Bitou

to be the best together

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Our Ref: 18/390/KB

2015-08-04

STÉFAN DE KOCK
PERCEPTION Planning
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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 T46742/1997of 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