

Buffalo City Metropolitan Municipality
East London | Bhisho | King William's Town
Province of the Eastern Cape
South Africa

Website: www.buffalocitymetro.gov.za



Directorate of Spatial Planning &
Development

PO Box 81, East London, 5200
26 Oxford Street, East London, 5201
Tel: 043 705 2000 | Fax: 043 743 5266
Email: dianei@buffalocity.gov.za

Our ref.: Ifayile yethu:	5683.22/TP 15/4/1/1604	Enq.: Imibuzo:	N. MBULAWA 043 - 705 2077	Your ref.: Ifayile yakho:
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REGISTERED MAIL

2022 -12- 2 2

Settlement Planning Services
P.O. Box 19017
Tecoma
5214

Attention: Mr P. Jonas

CONSOLIDATION AND SUBDIVISION OF ERVEN 76532 AND 76533 EAST LONDON (NAHOON VALLEY PARK)

Your application in the above connection refers.

1. Approval is hereby granted in terms of Section 56 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-Law pertaining to the Spatial Planning and Land Use Management Act (Act 16 of 2013) for the **consolidation** of Erven 76532 and 76533 East London.
2. Approval is simultaneously granted in terms of Section 50 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-Law pertaining to the Spatial Planning and Land Use Management Act (Act 16 of 2013) for the **subdivision** of the consolidated Erven into 41 portions as shown on the attached approved subdivision plan – Plan No 2042 A/2.
 - a) This approval is subject to the conditions set out in Annexure/s B, B2, B3 and B7.
 - b) Kindly note that this approval lapses unless separate registration of at least one Erf, lot, plot or piece therein is affected in the Deeds Registry within five years of the date of this letter. Before this time expires application may be made in writing to this Directorate for the extension of the validity of the approval.
 - c) 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 this Directorate.



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This endorsement will be given on submission of proof that the conditions of establishment, as set out herein, have been complied with and copies of the relevant subdivision diagrams have been lodged with the Survey Branch of this Directorate.

- d) Furthermore, the condition of title imposed must be quoted in the Power of Attorney or application for Certificate of Registered Title, which document must be submitted to Room 107, City Engineering Centre, 26 Oxford Street, East London.
- e) Please note that the property which is the subject of the subdivision and consolidation approval may not be used for such new uses as may be allowed in such zone in terms of the Buffalo City Zoning Land Use Management Scheme, before every condition above has been complied with to the satisfaction of the HOD: Spatial Planning and Development.
- f) Also note that if the subdivision approval has not been acted within a period of five years from the date of this letter, it will, in terms of Section 54 of the By-Law pertaining the Spatial Planning and Land Use Management Act (Act 16 of 2013) and Section 43 of the Spatial Planning and Land Use Management Act (Act 16 of 2013) respectively, be considered to have lapsed.
- g) You are also notified that in terms of Section 51(1) of the Spatial Planning and Land Use Management Act (Act 16 of 2013) you have the right of appeal to the Municipal Appeal Tribunal against the conditions imposed by Council. Such appeal must be made in writing to:

The Municipal Manager
Buffalo City Metropolitan Municipality
PO Box 134
East London
5200

Within **21 days** from the date served by the Post Office (date on registered postal slip). Please be advised that if you wish to appeal, your appeal letter must be submitted with a copy of the dated registered postal slip.

A copy of the appeal should simultaneously be submitted to:

HOD: Spatial Planning and Development
P.O. Box 81
East London
5200

If notification of submission of an appeal is not received within the above-stipulated period, it will be assumed that no appeal has been lodged.

- h) The consolidation and subdivision approval for Erven 76532 and 76533, East that has been granted is for city planning purposes only. This approval does not override any restrictive conditions in the property's Title Deed. If there is a conflict between the approval and any restrictive condition of title the owner is required to apply for the removal of such restrictive conditions from the Title Deed before the owner can implement the terms of this approval. Please note that your failure to do so may result in legal action being taken against the owner to stop the implementation of the terms of this approval.



