APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND DEPARTURE: ERF 1160 PLETTENBERG BAY

The Manager: Land use management made the following decision under delegated authority on 10 September 2021. That **approval be granted** in terms of Section 60 of the Bitou By-law on Municipal Land Use Planning 2015 for:

- Departure to allow a second dwelling unit.
- Departure from clause 3.2.1.3.2. to ensure that rain water is not discharged onto the neighbouring property.
- Departure from Clause 4.3.1 and 4.3.2 that restricts boundary and garden walls to 1.8m above natural ground level.
- Clause 3.2.1.3.1 makes provision for an outbuilding to encroach the rear and side building line up to 11m.
- Removal of restrictive title deed condition D (4)(b & d) which limits the number of units to one dwelling unit and E(2) prohibits the erection of flat, lean-to or monopitch roofs.

**Conditions in terms of Section 66 of the Bitou Municipality: Land Use Planning Bylaw (2015)**

1. That the 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;
2. Please refer to section 34(1&2) of the Bitou By-Law Municipal Land Use Planning 2015 with regards to endorsement of the Title Deed.
3. Formal Building plans to be submitted to Council, in terms of Section 4 of the National Building Regulations and Building Standard Act (Act no. 103 of 1977), as amended.
4. The boundary wall departure from 1.8m from the NGL not to exceed 3.2m.

**Reasons for decision**

- The removal of the restrictive title conditions will not affect any surrounding neighbours.
- No objections were received from the neighbours or internal departments.
Appeals

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

2. Such an appeal must be submitted in writing to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600, within 21 days of this emailed letter.

3. 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.

4. 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.

5. 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 of notification of the appeal.


7. 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 this emailed letter.

Chris Schliemann
Manager: Land Use Management