



**NDLAMBE
MUNICIPALITY
PORT ALFRED**

**APPLICATION FOR REZONING
OF ERF 3397, PORT ALFRED
FROM RESIDENTIAL ZONE 1
TO RESIDENTIAL ZONE 2.**

Applicant: CITEPLAN (PTY) LTD

Owner: BRENDA DENISE
SHELTON

Property Description: ERF 3397,
PORT ALFRED

Physical Address: 21 PARK ROAD,
PORT ALFRED, 6170

Detailed description of proposal:

The matter for consideration is an application for Rezoning of Erf 3397, Port Alfred From Residential Zone 1 to Residential Zone 2 as per the provisions of the Ndlambe Municipality Spatial Planning and Land Use Management By-Laws (2016) and Ndlambe Municipality Integrated Land Use Scheme, 2019.

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), under Resource Centre, Town Planning Portal, Current Land Use Applications. Any written comments may be addressed in terms of Section 98 of the said Bylaw to The MUNICIPAL MANAGER, Causeway, Port Alfred, 6170, or emailed to townplanning@ndlambe.gov.za or kradingoana@ndlambe.gov.za on or before **20 May 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: 58/2024

**ADV. R DUMEZWENI
18 April 2024 MUNICIPAL MANAGER**



Ndlambe Municipality
Corporate Services

18 MAR 2024

RECEIVED

**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)	R 8 431, 07
	Consolidation	R
	Requirements for amendment, suspension or removal of restrictive conditions or obsolete Condition, servitude or reservation registered against title of land	R
	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
		R
TOTAL		R 8 431,07

COMPLETE THE FOLLOWING:

Local Authority: Ndlambe Local Municipality

Description of Land: Erf 3397, Port Alfred

Registered owner(s): BRENDA DENISE SHELTON

Street Address: 21 Park Road, Port Alfred

Postal Address: Same as above

Code: 6140

Email Address of Owner: rjs@fnp.co.za

Applicant (With Power of Attorney): Eriva Nanyonjo of CITEPLAN (Pty) Ltd

Postal Address: 19 Highfield Road, Beacon Bay, East London

Code: 5241

Email Address of Applicant: eriva@citeplan.net / info@citeplan.net

INSTRUCTIONS

(These instructions should be read before completing the form)

1. GENERAL REMARKS

- 1.1. All applications should take cognizance of the requirements for the change of land use in terms of the Environment Conservation Act of 1997.
- 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 Municipal Spatial Planning and Land Use Management Bylaw (2015).
- 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 wrong 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 of 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 showing clearly 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 utilisation 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 section 42 of the Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA).
- When an application is submitted for an amendment, suspension or removal of restrictive conditions the criteria referred to in section 33(5) of the said legislation, should also be considered.

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);
- Floodline 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 Authorisation (EA) / Record of Decision (ROD);
- Services report or indication of all municipal services / registered servitudes;
- Landscaping / Tree plan;
- Typical unit types (plan & elevation);
- Abutting neighbour consent;
- Body Corporate / Home Owners Association (HOA) consent;
- Home Owners 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 APPLICANT

Your reference number	J23023_3397 Port Alfred
Name of person to whom correspondence should be addressed	Eriva Nanyonjo
Address:	19 Highfield Road, Beacon Bay, East London , 5241
Telephone number:	078 356 3281
Email:	eriva@citeplan.net / info@citeplan.net

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.

See attached Power of Attorney

1.2. Name the registered owner(s):

BRENDA DENISE SHELTON

1.3. Is the property encumbered with a bond?

n/a

If so, please attach the authorisation of the mortgage holder to the application.

2. DETAILS OF LAND UNIT

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

Erf 3397, Port Alfred

Number and date of the title deed:

T7475/2012 February 2012

Area of land:

1608 sqm

2.2. What is the present zoning of land unit?

Residential Zone 1

2.3. Are any departures applicable to the land unit?

Not applicable

2.4. Is there any building or other development on the land unit?

Dwelling house and two dwelling units

If so, what are the nature and condition of these improvements?

Brick and wood

2.5. Is the site being used in accordance with its present zoning?

No

If not, how is the land being utilised?

The additional unit is not approved in terms of the existing zoning.

3. DETAILS OF APPLICATION

3.1. Describe the proposed development in detail (A separate motivational report MUST be added):

There are two additional units on site. This application is the formalisation of the the second dwelling unit, which requires a rezoning application.

3.2. Does the proposed development involve the entire land unit? 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:

No, See Site Plan

3.3 Is a departure being applied for in order 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:

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: Not applicable

- 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?

No

If so, furnish details:

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:

.....
.....
.....

4.3. Is any portion of the land unit situated in a flood-plain of a river under the 1 in 50 years flood-line or subject to any floods?

Not applicable

.....
.....
.....

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:

.....
.....
.....

4.5. Are there any other restrictions of which you are aware, but which were not mentioned above?

No

.....
.....
.....

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.)?

If so, please give details in so far as they affect the application under consideration:
The Ndlambe Spatial Development Framework, 2013
.....

5.2. Are the provision of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) applicable in the case of this application?

Not applicable

5.3. Is the land unit situated within the boundaries of a nature area reserved in terms of Section 4 of the Physical Planning Act, 1967 (Act 88 of 1967), 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, 1978 (Act 57 of 1976).

Not applicable

If so, furnish details:

.....
.....
.....

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:

.....
.....
.....

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):

5.6. Is the land situated in a metropolitan transport area in terms of the Urban Transport Act, 1977 (Act 78 of 1977)?

Not applicable

If so, has it been referred to the relevant transport authority?

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 harbour? No

If so, furnish details:

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? No

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?

5.10. Does the land unit abut on, or is it in any way influenced by any property belonging the S.A. National Defence Force?

