Dear Sir

**PROPOSED HOUSING DEVELOPMENT: PORTION 9 OF THE FARM KRANSHOEK NR.432, BITOU MUNICIPALITY**

The Bitou Municipal Planning Tribunal made the following decision on 28 October 2021:

1.1. That the following **NOT** be approved in terms of Section 60 of the Bitou Land Use Planning Bylaw (2015):

   1.1.1. The consolidation of Portion 39 (a portion of Portion 9) of the Farm Kranshoek No. 432 with Portion 9 of the Farm Kranshoek No. 432.

1.2. That the following be approved in terms of Section 60 of the Bitou Land Use Planning Bylaw (2015):

   1.2.1. The Rezoning of Portion 9 of the Farm Kranshoek No 432 from Agriculture Zone I to Subdivisional Area.

   1.2.2. The subdivision of Portion 9 of the Farm Kranshoek No. 432, into Residential Zone I, Residential Zone IV, Business Zone I, Institutional Zone I, Institutional Zone II, Open Space Zone I, Open Space Zone II, Transport Zone I and Transport Zone II portions, as depicted on Plan 12-17008_Kra Revision 5 dated 1 September 2020.

   1.2.3. The waiving of the side Building Lines on all Residential Zone I erven to provide for the construction of semi-detached and row houses with party walls.

1.3. The above decision is subject to the following conditions in terms of Section 66 of the Bitou Land Use Planning Bylaw: The above approval is based on Plan 12-17008_Kra Revision 5 dated 1 September 2020.

   1.3.1. That the phases as per Plan 12-17008_Kra Revision 5 dated 1 September 2020 be implemented as registered as five separate General Plans.

   1.3.2. That municipal services be provided at the cost of the applicant to the satisfaction of the Municipality, and that a Services Agreement be entered into, and that the payment of augmentation levies and capital contributions in accordance with the policy of the Municipality be stipulated in the Services Agreement (inclusive of performance of payment). No building plans will be considered without proof of performance of payment as stipulated in the Services Agreement. The implementation and Phasing will occur according to the provisions of the SLA.
1.3.3. The conditions of the Environmental Approval dated 3 May 2021 must be adhered to.
1.3.4. The use of renewable energy sources are encouraged.
1.3.5. Rainwater harvesting is encouraged.
1.3.6. That the functional use of public open spaces is encouraged (i.e play equipment).
1.3.7. That the TIA and the recommendations are approved, but only insofar as it relates to Portion 9 of the Farm Kranshoek Nr.432. If a development proposal is submitted in future for Portion 8 or 7, an amended TIA will be required.
1.3.8. The developer must forward the details of the road upgrades as per the Traffic Impact Assessment to the Western Cape Department of Transport and Public Works for its perusal and comments.
1.3.9. That an additional road access from Stella Road is created for Phase 5.
1.3.10. That the final subdivision plan be submitted to the Director: Economic Development and Planning for approval.
1.3.11. The disturbance of protected plant species is a separate application directed to the Department of Agriculture, Forestry and Fisheries (DAFF). A license to remove protected trees must be issued to the land owner/his representative on application for a license by DAFF, as required by the National Forest Act, 84 of 1998 as amended (NFA), to cut, disturb, damage or destroy Natural Forest.
1.3.12. The design of the storm water outlet structures are to be submitted for approval prior to construction. Litter traps be implemented at storm water outlets. All discharge points should make uses of SUDS design principles to minimise the potential for erosion. This condition must be included and addressed in the SLA.
1.3.13. The pedestrian road reserves must be increased in width from 3m to 5m to allow emergency vehicle access.
1.3.14. The General Residential buildings must vary in height (two, three and four storeys as per the motivation report) to soften any visual impacts.

1.4. Reasons for Decision

1.4.1. The site is within an existing urban area and within the approved urban edge.
1.4.2. The demand for well located, affordable housing is addressed.
1.4.3. A mix of land uses and residential tenure options are provided.
1.4.4. Portion 39 (para 1.1 above) was not registered and is still part of Portion 9 and therefore a consolidation is not necessary.

Should any person with an interest in the aforementioned matter not be satisfied with the manner in which the decision was taken, such person may submit an appeal in terms of Section 79 of the Bitou Land Use Planning Bylaw. An appeal, if any, should be submitted in writing to the Municipal Manager within 21 days of date of registration/ e-mail of this notice at Private Bag X1002, PLETtenberg Bay, 6600 and a copy to the Director: Economic Development and Planning.

Yours faithfully

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Chris Schliemann
Manager: Land Use Management