

## MULTISECURITY CRIME REPORT

Monday February 2 to Sunday February 11 Tuesday 4.19pm: Client reported theft on site in Colgate Road.

Wednesday 2.30pm: Positive break-in at Dickinson Road. Armed response and SAPS attended the scene.

Friday 4.10pm: A client reported a suspicious person jumping over a wall in Van der Riet Street. Armed response attended the scene.

Saturday 4.50pm: Positive break-in at Brighton Road and suspect apprehended by armed response.

Sunday 4.35pm: Armed response attended to positive break-in in Alfred Road.

## RIVER CHAMPIONS



The Integrity crew plus volunteers stand proudly near the 16 bags of waste they collected in their first river cleanup of 2024, from left, Rebelah Downey, Minet Vulindlu, Fuzile C Kool, skipper Mark Denson, Richard Downey, Dylan Denson and Sheila Downey. Integrity have asked that a special thank you be extended to Ndlambe Municipality for the supply of bags, removal of waste and assistance on the river. In particular, river control officer Richard Mavikela, environmental law enforcement officer Willem Nel, as well as Craig Nauda. They also thank their 'angels on earth', NSRI station 11 Port Alfred, who were on hand in case of emergency. They also thanked their volunteers who worked so hard; and to the crew of Integrity River Cruises for consistently giving up their time to do this every month. Please contact Sarah at [krucruises.co.za](mailto:krucruises.co.za) should you wish to be a part of the February River clean-up. Integrity River Cruises and Boat Hire offers two-hour cruises on the river on their river cruise barge, which takes up to 30 passengers. They're grateful to the Kowie River for their livelihood and for the joy that it brings their passengers and so they regularly do litter pickups along the river banks. **Picture: SUPPLIED**



### NDLAMBE MUNICIPALITY PORT ALFRED

#### APPLICATION FOR REZONING OF ERF 1438, PORT ALFRED FROM RESIDENTIAL ZONE 1 TO COMMUNITY ZONE 1 (FOR A SCHOOL) DEPARTURE FOR RELAXATION OF BOTH LATERAL AND REAR BUILDING LINES.

**Applicant:** MIRINDA DE BEER TOWN & REGIONAL PLANNERS  
**Owner:** MARANNE PROPERTY HOLDINGS PROPRIETARY LIMITED

**Property Description:** Erf 1438, PORT ALFRED

**Physical Address:** 10 LAMBERT ROAD, PORT ALFRED, 6170

**Detailed description of proposal:**

The matter for consideration is an application for Rezoning of Erf 1438, Port Alfred from Residential Zone 1 to Community Zone 1 (for a school), Departure for Relaxation of Both Lateral and Rear Building Lines as per the provisions of the Ndlambe Municipality Spatial Planning and Land Use Management By-Laws (2016) and Ndlambe Municipality Integrated Land Use Scheme, 2018.

Notice is hereby given in terms of Section 93 of the Ndlambe Municipality Spatial Planning and Land Use Management By-law (2016) that the abovementioned application has been received and is available for inspection during weekdays between 09:00 to 15:00 at the Ndlambe Municipality, Civic Centre, Causeway, and Port Alfred Municipal Office. The application can also be viewed on the Ndlambe website ([www.ndlambe.gov.za](http://www.ndlambe.gov.za)), under Resource Centre, Town Planning Portal, Current Land Use Applications. Any written comments may be addressed in terms of Section 98 of the said By-law to the MUNICIPAL MANAGER, Causeway, Port Alfred, 6170, or emailed to [townplanning@ndlambe.gov.za](mailto:townplanning@ndlambe.gov.za) or [kradingoana@ndlambe.gov.za](mailto:kradingoana@ndlambe.gov.za) on or before 18 March 2024. Telephonic enquiries can be made to the Town Planning Section at (046) 604 5520. The Municipality may refuse to accept comment received after the closing date. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

NOTICE NR: 28/2024

18 February 2024 ADV. R DUMEZWENI MUNICIPAL MANAGER



### NDLAMBE MUNICIPALITY PORT ALFRED

#### APPLICATION FOR REZONING OF ERF 289, BOKNESSTRAND FROM RESIDENTIAL ZONE 1 TO BUSINESS ZONE 2 AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS.

**Applicant:** M.E.H SULTER & SON INC  
**Owner:** PIETER DANIEL VAN ROOYEN

**Property Description:** Erf 289, BOKNESSTRAND

**Physical Address:** 289 MAIN STREET, BOKNESSTRAND, 6189

**Detailed description of proposal:**

The matter for consideration is an application for Rezoning of Erf 289, Boknesstrand from Residential Zone 1 to Business Zone 2 and Removal of Restrictive Title Deed Conditions as per the provisions of the Ndlambe Municipality Spatial Planning and Land Use Management By-Laws (2016) and Ndlambe Municipality Integrated Land Use Scheme, 2018.

Notice is hereby given in terms of Section 93 of the Ndlambe Municipality Spatial Planning and Land Use Management By-law (2016) that the abovementioned application has been received and is available for inspection during weekdays between 09:00 to 15:00 at the Ndlambe Municipality, Civic Centre, Causeway, and Port Alfred Municipal Office. The application can also be viewed on the Ndlambe website ([www.ndlambe.gov.za](http://www.ndlambe.gov.za)), under Resource Centre, Town Planning Portal, Current Land Use Applications. Any written comments may be addressed in terms of Section 98 of the said By-law to the MUNICIPAL MANAGER, Causeway, Port Alfred, 6170, or emailed to [townplanning@ndlambe.gov.za](mailto:townplanning@ndlambe.gov.za) or [kradingoana@ndlambe.gov.za](mailto:kradingoana@ndlambe.gov.za) on or before 18 March 2024. Telephonic enquiries can be made to the Town Planning Section at (046) 604 5520. The Municipality may refuse to accept comment received after the closing date. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

NOTICE NR: 27/2024

15 February 2024 ADV. R DUMEZWENI MUNICIPAL MANAGER

## Multi Security Services

24 Hours: 046 624 2508  
Office Hours: (046) 624 3708

@MultiArmedReaction

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AMBULANCE SERVICE

### FORM JJJ

#### LOST OR DESTROYED DEED (Form JJJ added by GNR.62 of 18 January 2016)

Notice is hereby given in terms of Regulation 68 of the Deeds Registries Act, 1937, of the intention to apply for the issue of a certified copy of

Deed of Transfer Number T20148/2008 CTN

Passed by **TALWOOD INVESTMENTS PROPRIETARY LIMITED**  
Registration Number 1999/00398507

- In favour of
- KERRY ST. JOHN BASSETT**  
Identity Number 5908156105080  
Married out of community of property
  - ARLENE BASSETT**  
Identity Number 6012260081068  
Married out of community of property

In respect of **REMAINDER ERF 2821 PORT ALFRED IN THE AREA OF NDLAMBE LOCAL MUNICIPALITY DIVISION OF BATHURST PROVINCE OF THE EASTERN CAPE**

IN EXTENT: 606 (NINE HUNDRED AND SIX) SQUARE METRES

which Deed has been lost or destroyed.

All persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds at KING WILLIAM'S TOWN within two weeks after the date of the publication of this notice.

Dated at PORT ALFRED this 09TH day of JANUARY 2024

Applicant: **NEAVE STÖTTER INC.**  
28 VAN DER RIET STREET  
PORT ALFRED  
6170  
Email: [neave@palaw.co.za](mailto:neave@palaw.co.za)  
Tel: 046 6241163



### SPORTS N ALL Get in the game!

We are hiring a

## Sales Assistant

with the following attributes:

- Enthusiastic and Energetic Person
- Great Customer Skills
- Friendly and a Team Player
- Sporting and Fishing knowledge preferable

Please email CV to [sportsnall@border.co.za](mailto:sportsnall@border.co.za)

If you do not receive a reply by 23<sup>rd</sup> February, please note that your CV has been unsuccessful.

### FORM JJJ

#### LOST OR DESTROYED DEED

Notice is hereby given in terms of regulation 68 of the Deeds Registries Act, 1937, of the intention to apply for the issue of a certified copy NOTARIAL DEED OF CESSION OF RIGHT TO EXCLUSIVE USE AREA NUMBER 3K3823/2008CTN passed in favour of TAMAR SHEBA VAN STADEN, IDENTITY NUMBER 631020 0012 00 4, UNMARRIED in respect of an exclusive use area described as YARD AREA NO. Y1 measuring 18 (EIGHTEEN) square metres being as such part of the common property, comprising the land and the scheme known as VILLA D' ESTE in respect of the land and building or buildings situate at GRAHAMSTOWN, in the MAKANA LOCAL MUNICIPALITY as shown and more fully described on Sectional Plan Number SS 288/2001 which has been lost or destroyed.

All interested persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds at KING WILLIAM'S TOWN within two weeks from the date of the publication of this notice.

Dated at KING WILLIAM'S TOWN this 18th day of FEBRUARY 2024.