If so, please supply details:

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 authorised 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	✓		
Conveyancer's certificate			✓
Proof of payment			✓
Any other annexures, give details Annexure C - Contravention Notice			

If any of the above questions, answers are no, give

reasons:.....

POWER OF ATTORNEY

I, the undersigned, **Brenda Denise Shelton** (ID: 6110120068086) being the registered owner of Erf 3397, Port Alfred, held under deed of transfer no T7475_2012CTN

do hereby nominate, constitute and appoint

ERIVA NANYONJO of CITEPLAN (Pty) Ltd and/or their Agents,

with power of Substitution to be my lawful Agent in name, place and stead,

in order to apply to the Ndlambe Local Municipality for the rezoning of Erf 3397 Port Alfred from "Residential Zone 1" to "Residential Zone 2" in terms of Section 68 of the Ndlambe Spatial Planning and Land Use Management By-Laws, 2015.

Furthermore, with the right to continue with any appeal or other measure in terms of the said Planning By-law, and in terms of any other relevant legislation and to appoint an attorney, advocate, land surveyor and other professional persons to undertake such actions, appeals and/or other measures required to achieve the above-mentioned, subject to approval

and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as I might or could do if personally present and acting herein - hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my said Agent shall lawfully do, or cause to be done, by virtue of these presents.

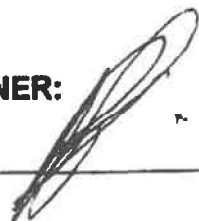
SIGNED AT Port Alfred THIS 15 DAY OF February 2023 IN THE PRESENCE OF THE UNDERSIGNED WITNESSES.

AS WITNESSES:





AS OWNER:





1. GENERAL INFORMATION

The purpose of the motivating memorandum is to introduce, elaborate upon and motivate the application for the rezoning of Erf 3397, Port Alfred from “Residential Zone 1” to “Residential Zone 2” to enable the formalisation and legal administration of two (2) additional dwelling units that will be used for the purpose of short term rental. The full extent of the application is set out in this memorandum, which comprises of the following:

- Chapter 1: General Information
- Chapter 2: The Application
- Chapter 3: Policy Environment
- Chapter 4: Motivation
- Chapter 5: Conclusion

1.1. Introduction

CITEPLAN (Pty) Ltd, the authorised agent, was appointed by Brenda Denise Shelton, the lawful owner of Erf 3397, Port Alfred located at 21 Park Road, to lodge an application for rezoning with the Ndlambe Municipality (see Power of Attorney).

The application is for the rezoning of Erf 3397, Port Alfred (hereafter referred to as the Site or Property) from “Residential Zone 1” to “Residential Zone 2” to allow for the formalisation of two additional dwelling units that will be used for the purpose of short term rental. This motivational memorandum is to provide an elaborate discussion of the intended development and prove the need and desirability thereof in compliance with legislative and policy prescriptions of the Spatial Planning Land Use Management Act, 2013 (SPLUMA) together with the Ndlambe Municipal Land Use By-law, 2016 (hereafter referred to as the By-Law) and Integrated Land Use Scheme, 2019 (hereafter referred to as the Scheme). This motivational memorandum is to provide an elaborate discussion of the intended development and prove the need and desirability thereof.

1.2. The Application

Application is hereby made in terms of Section 68 of the Ndlambe Municipal Planning By-Law, 2016 for the amendment of the Ndlambe Integrated Land Use Scheme, 2019 for the rezoning of Erf 3397, Port Alfred from “Residential Zone 1” to “Residential Zone 2”.



1.3. Agent and Client

The authorised town planning agent acting on behalf of the client is:

Name : Citeplan (Pty) Ltd
Responsible Persons : Eriva Nanyonjo
Postal Address : P O Box 2784, Beacon Bay, East London 5241
Contact Number : 078 356 3281
Email : eriva@citeplan.net / info@citeplan.net

The client's / owner's details are as follows:

Name : Brenda Denise Russel
Contact Person : Russel Shelton
Postal Address : 21 PARK ROAD, PORT ALFRED, 6140
Contact Number : 083 274 3373

1.4. Locality



Figure 1:1 – Locality and Zoning Erf 3397, Port Alfred

Source: GoogleEarth



The property is located on the East Bank of the Kowie River, north of the R72, close to the eastern entrance to Port Alfred on 21 Park Road,

1.5. Ownership

1.5.1 Title Deed

(See copy of the Title Deed)

Table 1: Title deed information

Property Description	Registered Owner	Title Deed	Size	Zoning
Erf 3397, Port Alfred	SHELTON BRENDA DENISE	T7475/2012CTN	1608 SQM	Residential 1

1.5.2. Power of Attorney

(See copy of the Power of Attorney)

CITEPLAN has obtained a formal signed Power of Attorney from BRENDA DENISE SHELTON, the owner of the subject property. This permits CITEPLAN to submit this application for rezoning of the property as per the requirements of Section 68 of the By-Law for the amendment of the Scheme, 2018, read with the Spatial Planning and Land Use Management Act, 2013 (SPLUMA).

1.6. Existing and Surrounding Zoning

1.6.1 Existing Zoning

ERF	ERF 3397
Use Zone	: Residential Zoning 1
Primary Use	: Dwelling House
Consent Use	: Additional Dwelling Unit, Creche, Guest House, Home Enterprise, Medical Use, Social Facility
Height	: 8.5 m
Coverage	: 50%
FAR	: 1
Building Line	: 5m – Street, 1.5m – Lateral , 3m – Rear
Parking	: 1 space per dwelling unit



1.6.2 Surrounding Zoning

The surrounding zoning is predominantly Residential Zone 1, with some Residential Zone 3 erven located south and north of the site. To the northwest of the site are Authority Zoned erven and to the east of the site are Community Zone 1 and 2 erven. Erf 876, located south of the site, is zoned Business Zone 2.