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Should you require any additional information regarding this approval for the consolidation and subdivision approval for Erven 76532 and 76533, please do not hesitate to contact Mr A. Kotzee on 043 705 2268 or alternatively Mr. H. Schluter on 043 705 2267.

Yours faithfully



22/12/2022

N. MBALI-MAJENG
HOD: SPATIAL PLANNING AND DEVELOPMENT
B. MAGABIYANE

File 15/4//1/1604

TP 5683.22

Cc THE SURVEYOR-GENERAL. PRIVATE BAG X9086. EAST LONDON, 5200
CHIEF FINANCIAL OFFICER
SENIOR MANAGER: GEOMATICS
TP COPY
FILE COPY
BM
GREEN COPY



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DIRECTORATE OF SPATIAL PLANNING AND DEVELOPMENT

ANNEXURE B

A. LOCAL AUTHORITY REQUIREMENTS

- a) A Homeowners Association is to be registered which will be responsible to maintain and operate the private sewer network serving the area which is zoned as private development (Residential Zone 4) as well as for all other matters of common interest, when subdivision and registration takes place.
- b) The applicant is required to submit a Stormwater Management Plan for the subdivided portion(s), designed by a Registered Professional Engineer to the Buffalo City Metropolitan Municipality for approval, before subdivision and registration takes place. The construction of the detention facility to be supervised and signed off, after completion, by the appointed Consultant. The details of the Stormwater Management Plan is obtainable from the Roads Branch.
- c) The capacity of the existing water network to deliver the required fire flow needs to be confirmed by means of a fire flow and pressure test, which can be carried out by the Water Supply Services Division, after receipt of proof of payment of the prescribed tariff, before subdivision and registration takes place. Arrangements for the payment of the associated Tariff can be made with the Water Loss Technician who is contactable on 043-705 2020.
- d) Payment by the Developer of a prevailing minimum Development Levy, per equivalent Erf, excluding Vat and escalation (i.e. per 1000l of Average Annual Daily Demand (AADD), and or fire flow demand) as exerted by the development on the existing infrastructure, before subdivision and registration takes place.

B. NOTES TO BE COMPLIED WITH AT DEVELOPMENT STAGE

- a) All costs in relation to the relocation of any electrical services shall be for the account of the developer. The need for the replacement of services in lieu of relocation thereof shall be presented to the Head of Directorate: Infrastructure Services, or a duly appointed representative for approval.
- b) The developer shall employ the services of an Electrical Consulting Engineer to provide a design for the internal electrical installation which shall be approved by the Electricity Department. The supply to the development shall be taken from the existing private internal electricity network.
- c) The applicant is required to submit design drawings for the proposed sewer network to the Sanitation Division for approval and 'As Built' drawings will have to be submitted to the Sanitation Division on completion of construction work for record purposes.
- d) Sewer servitudes can only be determined and fixed once a sewer layout has been submitted by the consultants.
- e) The measures required by the Stormwater Management Plan are to be implemented before or simultaneously with the development of the site and are to be maintained by the applicant / owner.
- f) Civil plans indicating road details as well as suitable vehicular, and if required, pedestrian access / egress is to be provided by the applicant / developer for approval prior to any building or construction taking place. Only one vehicle access per erf per street allowed.