CONVEYANCER  
**ALLEN GRAHAM CLARKE**  
LPCMN 86069  
NEVILLE BORMAN AND BOTHA  
ATTORNEYS  
22 HILL STREET, GRAHAMSTOWN, 6139  
E-mail address: [conveyancing@nbandb.co.za](mailto:conveyancing@nbandb.co.za)  
Contact number: 046 622 7200  
Ref: Jamie-Lee Arries 3/TOM4/0001



**NDLAMBE MUNICIPALITY  
SPLUMA LAND USE APPLICATION  
(Spatial Planning and Land Use Management Act 16 of 2013)**

**TYPE OF APPLICATION:**

TICK	APPLICATION TYPE	FEE AS PER FEE LIST
✓	Rezoning (SPLUMA)	<b>R 8 431.07</b>
	Consolidation	R
✓	Requirements for amendment, suspension or removal of restrictive conditions or obsolete Condition, servitude or reservation registered against title of land	<b>R 8 431.07</b>
	Departure Permanent or Temporal Departure (for land use change)	R
	Departure Relaxation building line	R
	Consent use in terms of the Land Use Scheme	R
	Extension approval	R
	Subdivision	R
	Road closure or Closure of Public Open Space	R
		R
		R
<b>TOTAL</b>		<b>R 16 862.14</b>

## COMPLETE THE FOLLOWING:

Local Authority:	<b>NDLAMBE MUNICIPALITY</b>
Description of Land:	<b>ERF 289 BOKNESSTRAND</b>
Registered owner(s):	<b>PIETER DANIEL VAN ROOYEN</b>
Street Address:	<b>MAIN STREET BOKNESSTRAND</b>
Postal Address:	<b>MAIN STREET BOKNESSTRAND</b> Code: <b>6189</b>
Email Address of Owner:	<a href="mailto:cannontoolhire@gmail.com">cannontoolhire@gmail.com</a>
Applicant (With Power of Attorney):	<b>M.E.H. SULTER &amp; SON</b>
Postal Address:	<b>15A MILNER STREET GRAHAMSTOWN</b> Code: <b>6170</b>
Email Address of Applicant:	<a href="mailto:peter@surveyec.co.za">peter@surveyec.co.za</a>

## INSTRUCTIONS

(These instructions should be read before completing the form)

### 1. GENERAL REMARKS

- 1.1. All applications should take cognizance of the requirements provided for in terms of other legislations.
- 1.2. Incorrect and incomplete applications will be returned to the Applicant. The Applicant's attention is drawn to the plans and other documentation that must accompany their application as per the Schedules in the Ndlambe Municipality Spatial Planning and Land Use Management By-law (2016).
- 1.3. Applicants must note that until such time that an application has been approved in writing, any correspondence or discussions pertaining to this application must not be regarded as an indication that it will in fact be approved and do not bind the Ndlambe Municipality, in any way.
- 1.4. The Ndlambe Municipality reserves the right to have an approval declared null and void if it was based on incorrect information supplied by an applicant. Applicants must therefore ensure that information about restricting factors that could influence the application is provided.
- 1.5. Applicants may supply any additional information on a particular issue if they want to and when required to.

### 2. PRIOR LIAISON WITH OTHER INTERESTED PARTIES

- 2.1. Prior Liaison with interested bodies including National and Provincial Departments is strongly recommended, as the processing of applications will be expedited in this way. Where an applicant submits proof that an interested party is satisfied with a proposal, it will not be necessary to again approach such interested party for comments.

- 2.2. A list of the different authorities and other interested parties affected by the development, together with the names, telephone numbers and addresses of contact persons may be available from the Local Authority.

### **3. SUBMISSION OF APPLICATION**

- 3.1. The application must be submitted in duplicate, together with all the required annexes, to the Local Authority in whose area of jurisdiction the land unit is situated. If the land is to be incorporated within the jurisdiction of a Local Authority, the application form must also be submitted to the Local Authority concerned.

- 3.2. Applications can be posted via registered mail or hand delivered to the following address:

The Municipal Manager  
Ndlambe Municipality  
P O Box 13  
Port Alfred  
6170

The Municipal Manager  
Ndlambe Municipality  
Campbell St  
Port Alfred  
6170

- 3.3. Lack of information leads to delays and adds to the workload of the Department. It is essential that all applications that are submitted for consideration contain all the information necessary for the relevant authority to take a rational decision. Ideally applications should indicate the following:

3.3.1. Details in respect of the application

- A Locality sketch clearly showing the details of the application;
- A Description of the site that is to be developed;
- What does the owner intend to do with the land;
- What are the envisaged development parameters (for instance the proposed floor area and coverage);
- What portion of the site is to be developed;
- What is the existing zoning and use of the subject land;
- A copy of the advertisement of the proposal;
- A site development plan.

3.3.2. Details in relation to the existing and proposed development of the land in the vicinity of the subject land

- The existing uses and zonings to be shown on separate map;
- The visual or historical characteristics of the area;
- Topographical and physical features;
- Details of illegal and non-conforming uses.

3.3.3. Details in respect of the planning proposals for the subject area

- what are the existing and proposed conditions applicable to the subject land (servitudes, title deed and/or zoning scheme conditions);
- relevant details contained in Land Development Objectives or any other policy proposals for the area.

3.3.4. Motivation

A written motivation for an application should be based on the criteria referred to in the said legislation (SPLUMA), namely;

- Desirability of the proposed utilization of land and any guidelines issued by the Provincial Minister regarding desirability of proposed land uses;
- Investigations carried out in terms of other laws that are relevant to the consideration of the application;
- The impact of the proposed land development on municipal engineering services;
- Applicable policies of the Municipality that guide decision making;

- Applicable provisions of the zoning scheme;
- Consideration of the following forward planning documents;
- Integrated development plan, including the municipal spatial development framework; Provincial spatial development framework; and
  - Policies, principles and planning and development norms and criteria set by the national and provincial government; and -
  - Land development principles as referred to in Chapter 2 and Section 42 of the Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA).

### **3.3.5 Supporting Information and documentation**

The following information or documentation may be requested at the discretion of the Municipality and can include the following;

- Copy of Traffic Impact Statement (TIS - if between 50 – 150 peak hr. trips) or Traffic Impact Assessment (TIA - if > 150 peak hr. trips);
- Flood line determination (report / plan);
- Copy of the Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) report;
- Confirmation of submission of EIA / HIA; or Copy of the Environmental Authorization (EA) / Record of Decision (ROD);
- Services report or indication of all municipal services / registered servitudes;
- Landscaping / Tree plan;
- Typical unit types (plan & elevation);
- Abutting neighbor consent;
- Body Corporate / Homeowners Association (HOA) consent;
- Homeowners Constitution / architectural guidelines;
- Copy of original approval and conditions of approval;
- Minutes of pre-application consultation meeting;
- Confirmation from the Department of Rural Development and Land Reform regarding land claim(s) / restitution claim(s);
- Proof of lawful use right;
- Additional copies of selected documentation;
- Additional motivation; and –
- Any other specialist studies, etc.

## SECTION A

### TO BE COMPLETED BY THE APPLICANT

(\* ANSWER YES, NO, OR NOT APPLICABLE)

#### 1. PERSONAL PARTICULARS OF THE APPLICANT

Your reference number	<b>BOK-289</b>
Name of person to whom correspondence should be addressed	<b>P.B. SULTER C/o M.E.H. SULTER &amp; SON</b>
Address:	<b>15A MILNER STREET GRAHAMSTOWN 6139</b>
Telephone number:	<b>046-6224441</b>
Email:	<b>peter@surveyec.co.za</b>

1.1. Is the applicant the only registered owner of the property? **NO**

If not, attach the power of attorney from the registered owner(s) to the application. This is also applicable if the person who is applying is still in the process of obtaining the land unit, or if the land unit is owned by a company or more than one person.

1.2. Name the registered owner(s): **PIETER DANIEL VAN ROOYEN**

1.3. Is the property encumbered with a bond? **NO**

If so, please attach the authorization of the mortgage holder to the application. **N/A**

#### 2. DETAILS OF LAND UNIT

2.1. Registered description of the property, as is shown on title deed:

**ERF 289 BOKNESSTRAND**  
Area of land: **943 SQ.M.**  
Title deed: **T 68790/2017**

2.2. What is the present zoning of land unit? **RESIDENTIAL ZONE 1**

2.3. Are any departures applicable to the land unit? **NO**

2.4. Is there any building or other development on the land unit? **NO**

If so, what are the nature and condition of these improvements? **N/A**

2.5. Is the site being used in accordance with its present zoning? **NO**

If not, how is the land being utilised? **THE SITE IS BEING USED TO STORE BUILDING MATERIALS AND OTHER IMPLEMENTS RELATED TO THE BUSINESS ON THE ADJOINING ERF 288.**

### **3. DETAILS OF APPLICATION**

3.1. Describe the proposed development in detail (A separate motivational report **MUST** be added): - **SEE MOTIVATION REPORT**

3.2. Does the proposed development involve the entire land unit? **YES**

If not, indicate the position and size of the portion of the land unit that is not included in the proposed development and for what purpose it is, or will be used:  
**N/A**

3.3. Is a departure being applied for a temporary change of use on the land unit: **NO**

If so, explain why rezoning is not being considered and supply reasons for the proposed period of the departure: **N/A**

3.4. Departure (for an alteration of the conditions in respect of a particular zone) in terms of Section 76(1) of the Ndlambe Municipality Spatial Planning and Land Use Management Bylaw (2015) for a relaxation of the:

- I. Lateral (side) building line(s) from ..... m to ..... m; and / or
- II. Rear building line from ..... m to ..... m; and / or
- III. Street building line from ..... m to ..... m; and / or
- IV. Coverage factor from ..... % to ..... %; and / or
- V. Building height restriction from ..... m to ..... m; and / or
- VI. Street boundary wall / fence height restriction from ..... m to ..... m;
- VII. Other zoning scheme condition(s) (as specified).....

