



**APPEAL: PROPOSED REZONING & CONSENT USE, REMAINDER OF PORTION 47 OF THE FARM GANSE VALLEI 444 (SKY VILLA)**

**RESOLUTION BY THE EXECUTIVE MAYOR IN HIS CAPACITY AS THE APPEAL AUTHORITY IN TERMS OF SECTION 52 (2) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)**

**1. DECISION**

- 1.1 That it be recorded for the purposes of Section 81(2) of the Bitou By-law on Municipal Land Use Planning, 2015 (the Planning By-law) that I am satisfied that the issues for determination of the appeal can be adequately determined in the absence of the parties by considering the documents submitted to me, and that the appellant's request for an oral hearing therefore be denied.
- 1.2 That the following be resolved in terms of Section 81(7)(b) of the Planning By-law:
- a. That the decision taken by the Municipal Planning Tribunal (MPT) on 12 August 2022 to approve the development proposal be confirmed;
  - b. That the conditions of approval and reasons for decision remain as set out in the approval letter dated 21 October 2022, read with the following changes:
    - 6.2.1. The deletion of approval condition no. 3(xv);
    - 6.2.2. The deletion of reason for decision no. 4(k);
    - 6.2.3. The addition of the following reasons for decision:
      - 6.2.3.1. The deletion of approval condition 3(xv) will ensure compliance with section 66(10) of the Planning By-law, as it currently relies on a third party (the Baron's View HOA) for fulfilment.
      - 6.2.3.2. Reason for decision 4(k) is considered to be incorrect, as the sharing of services can be taken into account/ incorporated in the SLA between the developer and the Municipality.
      - 6.2.3.3. The merit/ desirability of the proposal is considered to be in order.

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**C Terblanche**  
**EXECUTIVE MAYOR / APPEAL AUTHORITY**

07/05/24

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**Date**