ERF 156, PLETtenberg Bay: Proposed ReZoning And Various Related Matters: Appeal

Resolution by the Executive Mayor Acting in His Capacity as the Appeal Authority:

1. **Decision:**

1.1. That it be confirmed for the purposes of Section 81(7) of the By-Law on Land Use Planning ("the Planning By-Law") that the matter falls within the jurisdiction of the Appeal Authority.

1.2. That it be confirmed for the purposes of Section 81(1) and (2) of the Planning By-Law that the Appeal Authority is satisfied that the appeal can be adequately determined by consideration of the material lodged with the Appeal Authority.

1.3. That in terms of Section 81(7)(a) of the Planning By-Law the appeal that was lodged against the failure by the Authorized Employee to take a decision be **upheld**.

1.4. That it be recorded that as the Planning By-Law is silent on this aspect and as unique circumstance apply to this application, the Appeal Authority is satisfied that the principle established in Section 81(9)(b) of the Planning By-Law finds equal application where an appeal is lodged against the failure by the Authorized Employee to take a decision, and where the Appeal Authority upholds that appeal.

1.5. That in terms of Section 81(9)(a) of the Planning By-Law the following applications be referred to the **Bitou Municipal Planning Tribunal** as technical advisor in terms of Section 81(10) of the Planning By-Law to consider and make a recommendation regarding the following applications:

1.6. (a) The rezoning of Erf 156, Plettenberg Bay from ‘Single Residential’ to ‘General Residential’ to allow the development of a ‘boutique hotel’ accommodating 18 bedrooms, suites, broadly in accordance with the “Proposed Hotel on Signal Hill” plans (Project No. 2011 – 1406);

(b) A permanent departure from the provisions of the Zoning Scheme to allow the minimum prescribed size of a site zoned for ‘General Residential’ (hotel) purposes to be decreased from 4 000 m² to 948 m² in the case of Erf 156, Plettenberg Bay;

(c) A permanent departure from the provisions of the Zoning Scheme to allow the maximum prescribed bulk of a site zoned for ‘General Residential’ purposes to be increased from 0, 75 to 1, 62 in the case of Erf 156;

(d) Permanent departures from the provisions of the Zoning Scheme to allow the following building line relaxations in respect of Erf 156, Plettenberg Bay:

(i) Relaxation of the building line along the street (western) boundary to accommodate stair cases and other features leading into the building;

(ii) Relaxation of the building line along the northern (lateral) boundary from 5, 25 m to 0 m;

(iii) Relaxation of the building line along the southern (lateral) boundary from 5, 25 m to ± 1, 5 m;

(iv) Relaxation of the building line along the eastern (rear) boundary from 4, 5 m to ± 1, 8 m;

(e) A permanent departure from the provisions of the Zoning Scheme to allow the prescribed additional parking requirement of 20 on-site parking bays for a ‘licenced hotel’ to be waived.
(f) A permanent departure from the provisions of the Zoning Scheme to allow the prescribed height restriction to be relaxed from 10, 6 m to 11, 7 m to accommodate a swimming pool as a feature of visual significance.

(g) A permanent departure from the provisions of the Zoning Scheme to allow the prescribed coverage to be relaxed from 50% as shown on the Site Plan (Erf 156 Plettenberg Bay: House Lecouna) prepared by Entity Architects.

(h) The subdivision of Erf 237 to re-instate the previously approved subdivision diagram for Erf 9170 (a closed portion of an unmade street reserve).

2. REASONS FOR THE DECISION:

2.1. The reasons for the abovementioned decisions will be provided in due course, but within the prescribed period.

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MP LOBESI
EXECUTIVE MAYOR / APPEAL AUTHORITY

19-11-2020
DATE