#### **4. RESTRICTING FACTORS**

**(a separate report may be added to address the restricting factors)**

4.1. Are there any title deed restrictions, which may have an effect on the application? **YES**

If so, furnish details:

**CLAUSE C.6 STATES THAT "THIS ERF SHALL BE USED SOLELY FOR THE PURPOSE OF ERECTING THEREON ONE DWELLING OR OTHER BUILDINGS..."**

**CLAUSE C, C.7(I) AND C.7(II) STIPULATE, AMONGST OTHER THINGS, BUILDING LINES OF 5M, 3M AND 1,5M (STREET, REAR & LATERAL RESPECTIVELY) THAT ARE MORE RESTRICTIVE THAN THE 0M BUILDING LINES FOR A BUSINESS 2 (BZ2) PROPERTY.**

**CONDITION C.6 DOES REFER TO THE ADMINSTRATOR WHICH, WITH THE DEVOLUTION OF POWERS, IS NOW THE NDLAMBE MUNICIPALITY BUT TO AVOID ANY CONFUSION IT IS THOUGHT BEST TO REMOVE THIS CONDITION.**

4.2. Is there any portion of the land unit subject to tidal flow or situated under the high-water mark? **NO**

If so, furnish details: **N/A**

4.3 Is any portion of the land unit situated in a flood-plain of a river under the 1 in 50 year's flood-line or subject to any floods? **NO**

4.4 Are there any physical restrictions (such as steep slopes, unstable soil formations, swamps etc.) which could affect the development? **NO**

If so, furnish details and state how the problem can be solved: **N/A**

4.5 Are there any other restrictions of which you are aware, but which were not mentioned above? **N/A**

#### **5 POSSIBLE REFERRAL TO OTHER BODIES**

5.1 Does the application fall within the area of a Land Development Objective (LDO) and/or Policy Plan (Structure Plan, Framework Plan etc.)? **YES**

If so, please give details as far as they affect the application under consideration:

**THE APPLICATION SUPPORTS THE PLANNING PRINCIPLES OF THE SDF.**

5.2 Are the provision of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) applicable in the case of this application? **NO**

**5.3 Is the land unit situated within the boundaries of a nature area or a mountain catchment area reserved in terms of the Mountain Catchment Areas Act, 1970 (Act 63 of 1970), or a nature reserve reserved in terms of the former Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), or a national park reserved in terms of the Nature Parks Act, 1976 (Act 57 of 1976). NO**

**If so, furnish details: N/A**

**5.4 Does the land unit abut on the area of jurisdiction of another local authority or does any other local authority have an interest in this application? NO**

**If so, state the name of the local authority and its interest in the application: N/A**

**5.5 Does the property abut on any national, trunk, main or divisional road or such proposed road? NO**

**If so, furnish full details (including status of the road and full statutory width): NO**

**5.6 Is the land situated in a metropolitan transport area in terms of the Urban Transport Act, 1977 (Act 78 of 1977)? NO**

**If so, has it been referred to the relevant transport authority? N/A**

**5.7 Is the land unit close to, or is it affected by, a power line, a power station, a railway line, a railway station, airport or harbor? NO**

**If so, furnish details: N/A**

**5.8 Are there any conservation worthy buildings/grave/rock engravings/archeological finds on the property including those that have not been declared national monuments? N/A**

**5.9 Is the land unit situated within 100m from the high-water mark of the sea or tidal river? NO**

**If so, has Nature Conservation been consulted? N/A**

**5.10 Does the land unit abut on, or is it in any way influenced by any property belonging to the S.A. National Defence Force? NO**

**If so, please supply details: N/A**

**ANNEXURES**

**HAVE THE FOLLOWING ANNEXURES BEEN ATTACHED**

(\* ANSWER YES, NO OR NOT APPLICABLE)

ANNEXURE	YES	NO	NOT APPLICABLE
Power of attorney / Owner's consent if applicant is not owner	*		
Resolution or other proof that applicant is authorized to act on behalf of a juristic person			*
Flood-line certificate			*
Bondholder's consent			*
Locality map	*		
Extract from zoning map	*		
Land-use map	*		
Layout plan	*		
Motivation report	*		
Full Copy of Signed Title Deed	*		
Proof of payment	*		
Any other annexures, give details .....			

If any of the above questions, answers are no, give reasons: **N/A**


**AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION**

YES	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)
YES	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)
YES	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations
YES	N/A	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.

**DECLARATION**

I hereby wish to confirm the following:

1. That the Information contained in this application form and accompanying documentation is complete and correct.
2. I am aware that it is an offense to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and (where applicable) a copy of the relevant power of attorney or consent are attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. That this submission includes all necessary land use planning applications required to enable the development proposed herein.
6. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
7. I am aware that development charges to the Municipality in respect of the provision and installation of external engineering services are payable by the applicant as a result of the proposed development.

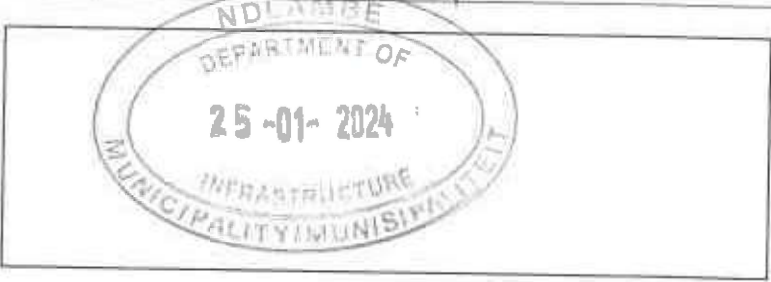
Applicant's Signature:  Date: **3<sup>RD</sup> OCTOBER 2023**

Full Name: **PETER BROCAS SULTER**

Professional capacity & Registration Nr: **PROFESSIONAL LAND SURVEYOR PLS 0786**

**FOR OFFICE USE ONLY**

DATE RECEIVED	25 January 2024
RECEIVED BY	Khorfelo Radingoana
FOR ERF NUMBER	ERF 289 BK



## SPECIAL POWER OF ATTORNEY

I, the undersigned, being the registered owner of erf 289 Boknesstrand do hereby appoint Peter Sulter, of M.E.H. Sulter & Son Land Surveyors in Grahamstown, to handle all and whatsoever applications and procedures that are necessary and to sign and submit all documentation necessary on my behalf relating to:-

- The re-zoning of erf 289 Boknesstrand from Residential Zone 1 to Business Zone 2
- The removal of certain restrictive title deed conditions

to the Ndlambe Municipality.

SIGNED AT *Kenton* this 29<sup>th</sup> day of March 2023 in the presence of the undersigned witnesses.



**PIETER DANIEL VAN ROOYEN  
OWNER**

### AS WITNESSES:

1. *[Handwritten signature]* .....

2. *[Handwritten signature]* .....

Cocks Attorneys  
 18 Rosyth Road  
 Nahoon  
 East London

Prepared by me

*Jerylsacks*  
 CONVEYANCER  
 COCKS JN

Fee endorsement		
	Amount	Office fee
Purchase price/Value	R 255 000-00	R 350-00
Mortgage capital Amount	R .....	R .....
Reason for exemption	Exempt i.t. o Cat..... section..... Act.....	

## DEED OF TRANSFER

T00009710 / 2012

BE IT HEREBY MADE KNOWN THAT

**PAUL WOLTER STELLING**

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at EAST LONDON on 6 JULY 2010 and at PACALTSDORP on the 22 JULY 2010 respectively granted to him by

**The Executors in the Estate Late  
 PATRICK WYNNE VAN DER SPUY  
 Number 12349/2009**

DATA / VER.  
 08 MAR 2012  
 ZWELANKE NTOME

DATA CAPTURED  
 06 MAR 2012  
 SIBUSISIWE MBILINI

And the appearer declared that his said principal had, on 12 April 2010, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**PIETER DANIEL VAN ROOYEN**  
**Identity Number 651129 5035 08 3**  
**Unmarried**

his Heirs, Executors, Administrators or Assigns, in full and free property

**ERF 288 BOKNESSTRAND**  
**MUNICIPALITY OF NDLAMBE**  
**DIVISION OF ALEXANDRIA**  
**PROVINCE OF THE EASTERN CAPE**

**IN EXTENT 943 (NINE HUNDRED AND FORTY THREE) SQUARE METRES**

**FIRST TRANSFERRED by Deed of Transfer Number T20338/1980 with General Plan TP9379 relating thereto and held by T74145/2005.**

- A. **SUBJECT to the conditions referred to in Deed of Transfer Number T12543/1967.**
- B. **ENTITLED to the servitude endorsement dated 4 March 1936 on Deed of Transfer T4078/1926, which reads as follows :-**

**"By Trf. 1731/36 d.d 4.3.36 the prop. Held by para 1 hereunder together with Weltevreden held thereunder is entitled to a road and right of way running from the said farm Weltevreden over the ermdr. Of the said land Bakana Mond then over the land Nooitgedacht to the farm Vetmaak Blakte as will more fully appear on reference to condition [1] mentioned in the said Deed of Trf."**

- C. **SUBJECT to the following conditions contained in Deed of Transfer T20338/1980 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 , namely :-**
- 1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 623 dated 14 August 1970.**
  - 2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore , nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, amended.**
  - 3. No building on this erf shall be used or converted to use for any purpose other than that stipulated in these conditions.**

4. The owner of this erf shall, without compensation, be obliged to allow electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or even inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of construction, altering, removing or inspecting any works connected with the above.
5. The owner of this erf shall be obliged, without compensation to receive the material or permit excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
6. This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.
7. No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority –
  - a. an outbuilding used for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuilding to the wall plate thereof, may be erected within such side and rear spaces, and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf, provided that in the case of a corner erf, the distance of 12 metres shall be measured from the point furthest from the streets abutting the erf;
  - b. an outbuilding in terms of sub-paragraph [a] may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary.
8. On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth, these conditions shall apply to the consolidated holding as if it was one erf.
9. In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.

