



**Enquiries  
Town Planning**

**Contact details  
044 501 3303/3470/3317**

**E-mail  
townplanning@plett.gov.za**

Our ref: 18/1398/PB

02 November 2023

Sir/Madam

**PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE:  
ERF 1398 PLETTENBERG BAY, BITOU MUNICIPALITY**

The Manager: Land Use Management made the following decision on 1 November 2023 in terms of Section 60 of the Bitou Land Use Planning Bylaw:

A. That the following be approved:

1. Removal of restrictive title deed condition E.4 (d).
2. Permission in terms of clause 4.3.2 of the zoning scheme and Section 15(2)(g) of the planning by-law to allow a 2.2m boundary wall on the boundary on the shared boundary with Erf 1399.

B. That the following NOT be approved in terms of Section 60 of the Bitou Land Use Planning Bylaw (2015):

1. Permanent building line departure to relax the:  
Northern street building line from 10m to 9.94m.  
Western street building line from 10m to 5,33m.  
Southern lateral building line from 10m to 0 to allow for existing braai/lapa.  
Eastern lateral building line from 10m to 0 to allow for the existing braai/lapa.
2. Permission in terms of clause 4.3.2 of the zoning to allow a 2.2m boundary wall on the on the shared boundary with Erf 1397.

Reasons for the Decision:

Decision A:

1. The Removal will have no impact on the rights enjoyed by other property owners in Extension 5.
2. The Zoning Scheme will be used to regulate the land use parameters of the property, not the Title Deed.
3. The Zoning Scheme only allows for consent for a boundary wall exceeding 1,8m if the neighbour provided consent.

Decision B:

4. The increased primary land use rights applied for is not desirable in the location and will have/ does have an adverse effect on the residential area in terms of noise, privacy and traffic.
5. The proposed intensification of the primary land use due to the reduced building lines is considered incompatible with the residential character of the area.
6. An undesirable precedent will be created where schools can operate from residential properties, complying only with the Single Residential building lines.
7. The property is not immediately adjacent to or adjoining an established or proposed activity node where the intensification of the primary land use rights could potentially have been more desirable.
8. There is nothing that distinguishes the subject property from any other single residential property in the area that would make it desirable to relax the 10m building lines.
9. Allowing the school to operate outside the 10m building lines increases the scale (35 students) to an unacceptable level for the area.

**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.
- e) Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
- f) 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.
- g) Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
- h) 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.
- i) You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
- j) 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.

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- n) 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.
- o) Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
- p) 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.

Your Faithfully

A handwritten signature in black ink, consisting of several loops and a trailing line, representing the signature of Chris Schliemann.

Chris Schliemann

ACTING DIRECTOR: ECONOMIC DEVELOPMENT & PLANNING