Figure 1:2 – Surrounding Zoning

Source: Ndlambe Municipality Integrated Land Use Scheme, 2019

1.7. Existing and Surrounding Land Uses

1.7.1 Existing Land Use

The site currently houses one dwelling house of approximately 370sqm and two (2) dwelling units of less than 50sqm each. One unit is being used for short term rental and the other currently houses the staff. The applicant did previously apply to the Ndlambe Municipality for an additional dwelling unit. This application was approved.



1.7.2 Surrounding Land Use

The character of the area where the property is located is predominantly Residential in nature. There are several guest houses, bed and breakfasts and self-catering units interspersed in the neighbourhood as well and along Park Road. In terms of community facilities, there is the Anglican Church to the north of the property, and Baptist Church to the northeast of the property on York Road. Due to the nature of the Park Road, it is a connector road for the broader environment, closely linked to the R72 (Albany Road), a district road, therefore a number of businesses are located in the area close to the property such as a spa, coffee shop, optometrist and vet clinic. Along Park Avenue, east of the property is the Port Alfred School accommodates approximately 800 students ranging from preschool to high school.

It is noted via a google search that a number of "Residential Zone 1" erven, currently operate as Guest Houses or Air BnB Cottages, which the municipality has noted and is aiming to formalise.

1.8. Legal Aspects

1.8.1 Bond

In terms of Schedule 6, Item 2 *"An application contemplated in Part C of Chapter 5 does not have to be accompanied by a certified copy of the title deed of the relevant land or the consent of the bondholder"*.

1.8.2 Restrictive Conditions

(See copy of the Title Deed)

There are no restrictive conditions registered in the title deed of the property.

1.8.3 Servitudes

There are no servitudes registered in the title deed of the property.



2. THE APPLICATION

This section goes into the intention of the owner as well as the proposed development controls.

2.1 The Applicants Intention

The Applicant purchased the stand in 2012 and has since then resided peacefully in the neighbourhood. In planning for retirement, the applicant built two (2) additional units in addition to the existing dwelling unit (house). Under the Residential Zone 1, a dwelling unit with an outbuilding is permitted – with one kitchen between the two.

For the time being, one unit houses staff who work on the property and the second unit is being used for rental. The intention is that eventually, both units will be used for rental purposes to supplement their retirement income when the time comes. Each unit is approximately 42square meters (See Annexure B).

As per the above, the definition of a dwelling unit is *"a self-contained inter-leading group of rooms with not more than one kitchen used for human habitation."* A Kitchen is defined as *"a room or part of a room equipped for preparing and cooking meals..."*

On inspection from council, these units were seen as two separate units therefore the land use did not comply with the zoning. The client was therefore served with a contravention notice (See Annexure C) of which it is their intention to rectify and comply with policy.

The applicant did previously apply to the Ndlambe Municipality for an additional dwelling unit. This application was approved. The applicant therefore intends to formalise the existence of the second dwelling unit on the property under the appropriate zoning of "Residential 2" which will allow for a group of separate dwelling units and validate the current land use in line with the requirements of the Ndlambe Municipality.

2.2 Proposed Development Parameters

Under Residential Zone 2, the following land uses are defined as:

Group Housing means *a group of separate and/or linked dwelling units, designed, planned and built as a harmonious architectural entity and includes support facilities relating to the operation and sustainability of the scheme or building, functional communal open*



space, gate house, public and/or private roadway, of which every dwelling unit has a ground floor and such dwelling units may be cadastrally subdivided.

Under this zone, the maximum density is 50 du/ha. The proposed development is within this density.

Below is a table indicating the proposed development controls under "Residential Zone 2".

Table 2: Proposed Town Planning controls

Erf	ERF 3397, PORT ALFRED
Use Zone	: Residential Zone 2
Primary Rights	: Group Housing
Consent Rights	: Care Facility, Crèche, Guest House, Home Enterprise, Retirement Village, Social Facility, Town Housing
Height	: 8.5m
Coverage	: 70%
Floor Area Ratio	: 1
Building Lines	: 1m along Street, Lateral and Rear
Parking Provision	: 1 space per dwelling unit

The current land uses on site are in line with the proposed zoning.

3. POLICY ENVIRONMENT

3.1 Spatial Planning Land Use Management Act, 2013

All land development that occurs within the bounds of South Africa, needs to be compliant with the prescriptions of the Spatial Planning Land Use Management Act, 2013 (SPLUMA). SPLUMA, provides the ambit for development in South Africa and provides guidelines for land use and land management (amongst other things). In terms of this Act, any development needs to respond to its development principles of efficiency, sustainability, resilience, justice and good administration. The following principles apply in terms of the proposed application:

Spatial Sustainability, whereby the proposed development:

- promotes land development that will promote and stimulate the functioning of land markets;
- has taken into consideration the current and future costs to all parties in terms of infrastructure and social services;



- is strategically and ideally located in an already built up area thereby limiting urban sprawl; and
- is considered viable and has been thoroughly researched and planned for.

Spatial Efficiency, whereby the proposed development:

- has made use of existing resources and infrastructure; and
- the evidence-based submission of this application.

Spatial resilience, whereby the proposed development:

- is in line with the spatial objectives of the Ndlambe Municipality; and
- aims to ensure the livelihood of the owner is sustained.

Good Administration, whereby the proposed development:

- application will be circulated to the relevant sectors for input; and
- meets with the requirements of land development in municipality.

The proposed rezoning to allow for formalisation of the existing land use over the site is in support of the above stated principles of SPLUMA, 2013. The adaptation and flexibility of development rights to meet changing needs reflects adherence of SPLUMA and resilience and efficient functioning of development management by the Ndlambe Municipality.