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- g) Stormwater flowing onto and from the site must be dealt with by the applicant / developer. A full design of the proposed stormwater, as well as connection to the municipal system must be provided by the applicant / developer for approval before construction taking place. Applicant or developer has to provide assurance that the existing municipal system can accommodate all the stormwater.
- h) All Roads, Stormwater and Access details to municipal standards must be provided by the applicant / developer for approval prior to any building or construction taking place.
- i) All Roads, Stormwater and Access details are to be designed and controlled by a Professional Engineer with appropriate E.C.S.A. registration.
- j) The closest watermain to this development is an existing 160mm diameter watermain.
- k) All water meters are to be installed by Municipal Staff, subject to prior payment at the prevailing tariff, located within the verges of Public Road Reserves, or if this arrangement is proven to be non-feasible, consideration may be given to an alternative whereby all internal water mains and meter installations are to be installed within a 1.5m Pipeline Servitude, to be registered in favour of Buffalo City Metropolitan Municipality.
- l) The conditional approval may in no way be construed as approval regarding the position or size of the external water infrastructure or be construed as approval of further subdivision.
- m) The Developer will remain liable for the full cost of all local engineering services extension or upgrade, unless the Head of Directorate: Infrastructure Services advises to the contrary or unless the financial contribution of the Developer towards service extension and augmentation is defined and limited in terms of the provisions of the Development Levy Policy approved by the Council.
- n) The size and position of all Water Infrastructure installed to be in accordance with the Water Services Master Plan for the area or as otherwise determined by the Senior Engineer: Water Planning.
- o) In terms of the Water Services Act (Act 107 of 1997) and Regulations there under, a single bulk metered water supply point will not be made available to the residential component of the proposed development.
- p) The Developer is required to provide all internal water infrastructure and any required localized external pipeline augmentation to ensure that sufficient fire flow provision is provided in accordance with the current zoning, as approved by the Senior Engineer: Water Planning.
- q) All water infrastructure located both within the development or external to the boundary of the development (possible pipeline augmentations) must be designed and constructed by a Professional Engineer appointed by the Developer in accordance with the Buffalo City Metropolitan Municipality Water Services Standards:
 - Guidelines and Standards for Construction of Water Supply
 - Guidelines and Standards for Design of Water Supply
- r) The Developer must make a written application to the Head of Directorate: Infrastructure Services within 90 days of receipt of these conditions of approval or before development proceeds, whichever is the lesser, in order to establish the exact terms and conditions pertaining to the Financial Contribution to the Development Levy and for clarification of any water requirements.
- s) The appointed Engineering Professional will be required to liaise closely with the Senior Engineer: Water Planning at all stages at 4th Floor, Room 409 contactable at (043) 705 2115.
- t) All water related designs and layout proposals must obtain approval of the Senior Engineer: Water Planning, prior to work progressing.
- u) Onsite parking requirements are to be complied with, as parking restrictions may be imposed should traffic congestion occur.



- v) All subdivisions and diagrams must be prepared in terms of the Land Survey Act No. 8 of 1997 and the regulations promulgated thereunder.
- w) Fire plans for the proposed development being submitted to the Fire Department for evaluation and approval by the Chief Fire Officer for compliance with relevant by-laws and regulations of the Fire Department.
- x) Compliance with SANS 10400 Part TT 4.2.3 which states that: "Any building classified H4 and having elevations with windows or other openings in such elevation shall be so situated that the distance between such elevation and such boundary shall be not less than one meter, provided that, for any building classified H4, where the area of elevation facing any boundary is not more than 7.5m², such boundary distance may be reduced to 0.5m. If such wall facing a lateral boundary has no openings and that wall has a fire resistance and stability of at least one hour then such wall can be on the boundary."
- y) Compliance with South African National Standards (SANS) 10400 Part T 4.35.4 which states that: "No point in any building shall be at a greater distance than 90 meters from any fire hydrant."
- z) Compliance with South African National Standards (SANS) 10400 Part T 4.54 which states that: "No building shall be erected on any site unless such site is provided with suitable access for the purpose of fire fighting in and rescue from such building by the fire service of the local authority. Access roads to be at least 4.5m wide and have a height clearance of 4.5m."
- aa) A fire safety inspection required once the development is completed.
- bb) The land owner taking full responsibility for the maintenance of the newly developed area in terms of vegetation control and grass cutting.
- cc) Existing indigenous trees should be retained where possible and the land owner to include the provision of trees in the new development to compensate for the vegetation that will be removed during the development of the new proposal as well as part of the owners contribution towards a green initiative.
- dd) Any newly proposed driveway / panhandle must not negatively impact on any existing street tree as no existing as tree will be trimmed or removed to accommodate any driveways / panhandles.
- ee) All recommendations contained in the Integrated Environmental Management Plan (IEMP), Department of Economic Development Environmental Affairs and Tourism (DEDEAT), Department of Water Affairs and Forestry (DWAF) or any other governmental institute reports must be implemented and adhered to.
- ff) Recommendations contained in the Buffalo City Metropolitan Municipality Integrated Environmental Management Plan pertaining to threatened or protected species as contained in National Environmental Management Act (NEMA) must be adhered to.
- gg) The site is to be kept free at all times of declared weeds as listed under the Conservation of Agricultural Resources Act (C.A.R.A).
- hh) Storm water is to be managed correctly and is disposed of in an appropriate manner that does not have any negative impact on the environment.
- ii) Sanitation is to be dealt with correctly to prevent soil and water contamination.
- jj) Waste management is to be dealt with correctly both during and after construction. All solid waste, including builder's rubble, is disposed of at a licensed landfill.
- kk) Alien flora is to be removed and indigenous trees and vegetation conserved where possible (as stipulated in the National Environmental Management Biodiversity Act, 2004).



