



HUMAN SETTLEMENTS

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PO Box 9, Port Elizabeth 6000

Republic of South Africa

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Your Ref:

Our Ref: **CF19/02661**

Date: **9 September 2016**

DEALS WITH THIS MATTER: **S NGXISHE**

LAND PLANNING AND MANAGEMENT SUB-DIRECTORATE

Tel: **041 506-3329**; Fax: **041 506-3430**

e-mail: sngxishe@mandelametro.gov.za

NB: Please quote Our Ref. above in all future correspondence

Mrs A Rousseau
Engineering Advice and Services (Pty) Ltd
P O Box 13867
Humewood
PORT ELIZABETH
6013

Dear Madam

**SUBDIVISION APPROVAL: APPLICATION 7382 : REMAINDER ERF 2661, PARSONSVLEI
TOWN PLANNING AMENDMENT 8859: REZONING OF PORTION A OF REMAINDER ERF
2661, PARSONSVLEI**

I refer to previous correspondence in this regard and wish to advise that in terms of Section 35(2) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and by the resolution of the full Council, the Authorised Official resolved that, in terms of Provincial Circular LDC/GOK 9/1988, the Port Elizabeth Zoning Scheme be amended (TPA 8859) by the rezoning of Portion A of Remainder Erf 2661, Parsonsvlei, from Residential 1, Residential 3, Business 1, Community 1, Public Open Space, Private Open Space and Transportation 1 to Business 1 purposes, subject to the following conditions:

- (i) the developer complying with the provisions of the Record of Decision;
- (ii) a maximum FSI of 1 applying;
- (iii) a Site Development Plan, in accordance with Clause 11 of the Port Elizabeth Zoning Scheme, indicating the measures that will be taken to minimize the impact of the proposed business on the adjacent properties being submitted to the Executive Director: Human Settlements for approval prior to the submission of any building plans. Provided that, if considered necessary, the Executive Director: Human Settlements may at the time of assessing the Site Development Plan request the construction of a 2,4m high brick wall and landscaping on the sides and rear of the property to protect the amenity of adjacent properties;
- (iv) building plans in terms of the National Building Regulations, showing the change in use and the layout of the parking area being submitted for approval by the Executive Director: Human Settlements;

- (v) vehicular access being to the satisfaction of the Executive Director: Infrastructure and Engineering ;
- (vi) on- site parking to be provided as per DOT standards;
- (vii) compliance with any further conditions that the Executive Director: Environmental Health may require;
- (viii) all advertising and signage conforming to Council's approved Outdoor Policy and being submitted to the Executive Director: Human Settlements;
- (ix) the owner paying a transportation development levy in respect of related traffic accommodation costs;
- (x) the remaining conditions as they pertain to the Business 1 zoning of the Port Elizabeth Zoning Scheme applying;
- (xi) the remaining conditions contained in TPA 5953A1 applying;
- (xii) the use rights granted will lapse after 5 years if not utilised, in terms of Section 43(2) of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) if conditions of the approval are not complied with.
- (xiii) the developer at his expense preparing a Traffic Impact Assessment in respect of the full site for approval by the Executive Director: Infrastructure and Engineering as well as the Provincial Department of Transport. The cost of such TIA and any road proposals necessary to minimise the impact of the development on the road network shall be for the developer's account. Any alterations to services necessary as a result of road improvements shall be to the developer's account and implemented in full, prior to the occupation of the proposed development.

In addition, by virtue of the powers delegated to my Council by the Premier, approval is hereby granted in terms of Section 25 of Ordinance No. 15 of 1985 for the subdivision of the abovementioned property as shown on the attached plan which bears my Council's stamp dated 9 September 2016.

This approval is subject to the conditions set out in Annexure "A".