*cl*

WHEREFORE the said Appearer, renouncing all right and title which the said

**Estate Late PATRICK WYNNE VAN DER SPUY**

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**PIETER DANIEL VAN ROOYEN, Unmarried**

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R255 000,00 (TWO HUNDRED AND FIFTY FIVE THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on *2nd March* 2012

*[Signature]*  
\_\_\_\_\_  
q.q.

In my presence

*[Signature]*  
\_\_\_\_\_  
REGISTRAR OF DEEDS

130

DE JAGER & LORDAN  
25 Retief Street  
Alexandria  
6185

Prepared by me

Fee endorsement	
Amount	Office fee
Purchase price/Value R 120 000.00	R 75.00
Other type capital Amount	R
Excess for completion	Exempt i.t.o

  
CONVEYANCER  
WERNER DE JAGER

DATA / VERIFY  
23 NOV 2017  
NANDIPHA KETILE

T 000068790 / 2017

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

**Balinda Ann Scholtz**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at BLOEMFONTEIN on 19 October 2017 granted to him by

PIETER PHILLIP CORNELIUS NEL  
Identity Number 490816 5011 08 1  
and  
MARIA MAGDALENA NEL  
Identity Number 490308 0080 08 9  
Married in community of property to each other

DATA / CAPTURE  
22 NOV 2017  
FATGEYAH LARNEY



And the appearer declared that his said principal had, on 30 September 2017, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**PIETER DANIEL VAN ROOYEN**  
Identity Number 651129 5035 08 3  
Unmarried

his Heirs, Executors, Administrators or Assigns, in full and free property

**ERF 289 BOKNESSTRAND**  
**NDLAMBE MUNICIPALITY**  
**DIVISION OF ALEXANDRIA**  
**PROVINCE OF THE EASTERN CAPE**

**IN EXTENT 943 (NINE HUNDRED AND FORTY THREE) Square metres**

**FIRST TRANSFERRED by Deed of Transfer Number T14751/1981 with General Plan No. TP 9379 relating thereto and held by Deed of Transfer Number T82740/1994**

**A. SUBJECT to the conditions referred to in Deed of Transfer Number T12543/1967.**

**B. ENTITLED to the servitude endorsement dated 4<sup>th</sup> of March, 1936 on Deed of transfer Number T4078/1926 reading as follows:-**

**"By Trf. 1731/36 d.d. 4.3.36 the prop held by para 1 hereunder together with Weltevreden held thereunder is entitled to a road and right of way running from the said farm Weltevreden over the remdr of the said land Baken Mond then over the land Nooltgedacht to the farm Vetmaak Vlake as will more fully appear on reference to condition (1) mentioned in the said Deed of Trf."**

**C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No T 14751/1981 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 –**

- 1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 623 dated 14<sup>th</sup> August 1970.**
- 2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any condition of title applicable to this erf, shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.**
- 3. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.**
- 4. The owner of this erf shall without compensation be obliged to allow electricity, telephone and television cables, and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across**

this erf, if deemed necessary by the local or any other statutory authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

5. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
6. This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purpose as the Administrator may, from time to time after reference to the Townships Board and the Local Authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.
7. No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority:-
  - (i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuilding to the wall plate thereof, may be erected within such side and rear spaces, and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12 metres shall be measured from the point furthest from the streets abutting the erf;
  - (ii) An outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site than in the above prescribed spaces, if no window or doors are inserted in any wall facing such boundary.
8. On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth these conditions shall apply to the consolidated holding as if it was one erf;
9. In the event of this erf being subdivided, each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.

WHEREFORE the said Appearer, renouncing all rights and title which the said

**PIETER PHILLIP CORNELIUS NEL and MARIA MAGDALENA NEL,  
Married as aforesaid**

heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

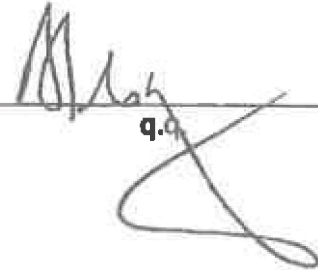
**PIETER DANIEL VAN ROOYEN, Unmarried**

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R120 000,00 (ONE HUNDRED AND TWENTY THOUSAND RAND) .


IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

**2017 -11- 20**

  
\_\_\_\_\_ q.o.

In my presence

  
\_\_\_\_\_ REGISTRAR OF DEEDS



**APPLICATION IN TERMS OF SECTIONS 68(1) AND 69(2) OF THE  
NDLAMBE MUNICIPAL BY-LAWS PROMULGATED IN TERMS OF THE  
SPATIAL PLANNING AND LAND USE MANAGEMENT ACT No.16 OF 2013  
FOR THE PROPOSED RE-ZONING OF ERF 289 BOKNESSTRAND FROM  
RESIDENTIAL ZONE 1 TO BUSINESS ZONE 2 AND REMOVAL OF  
CERTAIN TITLE DEED CONDITIONS.**

## **1. APPLICATION:**

MEH Sulter & Son have been appointed by Pieter van Rooyen to apply to the Ndlambe Municipality for the following.

- **Re-zoning**
  - **To re-zone erf 289 Boknesstrand from Residential Zone 1 (RZ1) to Business Zone 2 (BZ2).**
- **Removal of certain restrictive title deed conditions**
  - **To apply to remove certain restrictive title deed conditions to comply with the proposed new zoning.**

Refer to the attached Special Power of Attorney from Pieter Daniel van Rooyen - **Annexure 2.**

The contents of this report serve as a motivation for the re-zoning of erf 289 Boknesstrand from Residential Zone 1 to Business Zone 2 and for the removal of certain restrictive title deed conditions.

The application is made in terms of Sections 68(1) and 69(2) of the Ndlambe Municipal By-laws promulgated in terms of the Spatial Planning and Land Use Management Act No.16 of 2013.

## **2. THE BRIEF:**

Our client, the owner of erf 289 Boknesstrand, has instructed us to submit an application to the Ndlambe Municipality for the proposed re-zoning of erf 289 Boknesstrand from Residential Zone 1 to Business Zone 2.

The owner wishes to re-zone the property to bring it in line with the existing use which is storing building materials and implements related to his business on the adjoining erf 288 Boknesstrand.

It is intended to re-zone erf 289 so that it can be used as a business site. To comply with the proposed new zoning, it has been recommended by the Ndlambe Municipality that the offending title deed conditions, relating to the building lines, be expunged from the title deed.

See municipal zoning certificates under **Annexure 5**.

### 3.4 EXISTING LAND USE

The subject property is presently used for the storage of various building materials for the tool hire business on the adjoining erf 288. The surrounding land uses are mixed with various businesses, vacant erven, residential erven and “authority use” in the immediate vicinity.

Please see Land Use Plan below and photographs under **Annexure 5**.

#### **Map 3: Land Use Plan**



### 3.5 TITLE DEED

Erf 289 Boknesstrand is held under Deed of Transfer T 68790/2017.

There are no title deed restrictions over the properties that prohibit re-zoning. However, the title deed does have certain restrictive conditions that would not comply with the proposed new zoning.

These conditions are listed below, and it is intended to apply for these conditions to either be removed or amended as follows:-

## **REMOVAL OF RESTRICTIVE TITLE CONDITIONS:**

**Clause C.6** *"This erf shall be used solely for the purpose of erecting thereon one dwelling or other building for such purposes as the Administrator may, from time to time after reference from the Townships Board and the local authority, approve, provided that if the erf is included within an area of a Town Planning Scheme, the local authority may permit such other building as permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.*

**Clause C.7** *"No building or structure of any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5m to the street line which forms a boundary of this erf nor within 3m of the rear of 1,5m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority:*

**(i)** *An outbuilding used for the housing of motor vehicles and not exceeding 3m in height measured from the ground floor of the outbuilding to the wall plate thereof, may be erected within such side and rear spaces, and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12m measured from the rear boundary of the erf provided that in the case of a corner erf the distance of 12m shall be measured from the point furthest from the street abutting the erf:*

**(ii)** *An outbuilding in terms of sub-paragraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary."*

- In the past, before the implementation of Town Planning Schemes, land uses were governed by means of title deeds. The purpose of the restrictive title deed conditions was to maintain a uniform township, as zoning schemes were not in place at the time, and the title deeds were the only development parameter guidelines. The imposition of the above restrictions in the title deed ensured that effective control of development and land usage could be exercised prior to the coming into operation of the various Land Use Schemes.
- All development on the property will be adequately regulated in terms of the Land Use Scheme and the Land Use Scheme provides sufficient development control to regulate building lines, coverage, height, density, etc.
- The restrictive conditions in the title deed prohibit the efficient use of the property.
- The rezoning of the property and the removal of restrictive conditions in the title deed will not have a detrimental impact on the property and surrounding area.

