

to be the best together

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Our Ref: 18/390/KB

2015-08-04

STÉFAN DE KOCK
PERCEPTION Planning
PO Box 9995
GEORGE
6530
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COLL. NO.:	242119
SCAN NO.:	
FILE NO.:	

Dear Sir

PROPOSED REZONING AND REMOVAL OF RESTRICTIONS – ERF 390, KEURBOOMSTRAND, BITOU MUNICIPALITY

Your application in respect of the abovementioned property has reference.

The Head: Strategic Services in terms of Delegated Authority from Council (Council Resolution C/6/157/06/13) has resolved as follows:

1. That the Head: Strategic Services recommend the removal of condition A(II)(3) - of Title Deed T46742/1997 of Erf 390, Keurboomstrand, Bitou Municipality to the Department of Environmental Affairs and Development Planning.
2. That the rezoning of Erf 390, Keurboomstrand *from Residential zone I to Open space zone II* **BE APPROVED** in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985) in accordance with the proposed Zoning Plan (ANNEXURE 8, Perception Planning, dated 08 June 2014) to make provision for private open space (private garden).

This approval does not absolve the applicant/developer from compliance with any other relevant legislation.

Kindly note that in terms of the Provincial Circular 11/2014, as from 04 April 2014, the Constitutional Court of South Africa (Case No. CC117/13) delivered a unanimous judgement in respect of appeals. There is no longer a right of appeal in terms of Section 44(1)(a), (b), (c) or (d) of the Land Use Planning Ordinance (Ordinance 15/1985) to the Minister Local Government, Environmental Affairs and

Development Planning, Western Cape, as such matters fall within the exclusive functions of a Municipality in terms of the Constitution.

However, in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000, you may appeal against the above decision by giving written notice of the appeal with reasons therefore to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600 and/or fax number 044 533 3485 and/or be hand-delivered at the Municipal Offices, Sewell Street, Plettenberg Bay, within 21 days of the date of registration of this notification letter, provided where the last day for lodging an appeal falls either on a Sunday or public holiday, it shall be deemed to be the next working day thereafter. Failure to comply with the above requirements may result in the appeal being ruled invalid by the Appeal Authority.

Yours faithfully



David Friedman
Head: Strategic Services

PART B

TO BE COMPLETED BY LOCAL AUTHORITY

(1) Have all the necessary supporting documents been submitted with this application?

yes

(2) Is the information furnished by the applicant correct?

yes

(3) Have the following been submitted by the applicant?

(a) Copy of the notice served on the surrounding owners.

yes

(b) Copy of the notice served on the third party

N/A

(c) List of the erf numbers and the names of the registered owners on whom notice has been served.

yes

(d) Copies of the registered postal receipts.

yes

(4) Is there a statutory guide plan, structure plan or any other informal master plan applicable to the area in question? If applicable to the area in question? If applicable, please specify the nature of the plan and whether the application conforms with such a plan.

Local Area Special Plan for Kearsboomstrand and environs

- The proposal conforms to the provisions of this plan.

(5) Council's full comments on the application.

Kindly see the attached recommendation letter and the planner's report on the matter.

NOTE

Whether your Council is in favour of the application or not, all applications must be submitted to the Premier for a final decision in terms of the Act.

(6) Council's recommendation and details of any conditions which it desires to be imposed:

See attached letter

THE FOLLOWING FURTHER INFORMATION IS REQUIRED FROM THE COUNCIL REGARDING ITS ZONING SCHEME.

(1) (a) The purpose for which the property is zoned under the scheme:

Residential Zone J

(b) The difference uses permitted under this zoning and the restrictions applying thereto:

Dwelling House and outbuildings

The proposal is to rezone from Res. 1 to Open Space

(c) The zoning of surrounding properties (give full details, illustrated, if necessary, on applicant's plans):

- See zoning Plan in the application document/report prepared by "Perception Planning" Consultants.

(d) The minimum plot size permitted under the scheme in this area:

- 'Not applicable' and this is not a subdivision application.
- There is no prescribed of sizes for Open Space Zone.

In the case of consent use under the Zoning Scheme, the following information must be submitted:

- (a) A certificate to the effect that the provisions of the Zoning Scheme in regard to the advertising of the proposed use have been complied with and that the Local Authority has approved the application in terms of the scheme.
- (b) Copies of any objections received.

REMARK

If the Council recommends the application for approval and this will necessitate a rezoning of the property under the Zoning Scheme, the application for rezoning should accompany this application for the amendment of the Title Conditions.

NAME OF COUNCIL:

Bitou Municipality

REFERENCE NO:

B/390/KB

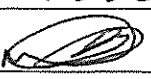
TELEPHONE NO:

044 501 3303

FAX NO:

044 533 6885

TOWN CLERK/SECRETARY /
CHIEF EXECUTIVE OFFICER:

PP.  Mr. M. Mdona

DATE:

2015-08-04