



Enquiries

Mzwanele Saphuka

Contact details

044 501 3470

E-mail

msaphuka@plett.gov.za

File ref: 18/11/290

20 September 2024

Email: info@vreken.co.za

Dear sir,

PROPOSED CONSENT USE AND PERMANENT DEPARTURE: PTN 11 OF THE FARM 290

1. The Acting Manager: Land Use and Environmental Management made the following decision on 20/09/2024:
2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
 - 2.1 A Consent use to allow for two additional dwelling units on the remainder Portion 11 of the Farm 290; and
 - 2.2 Permanent departures, for the relaxation of;
 - 2.1.1. The western lateral building line from 30m to 18.21m to allow for the 'as built' additions and alterations to the existing house.
 - 2.1.2. The western lateral building line from 30m to 8m to allow for the new outbuilding for the staff ablutions and change room.
 - 2.1.3. The southeastern lateral building line from 30m to 6.3m to allow for the 'as built' outbuilding which comprises the carport, store, as well as the proposed additional staff ablutions and laundry.
 - 2.1.4. The south easter building line from 30m to 16.19m to allow for the eclosing of the existing carport and its incorporation into the dwelling house.
 - 2.1.5. The northern lateral building line from 30m to 20m to allow the new carport.
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. *The use of the premises be limited to agricultural purposes and ancillary uses as permitted by the Bitou Zoning Scheme Bylaw 2023.*
 - iii. *That the prescribed penalty tariff for the construction of a building without prior approval be paid within 6 months of date of this approval. The tariff of R4187.00 Exl Vat in accordance with the Bitou Municipality Tariffs 24/25 will be payable upon submission of building Plans. The total amount shall be subject to year-on-year escalation from 2024-2025 onwards as prescribed in the Municipal Tariffs.*
 - iv. *That the prescribed tariff for the unlawful occupation of a building for purposes contrary to the approved building plans be paid within 6 months of date of this approval. The Tarif of R4187.00 Exl Vat in accordance with the Bitou Municipality Tariffs 24/25 will be payable upon submission of building Plans. The total amount shall be subject to year-on-year escalation from 2024-2025 onwards as prescribed in the Municipal Tariffs.*

- v. *Formal Building plans to be submitted to Council, in terms of Section 4 of the National Building Regulation and Building Standard Act 1977 (Act 103 of 1977) within 90 days of approval.*
4. Reasons for the above decision are as follows:
- a) The building line departures will not have an impact on any of the surrounding property, owners are still to enjoy their existing land use rights.
 - b) The proposal is consistent with the relevant spatial planning legislation.
 - c) The proposed application adheres to the principles contained in SPLUMA.
 - d) No additional municipal services will be required.
 - e) The proposed development adheres to the Western Cape Rural Development guidelines (2019).
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. 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.
7. 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.
8. 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.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. 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

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M Buskes

Acting Manager: Land Use and Environmental Management