepare and submit the following application in terms of Section 15 (2) and Chapter IV of the Bitou Municipality: Standard Municipal Land Use Planning By-Law, to the Bitou Municipality (See Power of Attorney and Company Resolution attached as **Annexure A**):

- i. Section 15 (2) (e): Consolidation of Erven 16835 and 16836 Plettenberg Bay, as indicated on the attached Proposed Consolidation Plan No. CON/35-36/ATN dated 25 June 2025 attached as Diagram 4.

2. BACKGROUND

In 2021, an application for the consolidation, rezoning, and subdivision of Portions 66 and 67 of the Farm Brakkloof No. 442 was submitted to the Bitou Municipality to facilitate the establishment of a residential development. The application was approved in November 2023 (refer to Annexure E).

Following approval, the two farm portions were consolidated into a single property, resulting in the creation of Erf 16830. Erf 16830 was then subdivided into 9 residential erven (Erven 16831 to 16839), 2 Communal Private Open Space Erven (16840 -16841), and a public road (16842). The development rights have been implemented, and the subdivision has been registered and is now formally known as Athina Estate.

The subject properties (Erven 16835 and 16836) are two of the residential erven within the Athina Estate development (previously known as sites 6 and 7). As per the conditions of approval, the submission of Design Guidelines, a Constitution, and Estate Rules was required. These documents were submitted to the Municipality and were granted approval (see Annexure G).

Environmental Authorisation for the development was issued in July 2023, permitting the construction of nine residential units along with related infrastructure and communal open space. This authorisation was later amended to align with minor changes to the Site Development Plan (SDP) (refer to Annexure F). A Part 1 Amendment to the Environmental Authorisation was approved in June 2024. An additional amendment application was recently submitted and is currently under review. Details regarding the approved SDP amendments and the latest proposed changes are provided in paragraph 6.2 of this report.

Candlewood Capital (Pty) Ltd has acquired Erven 16835 and 16836 within the estate and now intends to consolidate the two properties into a large single residential stand. This application serves to obtain the necessary municipal

authorisation for the proposed consolidation. The proposal is outlined in detail in paragraph 4 of this motivating memorandum.

3. PROPERTY DETAIL

Title Deed Description	Erf 16835 Plettenberg Bay, Bitou Municipal Division	Erf 16835 Plettenberg Bay, Bitou Municipal Division
Title Deed Number	T80083/2024 (Attached as Annexure B1)	T80081/2024 (Attached as Annexure B2)
GP Nr	GP 416/2024 (Annexure C)	GP 416/2024 (Annexure C)
21-digit code	C03900080001683500000	C03900080001683600000
Title Deed Restrictions	None applicable to this application.	None applicable to this application.
Property Size	1254 m ²	1466 m ²
Zoning	Single Residential Zone 1	Single Residential Zone 1
Property Owner	Candlewood Capital Proprietary Limited	Candlewood Capital Proprietary Limited
Land Use	Vacant	Vacant
Bonds	None	None

4. LOCALITY

The subject properties are located within the Athina Estate residential development, situated in the south-eastern part of the Bitou municipal area, near Robberg Beach. The estate lies directly south of the Duin en See residential development. Access to the properties is gained via Robberg Road (see Diagram 1: Locality Plan).

