Dear Sir,

**PROPOSED TEMPORARY LAND USE DEPARTURE: KURLAND ERF 562, DIVISION KNYSNA, BITOU MUNICIPALITY.**

1. The Municipal Planning Tribunal made the following decision on 15/07/2021:

2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:

   a) A departure granted on a temporary basis to utilize the land for a Temporary Relocation Area (TRA) on Erf 562 Kurland, in terms of Section 15(2)(c) of the Bitou Municipality By-law on Land Use Planning (2015) to allow for 142 temporary 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 does not constitute building plan approval in terms of the National Building Regulations and Building Standards Act 1977;
   
   ii. Building plans should be submitted for temporary structures to be erected on the TRA site;
   
   iii. The temporary land use departure will only be valid for a maximum of 5 years from the date of coming into operation of the decision certification.
   
   iv. That a Site Development Plan be submitted to the Head: Economic Development and Planning for approval before any development shall occur on the TRA site;
   
   v. The TRA site shall be limited to an area of less 1 ha in extent;
   
   vi. The TRA shall be limit to a maximum of 142 temporary dwelling units;
   
   vii. Only temporary structures will be permitted on the TRA site;
   
   viii. The TRA site shall be clearly fenced to limit development footprint of the site towards the on-site drainage lines;
   
   ix. The realigned servitude access of Zimri Street should provide access to the TRA site;
   
   x. No development may occur within the realigned servitude area;
   
   xi. That municipal services be provided to the satisfaction of the Municipality.
   
   xii. The TRA site shall revert back to its previous lawful use upon the expiry of the use right.
   
   xiii. The site should be rehabilitated back to its primary land use when the validity of the temporary land use departure has lapsed.
xiv. In the case of a contravention of any of conditions relating to this temporary departure, the municipality reserves the right to withdraw the approval with immediate effect.

xv. The conditions contained in the Western Cape Department of Public Works and Transport dated 06 May 2021.

4. Reasons for the above decision are as follows:

a) The land use will be temporary.

b) Housing beneficiaries will be accommodated in temporary dwelling houses while formal houses will be constructed.

c) The site will be rehabilitated to its primary land use after the validity period of the Temporary land use departure has lapsed

d) The development proposal will have no noticeable impact on Municipal Service Infrastructure.

e) The development proposal will have no impact on productive agriculture land.

f) Site Specific circumstances justify a departure from the current adopted MSDF 2017.

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 from date of registration of this letter.


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

[Signature]

Ludolph Gericke
Director: Economic Development and Planning