

Human Settlements

Your ref:

Our ref: CF17/000100

Date: 11 August 2023

Who deals with this: Mr M Msimanga

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SUNRIDGE PARK
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Dear Sir

TOWN PLANNING AMENDMENT APPLICATION (TPA 9888) : ERF 100, NEWTON PARK

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 8 August 2023 resolved as follows:

That, the application to amend the Port Elizabeth Zoning Scheme (TPA 9888) by the rezoning of Erf 100, Newton Park from Residential 1 and Transportation 1 to Business 1 and Transportation 1, **BE APPROVED**, subject to:

- (i) maximum floor space index of 1,0;
- (ii) maximum height of two storey or not exceeding 8m.
- (iii) no parking on the road reserves/verges of the Burt Drive, Newton Park associated with the operations taking place on the subject property;
- (iv) access to the site being to the satisfaction of the Executive Director: Infrastructure and Engineering;
- (v) the applicant may be required to pay a Transportation Development Levy in respect of the related traffic accommodation costs, such levy being determined by the Executive Director: Infrastructure and Engineering and subject to escalation;
- (vi) a Site Development Plan, in accordance with Clause 11 of the Port Elizabeth Zoning Scheme, indicating the measures that are proposed to minimise the impact of the proposed use on the adjacent properties, being submitted for approval by the Executive Director: Human Settlements 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. The Site Development Plan should also be sympathetic to the requirements of the disabled;
- (vii) in accordance with the National Building Regulation and before the new use rights are exercised, building plans showing the change of use being submitted and proved by the Executive Director: Human Settlements;
- (viii) any outdoor advertising signs being submitted to the Executive Director: Human Settlements for approval in terms of Council's Outdoors Signs (Advertising and Other) By-law 2010;
- (ix) the remaining conditions applicable to Business 1 in terms of the applicable zoning scheme regulations,
- (x) the use rights or development parameters granted lapsing after 5 years, in terms of Section 43(2) of the Spatial Planning and Land Use Management Act 2013 (SPLUMA) if conditions imposed are not completed within the above stated period.

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

- The proposal is considered to be in line with the vision of the Cape Road LSDF.
- The proposal is in accordance with the following principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013): Spatial Justice, Spatial Sustainability, Efficiency, Spatial Resilience and Good Administration.
- The proposal is envisaged to promote optimal utilisation the existing resource and infrastructure.
- The proposal is not envisaged to pose a negative impact on the surrounding property owners and public in general.

Please note, should you have any query relating to the above decision, please contact Ms N Ketelo, 506 3324 (Town Planning Admin), alternatively Town Planning Reception, 506 2241.

Your attention is also drawn to the provisions of Section 43 of the Spatial Planning and Land Use Management Act in respect of the lapsing of applications.

Furthermore, your attention is also drawn to the provisions of Section 51 of the Spatial Planning and Land Use Management Act in terms of which a right of appeal exists. Should this right be exercised in terms hereof, such an appeal, accompanied by proof of payment in the amount of R4307,00 (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: Mrs Dawn McCarthy), 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)

Yours faithfully



SENIOR DIRECTOR: LAND PLANNING AND MANAGEMENT

ENCLOSURE : As stated

11-100-NewtonPark-TPA-BPlan-MMsimanga