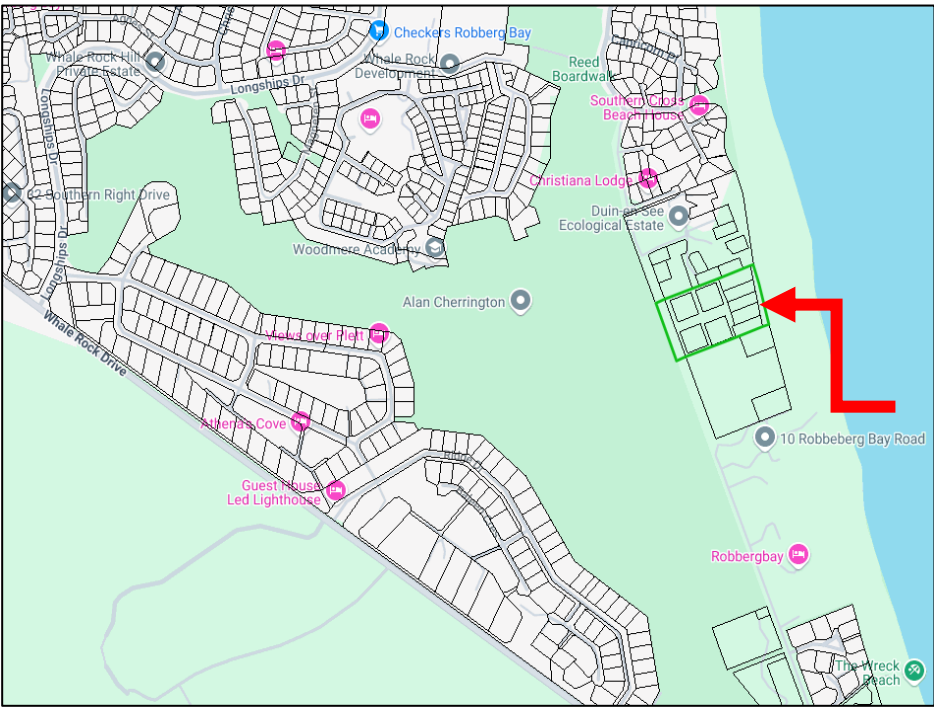


Figure 1: Extract indicating locality of the subject property.

5. DEVELOPMENT PROPOSAL

Erven 16835 and 16836 are both located within the Athina Estate residential development and are currently vacant. Erf 16835 measures approximately $\pm 1254 \text{ m}^2$, while Erf 16836 measures $\pm 1466 \text{ m}^2$. Candlewood Capital Proprietary Limited is the registered owner of both erven and proposes to consolidate them into a single residential stand. The consolidated erf will measure a total of $\pm 2720 \text{ m}^2$ (see Diagram 4).

The approved layout for the estate includes building plates for each erf. The existing building plates of the two properties will be consolidated into one, but will be reduced on both lateral boundaries (pink areas on the plan below), the total increase in the build footprint will be about 165m².



Figure 2: Consolidation of the building footprint (additional area in yellow and reduced area in pink).

The rationale of the proposed consolidation is to create a larger, more private property that allows for a well-designed residential dwelling with substantial outdoor space. A single, consolidated stand will offer significantly more flexibility in terms of architectural layout and landscaping options. This will enable the owners to design a residence that is both functionally efficient and aesthetically aligned with the premium character of Athina Estate.

The intention is to develop a high-end residential home that complements the upmarket nature of the estate and maintains visual harmony with surrounding properties. The larger erf size will also allow the creation of enhanced landscaping features and garden areas, which contribute to the overall visual appeal and environmental quality of the estate.

In addition to benefiting the owners, the consolidation has broader community benefits. A well-designed, larger property can enhance the visual cohesion of the estate and contribute positively to property values in the surrounding area. It also promotes efficient land use within the framework of the existing estate layout, without increasing the overall residential density or placing additional demand on infrastructure or services.

The proposed consolidation does not involve any increase in the number of dwelling units or changes to land use rights. It remains fully compliant with the approved zoning parameters and estate design guidelines.

6. FACTORS TO CONSIDER

6.1 COMPLIANCE WITH BITOU SPATIAL DEVELOPMENT FRAMEWORK

Although the proposed consolidation does not align with the densification aims of the Bitou Municipal SDF, it maintains appropriate land use, preserves the established character of the neighbourhood, and does not have any negative impact on the existing urban form. The proposal contributes positively to both the private realm and the surrounding residential environment. Furthermore, there is nothing in the document that specifically prohibits the consolidation of properties.

6.2 COMPLIANCE WITH THE PREVIOUS REZONING AND SUBDIVISION CONDITIONS

All the conditions of approval have been complied with, and the required compliance certificates were issued before the registration of the application.

Condition (2) relates to Layout and design considerations and includes the following:

- a) That the proposed development be generally in accordance with the Subdivision Plan No. 66/67-SUB1 dated 11 August 2023, drawn by Planning Space.

- b) The development must be implemented in accordance with the layout developed by Objek Architects (dated 16/06/2022), Drawing number 10_02 (Annexure 2).

The application to consolidate the property will effectively override these two conditions if approved.

6.3 COMPLIANCE WITH THE ENVIRONMENTAL AUTHORISATION

Environmental Authorisation for the Athina Estate development was granted in July 2023 under the relevant provisions of the National Environmental Management Act (NEMA). This approval permitted the development of nine residential units, together with associated infrastructure and communal open space.

As the planning and implementation of the development progressed, minor refinements to the internal layout were required. These included the realignment of the internal road within the road reserve aimed at improving design efficiency and responding to site-specific conditions. In light of these adjustments, a Part 1 Amendment to the Environmental Authorisation was submitted and subsequently approved in June 2024, ensuring that the revised SDP remained in compliance with environmental legislation.

