



Enquiries

Adél Stander

Contact details

044 501 3321

E-mail

astander@plett.gov.za

File ref: 18/76/440

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PlanningSpace

PER E-MAIL: lizemarie@planningspace.co.za

Dear Madam

PROPOSED TEMPORARY DEPARTURE: PORTION 76 OF THE FARM ROODEFONTEIN NO 440 (JAKKALSKRAAL BOERDERY), DIVISION KNYSNA, BITOU MUNICIPALITY.

The Bitou Municipal Land Use Planning Tribunal made the following decision on 9 November 2023, in terms of Section 60 of the Bitou Land Use Planning Bylaw, 2015:

1. A Proposed Temporary Departure to allow Plett Rage and Plett Season (On 2,4,6 & 7 December and 31 December 2023).

Conditions in terms of Section 66 of the Bitou Municipality Land Use Planning Bylaw (2015)

- a. 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.
- b. That the Event Site may not exceed 1ha and must occur in accordance with the submitted Site Development Plan.
- c. That the traffic management plan be implemented and;
 - That dust control measures be implemented on the gravel roads to reduce dust from the increased traffic.
 - That any requirements of the Provincial Roads Department be met satisfactorily.
- d. That in terms of the flood lighting, please note that any light source or beam not meant for illumination shall be positioned or aimed so as not to shine directly onto any dwelling houses. Further, the light beam shall not be moved or orientated in such a manner as not to distract the attention of driver's utilizing the "Airport Road or the Robberg Extension Road".
- e. That Robberg Extension Road must be repaired to a safe driving standard during and after all of the planned events at the cost of the applicant and to the satisfaction of the Director: Engineering Services.
- f. That the recommendations of the Plett Rage Traffic Management Plan dated 8 November 2022, prepared by Greg Pryce Lewis should be implemented and adhered to.
- g. That the applicant will implement and enforce the recommendation of the Sound Engineer's Report and that the sound level will be reduced from 01:00 and switch completely off by 02:00.
- h. Sound tests will be done before and during the events to ensure that noise levels do not exceed the permitted parameters.
- i. That the recommendations of the Safety Plan compiled by Lucky Fish Events be implemented and enforced.
- j. That the event organiser will be liable for any cost incurred for rendering any municipal services for the duration of the event, as agreed to by the relevant department/s and in accordance with the approved Municipal fees or tariffs. The necessary written arrangements need to be made with the relevant department/s prior to the event.
- k. That building plans for all temporary structures be submitted for approval and that no occupation be permitted until such plans are approved.

- l. That an evacuation plan must be approved by a certified engineer/ competent person and must be submitted to the relevant Municipal Department prior to the event.
- m. That dust control measures be implemented between set up and breakdown and not only during the events.
- n. That the event organisers (Lucky Fish Events) indemnify Bitou Municipality against any legal action taken against the Municipality, and that the necessary agreement is signed before the event takes place.
- o. That the approval for temporary departure may be withdrawn in the case of a contravention.
- p. That the Maintenance and Operations Report as submitted by the applicant be implemented.
- q. That a suitably qualified, experienced an independent “Compliance Control Officer (CCO)” is appointed by the Rage Organisers to audit and enforce every aspect of the event from set up to breakdown. The CCO will be responsible for:
 - i. Daily (weekends included) reporting in writing to the Acting Director: Planning and Development regarding every aspect of the events as per the various “plans that were submitted.
 - ii. The report must include report back on the level of compliance with every aspect of the events, any problems or challenges experienced, and action taken to ensure compliance.
 - iii. Should there be a breakdown in compliance at any stage, the CCO will have the authority, along with Municipal Law Enforcement, to halt any stage of the events until compliance is ensured by the event organisers.
 - iv. The event organisers are responsible to provide the CCO with all the resources to enable monitoring and auditing of all the aspects of the event. Failure to do so will result in in the Acting Director: Planning and Development, along with Municipal Law Enforcement, to suspend the approvals until such time that the CCO is provided with the necessary resources.
 - v. That the surrounding residents are provided with the cell phone number of the CCO to report any issues and that the CCO should be available to communicate with the residents 24 hours a day from set up to break down of the event.
 - vi. That the Event Organisers provide the Municipality and the CCO with contingency plans should any of the appointed service providers not be able to perform their services. Failure to have a suitable and practical contingency plan in place will result in in the Acting Director: Planning and Development, along with Municipal Law Enforcement, to suspend the approvals until such time that the failure in operations is suitably addressed.
- r. That a MOA be entered into after the approval by the Municipal Events Committee.
- s. That an offsite contact centre be made available near the Airport/ Jakkalskraal turn-off.

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
Manager: Land Use Management