Kindly note that in terms of Section 27 of the Ordinance, the owner shall within a period of 5 (five) years after the application has been granted, furnish the Registrar of Deeds concerned with such documents and information as he may require, comply with the requirements of the said Registrar in connection with the cancellation of existing conditions of title, provide services in accordance with the conditions imposed in respect of the subdivision, and obtain the registration of at least one land unit, failing which the approval shall lapse. Application for extension of the five-year period may be made only before the expiry thereof.


Any queries relating to the servicing requirements contained in the annexure hereto, should be addressed to Mrs L Siebert, Human Settlements Directorate, tel. 506-2445.

It should also be noted that the Surveyor-General will, when approving the diagrams of the newly created erven, indicate on the back thereof by means of a rubber stamp, the date and reference number of this approval. The Registrar of Deeds will not register the separate registration of the erven until the application for Certificate of Registered Title or Power of Attorney has been endorsed by my Council.

This endorsement will be given on submission of proof that the conditions of establishment, as set out herein, have been complied with. Furthermore, the conditions of title imposed must be quoted in the Power of Attorney or Application for Certificate of Registered Title, which document must be

submitted to my Council together with the diagrams for endorsement. Only where it is expressly stated that a condition is to be incorporated into the title, must that condition be quoted in the Power of Application.

Yours faithfully



ACTING SENIOR DIRECTOR: LAND PLANNING AND MANAGEMENT

ENCLOSURES : As stated

2661AR-SNgx/LK

The subdivision of Remainder Erf 2661, Parsonsvei, is approved subject to the provisions of Provincial Regulations made in terms of Section 7(2) of Ordinance 15 of 1985, promulgated by virtue of Provincial Notice 1047/1988 dated 5 December 1988, read with the Director of Local Government's Circular LG/PB 17/1986 dated 9 July 1986, all as amended from time to time.

The Council has further resolved that the abovementioned property be zoned in a manner permitting subdivision, subject to the conditions relating to a Business 1 zoning in the Port Elizabeth Zoning Scheme.

1. Subdivision of two or more attached Dwellings (Regulations 3.3 and 3.4)

1.1 The following conditions shall be complied with before the issuing of a written authority by the Council as contemplated by Section 31(1) of the Ordinance:

- 1.1.1 the buildings shall be fully restored or improved to the Council's satisfaction;
- 1.1.2 one parking bay shall be provided and constructed to the Executive Director : Infrastructure and Engineering's satisfaction on each of the land units.

1.2 The person who at any time is the owner of each land unit directly involved in the subdivision of two or more attached dwellings shall:

- 1.2.1 maintain such part of any retaining wall, roof, pipe, gutter, wiring or other structure or thing as is common to such land unit and any other land unit;
- 1.2.2 maintain every part of such wall, roof, pipe, gutter, wiring or other structure or thing which is on or traverses such land unit;
- 1.2.3 permit access to such land unit for the purpose of maintaining, cleaning, renovating, repairing, renewing, altering and adding to any wall, roof, pipe, gutter, wiring or other structure or thing and shall not do anything which will prevent or hinder any such access or work from being done;
- 1.2.4 not make any alterations or additions to or demolish any part of the buildings erected on such land unit, including boundary walls and fences, or change the exterior colour scheme or materials of such buildings without the written consent of the Council, nor shall he permit the exterior of the buildings to deteriorate and become untidy or dirty.

2. General Conditions attaching to all Subdivisions (Regulation 3.5)

The person who at any time is the owner of each land unit directly involved in the subdivision shall be required without compensation:

- 2.1 to allow gas mains, electricity, telephone and television cables and/or wires, main and/or other water-pipes and foulsewers and stormwater pipes, ditches and channels of any other land unit or units to be conveyed across the land unit concerned, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if considered necessary by the Council in such manner and position as may from time to time be reasonably required; this shall include the right of access to the land unit at any reasonable time for the purposes of constructing, altering, removing or inspecting any works connected with the above; and
- 2.2 to receive such material or permit such excavation in the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Council.

3. Servicing the Land Units (Circular LG/PB 17/1986)

- 3.1 Services must be provided to full and final municipal standards including tarred streets with stormwater drainage to the erven to the Council's satisfaction at the developer's cost.