3.2 Ndlambe Municipality Spatial Development Framework, 2013

The Ndlambe Municipal Spatial Development Framework, 2012 (SDF) provides strategic guidance on the development vision and direction of the municipality. The following extracts aim to highlight how the proposed development is aligned with the vision and development direction of the municipality.

In terms of its planning principles, the Ndlambe SDF advocates:

- **Densification and Infill Development**, whereby densification can be achieved through infill development.
- **The promotion of Local Economic Development** that is crucial in improving the livelihoods of people and promotes the growth of local industries.

As part of the proposals in the SDF and its policy intent, the proposed development will:

- **Limit urban sprawl;**
- **Promote infill, redevelopment and intensification (residential densification);**
- **Maximise locational advantage; and**
- **Attract potential customers that would ordinarily pass through Port Alfred (promote lowkey tourism related development).**



Most crucially, the proposed Land Use is aligned with what the SDF earmarks the area for i.e residential use – See Figure 1.2.

The proposed land use change will maximise the use of local resources and opportunities with comparative advantages for the town by enabling/promoting a tourism opportunity through the provision of short stay accommodation.

3.3 Ndlambe Spatial Planning and Land Use Management By-Law, 2016

Application is hereby submitted in terms of Section 68 of the Ndlambe Municipality Spatial Planning and Land Use Management By-Law.

In terms of the By-Law, a rezoning application may be submitted to the municipality in the manner provided in terms of Chapter 6 read together with Schedule 6 of the Bylaw. The rezoning schedule requires that an application is submitted with the following documentation:

Table 3: By Law Compliance – Rezoning application.

Public Notice of the application will occur in the media and served in accordance with Section 93 (1) (a) of the By-Law.

3.4 Ndlambe Municipality Integrated Land Use Scheme, 2019

Application is submitted for the purpose of rezoning the site from “Residential Zone 1” to “Residential Zone 2”. The table below provides the parameters of Residential Zone 2 as per the Land Use Scheme.

Document	Compliant
Bondholder’s Consent	n/a
Power of Attorney	✓
Copy of the Deed of Transfer	✓
Copy of the Motivational Memorandum	✓
Locality, Land Use and Zoning Plan	✓
Zoning Certificate	✓
SG Diagram	✓
Site Plan	✓



Table 4: Land Use Zones – Residential Zone 2

1 Zoning	2 Purpose	3 Objective	4 Primary Use	5 Consent Use
Residential Zone 2	Medium Density	<ul style="list-style-type: none"> • Medium density residential development up to a maximum gross density of 50 units per hectare. • Use of land for the purposes of harmonious architectural designed development, sharing common areas such as roads and open space. • Residential developments of a medium scale and limited height and it could be single, semi-detached, row or linked residential units, including retirement villages. • Limited non-residential uses to protect the residential character. 	<i>Group Housing</i>	<ul style="list-style-type: none"> • Care Facility • Crèche • Guest House • Home Enterprise • Retirement Village • Social Facility • Town Housing
Building Lines	<ul style="list-style-type: none"> • 1m street • 1m lateral and rear 			
Height	<ul style="list-style-type: none"> • 8.5m 			
Coverage	<ul style="list-style-type: none"> • 70% 			
Floor Factor	<ul style="list-style-type: none"> • 1 			

The proposed application parameters are aligned with what is prescribed by the LUS.

4. MOTIVATION

The main purpose of establishing need and desirability is to ensure that the land use development proposals are necessary for development purposes and desirable in the public interest, resulting in sustainable land utilization which is publicly acceptable and relevant in terms of overall economic growth and development, convenience, and benefit at all levels. The central question relating to development applications of this kind is whether it satisfies the twin criteria of "need and desirability".

4.1 Need

The following statements indicate why there is a NEED for the proposed development:



- 1) The site is well located and forms part of an area currently experiencing change in response to the need for short term rentals/ overnight stays.
- 2) It capitalises on its locational advantage as a midway between Nelson Mandela Bay and East London – thereby feeding into the tourism value chain of Port Alfred.
- 3) Short term stay developments play a role in attracting people to a place or area.
- 4) This type of land use change promotes the principles of local economic development as it will provide a livelihood for the owner that will supplement their pension.
- 5) This application serves as compliance in order to formalise the existing land use, indicating adherence to the municipal by-law.

4.2 Desirability

Desirability is based on the appeal and suitability (reasonableness) of the proposed development in terms of certain criteria. The following statements indicate why the proposed development is desirable:

- 1) It is aligned with the spatial planning policy, vision and development direction of the municipality and it responds to the development principles that government land use development in the country.
- 2) Given the predominantly residential nature of the area, the proposed development utilises the site in an appropriate manner.
- 3) The intended use is in keeping with the land use typology and general characteristics of the surrounding neighbourhood and has no negative visual impacts.
- 4) The applicant is endeavouring to comply with legislative and policy requirements in terms of sustainable development of land through the submission of this application.
- 5) Given the surrounding facilities and existing road network of the area, the site is located within a well-developed context that is easily accessible.
- 6) The impact of the additional unit is minimal on municipal bulk services.
- 7) The scale of the proposed development is unlikely to have a significant impact on the existing traffic network and therefore will not contribute to congestion and traffic in the area. Each unit will house a maximum of two people who will utilise one vehicle and the site has sufficient parking for two additional vehicles.



5. CONCLUSION

The application is hereby submitted in terms of Section 68 of the Ndlambe Municipal Planning By-Law, 2016 read together with the provisions of the Ndlambe Integrated Land Use Management Scheme, 2019 and the Spatial Planning Land Use Management Act, 2013.

