



Enquiries

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File ref: 18/387/NV

11 November 2019

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Marika Vreken Town Planners
P.O Box 2180
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Via Registered Mail

Dear Madam,

PROPOSED SUSPENSION OF RESTRICTIVE TITLE CONDITIONS: ERF 387 NATURE'S VALLEY

1. The Manager: Land Use Management made the following decision on 31/10/2019:
2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
 - a) The suspension of Restrictive Title Deed Conditions E(I)(3)(d) & E(II)(1) in respect of Title Deed (T12621/94) in terms of Section 15(2)(f) to allow the Title Deed building line restrictions to be relaxed to accommodate all existing encroaching structures as indicated on the Site Plan (*Plan No: 259-07-SK001, dated 31 January 2019*).
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. *This 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. *Any further encroachments over the title deed or Zoning Scheme building lines which are not indicated on the layout plan (Plan No: 259-07-SK001, dated 31 January 2019) will require additional applications for removal/ suspension or departures in terms of the relevant planning bylaw;*
 - iii. *This approval does not constitute building plan approval in terms of the National Building Regulations and Building Standards Act 1977.*
 - iv. *The applicant is to ensure that all proposed building work is permitted in terms of the National Building Regulations and Building Standards Act 1977;*
 - v. *This approval will lapse after a period of five (5) years from the date that this approval comes into operation, if building plans for the proposed additions have not been approved, or if all conditions of approval have not been complied with;*
 - vi. *The location of the structures 'regularised' are brought about in line with the Layout Plan (Plan No: 259-07-SK001, dated 31 January 2019).*
 - vii. *The existing as built structures should be reflected on the site development plan upon building plan submission;*

- viii. *The existing septic tank/s on-site, if any, should be converted to a conservancy tank to the satisfaction of the Head: Municipal Services & Infrastructure Development.*
- ix. *This approval does not absolve the applicant from compliance with the requirements of any other legislation related to land development.*

4. Reasons for the above decision are as follows:

- a) No objections were received from the public.
 - b) The existing unlawful structures will be regularised and will adhere to the development parameters for a Single Residential Zone in terms of the Section 8 Zoning Scheme Regulations.
 - c) A suspension (once-off approval) rather than a removal will allow for the existing additions whilst the restrictive title conditions remain in force for any future alterations and additions to the site.
 - d) The existing structure adheres to the development parameters for a Single Residential Zone in terms of the Section 8 Zoning Scheme Regulations.
 - e) The proposed encroachment will not have any negative effect on the natural environment.
 - f) The formalisation of the existing structures should not adversely affect the character of the surrounding area, and should not have a detrimental effect on the views or privacy of neighbouring property owners.
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. Such an appeal must be submitted in writing to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600, within 21 days of registration of this letter.
7. 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 notification of this decision together with proof of payment of the appeal fee.
8. 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.
9. 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 this letter.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. 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

A handwritten signature in black ink, appearing to read 'M. Friedman', written over a horizontal line.

David Friedman

Director: Economic Development and Planning