Dear Madam,

**PROPOSED REZONING: ERF 34 PLETTENBERG BAY, BITOU MUNICIPALITY**

1. The Director: Economic Development and Planning made the following decision on 21/10/2020:

2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
   a) Rezoning from “Single Residential Zone” to “General Residential Zone” in terms of Section 15(2)(a) to allow for four (4) apartments (flats).

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):

   **General**
   
   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;
   
   vi. This approval does not absolve the applicant from compliance with the requirements of any other legislation related to land development.

   **Layout, Land Use and Zoning**
   
   vii. That a Site Development Plan be submitted to the Director: Economic Development and Planning for approval before building plans are submitted.
   
   viii. That all buildings be restricted to 8,5m in height above Natural Ground Level.
   
   ix. That a setback line of 8.57m be provided from the centre line of Church Street to allow for a walkway measuring at least 2m wide along the southern boundary of the site.
   
   x. The 2m wide sidewalk area along the southern boundary of the Erf shall be subdivided and transferred to the Municipality for road widening purposes.
xi. A 5m splay shall be provided on the corner of Sewell and Church Street.

xii. No development shall occur within the splay area.

xiii. No boundary wall or fences shall be allowed within the splay area.

xiv. The use of part of the building for the purpose of a yoga studio (fitness Studio) shall not be used as shop or business premises open to the general public.

xv. The premises shall not be used as a shop or business premises.

xvi. No goods in the ‘fitness’ studio shall be publicly displayed.

xvii. No on site advertising sign or notice board other than an unilluminated sign or notice not exceeding 2000m² in area, indicating only the name and profession shall be displayed.

xviii. 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. The use of the Fitness studio will be prohibited if any complaints are received from any of the surrounding property owners/residents.

xix. The site contains a Milkwood Tree which is protected in terms of the National Forestry Act 1998 (Act 84 of 1998). Should the tree be removed or pruned in future the necessary approval/authorisation is required in terms of this Act.

Services

xx. 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).

xxi. 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.

xxii. A storm water design from an Independent Engineer shall be submitted to Department Engineering Services for approval.

xxiii. The refuse and storm water management be addressed to the satisfaction of Council and made a condition of the Service Level Agreement.

xxiv. 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.

xxv. That rain water harvesting occurs onsite and that the harvested rain water be used for irrigation purposes.

xxvi. On-site recycling of refuse be implemented.

xxvii. That the developer be encouraged to make use of local contractors and labourers during the construction of the project.

4. Reasons for the above decision are as follows:

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

   b) The proposed development will be limited to 8.5m above NGL whilst adhering to the development parameters for a General Residential Zone;

   c) The proposed development will have no impact on higher laying properties views;
d) The proposed development will promote densification, property ownership and urban regeneration within the Plett CBD;

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

f) 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.

g) The proposed application is consistent and adheres to the criteria as set out in the Bitou Municipality By-Law on Land Use Planning, 2015.

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

David Friedman
Director: Economic Development and Planning