



munisipaliteit umasipala municipality

to be the best together

Private Bag X1002 Plettenberg Bay 6600
Tel+27 (0)44 501 3000 Fax +27(0)44 533 3485

Enquiries

Mzwanele Saphuka

Contact details

044 501 3470

E-mail

msaphuka@plett.gov.za

File ref: 18/69/NV

28 June 2024

Email: jkk@axxess.co.za

Dear Sir,

PROPOSED SUSPENSION OF RESTRICTIVE TITLE CONDITION AND PERMANENT DEPARTURE: ERF 69 NATURE'S VALLEY

1. The Acting Director: Planning and Development made the following decision on 27/06/2024:
2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
 - 2.1 The Suspension of Restrictive Title Deed Conditions F(a).3(d), F(b)1 and F(c)2 as contained in the Deed of Title (T000008835/2013) for;
 - 2.1.1. The existing house from 6.3m to 5.05m
 - 2.1.2. The 'as-built' deck and stairs on the North from 6.3m to 2.79m
 - 2.1.3. The 'as-built' servant quarters from 3.15m to 2.29m
 - 2.1.4. The 'as-built' deck on the south from 3.15m to 2.54m
 - 2.2. A permanent departure from the provisions of the Section 8 Zoning scheme, clause 3.3.2 to reduce the street building line from 3m to 2.79m to accommodate the 'as-built' staircase.
3. 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. *This 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. *That the approval does not constitute building plan approval in terms of the National Building Regulations and Building Standards Act 1977.*
 - iii. *The applicant is to ensure that all proposed building work is permitted in terms of the National Building Regulations and Building Standards Act 1977;*
 - iv. *The existing as-built structures should be reflected on the site development plan upon building plan submission.*
 - v. *That suspensive building lines as per the restrictive title deed conditions must occur as per the site development plan: Plan No 69NV-13 dated June 2022 drawn by Keith Lurie Architecture.*
 - vi. *This approval does not absolve the applicant from compliance with the requirements of any other legislation related to land development.*
4. Reasons for the above decision are as follows:

- a) No objections and consent were received from abutting neighbours.
 - b) The existing unlawful structures will be regularised and will adhere to the development parameters for a Single Residential Zone in terms of the Section 8 Zoning Scheme Regulations.
 - c) The desirability of the building line encroachment was weighed against the unique site circumstances.
 - d) A suspension (once-off approval) rather than a removal will allow for the existing additions whilst the restrictive title conditions remain in force for any future alterations and additions to the site.
 - e) The proposed encroachment will not have any negative effect on the natural environment.
 - f) The interests of the beneficiary, the applicant and society were considered to suspend the restrictive title deed. The Suspension will be regulated by an appropriate condition of approval (i.e. Site Development Plan).
5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
6. 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.
7. 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.
8. 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.
9. 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.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. 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



T Wildeman

Acting Director: Planning and Development