

**Buffalo City Municipality**

East London • Bisho • King William's Town  
 Province of the Eastern Cape  
 South Africa  
 Website: www.buffalocity.gov.za

**Directorate: Planning And  
Economic Development**

PO Box 81 • East London • 5200  
 26 Oxford Street • East London • 5201  
 Tel: 043 705 2295  
 Fax: 043 743 5266

Our ref.: Ifayile yethu:	<b>15748/TP</b>	Enq.: Imibuzo:	<b>MR R M BROWN</b> <b>043 - 705 2076</b>	Your ref.: Ifayile yakho:
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**REGISTERED MAIL**

Messrs S & H Surveys  
 P O Box 2376  
 BEACON BAY  
 5205

2007-06-12

**ATTENTION: MR W A SIMONS**

Dear Sir

**SUBDIVISION OF ERF 96 KAYSER'S BEACH**

- By virtue of the powers delegated to my Council by the Premier in terms of the Land Use Planning Ordinance No. 15 of 1985, approval is hereby granted in terms of Section 25 read with Section 42 thereof for the subdivision of the abovementioned property as shown on the attached plan which bears this Directorate's stamp.
- This approval is subject to the conditions set out in Annexure/s B, B2, B3 and B6.
- 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.
- 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.  
  
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.
- 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 Room 111, City Engineering Centre, 26 Oxford Street, East London.

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6. You are also notified that in terms of Section 44 of the Land Use Planning Ordinance 15 of 1985 you have the right to appeal to the Premier against the conditions imposed by Council. Such appeal must be made in writing to:

Department of Housing, Local Government and Traditional Affairs  
Private Bag X0035  
Bhisho  
5605

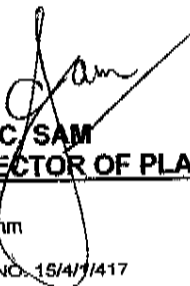
within 14 days from the date of this letter. A copy of the appeal should simultaneously be submitted to:

Directorate of Planning and Economic 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.

7. The approval that has been granted is for Town 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.

Yours faithfully



**C.A.C. SAM**  
**DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT**

RMB/nm

FILE NO. 15/4/1/417

- C.C.
1. THE SURVEYOR-GENERAL, PRIVATE BAG X9028, CAPE TOWN, 8000
  2. CHIEF FINANCIAL OFFICER
  3. PROGRAMME MANAGER: LAND SURVEY
  4. TP COPY
  5. FILE COPY
  6. R.M. BROWN

• ENCLOSURE

**BUFFALO CITY MUNICIPALITY****DIRECTORATE OF PLANNING AND ECONOMIC DEVELOPMENT****ANNEXURE B****A. LOCAL AUTHORITY REQUIREMENTS**

- 1.0 The applicant is required to submit a Stormwater Management Plan for between a 1:5 and 1:50 year flood, designed by a Registered Professional Engineer for approval by the Directorate of Engineering Services, before subdivision and registration takes place. The details of the Stormwater Management Plan are obtainable from the Roads Branch.
- 2.0 The applicant is required to register a Homeowner's Association to deal with all matters of common interest before subdivision and registration takes place.
- 3.0 The applicant is required to appoint a Professional Engineer to satisfy the requirements of the Waterworks Branch Engineer with regard to the provision of water to the proposed development before subdivision and registration takes place.

The minimum requirements of the Senior Engineer: Water Planning are to be met with regards to the provision of water for the development, including those for fire fighting purposes and the registration of any servitudes which may be required.

All designs and layout proposals are to be approved by the Senior Engineer: Water Planning, prior to work progressing.

