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**FILE**

Your Ref:

Our Ref: CF30/02377

Date: 31 October 2013

DEALS WITH THIS MATTER: MRS N JANTJIES

LAND PLANNING AND MANAGEMENT SUB-DIRECTORATE

Tel: 506-1764; Fax: 506-3430

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

REGISTERED POST

Urban Dynamics
P O Box 27757
Greenacres
PORT ELIZABETH
6057

Dear Sir/Madam

**TOWN PLANNING AMENDMENT 6875 : REZONING OF ERF 2377, THEESCOMBE
SUBDIVISION APPLICATION 7007 : ERF 2377, THEESCOMBE**

I refer to previous correspondence in this regard and wish to advise that the Executive Mayor at a recent meeting resolved that:

- (a) That, in terms of Provincial Circular LDC/GOK 9/1988, the Section 8 Scheme Regulations be amended (TPA 6875) by way of substitution scheme in terms of Section 14.4 of the Land Use Planning Ordinance 15 of 1985 by the rezoning of Erf 2377, Theescombe, from Agricultural Zone 1 to Residential Zone 2, Open Space Zone 2 and Transportation Zone 1 (Private Access) purposes, as shown on Plan No 1231 E/L1/8 dated 2012-06-14, subject to the standards conditions:
- (b) That Erf 2377, Theescombe be zoned (TPA 6875 A1) in a manner permitting subdivision, subject to the provisions of the Section 8 Zoning Scheme Regulations as they affect the Residential Zone 2, Open Space Zone 2 and Transportation Zone and (Private Access) the zones.
- (c) That Subdivision Application 7007(Erf 2377, Theescombe) be approved, subject to the standard conditions.
 - (i) the planning parameters as specified for the Residential Zone 2, Transport 1, and Open Space Zone 2, use zones in terms of the Section 8 Zoning Scheme Regulations being adhered to unless specified below;
 - (ii) only 1 dwelling unit per Residential Zone 2 Erf being permitted;
 - (iii) the applicant being responsible for the legal constitution of a Home Owner's Association to maintain the Open Space Zone 2 (Private Open Space) and the Transportation Zone 1, zoned properties before the first sale of any subdivided portion, to the satisfaction of the Local Authority;
 - (iv) a site development plan being submitted for the approval of the Executive Director : Human Settlements, prior to the submission and approval of building plans. The site development plan must contain a minimum of design guidelines for the residential erven;
 - (v) a detailed landscaping plan being submitted for approval by the Executive Director : Human Settlement and the Executive Director : Public Health (Parks). The landscaping plan must include

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implementation and maintenance proposals, and must be implemented completely within two months of the completion of each phased construction;

- (vi) building plans being submitted for approval of the Executive Director : Human Settlements in terms of the National Building Regulations, before the new use rights are exercised;
- (vii) *all advertising and signage conforming to Council's approved Outdoor Advertising Policy and being submitted to the Executive Director : Human Settlements for approval in terms of the Policy;*
- (viii) on-site parking being provided in terms of the Department of Transport standards;
- (ix) compliance with the environmental authorisation, dated 14 December 2012, issued by the Provincial Department of Economic Development and Environmental Affairs and Tourism (DEDEAT);
- (x) permission from the Department of Agricultural being obtained. Cognisance should be taken that a powerline servitude exist on the Erf;
- (xi) no direct access will be permitted onto the proposed servitude and railway line respectively; access can only be gained through the internal road. And the proposed access to Kragga Kamma Road will be temporarily as access at that position will be a critical position in future (intersection). The applicant should also resubmit the layout plan indicating the future access to these properties, with an assumption that the servitude has been developed;
- (xii) the developer at own cost 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 being 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;
- (xiii) a 5 m and 10 m building line must be observed along the proposed servitude and railway line respectively;
- (xiv) the developers submitting a site development plan to the Executive Director : Infrastructure and Engineering for consideration. Such site development plan including parking and access points;
- (xv) the owner paying a transportation development levy in respect of related traffic accommodation costs to be determined by the Executive Director : Infrastructure and Engineering;
- (xvi) cognisance being taken that water is not available. The existing 150 diameter main is over committed. The development is situated outside the Urban Development Edge. The reticulations system was designed to supply one single domestic connection per property (zoned Agricultural) and cannot supply this development. Mr Stan Groenewald of the Water Division should be contacted in regards to a levy payable by the developer for the upgrading of the bulk water supply;
- (xvii) the owner at own cost appointing a Civil Engineer to investigate, design and monitor the implementation of all works required by the Executive Director : Infrastructure and Engineering. *Prior the implementation of any works in the investigation the report being submitted to Executive Director : Infrastructure and Engineering for his perusal and comment;*
- (xviii) 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 owner's cost and to the satisfaction of the Executive Director : Infrastructure and Engineering;
- (xix) any stormwater and/or road modifications and/or alterations being at the owner's cost and to the satisfaction of the Executive Director : Infrastructure and Engineering;
- (xx) mini stormwater report being submitted prior to development;