- ll) No building or structure is to be placed within the 100-year floodline or, if the floodline is undetermined, then not within 30m of any watercourse (as per the Buffalo City Metropolitan Municipality Spatial Development Framework; Watercourse: as defined by the National Water, 1998).
- mm) All Environmental Impact Assessment Regulations are to be adhered to.
- nn) It being noted that the Telkom plant is affected and the applicant noting that Telkom's approval has a validity period of 12 months only, after which reapplication must be made to Telkom if the work has not been completed.
- oo) Any changes or deviations from the original planning during or prior to construction must immediately be communicated with Telkom.
- pp) All costs in relation to the above being at the developer's cost.



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ANNEXURE B2

1. CONDITIONS OF TITLE TO BE IMPOSED IN RESPECT OF ALL SUBDIVISIONS

The following conditions are to be inserted as conditions of title against every deducted portion and the remainder unless they, or similar conditions, are in the opinion of the Conveyancer, already registered against the parent property(ies):-

- (a) The Erf shall be subject to the conditions as contained in Section 57 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-Law.
- (b) The Erf shall only be used for purposes permitted in terms of the Buffalo City Land Use Management Scheme Regulations.
- (c) That this Erf shall not be transferred to anybody or person unless such body or person has undertaken to become a member of the Home Owners Association as contemplated in terms of the provisions of Section 50(5)(e) of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-Law, in respect of the subdivision of which this Erf forms part, upon registration of transfer.

2. CONDITIONS OF ESTABLISHMENT

On transfer of the first Erf in this development the areas of common property to this development shall be transferred to the Home Owners Association. This includes private roadways, private open space and parking areas.



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ANNEXURE B3

CONDITIONS OF ESTABLISHMENT TO BE IMPOSED IN RESPECT OF ALL SUBDIVISIONS

1. Satisfactory arrangements for the essential removal of telephone or telegraph routes which cross the land being subdivided must be made with Telkom Limited in terms of Section 83 (1) of the Post Office Act.



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ANNEXURE B7

ADDITIONAL CONDITIONS OF ESTABLISHMENT TO BE IMPOSED IN RESPECT OF ALL SUBDIVISIONS.

- 1.0 The applicant will be required to cut and end cap any internal pipe work that may cross the boundary between any two adjacent erven. A written declaration that this work has been completed must be submitted to the HOD: INFRASTRUCTURE SERVICES before subdivisions and registration takes place. Any costs involved in complying with this condition will be for the applicants account (copy of required declaration is attached, to be signed by applicant and returned to this Directorate).



