



munisipaliteit umasipala municipality

to be the best together

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28 June 2024


Dear Interested and Affected Party,

**SUSPENSION OF A RESTRICTIVE TITLE DEED CONDITION AND PERMANENT DEPARTURE:
ERF 57 NATURES VALLEY, BITOU MUNICIPALITY**

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:
 - a) The Suspension of Condition 4(d) as contained in the Deed of Title (T24995/2015) in terms of Section 15(2)(f) of the Bitou Municipality By-law on Municipal Land Use Planning, 2015; in order to relax the prescribed street building line of 6,3m & the prescribed lateral building line of 3.15m to allow the existing structure on Nature's Valley Erf 57.
3. That the following application be Refused in terms of Section 60 of the Bitou By-law on Municipal Land Use Planning 2015 for:
 - a) A permanent departure in terms of Section 15 (2) (b) from the provisions of the Section 8 Zoning scheme to relax the building lines to accommodate the existing garage. This will include:
 - relaxation of the street building line from 4.0m to 1.41m.
4. 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 location of the "Existing Structures" (hatched areas in Red) are brought about in line with the Site Plan (MM/DRW/57NV-BL1) dated June 2023 Drawn by SJM.*
 - iii. *Any further encroachments over the title deed or Zoning Scheme building lines that are not indicated on the Site Development plan listed in Condition 12.2 above will require additional applications for removal/suspension or departures in terms of the relevant planning bylaw;*
5. Reasons for the above decision are as follows:
 - a) 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.
 - b) The facts and circumstances considered does not deem the relaxation of the street building line desirable.

- c) The desirability of the building line encroachment was weighed against the unique site circumstances and the extension of the garage did not deem to satisfy the proposal desirable to relax the street building line.
 - 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 alteration of the restrictive title deed building lines will read together with the building lines of the approved dwelling house and associated outbuildings.
 - 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).
6. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
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 this letter was emailed or sent to the electronic address.

Yours faithfully



Tanya Wildeman
Acting Director: Planning and Development