



**Enquiries**

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File ref: 18/104/444

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Dear Madam,

**CONSENT USE: PORTION 104 OF THE FARM GANSE VALLEI NO 444, DIVISION KNYSNA, BITOU MUNICIPALITY**

1. The Manager: Land Use Management made the following decision on 23/10/2024:
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 for a 'tourist facility', in terms of Section 15(2)(o) of the Bitou Municipality: Land Use Planning By-Law (2015), to allow amenities for tourists such as a restaurant.
  - 2.2. A consent use for a 'additional dwelling' on Portion 104 of the Farm Ganse Vallei No 444, in terms of Section 15(2)(o) of the Bitou Municipality: Land Use Planning By-Law (2015) to allow for 2 two additional dwelling units.
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. *This approval does not constitute building plan approval in terms of the National Building Regulations and Building Standards Act 1977;*
  - iii. *That the proposed development be generally in accordance to the Site Development Plan, ref: Dwg No: LAD 001 Rev 2 dated 16 April 2024 drawn by LF MIRA;*
  - iv. *That provision of any additional municipal services should be to the satisfaction of council.*
  - v. *That the conditions of the Environmental Authorisation dated 13 September 2023 be adhered to.*
  - vi. *That the height of the Restaurant shall be limited to 1 storey to avoid it being prominently visible from a distance. The roof design must be flat and incorporated into the landscape as far as possible to limit visual exposure.*
  - vii. *That restaurant must be screened with indigenous vegetation as far as possible for to create a natural screen and blend the structure into the existing environment.*

- viii. *That low-intensity, downward-facing lighting shall be incorporated by the restaurant to reduce light pollution and prevent as far as possible for the building to be distinctively visible at night to the receiving environment.*
- ix. *That non-reflective glass must be incorporated in the restaurant design to reduce the visual impact of light reflection. The restaurant design must ensure windows are positioned to avoid creating significant reflections or glare to the receiving environment.*
- x. *That the Restaurant shall be limited to floor area of 900m<sup>2</sup>.*
- xi. *That the Restaurant shall be limited to a 100-seater restaurant.*
- xii. *That the land owner will be required to connect to Municipal Infrastructure should municipal services become available in future.*
- xiii. *That this land unit must have a separate water connection point and cannot utilize the existing development connection from 7/444.*
- xiv. *Water supplied from Boreholes and rainwater harvesting used for human consumption must be treated to comply with SANS 241.*
- xv. *All boreholes located on this land unit shall be registered/ licensed with Department of Water and Sanitation and comply with the statutory requirements as per National Water Act*
- xvi. *That the Applicant to provide monthly potable water test results to Bitou Municipality from an accredited laboratory.*
- xvii. *That the owner shall make arrangements for emptying and disposal of conservancy tanks at Kurland Wastewater Treatment Works. All costs involved will be for account of the owner.*

4. Reasons for the above decision are as follows:

- a) The proposal is consistent and complies with applicable principles, norms and Standards in Chapter 2 of SPLUMA and Planning Principles in Section 59 of LUPA;
- b) The decision should not adversely affect the character of the surrounding area, and should not have a detrimental effect on the views or privacy of neighbouring property owners.
- c) The number of additional dwelling unit complies with the Ratio/size parameter as per the Bitou Zoning Scheme Bylaw 2023.
- d) The environmental impact will be appropriately mitigated managed and monitored as per the conditions of the Environmental Authorisation.
- e) The proposal aims to mitigate the visual impact through sensitive low visual impact solutions such as appropriate architectural design, height limitation, landscaping and low intensity lighting.
- f) The proposal will not adversely affect the current land use rights enjoyed by surrounding property owners.
- g) The proposed footprint compared to the size of the property is considered minimum and will contribute to minimum disturbance to the natural terrain and avoid a sprawling visual presence.
- h) The decision will have no impact on the agricultural potential of the property.

The use rights will promote economic and tourism development in the rural economy

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 'M. Schliemann', with a horizontal line underneath.

**Chris Schliemann**

**Manager: Land Use Management**