See of the title deed under Annexure 3.

## **3.6 MORTGAGE BOND**

There is no bond over erf 289 Boknesstrand – See Annexure 3

### 3.7 PUBLIC PARTICIPATION

In terms of the Ndlambe Municipal Policy the application will be advertised in the Talk of the Town and the community will be given 30 days, from the date of the advertisement, to comment on or object to the application.

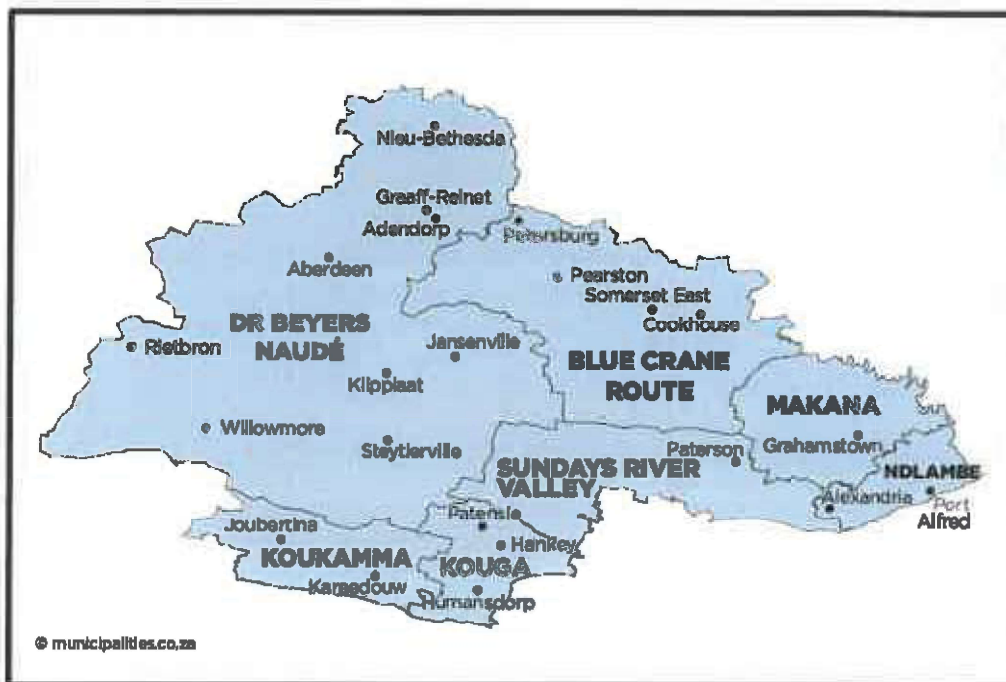
Surrounding property owners will also be notified in writing and supplied with a covering letter, copy of the motivation, locality plan and site development plan. This notice will be sent via registered mail to the list of property owners as supplied by the Ndlambe Municipality. The notices will be sent on or before the date of the advertisement in the local newspaper and the owners will also be given 30 days to comment on or object to the application.

In addition to the above, the municipality may require a notice to be placed on site with wording supplied by the municipality and at a size stipulated by them. The notice shall remain on site for at least 30 days.

### 4.0 LOCALITY OF THE PROPERTY:

The locality of the properties can be broken down into municipal and local levels. The municipal level refers to which municipal borders the properties fall into, and the local level refers to the erven inside the town in which the properties fall. In this instance, the property falls within the Ndlambe Municipality and inside the town of Boknesstrand. The borders of the Ndlambe Municipality can be seen on Map 1 below.

**Map 1: Ndlambe Local Municipality**



The Ndlambe Municipality consists of towns such as Alexandria, Bathurst, Boknesstrand, Bushmansrivermouth, Cannon Rocks, Kenton-on-Sea, Port Alfred and Seafield. Within the town of Boknesstrand, the locality of the subject properties can be seen below.

## Map 2: Locality of the property



The erven are situated in Main Street Boknesstrand.

### 5.0 SURROUNDING ZONINGS:

The surrounding erven are a mix of Residential Zone 1, Business Zone 1, Business Zone 2, Authority Zone and Community Zone 1 and so the proposed re-zoning is not in conflict with the surrounding zonings and will, in fact, compliment the area.

### 6.0 SURROUNDING LAND USES:

The surrounding land uses are also a mix of residential houses, businesses and vacant erven.

The contiguous erven consist of house, a business erf and vacant erven. On the opposite side of road are 2 business erven. Once again, the land use is consistent with the surrounding area.

## 7.0 MOTIVATION

### 7.1 DEVELOPMENT PROPOSAL

The erf is presently zoned Residential Zone 1 but is being used to store building materials for the business on the adjoining erf 288 which houses a tool hiring company and supplies building materials. The intention is to re-zone the erf to Business Zone 2 to make the existing use legal and increase the value of the property.

The building lines for a Business Zone 2 erf are 0m and in order for the erf to comply a removal of restrictions has also been added to the application.

The “Primary Use” of a Business Zone 2 erf is Office or Shop.

The definition of shop under this zoning is:-

“means land or a building used for retail or trade, including a workshop and/or store which is directly related to but subordinate to the retail or trade use and does not exceed more than 30% of the total floor area of the retail trade or use.”

The parking requirements are 2 parking bays per 100 square metres. Therefore, only 260 square metres of building is permitted for storage and only 6 parking bays are required. As can be seen from the site development plan many more parking bays could be accommodated on the site.

### 7.2 NEED AND DESIRABILITY

The main criterion for establishing a need and desirability is to ensure that the land use development proposals are necessary and desirable in the public interest. This will result in sustainable land utilization which is publicly acceptable and relevant in all aspects such as economic growth, convenience, and benefit to all at all levels.

The owner has a tool hire business on the adjoining 288. He also owns the subject erf (erf 289) which is being used to store bricks, sand and stone for the business on erf 288.

The owner of the property wants to re-zone the erf to use it for business purposes which will make it more valuable for development and re-sale.

The re-zoning of this erf is desirable from a Town Planning point of view for the following reasons.

- The re-zoning will complement and enhance the character of the specific area where the development is planned.
- The site is close to what is considered a “business hub” with several business erven in proximity.
- The proposed development aligns itself with the Ndlambe SDF which encourages Infrastructure Investment and Sustainable Development.

- The development will be guided by the Spatial Planning and Land Use Management Act 16 of 2013.
- The approval of the re-zoning will promote investor confidence and economic growth within Boknesstrand.
- The development will encourage densification of the business node.
- All building parameters will be adhered to if and when construction takes place.
- A concept site development plan has been submitted although it is not intended to build on the site at present. At the moment the site is vacant, and the present owner has no intention of developing the erf. He does, however, want to legalise its present use.
- The proposed development will not have any negative effects on the environment.

In addition to the above the proposed re-zoning may assist in the following criteria:

- **Economic Development:** Rezoning to a Business Zone can provide opportunities for economic development in the area. This can be achieved through the establishment of new businesses, increased job opportunities, and potential investment in the local economy. Business activities in the area can also help to generate revenue for the municipality, which can be used to fund essential services and infrastructure.
- **Improved Land Use:** Rezoning to Business Zone can help to ensure that land is used efficiently and effectively. Business activities are typically more intensive than residential activities and require less land per unit of economic activity. This means that rezoning can lead to improved land use and higher productivity.
- **Support for Existing Businesses:** Rezoning to Business Zone can also provide support for existing businesses in the area. If there are already businesses in the area that are struggling due to a lack of customers or insufficient infrastructure, rezoning can provide them with the support they need to thrive.
- **Increased Property Values:** Business activities can increase the value of properties in the area, which can benefit property owners. This can be particularly beneficial for those who are looking to sell their properties in the future or those who are looking to secure financing based on the value of their property.
- **Improved Services and Infrastructure:** Business activities in the area can lead to improved services and infrastructure, including better roads, public transport, and utilities. This can benefit not only businesses but also residents in the area, improving their quality of life.

### 7.3 ACCESS, EXISTING SERVICES & PARKING

The purpose of this section is to highlight the existing infrastructural services available to erf 289 Boknesstrand. The erf is situated in Main Street Boknesstrand.

Access to the site is off Main Street.

All services have been installed and are being fully utilized.

- **Water**  
The site is within a built-up area and is fully serviced with water infrastructure.
- **Sanitation**  
Erf 289 will have its own conservancy tank built, if and when, building plans are submitted.
- **Refuse Removal**  
The Municipality is currently responsible for refuse removal.
- **Roads**  
The property is accessed off Main Street.
- **Electricity**  
The Municipality provides electricity to the site.
- **Storm water**  
Is via natural run off and drains.

## 7.4 POLICIES ALIGNMENT

### 7.4(i) NATIONAL DEVELOPMENT PLAN:

The National Development Plan identifies several short comings in the development path of South Africa, which includes inequality, high levels of unemployment and extreme poverty.

