



**Enquiries**

Marius Buskes

**Contact details**

044 501 3436

**E-mail**

mbuskes@plett.gov.za

File ref: 18/84/KB

24 March 2025

Email

[camille@valgis.co.za](mailto:camille@valgis.co.za)

For Attention: Camille Burger

**PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITION AND PERMANENT DEPARTURES: ERF 84 KEURBOOMSTRAND**

1. The Acting Director: Development and Planning made the following decision on 24/03/2025:
2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
  - a) Permanent departure from the development parameter relating to building lines for a dwelling house as contained in the Bitou Zoning Scheme By-law 2023, to relax the eastern lateral building line to 0.0m to accommodate the as-built carport.
  - b) Permanent departure from the height of the parameter pertaining to boundary walls as dictated by Section 21(1)(a) of the Bitou Zoning Scheme By-law 2023 to allow a for the as built boundary walls on the exceeding 2.1m above NGL.
  - c) The removal of restrictive title deed conditions B(a) and (b) from Title Deed T54143/2024 which indicates that no more than one building may be erected on the erf and that a building line of 4.72m applied along the sides of the erf abutting onto roads, to allow the existing carport as well as future potential additional buildings as well as the as-built swimming pool.
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. *That the approval does not constitute building plan approval in terms of the National Building Regulations and Building Standards Act 1977.*
  - iii. *The applicant is to ensure that all proposed building work is permitted in terms of the National Building Regulations and Building Standards Act 1977;*
  - iv. *The existing as-built structures must be in accordance with the Site Development Plan 001/01/ Pr No KD/12/07 drawn by Andre Rahl.*

- v. *The relaxation of the boundary wall height is limited to following measured from the southwestern corner of the property:*
  - a) *A maximum height of 2,38m above NGL for 8,51 m in a northerly direction.*
  - b) *A maximum height 2,79 m above NGL for 7,21m in an easternly direction.*
- vi. *This approval does not absolve the applicant from compliance with the requirements of any other legislation related to land development.*

4. Reasons for the above decision are as follows:

- a) No objections and consent were received from abutting neighbours.
- b) The existing unlawful structures will be regularised and will adhere to the development parameters for a Single Residential Zone in terms of the Bitou Zoning Scheme Bylaw.
- c) The desirability of the building line encroachment was weighed against the unique site circumstances.
- d) The proposed encroachment will not have any negative effect on the physical environment or character of the area.
- e) The interests of the beneficiary, the applicant and society were considered to remove the restrictive title deed conditions.
- f) Only the as built structures are rectified through the appropriate departures.

- 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', written over a horizontal line.

**Chris Schliemann**  
**Acting Director: Development and Planning**