nelson mandela bay MUNICIPALITY

Human Settlements

Your ref:
Our ref: CF19/01134
Date: 27 January 2025
Who deals with this: Ms N Mtshekexe

Tel: +27 (0) 41 506 1752
Fax:
PO Box 9, Port Elizabeth, 6000
Republic of South Africa
e-Mail: nmtshekexe@mandelametro.gov.za

PER EMAIL

ndaba@mplan.co.za

Metroplan Town and Regional Planners
P O Box 12313
CENTRAHIL
6006

Dear Sir

SUBDIVISION APPLICATION 7746 : ERF 1134, PARSONSVLEI
TOWN PLANNING AMENDMENT APPLICATION 10055 : ERF 1134, 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 Section 42 of the Spatial Planning and Land Use Management Act 16 of 2013, and in terms of Section 24(2) of the Spatial Planning and Land Use Management By-Law 2023, the Authorised Official on 23 January 2025 hereby granted approval for the subdivision of the abovementioned property as shown on the attached plan which bears the Council's stamp dated 27 January 2025.

(a) That the application for Town Planning Amendment (TPA 10055) by the rezoning of Erf 1134, Parsonsvlei from Business Zone 1 to Business Zone 1, Open Space Zone 2, Open Space Zone 3 and Transport Zone 2 as depicted on Plan No. Plan No. 24007_Par-07, **BE APPROVED**, subject to the following conditions:

(i) a Site Development Plan, in accordance with Section 70 of the Nelson Mandela Bay Metropolitan Municipality Land Use Scheme, 2023 indicating the measures that will be taken to minimise the impact of the proposed use on the adjacent properties being submitted to the Executive Director: Human Settlements for approval prior to the submission of Building Plans. Provided that, if considered necessary, the Executive Director: Human Settlements may at the time of assessing the Site Development Plan require the erection of a 2,4m high brick wall and landscaping on the rear and sides of the property to protect the amenity of the adjacent properties;

(ii) no parking on the road verges/pavements will be permitted and the Site development Plan required shall further indicate measures such as fencing or bollards including landscaping that will be used to prevent parking on the verges/pavements. These measures shall be implemented before any new use rights are exercised;

(iii) in terms of the National Building Regulations and Building Standards Act 103 of 1977 and before the new use rights are exercised, building plans showing the new or change in use and the layout of the parking area shall be submitted for the approval of the Executive Director: Human Settlements;

(iv) the Land Unit shall not be utilized for the use rights granted before confirmation in writing has been obtained from the Executive Director: Roads and Transport that all on-site parking bays have been physically provided in accordance with the approved Site Development Plan and, or where applicable conditions/recommendations of Traffic Impact Assessment/Study have been met;

(v) any outdoor advertising signs being submitted to the Executive Director: Human Settlements for approval in terms of the Council approved Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) First Amendment By-Law, 2023;

(vi) the owner paying a Transport Development Levy in respect of related traffic accommodation costs, such costs to be determined by the Executive Director: Roads and Transport and paid before the approval of the Site Development Plan;

(vii) all conditions pertaining to the use zones as contained in the Nelson Mandela Bay Metropolitan Municipality Land Use Scheme, 2023 applying;

(viii) the approval lapsing after 5 years, in terms of Section 43(2) of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) and Section 51 of the Nelson Mandela Bay Metropolitan Municipality Spatial Planning and Land Use Management By-law, 2023 if, within that period:

(1) a Site Development Plan or building plans have not been approved by the municipality; or

(2) the land in question has not been used for a purpose provided for in the zoning of that land; or

(3) where the land development is required in order to enable the land in question to be used for a purpose permitted by its zoning and construction has not commenced in accordance with applicable law.

The Authorised Official's decision was based on the following reasons:

- The subject property is situated within a Critical Biodiversity Area and the requisite authorization to undertake the proposed mixed-use development.
- The proposed mixed-use development inclusive of residential, office and retail aligns with Council's vision for the area.

Furthermore, your attention is also drawn to the provisions of the Spatial Planning and Land Use Management By-Law 2023 and the Spatial Planning and Land Use Management Act in terms of which a right of appeal exists. Should you wish to exercise your right in terms hereof, such an appeal, accompanied by proof of payment in the amount of R4565,00 (VAT included) in favour of the Nelson Mandela Bay Municipality, must be directed to the Office of the City Manager (mailto: sthebe@mandelametro.gov.za, Attention: Senior Director: Strategic Planning and Co-ordination), Nelson Mandela Bay Municipality, P O Box 9, Port Elizabeth, 6000 within 21 days of the date of notification of the decision. (please refer to the attached Appeal Application Form)

Should an appeal be received, the decision taken by the Authorised Official is held in abeyance until the appeal is finalised.

