16 November 2018

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PROPOSED PERMANENT DEPARTURES AND REMOVAL OF RESTRICTIVE TITLE CONDITIONS: ERF 1601, PLETTENBERG BAY, BITOU MUNICIPALITY

1. The Director: Economic Development and Planning made the following decision (by Delegation from Bitou Municipal Council) on 16 November 2018:

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

   (i) A permanent departure to relax the southern lateral building line to 0m to allow a staircase.
   (ii) A permanent departure to relax the aggregate side space from 4.5m to 2.93m, to allow a staircase in the building line.
   (iii) A permanent departure to relax the allowed coverage from 50% to 52.4% to allow for the existing structures.
   (iv) A permanent departure to relax the 6m height restriction from the average natural ground level, to the wall plate to legalise the existing building.
   (v) A permanent departure to relax the 8.5m height restriction to 8.55m to legalise an encroachment over the height restriction of an area of approximately 0.5m².
   (vi) Removal of restrictive Condition 4(c), contained in the Title Deed (T14312/2016) of Plettenberg Bay Erf 1601, to allow construction on more than half (1/2) of Erf 1601;
   (vii) Removal of restrictive Condition 4(d), contained in the Title Deed (T14312/2016) of Plettenberg Bay Erf 1601 to allow building line relaxations;
   (viii) Removal of restrictive Condition E (1), contained in the Title Deed (T14312/2016) of Plettenberg Bay Erf 1601 to allow a concrete roof;
   (ix) Removal of restrictive Condition E (2), contained in the Title Deed (T14312/2016) of Plettenberg Bay Erf 1601, to allow a flat roofed dwelling;
A permanent departure to allow for a third floor.

That the above approvals are subject to the following conditions in terms of Section 66 of the Bitou Land Use Planning Bylaw (2015):

a.) That the building plans to be submitted must comply with the National Building Regulations and the above departures granted.

3. Reasons for the Decision:
   i. The proposal is in keeping with the development pattern of the area.
   ii. The proposal is within the 8.5m height restriction.
   iii. The proposed dwelling will be in keeping, and will not detract, from the character of the area and values of surrounding properties.
   iv. In the absence of a definition for a “wall plate” in a concrete roof construction, and a definition for a “floor”, and the consequent uncertainty of interpretation of the provisions of the Plettenberg Zoning Scheme it is considered prudent to in theory accept that a wall plate can be determined. It can be determined at the point where the concrete roof meets the external loadbearing wall, which will, transmits the roof load to the foundation. If this argument is followed then the building does not conform to the provision of the Zoning Scheme that “no building in this zone shall exceed two floors within a maximum height of 6m...”. Based on this assumption an application was submitted as assessed as such.

The applicant or any person whose rights are affected by the decision may submit an appeal 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.

Yours faithfully

David Friedman

Director: Economic Development and Planning