- 3.2 The abovementioned services must be installed in accordance with the guidelines for the provision of engineering services referred to in the Department of Local Government's Circular LG/PB 24/1983 dated 27 July 1983, addressed to all local authorities and the relevant By-laws and/or Regulations applicable to the particular service, except where it conflicts with the latest City Engineer's publication; "Standard Details of Water Division - Sewerage Division - Roads and Stormwater Division"; where the latter shall apply.
- 3.3 Satisfactory arrangements must be made with the Council for the provision of water, drainage and electricity, and the disposal of stormwater and sewerage.
- 3.4 When a building or buildings exist on the parent erf being subdivided, the owner shall:
 - 3.4.1 submit, with the diagrams to be endorsed, Appendix 1, signed by a registered plumbing and drainage contractor certifying that in respect of water and sewerage:
 - 3.4.1.1 there is no interconnection of pipework between any subdivided portion and that each subdivided portion, where a building exists, has a separate metered water connection;
 - 3.4.1.2 the plumbing and drainage thereon complies with the present requirements of the Water Supply and Drainage By-laws and/or Regulations;
 - 3.4.2 submit to the Drainage Section of the Infrastructure and Engineering Business Unit separate amended drainage plans for each portion of land within the subdivision;
 - 3.4.3 submit, with the diagrams to be endorsed, Appendix 2, signed by a registered electrical contractor or accredited person, certifying that in respect of electricity -
 - 3.4.3.1 there is no interconnection of electricity between any subdivided portion and that each subdivided portion, where a building exists, has a separate metered electricity connection.

4. Building Clause

- 4.1 This subdivision has been approved subject to a building of a 1983 municipal valuation of not less than R50 000,00 (Fifty Thousand Rand) being erected on each undeveloped land unit within a period of 5 (five) years from date of registration in the Deeds Office, of each land unit.
- 4.2 The owner shall disclose the existence of the aforesaid condition in any Deed of Sale in respect of these units.
- 4.3 The effect of the aforesaid building clause is that should it not be complied with, every rate which is levied by the Council, shall be payable on such land unit as if a building with the specified valuation has been erected thereon.

5. Conditions imposed by the Council in terms of Section 42 of the Ordinance

The owner shall:

- 5.1 make satisfactory arrangements with the Post Office in terms of Section 83(1) of the Post Office Act for the essential removals of telephone or telegraph routes which cross the land being subdivided;
- 5.2 submit a conveyancer's certificate to the effect that no title deed restrictions exist in the title deeds pertaining to this erf preventing the subdivision of the erf;
6. The owner shall comply with the following additional conditions:
 - 6.1 cognisance being taken that water is not available. The watermains in Cape Road are overcommitted and needs to be upgraded;

- 6.2 the owner must appoint a Consulting Civil Engineer to investigate the serviceability, design and monitor the implementation of all works being required by the Executive Director: Infrastructure and Engineering. Prior to the implementation of any works the investigation report must be submitted to the Executive Director for his perusal and comment;
- 6.3 the owner noting that no sewer flow is currently allowed in the Baakens catchment area;
- 6.4 the owner paying a Development Levy to be determined by the Executive Director: Infrastructure and Engineering;
- 6.5 the original Roads and Stormwater's subdivision conditions of parent shall apply (see Planning and Development report dated 8 March 2007- SALT 10/2006);
- 6.6 a development plan accompanied by a report/designs from a Consulting Engineer detailing all on-site service designs, all services traversing the erf and the interaction of such services with the surrounding municipal services, including the disposal of concentrated or non-concentrated stormwater and subsoil water being discharged from the surrounding catchment area [municipal roads, the abutting properties, etc.] onto the erf, being submitted at the developers expense, and to the satisfaction of the Executive Director: Infrastructure and Engineering;
- 6.7 any stormwater and/or road modifications and/or alterations being at the applicant's expense and to the satisfaction of the Executive Director: Infrastructure and Engineering;
- 6.8 no vehicular access off Cape Road;
- 6.9 Roads and Stormwater Sub-Directorate reserve the right to impose further conditions at development/engineers design stage;
- 6.10 stormwater being discharged into Municipal pipe system;
- 6.11 stormwater ponds being constructed to retain stormwater flow on site;
- 6.12 the developer obtaining approval from the Executive Director: Electricity and Energy regarding the location of the substation(s), which must be accessible to municipal staff;
- 6.13 an electricity supply can be made available to the erf at the owner/developer's expense and at a cost to be determined once a final layout, erven unit densities, capacities and exact locations of such supplies are confirmed in writing. Written details, together with an approved final layout, must be provided to the Executive Director: Electricity and Energy. Notice periods of up to four months, before an electricity supply is available, can be required in some instances.
- 6.14 the developer complying with the Environmental Authorisation;

