Dear Sir,

**DECISION: ERF 307, PLETtenberg Bay: Proposed Departures From the Provisions of the Zoning Scheme**

The Director: Economic Development and Planning made the following decision on 12/08/2019:

1. That in terms of Section 60 of Bitou Municipality: Land Use Planning By-Law, 2015, approval is granted for the following permanent departures from the provisions of the Zoning Scheme in respect of ERF 307, Plettenberg Bay:

   (a) Relaxation of the bulk restriction prescribed in clauses 3.6.1.2 and 3.6.3.2 of the Zoning Scheme from 1, 5 to 1, 75.
   (b) Relaxation of the height restriction prescribed in clauses 3.6.1.6 and 3.6.3.1 of the Zoning Scheme from 10, 67m to 10, 92 m.
   (c) Relaxation of the lateral building line prescribed in clause 3.6.1.3.2 of the Zoning Scheme along a section of the northern boundary of ERF 307 (at a distance of more than 12, 5m from the street boundary) from 4, 5m to 3, 249.
   (d) Relaxation of the lateral building line prescribed in clause 3.6.1.3.2 of the Zoning Scheme along a section of the eastern boundary of ERF 307 (at a distance of more than 12, 5m from the street boundary) from 4, 5m to 3, 3 m.
   (e) That the parking requirement (5 bays) for the additional hotel rooms be waived in terms of Section 3.6.2.5 of the Zoning Scheme.

2. That approval be granted for direct access from the building to the ‘roof’ of the canopy encroaching over the street boundary of ERF 307.

3. That the objections received be noted.
4. The approval is subject to the following conditions laid down in terms of Section 66 of the Bitou Municipality: Land Use Planning By-Law, 2015:

(a) The canopy may not be closer than 0.5 m to the pavement edge;
(b) The canopy shall be at least 3m above the pavement;
(c) The owner of Erf 307 shall provide the Municipality with an appropriate indemnity plan regarding the use of this ‘air space’ by patrons of the ‘wine bar’ prior to building approval;
(d) That a fat trap be installed and maintained in the building in order to intercept and remove any fat solids from the sewer system;
(e) That Augmentation fees are payable prior to the Occupation Certificate being issued (copy of calculations attached).

5. That the positioning of the fire escape stairs be provided to the satisfaction of the Municipality at Building Plan stage.

Reasons for the decision:

1. The structure on Erf 307 is an ‘existing non-conforming building’ and is in need of upgrading. The ‘Coming Together Project’ identified the need for the upgrading of buildings in the CBD as essential, and suggested that ‘trade offs’ in the form of enhanced rights should be considered to facilitate such upgrading. The proposal complies in all respects with these principles.
2. The proposed departures will have no detrimental impact on any other property owners. They are deemed as non-substantial and are therefore supported.
3. Although it was not required, the land owner has entered into an arrangement with an abutting owner whereby shared parking would be provided.
4. The proposed development does not require any substantial upgrades to the services infrastructure network.
5. The zoning scheme provides for non-conforming properties and that the Municipality can decide on compliance to land use restriction. The provision of parking for the additional rooms is waived in terms of Section 3.6.2.5 because the parking was subdivided from erf 307 for parking in Main Road.
6. The departure from the height restriction is considered negligible in that environment and is supported.

An appeal may be submitted in terms of Section 79 of the Bitou Municipality Land Use Bylaw (2015). Such appeal must be submitted in writing to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay. 6600, within 21 days of registration of this letter.

If an appeal is lodged, the appellant must adhere to the following prescripts [Section 80(2) of the Bitou Land Use Planning Bylaw, 2015]:

An appeal must set out the following—
(a) the grounds for the appeal which may include the following grounds:
   (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
   (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the Tribunal or authorised employee erred in coming to the conclusion that the Tribunal or authorised employee did, as the case may be;
(b) whether the appeal is lodged against the whole decision or a part of the decision;
(c) if the appeal is lodged against a part of the decision, a description of the part;
(d) if the appeal is lodged against a condition of approval, a description of the condition;
the factual or legal findings that the appellant relies on; the relief sought by the appellant; and any issue that the appellant wishes the Appeal Authority to consider in making its decision in the case of an appeal in respect of the failure of a decision-maker to make a decision, the facts that prove the failure;

Yours faithfully

[Signature]

David Friedman
Director: Economic Development and Planning