Dear Madam,

PROPOSED REZONING AND PERMANENT DEPARTURES: ERF 2976 PLETTENBERG BAY, BITOU MUNICIPALITY

1. The Director: Economic Development and Planning made the following decision on 29/10/2020:
   b) A permanent departure from the provisions of the Section 7 Zoning Scheme Regulations allow for the following:
      i. Relaxation of the eastern lateral and rear building line from 4.5m to 1.5m.
      ii. Relaxation of the Southern lateral building line from 4.5m to 3m
      iii. Relaxation of the Minimum erf size allowed for Residential building from 2000m² to 1647m².

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. This approval will lapse after a period of five (5) years from the date that this approval comes into operation if all conditions of approval have not been complied with;
   iii. Building plans must be in conformance with the Green Building Initiatives and/or requirements;
   iv. That no building plans shall be approved until such time as the conditions of rezoning approval are implemented (where applicable), with particular reference to the provision of services, to the satisfaction of the Municipality.
   v. This approval does not constitute building plan approval in terms of the National Building Regulations and Building Standards Act 1977(Act no. 103 of 1977), as amended;
   vi. Formal Building plans to be submitted to Council, in terms of Section 4 of the National Building Regulations and Building Standard Act 1977(Act no. 103 of 1977), as amended.
   vii. This approval does not absolve the applicant from compliance with the requirements of any other legislation related to land development.
   viii. That a Site Development Plan be submitted to the Director: Economic Development and Planning for approval before building plans are submitted.
ix. **That all buildings be restricted to 8.5m in height above Natural Ground Level.**

x. **The number of residential rooms shall be limited to 6. Consent from council will be required if more rooms will be used for self-catering purposes.**

xi. **The owner shall not display any on-site advertisement or erect or use any sign for advertising purposes without the Municipality’s approval in terms of Bitou Municipality: Outdoor Advertising and Signage By-Law.**

xii. **No activities shall be carried on which are or are likely to be a source of nuisance, disturbance or annoyance to residents of other dwelling houses, flats or residential buildings.**

xiii. **If required, 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 submission. The payment of augmentation levies and capital contributions must be in accordance with the policy of the Municipality and should be stipulated in the Service Level Agreement (Inclusive of performance of payment).**

xiv. **That, prior to any building plan approval, services be provided at the cost of the land owner to the satisfaction of the Municipality, who reserves the right to impose conditions in this regard.**

xv. **The following Resource Conservation Measures (RCM) are encouraged: (a) Water saving devices and technologies, inter alia, the use of double flush toilets as well as rainwater harvesting and (b) Electricity saving devices and technologies, inter alia, the use of solar hot water systems and the use of low voltage or compact fluorescent lighting. Outside lighting to be down-lighters only.**

xvi. **That rain water harvesting occurs on-site.**

xvii. **That on-site separation of recyclable and non-recyclable materials should be implemented.**

4. **Reasons for the above decision are as follows:**

   a) A residential building consisting of residential rooms (Self-catering units) was considered more appropriate as opposed to a block of flats.

   b) The development proposal will have no impact on municipal or engineering services;

   c) The visual impact on the surrounding neighbourhood will remain unchanged.

   d) The development proposal is of a suitable scale and size compared to the surrounding built environment.

   e) The proposed development will promote integration of land uses;

   f) The proposal is consistent with the surrounding urban character of the area;

   g) The development proposal is consistent with spatial objectives and policies contained in the Municipal and Local Spatial Development Frameworks and Plettenberg Bay Urban Renewal Strategy.

   h) The proposed application is consistent and adheres to the criteria as set out in the Bitou Land Use Planning Bylaw, 2015:

   i) The proposed application is consistent and adheres to the Development Principles as contained in LUPA and SPLUMA.

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

Ludolph Gericke
Director: Economic Development and Planning