This motivational memorandum has comprehensively discussed and outlined the need as well as desirability for the formalisation of the dwelling units on site and ensuring their compliance with the land use prescriptions of the municipality. Based on the policy compliance and specific merits outlined in this motivational memorandum, it is therefore the applicants submission that the proposed development is desirable and should therefore be approved.



LEGEND

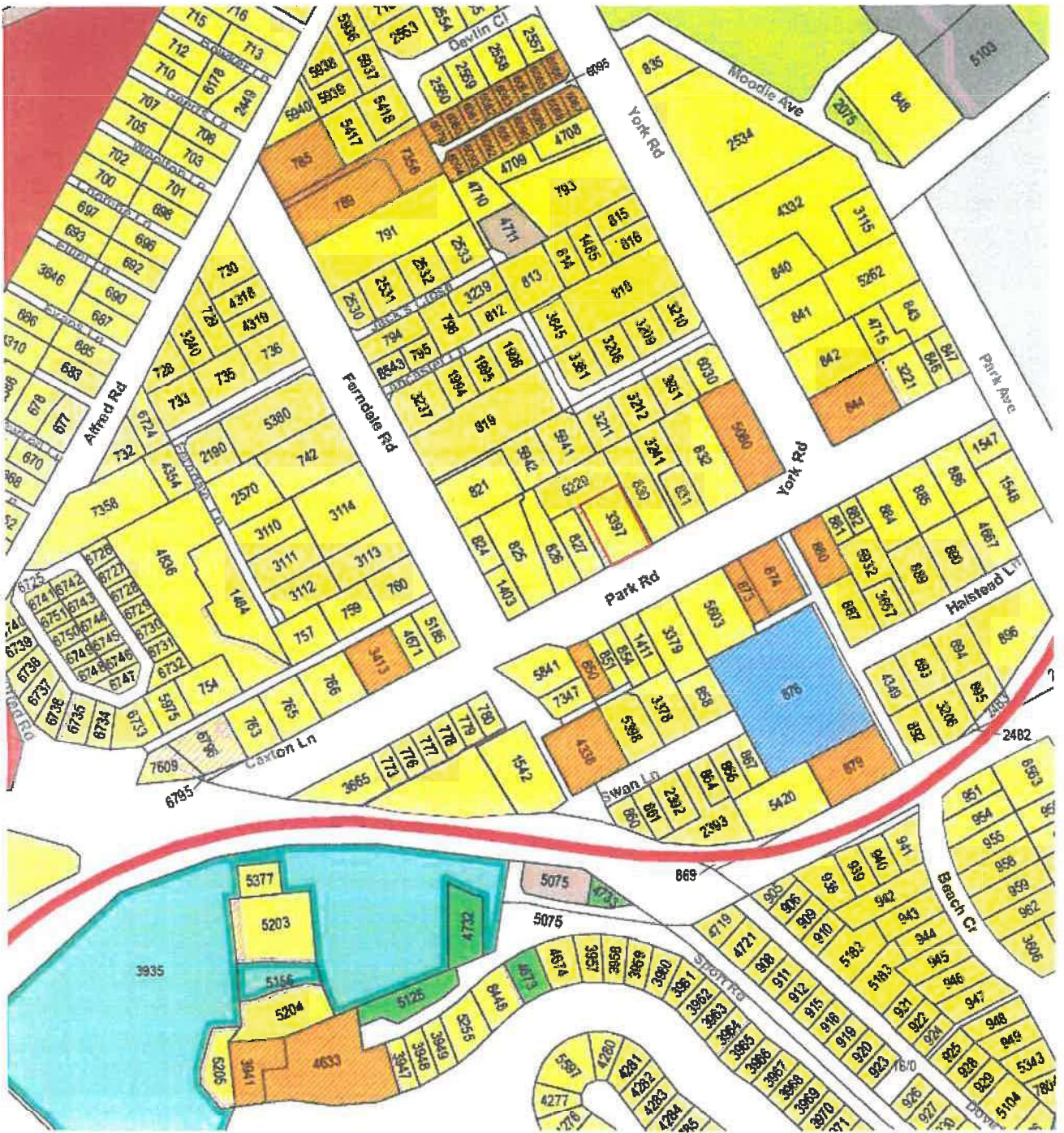
SITE 

LOCALITY PLAN

DATE: MARCH 2024

SCALE: NTS





LEGEND

SITE			
RESIDENTIAL ZONE 1		OPEN SPACE ZONE 1	
RESIDENTIAL ZONE 3		OPEN SPACE ZONE 2	
RESIDENTIAL ZONE 4		BUSINESS ZONE 2	
COMMUNITY ZONE 1		AUTHORITY ZONE	
COMMUNITY ZONE 3		SPECIAL ZONE	

