

Reference No: G1/105

20 January 2022

MaartjeJ. Weyers

Email: maartje@route2.co.za

Madam,

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING AND DEPARTURE FROM ZONING SCHEME PROVISIONS

I refer to your application dated 21 January 2021.

At a Municipal Planning Tribunal on 20 September 2021, the following resolution was made:

Resolved: 20 September 2021

That the application for –

- i) Removal of Clause B. 2(a) from Title Deed No. T9686/2019 **is approved** in terms of Section 108 of the Spatial Planning & Land Use Management By-law: Kouga Municipality, 2016.
- ii) Rezoning of Erf 105, Jeffreys Bay from "General Residential" to "Special Zone" for special business, licensed restaurant, pub & guesthouse **is refused**, but that the rezoning of the subject property from "General Residential" to "Business Zone 2", in accordance with the Kouga Land Use Scheme, 2021, **is approved** in terms of Section 108 of the Spatial Planning & Land Use Management By-law: Kouga Municipality, 2016.
- iii) Departure from zoning scheme provisions for relaxation of the required parking provisions **is deemed not necessary**, as the application complies with the parking requirement by the Kouga Land Use Scheme, 2021.
- iv) That the approval contemplated in i) & ii) above be subject to conditions imposed thereto in terms of Section 54 of the said by-law.

Conditions of Approval

- a) That That the approval contemplated in i) & ii) above, applies only to the removal of restrictive title deed conditions in question and rezoning of Erf 105, Jeffreys bay and shall not be construed as authority to depart from any other legal requirement or prescription from the municipality.
- b) That the applicant complies with the requirements of the Registrar of Deeds, as imposed under Section 70 of the Spatial Planning and Land Use Management By-law: Kouga Municipality, 2016, in respect of the removal of restrictive conditions from the title deed
- c) That the development parameters for Erf 150, Jeffreys Bay be as follows:
- | | |
|------------------------|---|
| Zoning: | Business Zone 2 |
| Primary Use: | Business & Mixed Use
General Residential Building |
| Coverage: | Business : 100%
Residential : 70% |
| Height: | 11m |
| Building lines: | Street : 0m
Lateral & Rear : 0m |
| Parking: | Business : 4 bays/100 m ²
General Residential Building : 2 bays/du
Guest Lodging : 0,7 bays/room |
- d) That all other provisions of the Kouga Land Use Scheme, 2021, be applicable to Erf 150, Jeffreys Bay.
- e) That a detailed Site Plan be submitted, indicating all planning controls, access, parking, engineering services (electricity, sewerage, stormwater drainage, roads, parking, refuse area, etc.) for approval by the municipality prior to the submission of building plans.
- f) That only two parking bays be counted in the garage, as required by the Department Infrastructure & Engineering, which will result in a total of 8 parking bays.
- g) That an engineering services report be submitted in order to determine the augmentation fees to be paid by the owner/developer.
- h) That augmentation fees be payable prior to the approval of building plans.

- i) That building plans be formally submitted for approval by the municipality prior to commencement of any construction on the erf.
- j) That the requirements of SANS 10400 Part T, in respect of fire protection, be complied with to the satisfaction of the Department: Community Services: Fire Section.
- k) That all relevant health legislative requirements be met to the satisfaction of the Department Community Services: Health Section.
- i) That a refuse storage facility be provided on the property, which facility must be reflected on the site development plan.
- ii) After approval of a building plan, the owner/developer must formally apply to the Health Section for:
 - Business License
 - Health Certificate
 - Certificate of Acceptability
- l) That the zoning rights only be valid for a period of five (5) years in accordance with Section 82(2) of the Spatial Planning & Land Use Management By-law: Kouga Municipality, 2016, after which period the said rights shall lapse if not exercised.



J.M. MARAIS

ACTING DIRECTOR: PLANNING, DEVELOPMENT & TOURISM

Refer: Khanyi Didloft (Administration Planning and Development)



PROVINCE OF THE EASTERN CAPE
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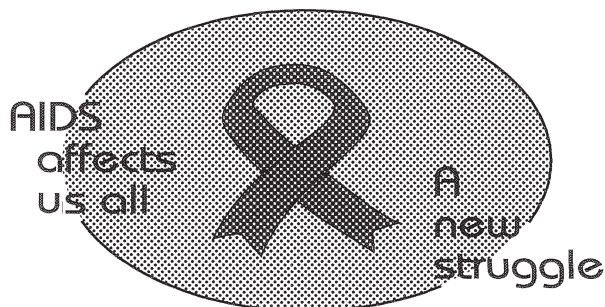
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BISHO/KING WILLIAM'S TOWN

17 January 2022
17 Januarie 2022

No: 4672

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PROVINCIAL NOTICE NO 1/2022**

EASTERN CAPE PROVINCE

KOUGA MUNICIPALITY (EC 108)

**REMOVAL OF TITLE DEED RESTRICTION AND DEPARTURE FROM ZONING
SCHEME PROVISIONS**

ERF: 105, JEFFREYS BAY

**SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA
MUNICIPALITY**

Notice is hereby given that the Municipal Planning Tribunal on 20 September 2021, approved the removal of title conditions, B. 2(a) applicable to Erf 105, Jeffreys Bay as contained in Certificate of Consolidation Title T9686/2019, in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality.

**MR D de JAGER
ACTING DEPUTY MUNICIPAL MANAGER**

**JEFFREYS BAY
PO BOX 21
6330**