The NDP realises that South Africa needs to increase employment capacity and to reduce poverty and inequality.

To achieve the above the following requirements must be met:

- Active efforts and participation of all South Africans in their own development
- Redress injustices of the past
- Create faster economic growth and higher investment and employment opportunities
- Increase the standard of education, health and housing
- An effective and capable government
- Co-operation between the private sector and public sector
- Leadership in all spheres of society

As a long-term strategic plan, the NDP serves four broad objectives:

1. Providing overarching goals for what we want to achieve by 2030.
2. Building consensus on the key obstacles to us achieving these goals and what needs to be done to overcome those obstacles.
3. Providing a shared long-term strategic framework within which more detailed planning can take place to advance the long-term goals set out in the NDP.

#### 4. Creating a basis for making choices about how best to use limited resources.

The NDP highlights the need to strengthen the ability of local government to fulfil its developmental role. Integrated Development Plans need to be used strategically to focus attention on priorities in the NDP, such as spatial planning, infrastructure and basic services.

The IDP should strive to focus on areas of the NDP that are in line with the municipality's priorities.

This application aligns with the growth and development of Ndlambe Municipality in that it conforms to the Spatial Development Framework for the Ndlambe Municipality.

The application needs to be assessed in terms of Development Principles contained in Chapter 2 of the Spatial Planning and Land Use Management Act No.16 of 2013.

### 7.4(ii) SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (SPULMA), ACT NO.16 OF 2013:

SPLUM at a Municipal level (often referred to as Municipal Planning) includes mainly two broad categories:



The SPLUMA has been introduced as framework legislation to outline how SPLUM must be done by municipalities with the support of provinces and national government. The aim of the SPLUMA is to:

- Provide a single, uniform framework for spatial planning and land use management on a national level;
- Provide for inclusive, developmental, equitable and efficient spatial planning at the different spheres of government;
- Provide a framework for policies, principles, norms and standards for spatial planning and land use management;
- Address past spatial and regulatory imbalances;
- Promote greater consistency and uniformity in procedures and decision-making by authorities;
- To provide for the establishment, functions and operations of Municipal structures (Planning Tribunals) to consider development applications; and
- Provide for the facilitation and control of land use and development.

The application is made in terms of Sections 68(1) and 69(2) of the Ndlambe Municipal By-laws promulgated in terms of the Spatial Planning and Land Use Management Act No.16 of 2013.

Decisions need to be based on Sections 7, 22(1) and 42(1) of the aforementioned Act and Sections 53(1) and 53(4) of the Ndlambe Spatial Planning and Land Use Management By-laws.

The application needs to be assessed in terms of Development Principles contained in Section 7 Chapter 2 of the Spatial Planning and Land Use Management Act No.16 of 2013.

Section 42(1) of the Spatial Planning and Land Use Management Act No.16 of 2013 stipulates that a Municipal Planning Tribunal, before considering and deciding on an application must:

- 42(1)(a) Be guided by the development principles set out in Chapter 2 - The relevant development principles in Chapter 2 of the Act have been addressed in the memorandum.
- 42(1)(b) Make a decision which is consistent with norms and standards, measures designed to protect and promote sustainable use of agricultural land (not applicable on this application), national and provincial government policies and the municipal spatial development framework.

The following principals apply to spatial planning, land development and land use management.

- The principal of Spatial Justice
- The principal of Spatial Sustainability
- The principal of Efficiency
- The principal of Spatial Resilience
- The principal of Good Administration

The proposed re-zoning and removal of restrictive title conditions is in line with the SPLUMA Development Principles (Section 42(1)(1)) in the following manner:

7 (b)	<p><b>Spatial Sustainability</b></p> <p>i) Promote land development that is within the fiscal, institutional and administrative means of the Republic;</p> <p>ii) Ensure that special consideration is given to the protection of prime and unique agricultural land;</p> <p>iii) Uphold consistency of land use measures in accordance with environmental management instruments;</p> <p>iv) Promote and stimulate the effective and equitable functioning of land markets;</p> <p>v) Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;</p> <p>vi) Promote land development in locations that are sustainable and limit urban sprawl; and</p> <p>vii) result in communities that are viable;</p>	<ul style="list-style-type: none"> <li>• This principle deals with the promotion of land development in strategic location, protecting the environment, stimulation of land markets and viable communities.</li> <li>• The existing development is within the urban edge of Boknesstrand and in an established business area along the main road.</li> <li>• The erf is in an established township and no environmental authorization is required. The area is not seen as environmentally sensitive.</li> <li>• This proposal will not conflict with the present character of the area.</li> <li>• Mixed use development will support and strengthen this business node in Boknes.</li> <li>• The zoning will support better utilization of existing services.</li> </ul>
7 (c)	<p><b>Efficiency</b></p> <p>i) Land development optimises the use of existing resources and infrastructure;</p> <p>ii) Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and</p> <p>iii) Development application procedures are efficient and streamlined and timeframes are adhered to by all parties;</p>	<ul style="list-style-type: none"> <li>• The proposal will promote the optimal utilization of the subject property and existing infrastructure.</li> <li>• The proposal supports the principle of nodal development and</li> <li>• Will create temporary and permanent job opportunities.</li> <li>• It will support and strengthen the existing business node.</li> <li>• The re-zoning will contribute more to the local fiscus in terms of rates and taxes</li> </ul>
7 (d)	<p><b>Spatial Resilience</b></p> <p>i) The principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks</p>	<ul style="list-style-type: none"> <li>• Any future business will support and expand the existing services offered to local residents.</li> <li>• The erf is in walking distances of other businesses.</li> <li>• The site is currently vacant.</li> <li>• When the property is developed a site development plan will be submitted</li> </ul>

<p>7 (e)</p>	<p><b>Good Administration</b></p> <p>i) All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;</p> <p>ii) All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;</p> <p>iii) The requirements of any law relating to land development and land use are met timeously;</p> <p>iv) The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them;</p> <p>v) Policies, legislation and procedures must be clearly set to inform and empower members of the public.</p>	<ul style="list-style-type: none"> <li>• This principle refers to the promotion of administrative actions, procedure, and consultative planning practices for all the relevant role players.</li> <li>• The Ndlambe Municipality is obliged to consider the application fairly and within the time frames provided.</li> <li>• It is important that decision making is aligned with sound policies based on national, provincial and local development policies. This application complies with all relevant policies, legislation and procedures as well as transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.</li> <li>• This application will be processed in accordance with the prescribed application procedures and stipulated in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).</li> </ul>
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## 7.4(iii) NDLAMBE MUNICIPALITY INTEGRATED DEVELOPMENT PLAN (2022/2023)

### The Ndlambe Municipality 2030 vision:

The Ndlambe Municipality Vision that emerged during the Strategic Planning workshop is as follows:

Ndlambe municipality strives to be a premier place to work, play, and stay, on the eastern coast of South Africa. It strives to be the destination of choice for people who love natural and cultural heritage, adventure water sports, and living for families.

Our promise is to build a state-of-the-art physical infrastructure which will be laid out aesthetically in our beautiful natural environment. Our prosperous community supports a safe and healthy lifestyle which is supported by affordable natural living and a vibrant tourism and agriculturally based economy.

We promote good governance by providing sustainable, efficient, cost effective, adequate and affordable services to all our citizens.

**Mission:**

To achieve our vision by enabling optimal performance within each of the five Key Performance Areas of Local Government within the context of available resources

**Values:**

- Commitment;
- Transparency;
- Honesty;
- Trustworthiness; and
- Care

**Strategic Goals and Objectives:**

Below are the Strategic goals and objectives that emanate from the long-term strategy of the municipality:

<b>Goal 1:</b>	<b>A premier place to work and do business</b>
<b>Strategic Objectives</b>	1.1. Improve the efficient running of and the governance of the Municipality 1.2. Develop state-of-the-art physical infrastructure. 1.3. Develop a vibrant, rapidly growing, employment generating agri-based economy 1.4. Develop a vibrant, rapidly growing, employment generating tourism economy, including the heritage economy 1.5. Develop a vibrant, rapidly growing, employment generating oceans economy
<b>Goal 2:</b>	<b>2. Destination of choice for living Strategic Objectives</b>
<b>Strategic Objectives</b>	2.1. Improve financial viability of the municipality 2.2. Provide sustainable, efficient, cost effective, adequate and affordable services to all our citizens 2.3. Create a safe and secure living environment 2.4. Position the municipality as a learning hub of excellence
<b>Goal 3:</b>	<b>3. Tourist destination of choice for people, who love nature, cultural heritage and adventure water sports</b>
<b>Strategic Objectives</b>	3.1. Preserve the natural beautiful environment 3.2. Develop and support adventure and extreme water sports 3.4. Develop cultural heritage economy

The proposed development supports the principles of the Integrated Development Plan and aims to create a vibrant community, investment opportunities, service delivery and economic development.

## 7.4(iv) NDLAMBE MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2023

The Ndlambe Spatial Development Framework sets out the long-term spatial development for the municipality. The SDF is a framework that seeks to guide overall spatial distribution of current and desirable land uses within a municipality, to give effect to the vision, goals and objectives of the municipal Integrated Development Plan.