**B. NOTES TO BE COMPLIED WITH AT DEVELOPMENT STAGE**

- 1.0 The site is to be developed in accordance with the submitted site development plan in general.
- 2.0 The use of the site is to be subject to the requirements of the Scheme Regulations in terms of Section 8 of the Land Use Planning Ordinance, 15 of 1985.
- 3.0 The applicant is required to develop the site in accordance with the agreements made with the objectors prior to their withdrawal of objection.
- 4.0 The applicant is to comply with relevant By-Laws and regulations of the Fire Protection Division.
- 5.0 The actual width of internal roads is to be a minimum of 5 metres to facilitate two-way traffic.
- 6.0 The required number of on-site parking bays are to be provided.
- 7.0 The single panhandle at Site No.8 is to be 4m in width.
- 8.0 The electronically controlled gate at the entrance is to be positioned at least 10m in from the property boundary.
- 9.0 Sufficient road widening is to be placed every 30m to allow for overtaking of vehicles.
- 10.0 Stormwater flowing onto and from the site is to be dealt with by the applicant / developer and a full design of the proposed stormwater, as well as the connection to the Municipal system, is to be provided by the applicant / developer, before any building or construction takes place.

- 11.0 All details for stormwater, roads and access are to be designed and controlled by a professional engineer with appropriate E.C.S.A. registration.
- 12.0 No alterations to levels or surfacing of Municipal road reserves or sidewalks are permitted without prior approval and the applicant / developer is to provide the Municipality with plans indicating road details as well as suitable vehicular / pedestrian access / egress to the site, prior to any building or construction taking place.
- 13.0 The developer is required to erect a sign at the entrance to the site for public information, indicating "Private Road", as the internal roads will be private.
- 14.0 The applicant / developer is required to contact Eskom in relation to an electricity supply to the development.
- 15.0 The developer is required to utilize a sanitation system of conservancy tanks, which is to be approved by the Health Department, as there is no waterborne sanitation presently available in the area.
- 16.0 All costs for the provision of water, including that of any system augmentation required, are to be for the developer's account.
- 17.0 All costs involved in fulfilling the above requirements / conditions are to be for the account of the property developer / applicant.

**BUFFALO CITY MUNICIPALITY****DIRECTORATE OF PLANNING AND ECONOMIC DEVELOPMENT****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 Regulation 3.5 of the Scheme Regulations (PN 1047/88) in terms of Section 7(2) of Ordinance No. 15/1985.
- (b) The erf shall only be used for purposes permitted in terms of the Zoning Scheme applicable to the development in terms of the Land Use Planning Ordinance 15 of 1985.
- (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 29 of Ordinance 15 of 1985, in respect of the subdivision of which this erf forms part, upon registration of transfer.

**2. CONDITION 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.

**BUFFALO CITY MUNICIPALITY**

**DIRECTORATE OF PLANNING AND ECONOMIC DEVELOPMENT**

**ANNEXURE B3**

**CONDITIONS OF ESTABLISHMENT TO BE  
IMPOSED IN RESPECT OF ALL SUBDIVISIONS**

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

**BUFFALO CITY MUNICIPALITY****DIRECTORATE OF PLANNING AND ECONOMIC DEVELOPMENT****ANNEXURE B6****ADDITIONAL CONDITIONS OF ESTABLISHMENT TO BE IMPOSED IN RESPECT OF THE SUBDIVISION OF ALL PROPOSED GROUP HOUSING SCHEMES AND TOWNHOUSE SCHEMES****A. LOCAL AUTHORITY REQUIREMENTS**

- 1.0 The developer must construct all internal roads, stormwater drainage, water, sewers and electrical reticulation in accordance with drawings prepared by a Professional Engineer. When the services are completed the developer must submit to the Director of Development Planning a letter from the Professional Engineer stating that the provision of all services including roadways has been completed to their satisfaction. Endorsement of the Powers of Attorney to transfer any erf within the development will not be issued unless the above has been complied with.

**OR**

- 2.0 Alternatively a performance guarantee from the developer's bank for due performance and payments of all this obligations and liabilities in the provisions of services as contained in Clause A. 1.0 hereof shall be agreed upon and provided to the Director of Engineering and Infrastructural Development before subdivision and transfer takes place. An example of the required Performance Guarantee is attached.

**B. NOTES TO BE COMPLIED WITH AT DEVELOPMENT STAGE**

- 1.0 The development is to comply with the approved development plan with respect to the layout and parking requirements.
- 2.0 No building plan that does not comply with the approved development plan will be approved.

