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PO Box 9, Port Elizabeth 6000
Republic of South Africa

Your Ref:
Our Ref: **CF19/02661**
Date: **26 July 2018**

DEALS WITH THIS MATTER: **S NGXISHE**
LAND PLANNING AND MANAGEMENT SUB-DIRECTORATE
Tel: **506-3329**; Fax: **506-3430**
e-mail: sngxishe@mandelametro.gov.za

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

REGISTERED POST

Engineering Advice & Services (Pty) Ltd
P O Box 13867
Humewood
PORT ELIZABETH
6013

Dear Sir/Madam

**SUBDIVISION APPROVAL: APPLICATION 7474: REMAINDER ERF 2661, PARSONSVLEI
TOWN PLANNING AMENDMENT 9195: REZONING OF REMAINDER ERF 2661, PARSONSVLEI**

I refer to previous correspondence in this regard and wish to advise that, by resolution of full Council at its meeting held on 16 July 2015 and in terms of Section 35 of the Spatial Planning and Land Use Management Act 16 of 2013, the Authorised Official on 25 July 2018 resolved as follows:

That, in terms of the Provincial Circular LDC/GOK 9/1988, the Scheme Regulations as contained in Section 8 of Land Use Planning Ordinance 15 of 1985 be amended (TPA 9195) by way of a substitution scheme in terms of Section 14.4 of the Land Use Planning Ordinance (Ordinance 15 of 1985) by the rezoning of Portions 1-9 of Remainder Erf 2661, Parsonsvlei from Business 1, Community 1, Residential 1, Residential 3, Transportation 1, Private Open Space and Public Open Space to a Subdivisional Area (Residential 1, Residential 2 or Residential 3 purposes), rezoning of Portion 10 to Business 1 and Road portions to Transportation 1 purposes, subject to the following conditions:

- (i) compliance with the requirements of the Surveyor General;
- (ii) compliance with the requirements of the Registrar of Deeds;
- (iii) all conditions pertaining to the Business 1 use zone as contained in the Port Elizabeth Zoning Scheme being applicable to the relevant portion;
- (iv) all conditions pertaining to the Transportation 1 use zone as contained in the Port Elizabeth Zoning Scheme being applicable to the relevant portion(s);
- (v) residential density not exceeding 60 units per hectare on Portions 1-9 (zoned Subdivisional Area);
- (vi) applicant/developer submitting a detailed subdivision plan(s) for the said 9 "Subdivisional Area" portions;
- (vii) compliance with the conditions of the Record of Decision (ROD) ECm1/2c/52-05 including complying with Section 8.2.2 of the said ROD;
- (viii) the submission and approval of a site development plan on non-Residential 1 zoned erven for the approval by the Executive Director: Human Settlements prior to the submission of building plans. 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 brick high wall to protect the amenity of adjacent properties, and also request landscaping measures to be implemented on the property;
- (ix) building plans showing the change in use and the parking area being submitted for approval by the Executive Director : Human Settlements in terms of the National Building Regulations, before the new use rights are exercised;
- (x) this approval will lapse after five (5) years, in terms of Section 43(2) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), if the conditions of approval are not complied with, within the above stated period.



In addition, by virtue of the powers delegated to my Council by the Premier in terms of Section 25 of Ordinance No. 15 of 1985, and in terms of Section 35 of the Spatial Planning and Land Use Management Act 16 of 2013 and by resolution of the full Council at its meeting held on 16 July 2015, the Authorised Official on 25 July 2018 hereby granted approval for the subdivision of the abovementioned property as shown on the attached plan which bears my Council's stamp dated 26 July 2018.

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

Kindly note that in terms of Section 27 of the Ordinance and Section 43 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), 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

2661-EAS-MPT-SNgx/LdV

The subdivision of Remainder Erf 2661, Parsonsvlei, 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 Authorised Official has further resolved that the abovementioned property be zoned in a manner permitting subdivision, subject to the conditions relating to a Residential 1, Residential 2 or Residential 3, Business 1 and Transportation 1 zoning in the Scheme Regulations as contained in Section 8 of the Land Use Planning Ordinance 15 of 1985.

