Dear Sir

ROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND BUILDING LINE DEPARTURE: ERF 546 PLETTENBERG BAY, BITOU MUNICIPALITY (BEACON WAY)

The Acting Manager: Land use management made the following decision under delegated authority on 20 December 2021. That approval be granted in terms of Section 60 of the Bitou By-law on Municipal Land Use Planning 2015 for:

1. Proposed removal of restrictive title deed condition E.5(d) that states that “No building or structure or any portions thereof except boundary walls and fences shall be erected nearer than 4,72 meters to the street line which forms a boundary of this erf, not within 3,15meters of the rear or 1,67meters of the lateral boundary common to any adjoining erf, provided that with the consent of the Local Authority, an outbuilding not exceeding 3,05 meters in height, measured from the floor to the wall late and no portion of which will be used for human habitation, may be erected within the prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf”

2. Permanent departure in terms of Section 15 (2)(b):
   a. to allow the relaxation of the southern lateral building line from 1.5m to 0.0m to permit the proposed garage;
   b. to allow the relaxation of the street building line from 4.5m to 0.0m to permit the proposed garage and storeroom;
   c. to allow the relaxation of the aggregate side space building line from 4.5m to 3m to permit the proposed additions (outbuildings);
   d. to allow the relaxation of the single storey restriction applicable to domestic staff quarters (servants quarters) in order to permit the proposed staff quarters on the first floor above the existing scullery.
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. That formal building plans must be submitted to the Council, in terms of Section 4 of the National Building Regulations and Building Standard Act (Act No. 103 of 1977 as amended)
3. If any Municipal services are found to traverse the affected portion of the property, the services will have to be relocated at the cost of the applicant to the satisfaction of the Municipality.
4. The staff quarters to be used only by staff.
5. Please refer to section 34(1&2) of the Bitou By-Law Municipal Land Use Planning 2015 which state that:
   An applicant at whose instance a restrictive condition is removed, suspended or amended must, after the publication of a notice contemplated in section 33(7) in the Provincial Gazette, apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal suspension or amendment of the restrictive condition.
   i.) The Registrar of Deeds may require proof of the removal, suspension or amendment of a restrictive condition from the applicant including the submission of the following to the Registrar of Deeds:
      a. A copy of the approval;
      b. the original title deed; and
      c. A copy of the notice contemplated in section 33(7) as published in the Provincial Gazette.

Reasons for decision

- No objection was received from the affected neighbour.
- The architectural design is more sensible to erect the proposed developments toward the street frontage of the property.
- The proposal does not detract from the character of the area.

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, Appeal period starts on 10 January and closes 31 January 2022.
3. 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.
4. 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.
notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.


6. 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 the appeal period that starts on 10 January and period closes 31 January 2022.

Adel Stander  
Acting Manager: Land Use Management