Dear Sir/ Madam

PROPOSED DEPARTURES & REMOVAL OF RESTRICTIONS: ERF 1159, NAVESINK ROAD, PLETtenberg bay

The Director: Economic Development and Planning made the following decision under delegated authority:

That the following not be approved in terms of Section 60 of the Bitou Land Use Planning Bylaw (2015):

The permanent removal of Condition F in the applicable Title Deed that subjects Erf 1159 to a right of way in favour of Erven 1149 & 3409.

Reasons for Decision:

i. Servitudes that create a real or personal right is excluded from the definition of a “restrictive condition”.

ii. The dominant tenements does not agree to extinguish the access servitude.

iii. The Bitou Land Use Planning Bylaw does not authorize the Municipality to extinguish an access servitude based on Prescription or any other criteria.

Appeals

a. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.

b. Such an appeal must be submitted in writing to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600 or electronically to the case officer (astander@plett.gov.za), within 21 days of date of e-mail of this letter.

c. 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 date of e-mailed notification of this decision together with proof of payment of the appeal fee.
d. 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 e-mailed notification of this letter.

e. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

f. 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 of registration of this letter.

Obo D FRIEDMAN
DIRECTOR: ECONOMIC DEVELOPMENT & PLANNING