



Enquiries

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File ref: 18/R/432

08 November 2024

Via Email

Lizemarie@planningspace.co.za

Dear Madam,

**A TEMPORARY LAND USE DEPARTURE: REMAINDER OF FARM NR.432 (CAIRNBROGIE)
DIVISION KNYSNA, BITOU MUNICIPALITY.**

1. The Manager: Land Use Management under delegated Authority made the following decision on 08/11/2024:
2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
 - a) A Temporary Land Use Departure, in terms of Section 15(2)(c) of the Bitou Municipality By-law on Municipal Land Use Planning, 2015, to use of a portion of the Remainder of the Farm Kranshoek No.432 (Cairnbrogie) as an event location to host the Plett Rage Student Festival during the first week of December and other seasonal music events during the last week of December for the next five years, starting from November/December 2024 until November/December 2028.
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. *The location of the structures 'regularised' are brought about in line with the Layout Plan (Building Line Relaxation Erf 78, Cnr Nemesia St and St Andrews Ave, Natures Valley, Bitou, Page 10 dated Jan 2020).*
 - 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 3.ii above will require additional applications for removal/suspension or permanent departures in terms of the relevant planning bylaw;*
 - iv. *No windows or doors will be permitted within 2m of the southern lateral boundary line for the Garage.*
 - v. *This approval does not constitute building plan approval in terms of the National Building Regulations and Building Standards Act 1977.*
 - vi. *The applicant is to ensure that all proposed building work is permitted in terms of the National Building Regulations and Building Standards Act 1977;*
 - vii. *The existing as-built structures should be reflected on the site development plan upon building plan submission.*

- viii. *The existing septic tank/s on-site, if any, should be converted to a conservancy tank to the satisfaction of the Head: Municipal Services & Infrastructure Development.*
- ix. *This approval does not absolve the applicant from compliance with the requirements of any other legislation related to land development.*
- x. *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;*
- xi. *That the Event Site layout be broadly in accordance with the submitted Site Development Plan by Planning Space dated 6 June 2024, Dr Nr: SDP-432-PT.*
- xii. *That Bitou Municipality reserves the right, upon review of the various events, to withdraw this approval, and/or amend/ impose additional conditions of approval.*
- xiii. *That no private vehicles are permitted during Rage apart from those that are allowed by the organisers to the site. A dedicated park and ride bus system must be in place that would transport the public to the event.*
- xiv. *Building Plans to be submitted for all structures including Engineers Certificates for the erection of temporary tents and stages to be built out of steel or timber.*
- xv. *That the necessary exemption from the Western Cape Noise Control Regulations, 2013, be obtained before the Rage event.*
- xvi. *That the recommendations of the Plett Rage Traffic Management Plan dated 8 November 2022, prepared by Greg Pryce Lewis be implemented and adhered to.*
- xvii. *That the applicant will implement and enforce the recommendation of the Sound Engineer's Report and that the sound level will be reduced from 01:00 and switch completely off by 02:00.*
- xviii. *That sound tests be done before and during the events to ensure that noise levels do not exceed the permitted parameters.*
- xix. *That the recommendations of the Safety Plan 2024/25 compiled by Lucky Fish Events be implemented and enforced.*
- xx. *That the event organiser will be liable for any cost incurred for rendering any municipal services for the duration of the event, as agreed to by the relevant department/s and in accordance with the approved Municipal fees or tariffs. The necessary written arrangements need to be made with the relevant department/s prior to the event. The cost of Municipal Services for the duration of the event must be appropriately captured and reported on in the operations report.*
- xxi. *That building plans for all temporary structures be submitted for approval and that no occupation be permitted until such plans are approved.*
- xxii. *That an evacuation plan must be approved by a certified engineer/ competent person and must be submitted to the relevant Municipal Department prior to the event.*

- xxiii. *That the event organisers (Lucky Fish Events) indemnify Bitou Municipality against any legal action taken against the Municipality, and that the necessary agreement is signed by the Municipal Manager before the event takes place.*
- xxiv. *That the approval for the occasional use of land be withdrawn in the case of a contravention of the conditions of approval.*
- xxv. *That the Maintenance and Operations Report 2024 as submitted by the applicant be implemented.*
- xxvi. *That a suitably qualified, experienced an independent “Compliance Control Officer (CCO)” is appointed by the Rage Organisers to audit and enforce every aspect of the event from set up to breakdown. The CCO will be responsible for:*
 - a. *Daily (weekends included) reporting in writing to the Manager: Land Use Management regarding every aspect of the events as per the various plans that were submitted.*
 - b. *The report must include the breakdown of Municipal services used throughout the planned events - i.e. emptying of sewage at our WWTW, Garbage removal, law enforcement overtime etc.*
 - c. *The report must include report back on the level of compliance with every aspect of the events, any problems or challenges experienced, and action taken to ensure compliance.*
 - d. *Should there be a breakdown in compliance at any stage, the CCO will have the authority, along with Municipal Law Enforcement, to halt any stage of the events until compliance is ensured by the event organisers.*
 - e. *The event organisers are responsible to provide the CCO with all the resources to enable monitoring and auditing of all the aspects of the event. Failure to do so will result in in the Acting Director: Planning and Development, along with Municipal Law Enforcement, to suspend the approvals until such time that the CCO is provided with the necessary resources.*
 - f. *That the Event Organisers provide the Municipality and the CCO with contingency plans should any of the appointed service providers not be able to perform their services. Failure to have a suitable and practical contingency plan in place will result in in the Acting Director: Planning and Development, along with Municipal Law Enforcement, to suspend the approvals until such time that the failure in operations is suitably addressed.*
 - g. *That the recommendations of the Traffic Management Plan and the conditions of approval the Western Cape: Chief Traffic Engineer be adhered to.*
- xxvii. *An operations report/ audit report must be submitted to the Manager: Land Use Management by the CCO within 21 days after the Rage and Wander Bay/ New Year’s events. The Manager reserves the right to approve the report based on the findings of the audit report and impose any additional COA as he deems fit.*
- xxviii. *The operations report/ audit report must be submitted as “a permission required in terms of a condition of approval” from year 1 to year 4 to obtain approval for year 2 to year 5.*

4. Reasons for the above decision are as follows:

- a) No objections were received from the public, internal Municipal Departments or the Relevant External Authorities.
- b) The use is temporary in nature and will only occur for a short period of time annually.

- c) The site is considered suitable in terms of size, locality and accessibility.
 - d) The Student Rage Festival injects a significant amount of capital into the Bitou local economy.
 - e) The event site is approved for events and functions in terms of a previous approval (limited to number of guests), indicating that the suitability of the event site has previously been established as desirable.
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



Fezile Maki
Acting Director: Planning and Development