Bank details:

1. Fees to be paid on Electronic Funds Transfer (EFT) into the following Municipal account:

Bank	**ABSA Bank**
Account Name	**NMBMM**
Account Number:	**40 7953 3826**
Account Type:	**Current Account**
Branch Code:	**632005**

2. The bank reference must be in the following format:

1021307082 xx xxxxx
(1)[2](3) NB: Refer to [Our ref: CF xx/xxxxx] above for Nos. 2&3

1. The first 10 digits is the vote number for Properties.
2. Followed by a space - then 2 digits for the allotment area number.
3. Followed by a space - then 5 digits for the erf number of the subject property.
4. Applications that comprise of multiple erven - only one erf number will be sufficient.

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

Kindly note that in terms of the Spatial Planning and Land Use Management By-Law 2023 and the Spatial Planning and Land Use Management Act, 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.

Any queries relating to the servicing requirements contained in the Annexure hereto, should be addressed to Ms L Siebert (Development and Support), 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 the 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 the 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

ENCLOSURES: As stated

1134-Parsonsvlei-Metroplan/NMtshekexe

The Subdivision [7746] of Erf 1134, Parsonsvlei into eight land units namely, Portion 1 of Erf 1134, Parsonsvlei measuring 3825m², Portion 2 of Erf 1134, Parsonsvlei measuring 6117m², Portion 3 of Erf 1134, Parsonsvlei measuring 7250m², Portion 4 of Erf 1134, Parsonsvlei Portion 5 of Erf 1134, Parsonsvlei Portion 6 of Erf 1134, Parsonsvlei Portion 7 of Erf 1134, Parsonsvlei measuring 2350m², and Remainder of Erf 1134, Parsonsvlei measuring 6830m², as shown on **Plan No. 24007_Par-07**, **IS APPROVED**, subject to the provisions of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA).

(1) Subdivision of two or more attached Dwellings

1.1 The following conditions shall be complied with before the issuing of a written authority by the Council as contemplated by Section 53 of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA):
- 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

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

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 requirements by the Municipality.

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 43 of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA):

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.

(5) Additional conditions as resolved by the Authorised Official in terms of Section 43 of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA):

(i) compliance with the requirements of the Surveyor-General and Registrar of Deeds;

(ii) a right of way servitude must be surveyed and registered in favour of Remainder of Erf 1134, Parsonsvlei lieu of the 523m² encroachment onto Erf 7, Parsonsvlei for road access purpose exclusively;

(iii) the abovementioned surveyed portion of Erf 7, Parsonsvlei must be notarially tied to Remainder of Erf 1134, Parsonsvlei;

(iv) access to the site being to the satisfaction of the Executive Director: Infrastructure and Engineering;

(v) the subject property being developed and comply with all applicable restrictions as outlined by the Nelson Mandela Bay Metropolitan Municipality Land Use Scheme applicable to Single Residential Zone 1 zoned property;

(vi) the approval granted lapsing after five (5) years from the date of approval, in terms of Section 43(2) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) if the conditions above are not complied with within the stated period;

(vii) 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 developers 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;

(viii) the owner must appoint a Consulting Civil Engineer to investigate, design and monitor the implementation of all sewer 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 his perusal and comment;

(ix) a 3m *2wide servitudes must be registered in favour of the Municipality over the 150mm and 160mm diameter sewers that traverses Portion 6, and Portion 2 of the subdivision. The sewer must be located within the servitude with a 1,5m offset from the southern boundary of the servitude;

(x) all sewer cost's associated with the above-mentioned requirements shall be to the applicant's expense;

(xi) 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;

(xii) 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;

(xiii) the Roads and Stormwater Division reserve the right to impose further conditions at Engineer's Design Stage;

(xiv) road reserves must be in line with the Aurecon minimum road reserve width reports, however 4m roads must be replaced by 5,5m minimum road widths;

(xv) stormwater connections being provided to all large business and high density residential sites at the cost of the owner/developer/applicant to the satisfaction of the Executive Director: Infrastructure and Engineering;

(xvi) Hybrid Scheme conditions shall apply;
(xvii) all access points and internal roads to be constructed at the cost of the owner/developer/applicant to the satisfaction of the Executive Director: Infrastructure and Engineering;
(xviii) [a] substation(s) may 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;
(xix) an electricity supply can be made available to the erf/erven 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;
(xx) the environmental authorization ECm1/LN1&3/M/61-2021 has lapsed. The applicant will have to re-apply for an Environmental Authorisation in terms of the National Environmental Management Act (Act 107 of 1998) prior to any activities taking place that is listed in terms of the act as well as any other relevant license or permit required in terms of environmental legislation;
(xxi) a copy of a valid Environmental Authorisation must be submitted to Environmental Management for further comments with the Site Development Plan and or Building Plans;
(xxii) compliance to other Public Health Directorates;
(xxiii) Telkom Plant is affected; consideration of Telkom Infrastructure be made when developing the site.

APPENDIX 1

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: .....

APPENDIX 2

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**
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

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: .....