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to be the best together

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File ref: 18/3,20,42,44/437

6 February 2020

Willem de Kock
P.O Box 9934
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Dear Sir,

PROPOSED HOUSING DEVELOPMENT: PORTION 3, 20, 42 & 44 OF FARM HILL VIEW NR. 437

The Bitou Land Use Planning Tribunal made the following decision on 10 December 2019:

- 1.1. That in terms of Section 60 of the Bitou Municipal Bylaw on Land Use Planning, 2015, approval be granted for:
 - (a) The consolidation of Portion 3, 20, 42 and 44 of Farm Hill View Nr. 437;
 - (b) The rezoning of the consolidated land units to 'Subdivisional Area'.
- 1.2. That in terms of Section 66(1) of the Bitou Municipal Bylaw on Land Use Planning, 2015, the abovementioned approvals be subject to the following conditions:
 - (a) That, subject to paragraphs (b), (c) and (d) below, the development occurs broadly in accordance with the land uses and street pattern shown on the Layout Plan no B/HV/FP/1.1 dated 8 August 2019;
 - (b) That due to uncertainty regarding the level of public/community participation that was conducted prior to and during preparation of the Layout Plan the matter be referred back to the relevant Departments of the Municipality to provide a full report of the public/community participation that has been undertaken, and to, if it is found that such participation was inadequate, take the necessary steps to ensure that the relevant stakeholders are given an adequate opportunity to provide comment on the proposed Layout Plan, with particular reference to the possible inclusion of 'middle income view sites' on a 'free-hold' basis, the provision of community facilities and other non-residential land uses;
 - (c) That after conclusion of the required public/community participation as stipulated in paragraph (b) above, the final Subdivision Plan, suitably revised (if applicable) as required as a result of the public/community participation, be submitted for consideration by the Tribunal.
 - (d) That insofar as Portion 20 as well as a small portion of Portion 3 of the Farm Hillview Nr. 437 (which is shown in more detail on Plan 'A' dated October 2019 hereto attached) are concerned, the following be applicable:
 - (i) The development of this area has to occur in accordance with the Layout Plan no B/HV/FP/1.1 dated 8 August 2019;

- (ii) The Layout Plan for this particular area is accepted by the Tribunal, and is therefore not subject to any further public/community as required participation paragraphs (b) and (c) above;
 - (iii) As this area has been rezoned to 'Subdivisional Area' subject to a specific Layout Plan the Authorized Official may consider the Subdivision Plan for this phase of the development project in accordance with the delegation that was granted to him by the Council.
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- a) You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
 - b) 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.
 - c) 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.
 - d) 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.
 - e) 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.
 - f) Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
 - g) 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 are received within 21 days of registration of this letter.

Yours faithfully



David Friedman
Director: Economic Development and Planning