



Enquiries

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Perception Planning
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Via Registered Mail

Dear Sir,

**PROPOSED REZONING AND REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION:
PORTION 22 OF THE FARM KIRBYWOOD NO 302**

1. The Acting Director: Economic Development and Planning made the following decision on 05/09/2019:
2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
 - a) Rezoning of the property from “Agricultural Zone I” to “Open Space Zone IIF” in terms of Section 15(2)(a) of the Bitou Municipality By Law on Municipal Land Use Planning Bylaw (2015) to allow for a Nature Reserve;
 - b) Removal of restrictive title condition H (2) from Title Deed T 58376/2004 in terms of Section 15 (2)(f) of Bitou Municipality By Law on Municipal Land Use Planning Bylaw (2015).
3. The above approval is subject to the following conditions imposed in terms of Section 66 of the Bitou Municipality Land Use Planning Bylaw (2015):
 - i. *That the approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from council;*
 - ii. *That the proposed development be in accordance to the Site Development Plan dated November 2017, ref: Pg. 1 & 2 of 10 drawn by Door to Door Trade 1008cc (Brian Salter).*
 - iii. *That services (water and sewage) be provided to the satisfaction of the Head: Municipal Services & Infrastructure Development.*
 - iv. *The applicant is to ensure that all proposed building work is permitted in terms of the National Building Regulations;*
 - v. *This approval does not absolve the applicant from compliance with the requirements of any other legislation related to land development;*
 - vi. *An Environmental Management Plan (EMP) is to be drafted and submitted to the Municipality prior to the commencement of construction for consideration by the Economic Development and Planning Directorate, who may impose conditions upon approval of the EMP. The EMP is to detail Construction as well as Operational related environmental management and should contain inter alia:*

- *Method statements of proposed construction methods;*
 - *Specifications of indigenous plant rescue operations;*
 - *Sewerage management and a contingency plan should system failures occur;*
 - *Contractor management and environmental best practice;*
 - *Alien Invasive Plant Species management plan;*
- vii. *The applicant is to appoint a suitably qualified independent Environmental Control Officer (ECO) who has adequate environmental knowledge to understand and implement the Environmental Management requirements of the approved EMP. This ECO is to monitor the clearing of vegetation and construction of the proposed accommodation units and whether all works are done in accordance with the approved Environmental Management Plan. The ECO is to keep a photographic record of the site and is to submit monthly reports to the Bitou Municipality;*
- viii. *The Department of Agriculture, Forestry and Fisheries (DAFF) are to be contacted at the earliest possible opportunity to determine the positioning and setting out of the new proposed units.*
- ix. *All building plans are to be approved by DAFF prior to submission to the Building Control Department;*
- x. *The disturbance of protected plant species is not part of this approval and should be the subject of a separate application directed to the Department of Agriculture, Forestry and Fisheries. A license to remove protected trees must be issued to the land owner/his representative on application for a license by DAFF, as required by the National Forest Act, 84 of 1998 as amended (NFA), to cut, disturb, damage or destroy Natural Forest. An application to remove trees can only be submitted once the building plans for the proposed building are approved by Bitou Municipality;*
- xi. *Removal of protected trees and forest prior to a NFA license being issued is an offence under the provisions of the NFA and can lead to prosecution;*
- xii. *In terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), Alien and Invasive Species Regulations, 2014, specific alien plant species are prohibited and should be removed, without the use of heavy machinery and without disturbing the topsoil. The owner is to ensure that they comply with the relevant legislation;*
- xiii. *The applicant is to ensure that all relevant approvals from the Department of Water and Sanitation exist in regards to the abstraction activities that are occurring on the property. The Breede Gouritz Catchment Management Agency (BGCMA) are to be contacted to determine the amounts of water that may be abstracted and the applicant is to register their water use in terms of General Authorisation as specified in the National Water Act (Act No. 36 of 1998).*
- xiv. *The registered water use (General Authorisation) is to be submitted to the Economic Development and Planning Directorate.*

4. Reasons for the above decision are as follows:

- a) The proposal is consistent and complies with applicable principles, norms and Standards in Chapter 2 of SPLUMA and Planning Principles in Section 59 of LUPA.
- b) The proposal is consistent with the Bitou SDF (2017).
- c) The proposal will not adversely affect the current land use rights enjoyed by surrounding property owners.
- d) The proposal will not detract from the character of the surrounding area.
- e) The removal of the restrictive condition will not impede on the transferor's financial social benefits.

- f) Development on the property will be restricted to sensitive, small scale developable footprints associated with tourism accommodation, subject to the consent from the regulating authorities.
 - g) The development proposal will have no impact on municipal service infrastructure.
 - h) The proposed development contributes to social and skills development associated with the hospitality industry.
5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
 6. The attached appeal form must be completed and should be directed to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600, within 21 days of registration of this letter with proof of payment of the appeal fee.
 7. If you exercise your right to appeal, you are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
 8. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of registration of the appeal.
 9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
 10. A notification in terms of Section 61 of the Bitou Municipality Land Use Bylaw (2015) will confirm the coming into operation of the approval, if no appeals were received within 21 days of registration of this letter.

Yours faithfully



Chris Schliemann
Acting Director: Economic Development and Planning