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UNDERTAKING IN TERMS OF ANNEXURE B7

I hereby undertake:

1. That any internal pipe work affected by the subdivisional boundary has been cut off and capped,

OR

2. That no internal pipe work exists that is affected by the proposed subdivisional boundary.

(Delete 1 or 2, whichever is not applicable).

3. All costs incurred with the above will be to the account of the developer.

SIGNATURE

NAME

DATE



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CONSOLIDATION AND SUBDIVISION OF ERF 76532 AND ERF 76533, EAST LONDON

PROPOSED SUBDIVISION Plan 2042 A/2

- Legend**
- PORTION A (1.2716ha)
 - Building Lines
 - Layout
 - 50cm Contours
 - Sewer Servitude
 - Cadastrals



Date: May 2022
 Project No.: 2042
 Project Ref.: 2042, Com and Sub of ERF 76532 and 76533 (Redline Group)
 As Projects Plan 2042 A, 2 Subdivisions and

REDLINE GROUP

Produced by: East London
 Tel: 043 721 1424

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 The data remains the sole property of the client & may only be used for the purpose of approval of the project with the prior written approval of the client.



SPATIAL BUDGET			
PROPOSED LAND USE	PROPOSED ZONING	NO. OF ERVEN	AREA IN ± m ²
Townhouse	Residential Zone IV	39	7086.00
Private Open Space	Residential Zone IV	1	123.00
Private Roadway	Residential Zone IV	1	5507.00
TOTAL		41	12716.00

BUFFALO CITY METRO MUNICIPALITY
 This SUBDIVISION has been approved in terms of Section 50 of the By-Law 11 to Act 16/2013 subject to conditions as per the annexure 65197

Date: 22/12/2022

Signature: _____

HOD: SPATIAL PLANNING & DEVELOPMENT

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CONSOLIDATION AND SUBDIVISION OF ERF 76532 AND ERF 76533, EAST LONDON

PROPOSED SITE PLAN
Plan 2042 A/3

Legend

PORTION A (1.2716ha)