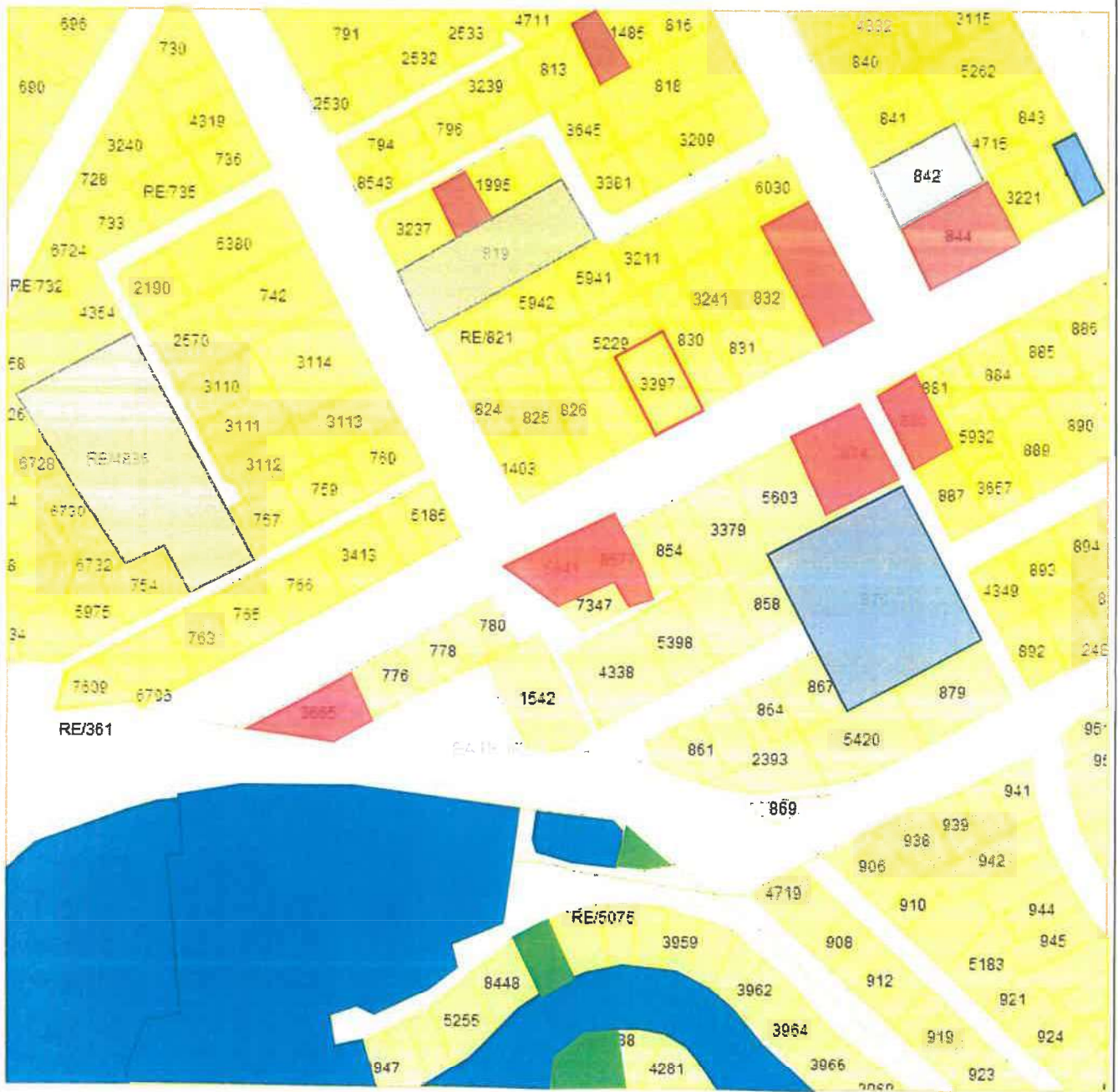
ZONING PLAN

DATE: MARCH 2024


SCALE: NTS



CITEPLAN



LEGEND

SITE		
RESIDENTIAL		OPEN SPACE 
MARINA		
CHURCH		
GUESTHOUSE /BNB		
BUSINESS		

LAND USE PLAN

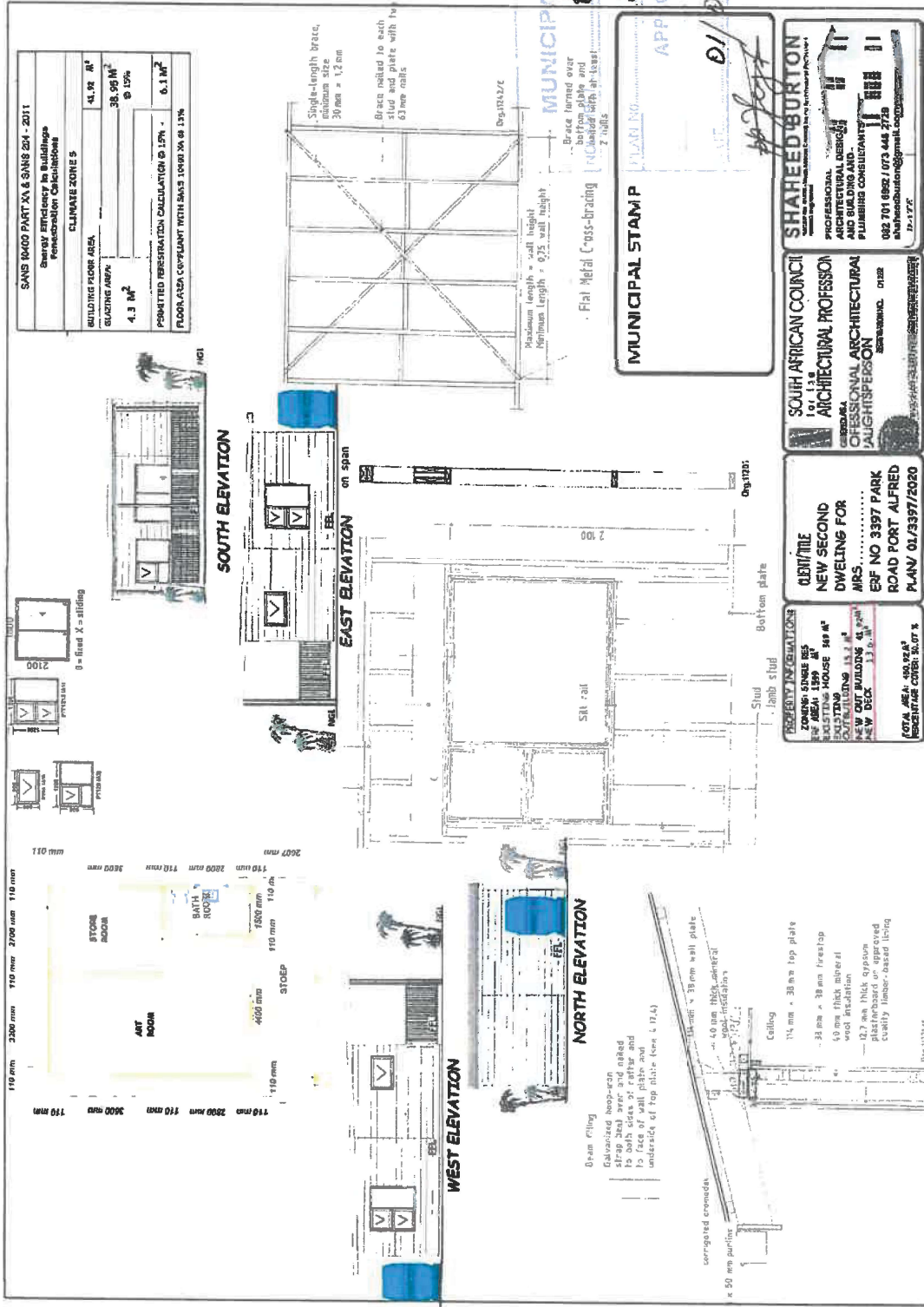