One of the conditions of the Environmental Authorisation is that the development must be implemented in accordance with the layout developed by Objek Architects (dated 16/06/2022), Drawing number 10_02. The consolidation will result in a deviation from this condition. Following this, a second amendment application has been submitted to DEAPD and is currently under review by the competent authority. The purpose of this amendment is to accommodate additional, yet minor, refinements to the SDP as approved by DEADP. The latest proposed changes, as reflected in the updated SDP attached as Annexure H, include:

- Substitution of the Footpath with a Boardwalk.
- Adjustments to Building Plates P06 and P07 to accommodate the consolidation.
- Reconfiguration of Building Plates P08 and P09.

The proposed consolidation is consistent with the other conditions and scope of the Environmental Authorisation, and is accommodated in the most recent and pending amendments. The consolidation will result in a slightly bigger consolidated building footprint. There will, however, not be any additional loss of vegetation as the area between the two original footprints coincides with the position of the original house on the property. The consolidation will result in one less house on the Estate. The Application for the amendment submitted by Eco Route is attached hereto as Annexure I, and confirms that the proposed amendment of the building plate will not result in any additional environmental impacts.

Furthermore, the consolidated property will continue to be subject to all relevant environmental controls and development restrictions imposed by the Environmental Authorisation. Any future development on the consolidated erf will still need to comply with all environmental management and mitigation measures identified in the approved Environmental Management Programme (EMPr).

6.4 COMPLIANCE WITH THE CONSTITUTION, ESTATE RULES & DESIGN GUIDELINES

The proposed consolidation has been assessed in relation to the governing documents of the Athina Estate, namely the Constitution of the Athina Estate Property Owners' Association (AEPOA), the Estate Rules, and the approved Design Guidelines. The proposal does not contravene any of the provisions contained in these documents.

The proposal was submitted to the Athina Estate Property Owners' Association (AEPOA) for review. Following due consideration, the AEPOA indicated its full support for the application. Written consents from all AEPOA members have been obtained and are attached as Annexure D in support of this application.

6.5 IMPACT ON SERVICES

The proposed consolidation will have no negative impact on the existing service infrastructure. The proposal does not involve an increase in the number of residential units, nor does it result in higher population density or additional development rights. It aligns with the estate's approved service infrastructure plans.

6.6 IMPACT ON SURROUNDING PROPERTIES

One larger house is proposed instead of two on the consolidated erven. The proposal will not cause any harm or have any negative impact on the surrounding properties within Athina Estate or the broader area, as it will not introduce any new land use or increased density to the area. Furthermore, the design guidelines of the estate, together with the Zoning Scheme provisions, will apply to the consolidated property, same as other properties within the estate.

6.7 POLICIES, PRINCIPLES, AND PLANNING AND DEVELOPMENT NORMS AND CRITERIA SET BY THE NATIONAL AND PROVINCIAL GOVERNMENTS

In considering the application, the decision-maker needs to be guided by the DEVELOPMENT PRINCIPLES contained in (Chapter II) of the Spatial Planning and Land Use Management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

SPLUMA is a framework law providing broad principles for provincial laws regulating planning. It does, therefore, not have much relevance to individual consolidation applications that are mostly site-specific. The principle of

spatial justice, for example, requires that past spatial and other development imbalances must be redressed through improved access to and use of land. The nature of this application cannot directly contribute to spatial reform. These matters are best addressed through spatial development frameworks, zoning schemes, and other management systems.

It can be argued that by being compatible with a credible Spatial Development Framework that embraces the principles of Spatial Justice, Spatial Sustainability, Spatial Efficiency, and Spatial Resilience, the proposal will automatically also comply with these principles.

7. SUMMARY OF APPLICATION

The Council is respectfully requested to consider the proposed consolidation of Erven 16835 and 16836, Plettenberg Bay.

The reasons for approving the proposal are summarised as follows:

- The consolidation is supported by the Athina Estate Property Owners' Association and is not in conflict with the Estate's Design Guidelines, Constitution, and Rules.
- The proposal will not negatively impact the surrounding area or any of the neighbours. Furthermore, it will not change the residential character of the area in any way as the land use will remain the same.
- The consolidation will not require additional service demand.
- The increased erf size will provide greater flexibility for the incorporation of enhanced landscaping and garden spaces, which will contribute positively to the estate's visual character, promote ecological sustainability, and enhance the overall environmental quality of the development.
- The consolidation proposal requires an amendment to the Environmental Authorisation. The Part 2 amendment application has been submitted to DEADP, and the assessment concluded that the amendment will have no environmental impact.
- The proposal is not in conflict with the development principles set out in Section 7 of SPLUMA.
- The proposal is not in conflict with the Bitou Spatial Development Framework.