Dear Sir,

**PROPOSED SUBDIVISION: ERF 9333 (unregistered Portion of Erf 9288), WHALE ROCK GARDENS, PLETTERNBERG BAY**

1. The Director: Economic Development and Planning took the following decision on 26 October 2020, under delegated authority as Authorised Official:

2. That approval be granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:
   - Subdivision of Erf 9333 into:
     - Portion 1: ± 637m²
     - Portion 2: ± 698m²
     - Portion 3: ± 695m²
     - Portion 4: ± 695m²
     - Portion 5: ± 695m²
     - Remainder: ± 2618m²

3. That the above approval is subject to the following conditions imposed in terms of Section 66 of the Bitou Municipality Land Use Planning Bylaw (2015):
   
   **Environmental Management**
   
   (a) The Environmental Monitoring Report must be submitted to the Municipality (Environmental Management Officer) on a monthly basis during construction to confirm compliance to the environmental mitigation measures.
   (b) Gardening should be limited to only species indigenous to the area.
   (c) An OSAE application needs to be submitted to the Municipality.
   (d) A fire management plan be submitted to the Municipal Fire Department for approval and for the information of the Environmental Management Officer. This must include the slopes and cliff above Erf 9333.
   (e) “Zone B” as per the subdivision plan, must be rehabilitated with suitable indigenous vegetation. The rehabilitation process must occur in consultation with the Municipal Environmental Management Officer.
**Geotechnical Considerations:**

(f) Residential structures be limited to the low risk zone (western section).

(g) A reinforced concrete barrier wall or appropriate specialized catch-fence above the proposed residential development should be constructed along the southern boundary.

(h) A 10m buffer between the rock fall barrier and the proposed units.

(i) The maintenance of the rock fall barrier is the responsibility, and for the cost of, the owners of the newly created erven in perpetuity and should be described as such in the respective Title Deeds.

(j) Building plans for the new proposed dwellings will only be considered once the rock fall barrier is completed.

(k) A suitably qualified and experienced geotechnical/structural engineer must design and/or certify the rock fall barrier upon submission and completion.

**Services**

(l) That municipal services be provided at the cost of the applicant to the satisfaction of the Municipality, and that a Services Agreement based on the provisional Services Report (as well as any other requirements of the Municipality), 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);

(m) No building plans will be considered without proof of (m) above.

**HOA & Design Guidelines**

(n) Membership to the Whale Rock Gardens Home Owners Association will be compulsory for the owners of the 5 new residential units.

(o) The architectural style and design must comply with the approved Whale Rock Gardens Design Guidelines.

**General**

(j) That development take place generally in accordance with plan “Proposed Development of Erf 9333” Drawing Number: 9333 SDP, by Marc Crocker dated 8 October 2019.

(k) That the settlement agreement between the Developer and the Whale Rock Gardens Home Owners association be honoured.

The applicant 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 this notification.

Yours faithfully

________________________
Chris Schliemann
Manager: Town Planning