The Ndlambe SDF is a high-level strategic policy plan which is a component of the IDP. It is a living document.

### **Spatial Planning Principles – Chapter 9:**

The SDF for the Ndlambe Municipality is guided by the following planning principles:

- Development of sustainable human settlements
- Ensuring a sustainable and functioning environment
- Managing and maintaining safe and accessible infrastructure provision
- Accessible and affordable public transport and accessible linkage between settlements
- Thriving economy which is well positioned within the province and within the country
- “Smart City” and information technology
- Effective Governance

Further, the following key spatial structuring elements should apply.

- **Contain urban sprawl – the erf is in an established township and the proposal will not create urban sprawl**
- **Promote urban and social integration – the main road is already a mixed-use area and the proposed re-zoning will promote social integration**
- **Promote higher densities - the proposed re-zoning will result in densification of business erven in a mixed-use area. It will also not result in any additional burden on serves as the erf already exists.**
- **Create quality urban environments – mixed use area**
- **Promote pedestrian friendly environments and movement patterns – the subject site is within walking distance of other local businesses**
- **Create a sense of space -**
- **Enhancement of investment opportunities – any future building will offer temporary and permanent employment and create additional revenue for the Ndlambe Municipality through additional rates, taxes and service charges.**
- **Simplifying decision making regarding development applications – a very important point to note. This application can be dealt with by the Town Planner who will scrutinise the application and put it before the Municipal Tribunal.**

**It should be emphasized that this proposal will not negatively impact on the character of the area.**

This application aligns with the growth and development of Ndlambe in that it conforms to the Spatial Development Framework for the Ndlambe Municipality.

Erf 289 is zoned Residential Zone 1 (RZ1), and the surrounding area consists of mixed zonings and uses.

## **7.4(v) NDLAMBE MUNICIPALITY LAND USE SCHEME, 2019**

Land use and land use parameters are controlled by the Ndlambe Municipality Land Use Scheme. The Municipality has adopted specific zonings to assist them in managing and controlling the various land uses.

The purpose of the Land Use Scheme is to:-

- a) give effect to Section 25(1) and Section 26 of SPLUMA
- b) function as a component of the Ndlambe SPLUMA By-laws
- c) promote harmonious and compatible land use patterns
- d) promote aesthetic considerations
- e) promote sustainable development and densification and
- f) promote a healthy environment that is not harmful to a person health

The following development parameters will apply to the erf once re-zoned.

### **Business Zone 2 (BZ1):**

- *Primary Use: office, Shop*
- *Consent Use: Funeral parlour, General Residential Building, Place of Assembly, Place of Entertainment, Place of instruction, Place of Worship, Restaurant, Telecommunication Mast, Tourism Facility.*
- *Building lines: 0m street, lateral and rear*
- *Height: 8.5m*
- *Coverage: 100%*
- *Floor factor 1.5*

If the site is used for storage only 30% of the site area can be built on and so we have prepared a concept site development plan that adheres to these parameters.

## 8. CONCLUSION

The application which has been submitted is for the

- **Re-zoning of erf 289 from Residential Zone 1 (RZ1) to Business Zone 2 (BZ2).**
- **To remove certain title deed conditions so that there is no conflict between the title deed conditions and the proposed new zoning.**

It is recommended that the Council supports and approves the above-mentioned application based on the following.

- **The application will bring the re-zoning in line with the existing “land use”.**
- **No additional land units are being created.**
- **The development is aligned with the Development Parameters as set out by Ndlambe Municipality and ties in with the spatial policies.**
- **Neighbouring properties around the site will not be negatively affected in any way through the development.**
- **The erf is situated along the main street in an existing “business hub”.**
- **There will be no additional burden on services as all services are fully installed.**
- **The erf is presently vacant and there is no intention to build in the near future.**

Accordingly, it is recommended that Ndlambe Municipality favourably considers the application for approval.

**P.B. Sulter**  
**Professional Land Surveyor**  
**December 2023**



**Ndlambe Municipality**  
**ZONING CERTIFICATE**

**Date : 21 December 2022**

**Fax No: (046) 624 2669**

**Tel: 046 624 5500**

**Address:**

**P O Box 13**

**Port Alfred**

**6170**

**Property description:**

**Erf 288, Boknesstrand**

**Street Address:**

**288 Main Street**

**Registered area:**

**943.0SQM**

**Municipality:**

**Ndlambe Municipality**

**Zoning:**

**Business Zone 2**

**Primary Use**

**Office, Shop.**

**Consent Use:**

**Funeral Parlour, General Residential Building, Institution, Place of Assembly, Place of Entertainment, Place of Instruction, Place of Worship, Restaurant, Telecommunication Mast, Tourist Facility.**

**Restrictions:**

**Land use restrictions and additional Provisions applicable to this zone as per the Title Deed.**

**This information is in accordance with the Ndlambe Integrated Land Use Scheme (2019), regulations as on above date, and may be amended from time to time. This information is also given in respect of Land Use Management requirement only and must not be construed as indicating requirements in terms of any By-Laws, the National building regulations, Environmental Legislations or any restrictive conditions in title Deeds.**

