



Enquiries

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File ref: 18/66&67/443

28 November 2023

Planning Space

Per E-mail

Dear Madam

PROPOSED CONSOLIDATION, REZONING AND SUBDIVISION: PORTIONS 66 & 67 OF FARM BRAKKLOOF NO 443, PLETTENBERG BAY

The Acting Director: Planning and Development, with delegated authority from Council, made the following decision on 26 November 2023:

That **approval be granted** in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:

- a.) Consolidation of Portion 66 & 67 of 443 to create one property.
- b.) Rezoning to Subdivisional Area into:
 - 9 x Single Residential Erven
 - 1 x Open Space Zone II (private open space, private streets & walkways)

That the above approval is subject to the following conditions laid down in terms of Section 66 of the Bitou Land Use Planning Bylaw (2015):

1. General

- a) This approval does not absolve the applicant from compliance with the requirements of any other legislation related to land development.
- b) A Homeowners association/ body corporate be established, with compulsory membership for all owners of property within the development, and that this body assumes responsibility (including cost) for the provision, maintenance, management etc. of all internal facilities, rehabilitation, conservation and services etc.
- c) That the constitution of the Home Owners Association be submitted for consideration and approval by the Municipality, who reserves the right to impose additional conditions in this regard) and that the following aspects inter alia be addressed:
 - i. Approval of building plans by the Estate Architect prior to submission thereof to the Municipality
 - ii. That the constitution clarifies at what stage the responsibility or the provision/maintenance of internal facilities would be transferred from the land

- iii. owner/developer to the HOA, and also what standard of completion of such internal services facilities would be at the time.
- d) The Private Open Space (Nature Reserve) be transferred to the Home Owners Association.
- e) That an Architectural Design Manual be submitted for consideration and approval by the Municipality, and the municipality reserves the right to impose conditions upon approval of this document. The design manual should amongst others include Architectural styles; size and scale of the proposed development; parameters for the proposed development.
- 2. Layout, Land Use and Zoning
 - a) That the proposed development be generally in accordance to the Subdivision Plan, 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).
 - c) That the 20m Provincial Road Reserve be subdivided from the consolidated property and designated for public road purposes and Municipal Services.
- 3. Services
 - a) That services be provided at the cost of the applicant to the satisfaction of the Bitou Municipality, and that a Service Level Agreement based on the provisional Service Report (as well as any other requirements of the Bitou Municipality) be entered into prior to building plan submission. The payment of augmentation levies and capital contributions must be in accordance with the policy of the Municipality and should be stipulated in the Service Level Agreement (Inclusive of performance of payment).
 - b) The refuse and storm water management be addressed to the satisfaction of Council and made a condition of the Service Level Agreement.
- 4. Environment
 - a) The conditions contained in the Environmental Authorisation dated 31 July 2023 be complied with.
 - b) An Environmental Management Plan (EMP) is to be drafted and submitted to the Municipality for approval prior to the commencement of construction for consideration by the Planning and Development 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:
 - i. Method statements of proposed construction methods;
 - ii. Specifications of indigenous plant rescue operations;
 - iii. Rehabilitation and Open Space Management plan;
 - iv. Sewerage management and a contingency plan should system failures occur;
 - v. Contractor management and environmental best practice;
 - vi. Alien Invasive Plant Species management plan.
 - vii. Conservation management where applicable.
 - c) 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;

- d) 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;
- e) 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;
- f) That the Mitigation Measures as recommended by the Visual specialist report to soften the visual impact of the proposal be implemented. All recommended plant species are to be indigenous and endemic to the area.
- g) A landscape plan should be developed and submitted to the Municipality detailing private open space landscaping guidelines as well as the landscaping of each erf. It is recommended that the landscaping should be seen as rehabilitation and that each erf should aim to rehabilitate the remainder of the erf to as near as natural as possible making use of endemic plant species that should be found on the property.

5. Miscellaneous

- a.) The conditions imposed by Western Cape Transport and Public Works, Directorate: Infrastructure dated 29 July 2021 shall be adhered to.

Appeals

- 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 or electronically to the case officer (cschliemann@plett.gov.za), within 21 days of date of e-mail/ publication of this letter.
- c) The 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 date of e-mailed 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 e-mailed notification 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 were received within 21 days of this letter being sent by e-mail.



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Chris Schliemann
Acting Director: Planning & Development