3m Building line
Proposed Subdivision

Cars

Kerbing

Details

Trees

Proposed Units

50cm Contours

Sewer Servitude

Cadastrals

Scale 1:550



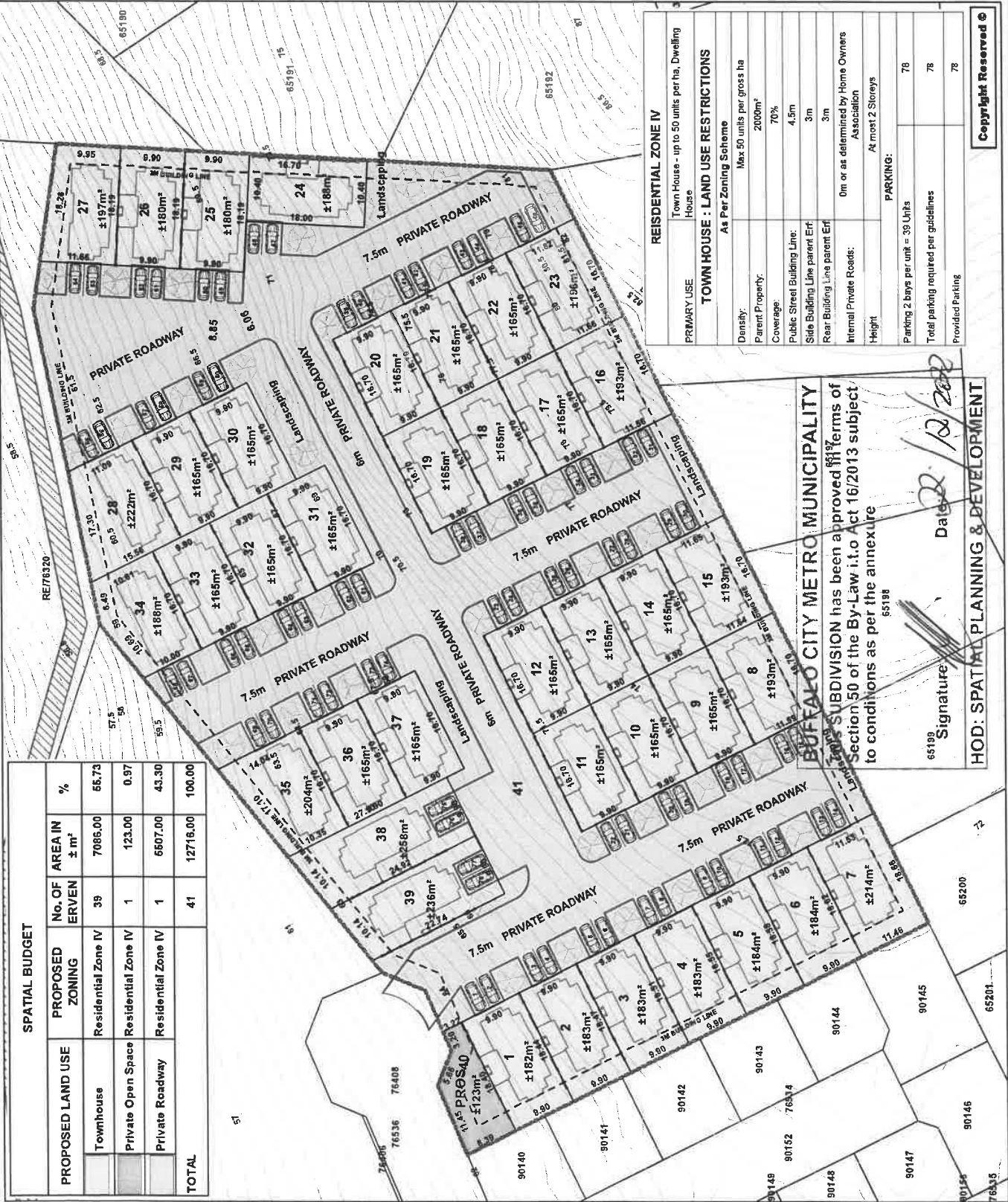
Date: May 2022
Project No: 2042
Project Ref: D: 2042 Cont and Sub of ERF 76532 and 76533 (Redline Group)
At Project Unit 2042 A, 3 Site Plan
PRODUCED FOR:



East London
Tel: 043 721 1424

REDLINE GROUP

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The client remains the sole property of the client & any other person or entity with the prior written approval of the client.



SPATIAL BUDGET			
PROPOSED LAND USE	PROPOSED ZONING	NO. OF ERVEN	%
Townhouse	Residential Zone IV	39	65.73
Private Open Space	Residential Zone IV	1	0.97
Private Roadway	Residential Zone IV	1	43.30
TOTAL		41	100.00

RESIDENTIAL ZONE IV	
PRIMARY USE	Town House - up to 50 units per ha, Dwelling House
TOWN HOUSE : LAND USE RESTRICTIONS	
As Per Zoning Scheme	
Density:	Max 50 units per gross ha
Parent Property:	2000m ²
Coverage:	70%
Public Street Building Line:	4.3m
Side Building Line parent Erf:	3m
Rear Building Line parent Erf:	3m
Internal Private Roads:	0m or as determined by Home Owners Association
Height:	At most 2 Storeys
PARKING:	
Parking 2 bays per unit = 39 Units	78
Total parking required per guidelines	78
Provided Parking	78

BUFFALO CITY METRO MUNICIPALITY
THIS SUBDIVISION has been approved in terms of Section 50 of the By-Law i.t.o Act 16/2013 subject to conditions as per the annexure

Signature: _____
Date: 12/2022

HOD: SPATIAL PLANNING & DEVELOPMENT

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