**Dr.N.VITHI MASIZA**

**Director: Infrastructural Development**

**ERVEN 288 & 290 BOKNESSTRAND – VARIOUS PHOTOGRAPHS**

**VIEW OF ERF 288 FROM MAIN STREET**



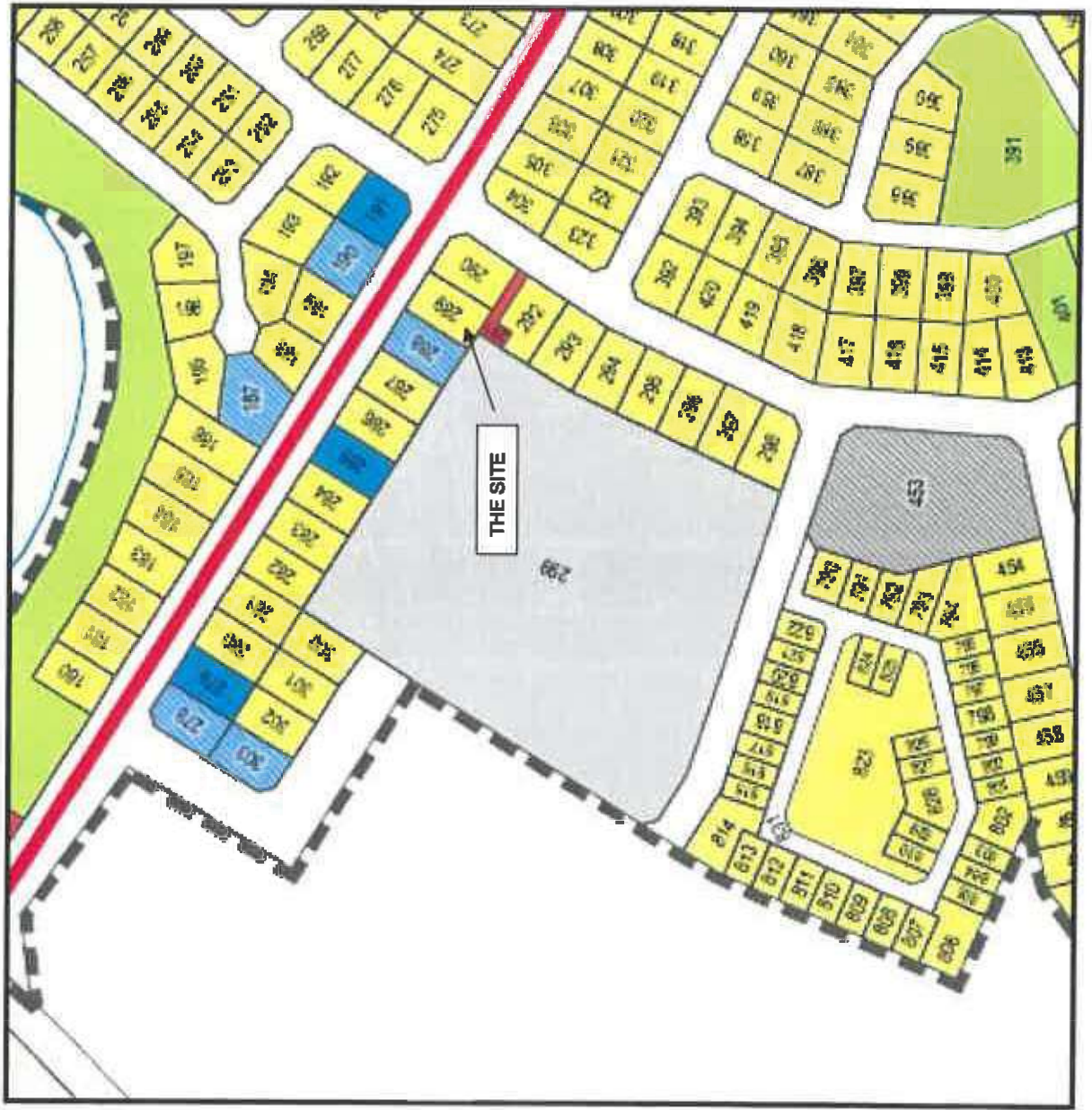
**VIEW OF ERF 289 FROM MAIN STREET**



**3 PHOTOS OF YARD AREA ON ERF 289**



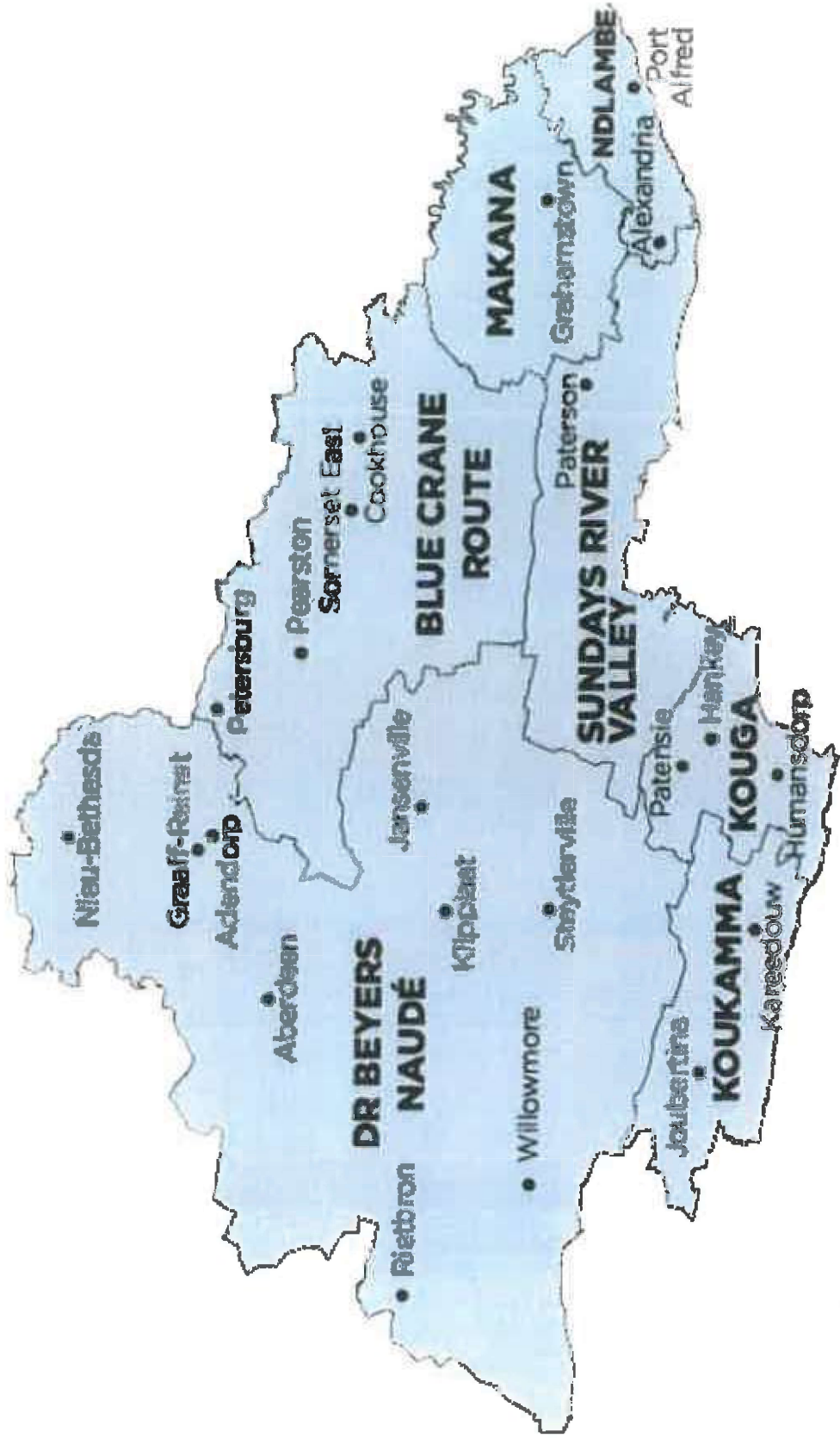
**ERF 289 BOKNESSTRAND**  
**LOCALITY MAP & EXTRACT FROM NDLAMBE MUNICIPALITY ZONING MAP**

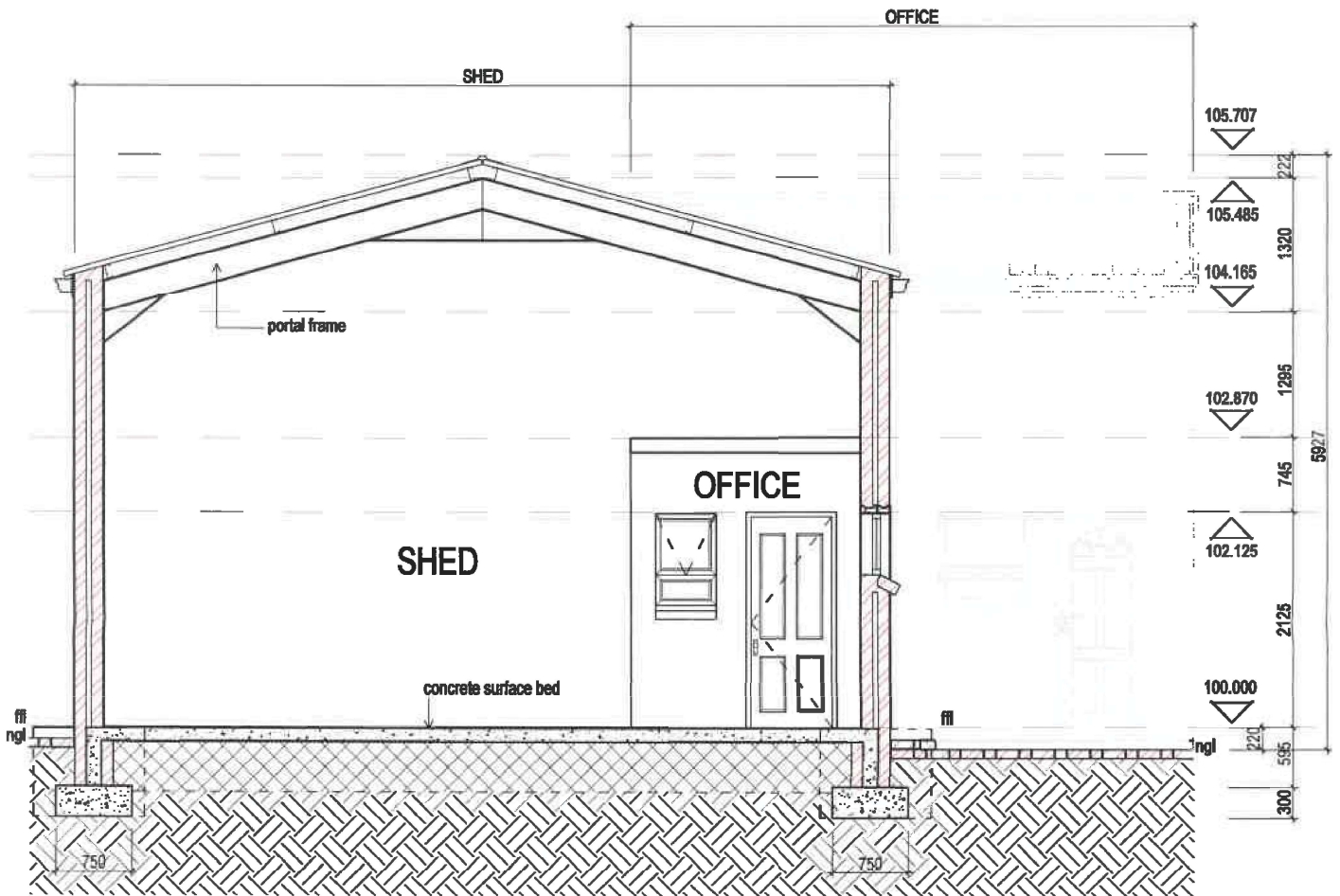


**ERVEN 289 BOKNESSTRAND – LAND USE MAP**



**LOCAL MUNICIPAL MAP**





**SECTION A-A**

SCALE 1:50 (IF PLOTTED ON A3 PAGE)

ERF	ERF SIZE	EXISTING ZONE		PROPOSED ZONE	
289	942.5m <sup>2</sup>	SINGLE RES ZONE 1		BUSINESS ZONE 2	
DESCRIPTION	AREA	GLA	PARKING REQUIREMENTS	PARKING REQUIRED	
PROPOSED OFFICE & SHED	166.10m <sup>2</sup>	N/A	2 BAYS /100m <sup>2</sup> (Floor Space) #	4 PARKING BAYS	
TOTAL DEVELOPMENT	166.10m <sup>2</sup>	N/A	TOTAL BAYS SUPPLIED	9 PARKING BAYS	
PROPOSED COVERAGE	17.82%	LOADING & OFFLOADING (SEE RHS #)		# AD HOC ON SITE	

**TOWN PLANNING APPLICATION DATA**

project : REZONING FROM SINGLE RES ZONE 1 TO BUSINESS ZONE 2	drawn : LJJ	project : <b>289 Boknes</b>	drawing no : <b>F.02.PBS</b>
file : SITE DEVELOPMENT SECTION A-A FOR ERF 289 BOKNESTRAND	checked by : MHB	revision :	page no : <b>2 of 2</b>
	date : 12 January 2024		

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