DATE: MARCH 2024

SCALE: NTS



CITEPLAN

REVISED



MUNICIPALITY OF Bathurst
 2020/07/2020
 APPROVED
 01/07/2020

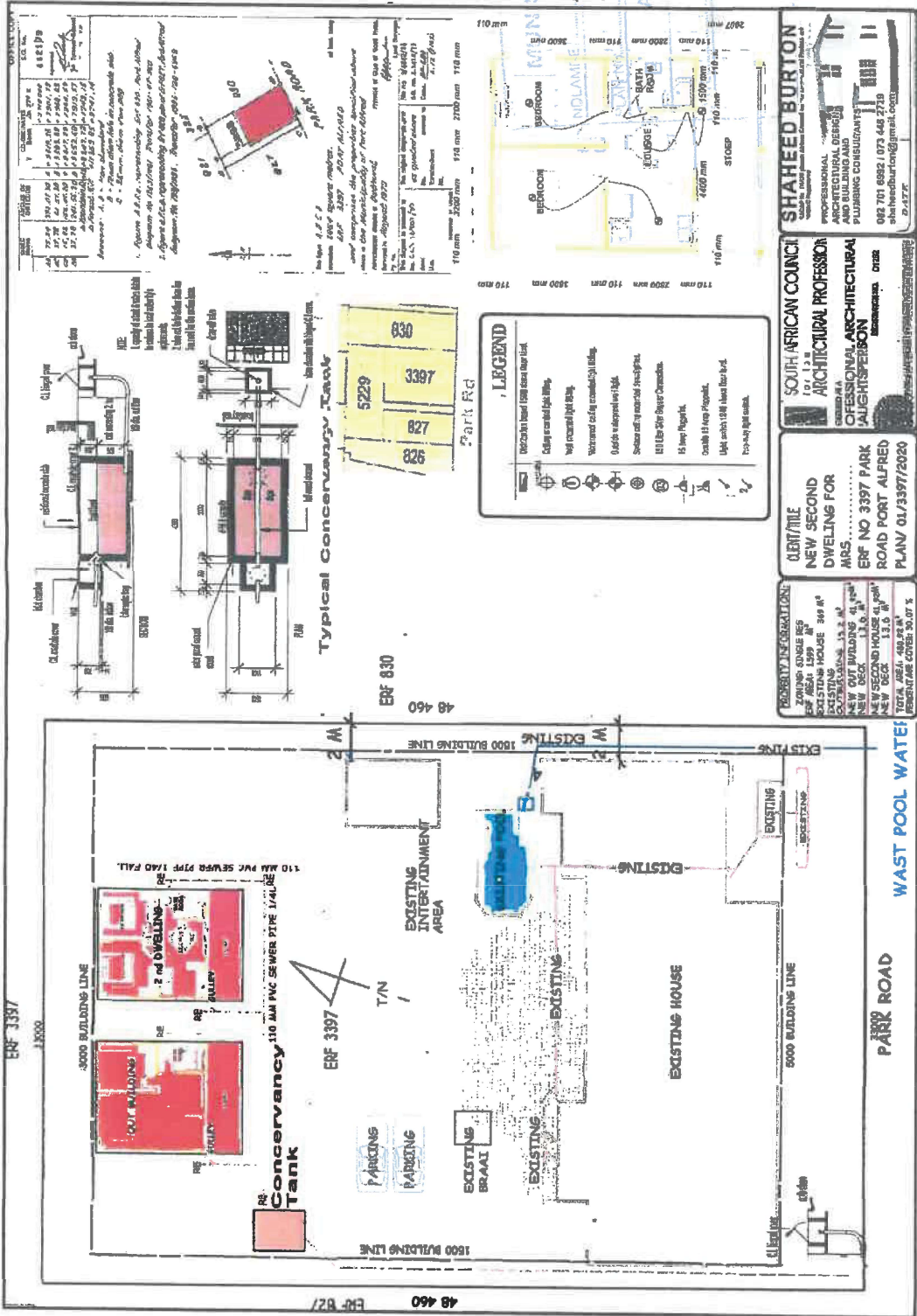
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 APPROVED
 01/07/2020

