



Enquiries
Mzwanele Saphuka

Contact details
044 501 3470

E-mail
msaphuka@plett.gov.za

File ref: 18/699/PB

01 November 2023

Email: Lundi@planningspace.co.za


Dear Sir,

PROPOSED PERMANENT DEPARTURE FOR ERF 699, PLETTENBERG BAY, TO ALLOW THE TRANSGRESSING PORTIONS OF THE NEW PROPOSED DWELLING HOUSE

1. The Acting Director: Planning and Development made the following decision on 01/11/2023:
2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
3. A permanent departure for the relaxation of the building line from 4.5m to 2m to allow the transgressing portions of the new proposed dwelling house.
4. 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. *The use of the premises be limited to residential purposes and ancillary uses as permitted by the Bitou Zoning Scheme Bylaw 2023.*
 - iii. *Formal Building plans to be submitted to Council, in terms of Section 4 of the National Building Regulation and Building Standard Act 1977 (Act 103 of 1977).*
 - iv. *That an applicability checklist be submitted to the Department of Environmental Affairs and Developmental Planning before the submission of building plans.*
 - v. *That an application to remove protected trees, if applicable, must be applied for in terms of the National Forestry Act, 1998 (Act 84 of 1998) to the Department of Forestry Fisheries and the Environment.*
5. Reasons for the above decision are as follows:
 - a) There are no objections received from any interested or affected parties, both internal and external.
 - b) The proposal will not affect any neighbouring property, the nearest property is approximately 50m from the application area.
 - c) The proposal is consistent with the relevant spatial planning legislation.
 - d) The proposed application adheres to the building principles contained in SPLUMA.
 - e) No additional municipal services will be required.

- f) The Use and Zoning is consistent with the character of the neighbourhood area.
 - g) The relaxation of the building line adheres to the building parameters as specified in the Section 7 Zoning Scheme concerning the street building line, as the proposed house sits approximately 15m away from the main street, which is Salmack Road.
 - h) The applicant takes cognisance of the proximity of the house to the coastal erosion risk lines, rising sea, levels and storm surges along the coast. The Municipality indemnifies itself from any future damage to the property as a result of these dynamic coastal processes.
- 6. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
 - 7. Such an appeal must be submitted in writing to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600, within 21 days this letter was emailed or sent to the electronic address.
 - 8. 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.
 - 9. 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.
 - 10. 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.
 - 11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
 - 12. 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 this letter was emailed or sent to the electronic address.

Yours faithfully



PP
Chris Schiemann
Acting Director: Planning and Development