**EXAMPLE**

**PERFORMANCE GUARANTEE IN TERMS OF ANNEXURE B6**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Director of Engineering Services  
Buffalo City Municipality  
P.O. Box 81  
EAST LONDON  
5200

DATE: \_\_\_\_\_

**PERFORMANCE GUARANTEE**

We/I, the undersigned \_\_\_\_\_ acting for and on behalf of (Name of Bank) \_\_\_\_\_ in our capacities as \_\_\_\_\_ and being duly authorized hereto, do hereby interpose and bind ourselves in favour of the BUFFALO CITY MUNICIPALITY (hereinafter referred to as "the Municipality") as surety for and co-principal debtor in solidum with (name of developer) \_\_\_\_\_ (hereinafter referred to as ("the Developer") for the due performance and payment of all its obligations and liabilities in the provisions of services and compliance with the provisions of Clause A.1.0. as contained in Annexure B6 attached to the Letter of Approval in respect of the Subdivision of Erf \_\_\_\_\_ East London, \_\_\_\_\_ dated \_\_\_\_\_ as issued by the Buffalo City Municipality. Provided that our joint and several liability hereunder shall be limited to the sum of R. \_\_\_\_\_ (amount in words) \_\_\_\_\_

We specifically renounce the benefits of excursion, division and cession of actions, with the meaning and effect of which we acknowledge ourselves to be fully acquainted.

We agree and declare that it shall be in the absolute discretion of the Municipality without notice to us to give time or other indulgences to the Developer, to compound, compromise or make any other arrangements with the Developer and to release the whole or any portion of any security or to release any co-principal debtors or co-sureties.

All admissions and acknowledgements of indebtedness by the Developer shall be binding on us.

In the event of the Developer being sequestrated, or, being a company being placed under judicial management or in liquidation (whether such sequestration, judicial management or liquidation shall be provisional or final) or in the event of the Developer making an assignment or compromise with its creditors, no dividends or payments which the Municipality may receive from the Developer shall prejudice the Municipality's rights to recover from us to the full extent of this guarantee any sum which, after the receipt of such payments of dividends, may remain owing by the Developer (provided that this clause shall in no way oblige the Municipality to excuse the Developer before proceeding against us and any action by the Municipality under this clause may be taken without reference to us and such action shall in no way affect, limit or prejudice our liability hereunder).



**EXAMPLE**

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No variation or waiver of this deed of suretyship shall be valid unless reduced to writing and signed by the Municipality or a person duly authorized in writing by it.

This guarantee is subject to the payment of monies only and to which payment therefore will only be made against surrender of the original guarantee by the beneficiary, or the beneficiary's duly authorized agent, to the Bank.

We undertake as a principal and not as an accessory obligation to make payment of any amount due hereunder upon receipt of written from the Municipality requiring us to make payment in terms hereof. This obligation shall be absolute and the Surety's Remedies shall in all cases be solely against the Developer.

This guarantee and undertaking is neither negotiable nor transferable.

This guarantee shall irrevocably remain in force until the issue of the Certificate of Practical Completion of the aforesaid services.

For: \_\_\_\_\_

at \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_

**SIGNATURE**

\_\_\_\_\_

**SIGNATURE**

**AS WITNESSES:**

1. \_\_\_\_\_

2. \_\_\_\_\_

**BUFFALO CITY MUNICIPALITY**  
 This subdivision has been approved in terms of Section 26 of Ordinance No. 15 of 1985 subject to conditions as per the Appendix.  
 Date: 2007-06-12  
 Director of Municipal Planning

**PLAN OF PROPOSED SUBDIVISION OF ERF 96 KAYSERS BEACH SITUATED IN BUFFALO CITY MUNICIPALITY ADMINISTRATIVE DISTRICT OF EAST LONDON PROVINCE OF EASTERN CAPE**

**S & H SURVEYS**  
 Professional Land Surveyors & Town Planners  
 5, Klaar, Place  
 Bejaumon Bay  
 5241  
 Date: MAY 2004  
 Scale: 1 in 1250  
 Tel. 043-7462868  
 Cell. 083 237 0036