(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) Conditions imposed by the Council in terms of Section 42 of the Ordinance

The owner shall:

- 4.1 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;
 - 4.2 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.
- (5) Additional conditions as resolved by the Authorised Official in terms of Section 35 of the Spatial Planning and Land Use Management Act 16 of 2013:
- be
- (i) a Consulting Engineer being appointed to determine the water availability as the water main in Cape Road is over committed;
 - (ii) the owner appointing a Consulting Civil Engineer to determine the sewer serviceability of the proposed subdivision and then design and monitor the construction of all works as shall be required by the Executive Director: Infrastructure Engineering. Prior to the implementation of any works the investigation report must be submitted to the Executive Director: Infrastructure Engineering for perusal and comment;
 - (iii) no flow currently being allowed in the Baakens catchment area;
 - (iv) a Development Levy being determined by the Executive Director: Infrastructure and Engineering (Sewerage);
 - (v) all sewer costs associated with the above requirements being to owner's expense;
 - (vi) each Portion 1-10 having a stormwater connection;
 - (vii) a development plan being submitted 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;
 - (viii) 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;
 - (ix) road reserve being indicated on amended plan;
 - (x) further comments and conditions being made on submission of Engineer's Design Drawings;
 - (xi) Cape Road reserve being subdivided off as a remainder;
 - (xii) all conditions pertaining to parent erf applying;
 - (xiii) all roads being constructed to full municipal standards;
 - (xiv) there is a very important high voltage electricity overhead line on or in the vicinity of the erf. No work should be undertaken in the area without consulting the Executive Director: Electricity and Energy;
 - (xv) substations will be required. The developer must obtain approval from the Executive Director: Electricity and Energy regarding the location of the substation(s), which must be accessible to municipal staff;

- (xvi) 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;
- (xvii) the portion of the site falls with Species of Special Concern in the Nelson Mandela Municipality Open Space System. The applicant must consult DAFF and DEDEAT to enquire if they may require permit prior to disturbance removal or relocation of the species. In addition, the Department of Environmental Management must be informed should the applicant require "Search and Rescue" in the portion with Species of Special Concern.



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**

.....

.....

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:

.....
(PLUMBING AND DRAINAGE CONTRACTOR)

PIRB Registration No.

DATE:



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:

.....
(ELECTRICAL CONTRACTOR)

REGISTRATION NO.:

.....

DATE:

.....



Project Title:

SUBDIVISION OF
REMAINDER
ERF 2661, PARSONSVLEI

Drawing Title:

PROPOSED SUBDIVISION
OF PORTION A

Legend:

SUBJECT AREA = 81.8 Ha
PORTION A = 36.5136 Ha

SUBDIVISION OF PORTION A

PORTION	ZONING	EXTENT	%
1	Subdivisional Area	2.7526 Ha	7.5%
2	Subdivisional Area	3.0561 Ha	8.4%
3	Subdivisional Area	2.9331 Ha	8.0%
4	Subdivisional Area	2.9311 Ha	8.0%
5	Subdivisional Area	3.0554 Ha	8.4%
6	Subdivisional Area	2.7532 Ha	7.5%
7	Subdivisional Area	2.7523 Ha	7.5%
8	Subdivisional Area	3.0745 Ha	8.4%
9	Subdivisional Area	2.9261 Ha	8.0%
10	Business 1	8.0102 Ha	22.0%
Remainder Transportation 1		2.2690 Ha	6.3%
TOTAL		36.5136 Ha	100%

SUBDIVISIONAL AREA
FOR RESIDENTIAL 1, 2 OR 3
BUSINESS 1
TRANSPORTATION 1

Scale:

1:5000 ON A2

Project Ref:

JOB NUMBER: 1376

Drawing Ref:

1376 - Plan 10 - Rev9
26 February 2018

Designed By:

A. Rousseau

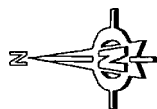
Prepared By:

L. Nkunkuma

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THE PRIOR WRITTEN APPROVAL OF THE CLIENT.

ENGINEERING ADVISE
AND SERVICES
associated with LULUVAZI

73 Hupso Road, Waver
P.O. Box 1389
Port Elizabeth
6001 (041) 881 2421



REMAINDER PORTION OF REM ERF 2661
(45,2864 Ha)



PHASE 1

This sub-division has been approved by the Council
in terms of Section 25 of Ordinance no. 15 of 1985
read with Section 42 and 43 of Act 16 of 2013
(SPLUMA) subject to conditions as per the annexure.

CITY MANAGER

26-07-2018

