Dear Sir,

**PROPOSED PERMANENT DEPARTURES AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: ERF 845 PLETtenberg Bay, BITOU Municipality**

1. The Acting Director Economic Development and Planning made the following decision on 22/06/2020:

2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
   a) The removal of Conditions D.4 (d) contained in Title Deed T39144/2009 in terms of Section 15(2)(f), in order to remove the restrictive title deed building lines on Plettenberg Bay Erf 845.
   b) The removal of Condition E1 contained in Title Deed T39144/2009 in terms of Section 15(2)(f), in order remove the restrictive title condition that limits the building and any additions or alterations to be constructed of stone, brick or other similar material.
   c) The removal of Condition E2 contained in Title Deed T39144/2009 in terms of Section 15(2)(f) in order remove the restrictive title deed condition that restricts the erection of a flat, lean-to or monopitch roof or of flat or corrugated iron or asbestos fencing on Plettenberg Bay Erf 845.
   d) A permanent departure in terms of Section 15(2)(b) to relax the aggregate building line from 4.5m to 4.14m to accommodate the existing dwelling house.
   e) A permanent departure in terms of Section 15(2)(b) to relax the north eastern lateral building line from 1.5m to 1.33 to accommodate the existing outbuilding (garage).
   f) A permanent departure in terms of Section 15(2)(b) to relax the street building line from 4.5m to 1.89m to accommodate the existing outbuilding (garage).

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. Any further encroachments over the title deed or Zoning Scheme building lines which are not indicated on the layout plan (DWG No: 10, dated August 2019) will require additional applications for removal/suspension or departures in terms of the relevant planning bylaw;
iii. This approval does not constitute building plan approval in terms of the National Building Regulations and Building Standards Act 1977.

iv. The applicant is to ensure that all proposed building work is permitted in terms of the National Building Regulations and Building Standards Act 1977;

v. This approval will lapse after a period of five (5) years from the date that this approval comes into operation, if building plans for the proposed additions have not been approved, or if all conditions of approval have not been complied with;

vi. The location of the structures ‘regularised’ are brought about in line with the Layout Plan (DWG No: 10, dated August 2019).

vii. The existing outbuildings shall be utilised for the housing of servants, garaging of motor vehicles and for storage purposes.

viii. Using the outbuildings as an additional dwelling unit will not be permitted without consent from council;

ix. The outbuildings on site shall be limited to the use associated with the main dwelling unit.

x. 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 were received from the public.

b) The proposal will have no impact on demand of municipal service infrastructure.

c) The existing unlawful structures will be regularised and will adhere to the development parameters for a Single Residential Zone in terms of the Section 7 Zoning Scheme Regulations.

d) The formalisation of the existing structures 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.

e) Development parameters will be regulated by a single set of regulations (i.e. the Section 7 Zoning Scheme Regulations) avoiding contradictory regulations that prohibit building plan consideration.

f) The removal of the restrictive condition allows for alternative building material to be used subject to Building Plan Approval in terms of the National Building Regulations and Building Standards Act No 103 of 1977.

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.

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]

David Friedman
Director: Economic Development and Planning