



Enquiries

Marius Buskes

Contact details

044 501 3436

E-mail

mbuskes@plett.gov.za

File ref: 18/315/PB

25 November 2024

Email

marike@vrekco.co.za

Dear Madam,

REZONING, REMOVAL OF TITLE DEED RESTRICTIONS AND PERMANENT DEPARTURES: ERF 315 PLETTENBERG BAY, BITOU MUNICIPALITY

1. The Acting Director: Planning and Development made the following decision on 19/11/2024:
2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
 - a) Rezoning of Plettenberg Erf 315 from “Single Residential Zone” to “General Residential Zone” in terms of Section 15(2) (a) from the Bitou Municipality Land Use Planning By-Law to allow for a residential building (guest house).
 - b) The removal of a restrictive title deed condition C(i) from the title deed (T28233/2014) in terms of Section 15(2)(f) Bitou Municipality By-law on Municipal Land Use Planning (2015) to allow for a residential building (guest house).
 - c) A permanent departure in terms of Section 15(2)(b) from the Bitou Municipality By-law on Municipal Land Use Planning (2015) from the minimum allowed size for a General Residential Zone property from 2000m² to 1352m².
 - d) A permanent departure in terms of Section 15(2)(b) from the Bitou Municipality By-law on Municipal Land Use Planning (2015) from the maximum allowed bulk for General a Residential Zone property from 0.75 to 0.79.
 - e) Permanent departures in terms of Section 15(2)(b) from the Bitou Municipality By-law on Municipal Land Use Planning (2015) for the relaxation of:
 - i. The northern lateral building line from 4.5m to 1.52m to allow for the existing building.
 - ii. The eastern rear building line from 4.5m to 3m to allow for the existing building; and
 - iii. The southern
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. *The applicant is to ensure that all proposed building work is permitted in terms of the National Building Regulations.*
 - ii. *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.*

- iii. *The operation of the guest house shall be in accordance with the Site Development Plan: Plan No 330, 1003PL Revision E drawn by Gass Architectural Studios dated 29 April 2024.*
- iv. *That Rooms # 4-11 (8 rooms) be reserved for guest purposes as depicted on Plan No's: 3330 1001PL-1003PL dated 28 June 2023.*
- v. *That Rooms # 1-3 (3 rooms) as depicted on the 2nd floor of Plan No 330, 1004PL Revision C drawn by Gass Architectural Studios dated 28 June 2023 be reserved for staff purposes. Should any of these rooms be used as guest rooms the land owner will be liable for a penalty fee as prescribed in the Municipal Tariffs.*
- vi. *That meals prepared by the restaurant may only serve to resident guests on the premises. The restaurant may not be open to public.*
- vii. *No off-street parking will be permitted. The land owner will be liable for a penalty fee as prescribed in the Municipal Tariffs. Should off street parking be confirmed by the Municipality.*
- viii. *Building plans for the operation of the guest house must be submitted within 3 months after confirmation of coming into operation of the decision. Failure to submit the building plan will result in a penalty tariff as prescribed in the Municipal Tariffs.*
- ix. *That services be provided at the cost of the applicant to the satisfaction of the Bitou Municipality, and that a Service Level Agreement based on the provisional Service Report (as well as any other requirements of the Bitou Municipality) be entered into prior to building plan approval.*
- x. *The owner shall pay a development charge towards the provision of Water Augmentation levies in the amount of R 145 155.00 ex Vat calculated on the basis of accommodation establishments in accordance with the Bitou Municipality Tariffs 24/25 Financial Year. Such payment shall be made prior building plan approval for the guest house. The total amount shall be subject to year-on-year escalation from 2024-2025 onwards as prescribed in the Municipal Tariffs.*
- xi. *The owner shall pay a development charge towards the provision of Sewage Augmentation levies in the amount of R 29 085.00 ex Vat calculated on the basis of accommodation establishments in accordance with the Bitou Municipality Tariffs 24/25 Financial Year. Such payment shall be made prior building plan approval for the guest house. The total amount shall be subject to year-on-year escalation from 2024-2025 onwards as prescribed in the Municipal Tariffs*

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 proposal will not adversely affect the current land use rights enjoyed by surrounding property owners;
- c) The conversion of the dwelling house into a guest house will not detract from the character of the surrounding area. The structure resembles a modern, large dwelling, which is in accordance with buildings in the surrounding area.
- d) Development contributions will be payable for the operation of the guest house
- e) The removal of the restrictive title deed condition will allow flexibility in land use.
- f) The interest of the beneficiary, applicant and general public was considered for the removal of the restrictive title deed condition
- g) The site circumstances for parking manoeuvrability allows for a maximum of 8 guest rooms to be operated on the site.

- h) The proposed use will promote tourist accommodation in an appropriate scale and locality in Plettenberg Bay
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. Maki', with a horizontal line underneath.

Fezile Maki

Acting Director: Planning and Development