ATTENTION: Planning and Development Division

The Executive Director : Infrastructure and Engineering
P O Box 7
PORT ELIZABETH
6000

SUBDIVISION APPLICATION NO.

Subdivision of Erf No.:

Allotment Area:

Street Address:

NEW ERF NUMBERS**STREET ADDRESS**

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This is to certify that in respect of water and sewerage:

1. there is no interconnection of pipework between any subdivided portion and that each subdivided portion, where a building exists, has a separate metered water connection;
2. the plumbing and drainage thereon complies with the present requirements of the Water Supply and Drainage By-laws and/or Regulations;
3. "as built" site and detailed drainage plans have been approved, by the Executive Director : Infrastructure and Engineering, for each portion containing a habitable structure.

SIGNED:

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(PLUMBING AND DRAINAGE CONTRACTOR)

PIRB Registration No.

.....

DATE:

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ATTENTION: Planning and Development Division

Executive Director : Infrastructure and Engineering
P O Box 7
PORT ELIZABETH
6000

SUBDIVISION APPLICATION NO.

Subdivision of Erf No.:

Allotment Area:

Street Address:

NEW ERF NUMBERS**STREET ADDRESS**

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This is to certify that in respect of electricity:

1. there is no interconnection of electricity between any subdivided portion and that each subdivided portion, where a building exists, has a separate metered electricity connection;
2. the electricity thereon complies with the present requirements of the Electricity By-laws and/or Regulations;
3. "as built" site and detailed electricity plans have been approved, by the Executive Director : Infrastructure and Engineering, for each portion containing a habitable structure.

SIGNED:

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(ELECTRICAL CONTRACTOR)

REGISTRATION NO.:

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DATE:

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MUNICIPAL MANAGER

982

Subdivision plan

85/8

8/59

8/4

Reinhold Porten 2661

2661

305 m


145.1

Partition A

455



Scale : Use Scalebar

Project Title:	Proposed Rezoning of Remainder Erf 2661, Parsonsvel
Drawing Title:	Subdivision Plan
LEGEND	<input checked="" type="checkbox"/> Portion A <input type="checkbox"/> Remainder Portion 2661 <input type="checkbox"/> Cadastral
Drawing No:	Plan 8
Project Date:	June 2015
Prepared by:	SS
Checked by:	AR
<p><small>Under a liability and disclaimer of responsibility the undersigned hereby certifies that the information contained in this drawing is true and correct to the best of his knowledge and belief, and that he has not been influenced by any interest or prejudice in the preparation of the same, and that he is not aware of any circumstances which may render the same inaccurate or misleading.</small></p> <p><small>The undersigned hereby certifies that the information contained in this drawing is true and correct to the best of his knowledge and belief, and that he has not been influenced by any interest or prejudice in the preparation of the same, and that he is not aware of any circumstances which may render the same inaccurate or misleading.</small></p> <p><small>If a project with the plan number appears in the C.O.R.C.</small></p>	
 <p>Engineering Advice and Services</p>	