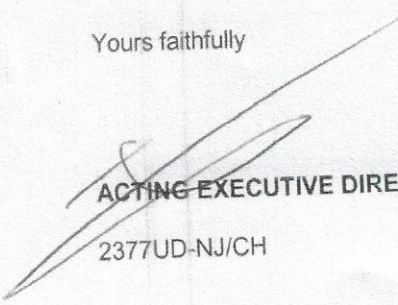
- (xxi) the Executive Director : Infrastructure and Engineering reserving the right to impose further conditions at development/engineers design stage;
- (xxii) stormwater discharge under railway being addressed with Transnet;
- (xxiii) there is a very important high voltage electricity overhead line on or in the vicinity of the Erf. No work being undertaken in the area without consulting the Executive Director : Electricity and Energy;
- (xxiv) existing overhead lines are present on the erf. These lines being relocated at a cost to be borne by the owner/developer, or a servitude acceptable to the Executive Director : Electricity and Energy being registered;
- (xxv) (a) substation(s) may be required. The developer/owner obtaining approval from the Executive Director : Electricity and Energy regarding the location of the substation(s), which must be accessible to municipal staff at all times;
- (xxvi) an electricity supply can be made available to the erf at the owner/developer's cost 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, being 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;
- (xxvii) a 132kV servitude needs to be registered. Exact details of servitude to be discussed with the Executive Director : Electricity and Energy. A supply can be made available once an approved Energy Efficiency Plan is submitted to the Executive Director : Electricity and Energy;
- (xxviii) special conditions for Hybrid Schemes Clause 4.6.6 being complied with;
- (xxix) recreational facilities being provided;
- (xxx) retention of the 5m boundary line abutting Kragga Kamma Road;
- (xxxi) the developer submitting a site access and layout plan to the Executive Director : Infrastructure and Engineering and District Roads and Engineering for approval;
- (xxxii) no tourism or local destination signs being erected on Kragga Kamma Road;
- (xxxiii) the developer being responsible for any road works or improvements required as a result of approval of the application;

Kindly note that the above decision was taken in terms of Provincial Circular LDC/GOK 9/1988, in terms of which your client has the right of appeal against same.

Should your client wish to exercise this right, please note that the appeal should be in writing, fully motivated and addressed to the Regional Director : Regional Office for Housing and Traditional Affairs, Private Bag X0035, Bisho, 5605, with a copy thereof submitted to this office, same to reach both on or before 25 November 2013.

Kindly be advised that the official letter of approval will follow once the outcome of the appeal process is known.

Yours faithfully


ACTING EXECUTIVE DIRECTOR : HUMAN SETTLEMENTS

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cc

TOWN PLANNING - For information
BUDGET AND TREASURY DIRECTORATE - For information
BUILDING INSPECTORATE