



**Enquiries**

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File ref: 18/141 & 390/KB

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Dear Sir,

**PROPOSED CONSOLIDATION, REZONING, PERMANENT DEPARTURE AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITION: ERVEN 141 AND 390 KEURBOOMSTRAND**

1. The Acting Director: Development and Planning made the following decision on 12/07/2024:
2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
  - a) Rezoning of Erf 390 Keurboomstrand from Open Space Zone II to Residential Zone I in terms of the Section 8 Zoning Scheme Regulations, in terms of Section 15(2)(a) of the Bitou Municipality Land Use Planning Bylaw
  - b) Consolidation of the Remainder of Erf 141, Keurboomstrand and Erf 390, Keurboomstrand in terms of Section 15(2)(e) of the Bitou Municipality Land Use Planning Bylaw, 2015.
  - c) A permanent departure to relax the following building lines regulated by a Single Residential Zone I in terms of Section 15(2)(b) of the Bitou Municipality Land Use Planning Bylaw:
    - i. Eastern building line bounding onto Read Street from 4m to 1.68m, 2.51m and 2.6m, respectively to accommodate the proposed dwelling.
    - ii. Eastern building line bounding onto Erf 373 from 2m to 0.33m for proposed timber deck.
  - d) The removal of Conditions A(II)(2) contained in the Deed of Title T 19582/2021, in terms of Section 15(2)(f) of the Bitou Municipality By-law on Municipal Land Use Planning, 2015; to allow for the proposed dwelling house and outbuilding on the property.
  - e) The removal of Conditions A(II)(2) contained in the Deed of Title T5209/2021, in terms of Section 15(2)(f) of the Bitou Municipality By-law on Municipal Land Use Planning, 2015; to allow for the proposed dwelling house and outbuilding on the property.
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. *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.*
  - ii. *That consolidation of the Remainder of Erf 141 and Erf 390 Keurboomstrand be transferred to a deed of title prior to building plan submission.*

iii. *That the development of the site occurs broadly in accordance with the Site Development Plan: (Dwg. No. CS-1.01) dated 10/20/2022 drawn by Craft of Architecture.*

4. Reasons for the above decision are as follows:

- a) The consolidation will not affect any surrounding neighbours.
- b) The use of the erf consolidated erf will not detract from the existing land use character of Keurboomstrand
- c) The bulk of the development will comply with the development parameters of a Single Residential Zone.
- d) The scale of and height of the proposal encroaching the eastern lateral boundary line is considered desirable
- e) The revised Site Development plan took into consideration mitigation measures to accommodate the concerns from the abutting landowners.
- f) Land proposed land use is essentially a reinstatement of the former context of the original Keurboomstrand Township Extension i.e. the use of a dwelling house.
- g) This gabion solution safeguards the entire embankment and swimming pool, as well as the building, and reduces potential risks to public property associated with the existing wall's failure. To use the embankment area as a deck on the southern section is considered desirable and will have no impact on the existing land owner rights.
- h) The majority of the eastern building line encroachment will occur on the portion of Erf 390, and the relaxation of the building line to accommodate the proposed structure is not expected to have a significant impact, especially with Read Street serving as a buffer for residential units situated to the north of the consolidated site.
- i) The letter from perception planning dated 10 November 2022, for the omissions of the permanent departures onto erven 140 and 152 Keurboomstrand has reference.

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 the notification was served.

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**

A handwritten signature in black ink, appearing to read 'T Wildeman', written over a horizontal line.

**Tanya Wildeman**

**Acting Director: Development and Planning**