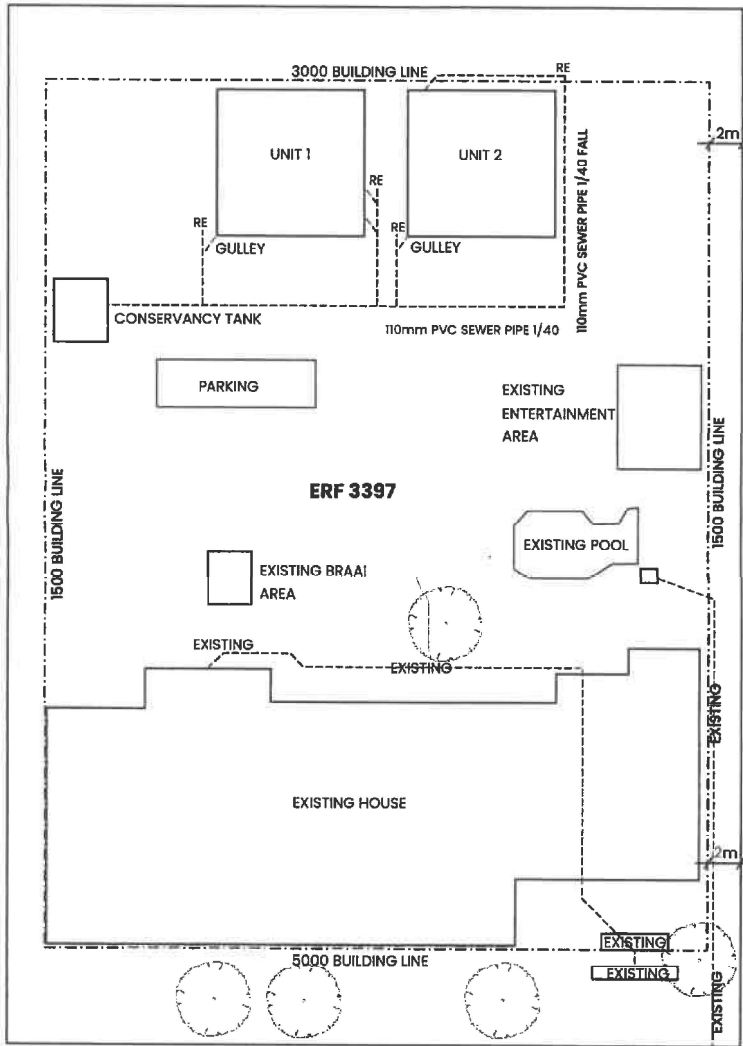
SHAHEED BURTON
 PROFESSIONAL ARCHITECTURAL DESIGNER AND BUILDING AND PLUMBING CONSULTANT
 082 701 6852 / 073 444 2726
 shaheedburton@gmail.com

SOUTH AFRICAN COUNCIL FOR ARCHITECTURAL PROFESSIONALS
 MEMBERSHIP NO. 11888

CLIENT: NEW SECOND DWELING FOR MRS. ...
 3397 PARK ROAD PORT ALFRED
 PLAN/ 01/3397/2020

REVISED





SITE PLAN

ZONING CONTROLS

EXISTING ZONING

- Use Zone : Residential Zoning 1
- Primary Use : Dwelling House
- Consent Use : Additional Dwelling Unit, Creche, Guest House, Home Enterprise, Medical Use, Social Facility
- Height : 8,5 m
- Coverage : 50%
- FAR : 1
- Building line : 5m - Street, 15m - Lateral, 3m - Rear
- Parking : 1 space per dwelling unit

PROPOSED ZONING

- Use Zone : Residential Zoning 2
- Primary Use : Group Housing
- Consent Use : Care Facility, Crèche, Guest House, Home Enterprise, Retirement Village, Social Facility, Town Housing
- Height : 8,5 m
- Coverage : 70%
- FAR : 1
- Building Line : 1m along Street, Lateral and Rear
- Parking : 1 space per dwelling unit

ERF AREA: 1608m²
 EXISTING HOUSE: 369m²
 UNIT 1: 13.6m²
 UNIT 2: 13.6m²
 TOTAL AREA: 480.92m²
 COVERAGE: 30.7m²



CITEPLAN

19 HIGHFIELD ROAD, BEACON BAY, EAST LONDON, 5201

DRAWN BY: E NANYONJO

DRAWING NUMBER: J23003_SP

DATE: March 2024

SCALE: N.T.S



Ndlambe Municipality
ZONING CERTIFICATE

Date : 03 February 2023

Fax No: (046) 624 2669

Tel: 046 624 5500

Address:

P O Box 13

Port Alfred

6170

Property description:

Erf 3397, Port Alfred

Street Address:

21 Park Road

Registered area:

1608.0SQM

Municipality:

Ndlambe Municipality

Zoning:

Residential Zone 1

Primary Use:

Dwelling Unit

Consent Use:

Additional Dwelling Unit, Crèche,
Guest House, Home Enterprise,
Medical Use, Social 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.

A handwritten signature in black ink, appearing to read 'N. Vithi-Masiza', is written over a horizontal line.

DR.N.VITHI-MASIZA

Director: Infrastructural Development



LEGEND

SITE 

LOCALITY PLAN

DATE: MARCH 2024

SCALE: NTS



CITEPLAN



LEGEND

- SITE
- RESIDENTIAL ZONE 1
- RESIDENTIAL ZONE 3
- RESIDENTIAL ZONE 4
- COMMUNITY ZONE 1
- COMMUNITY ZONE 3
- OPEN SPACE ZONE 1
- OPEN SPACE ZONE 2
- BUSINESS ZONE 2
- AUTHORITY ZONE
- SPECIAL ZONE

ZONING PLAN

DATE: MARCH 2024

SCALE: NTS



CITEPLAN



LEGEND

- SITE
- RESIDENTIAL
- MARINA
- CHURCH
- GUESTHOUSE /BNB
- BUSINESS
- OPEN SPACE

LAND USE PLAN

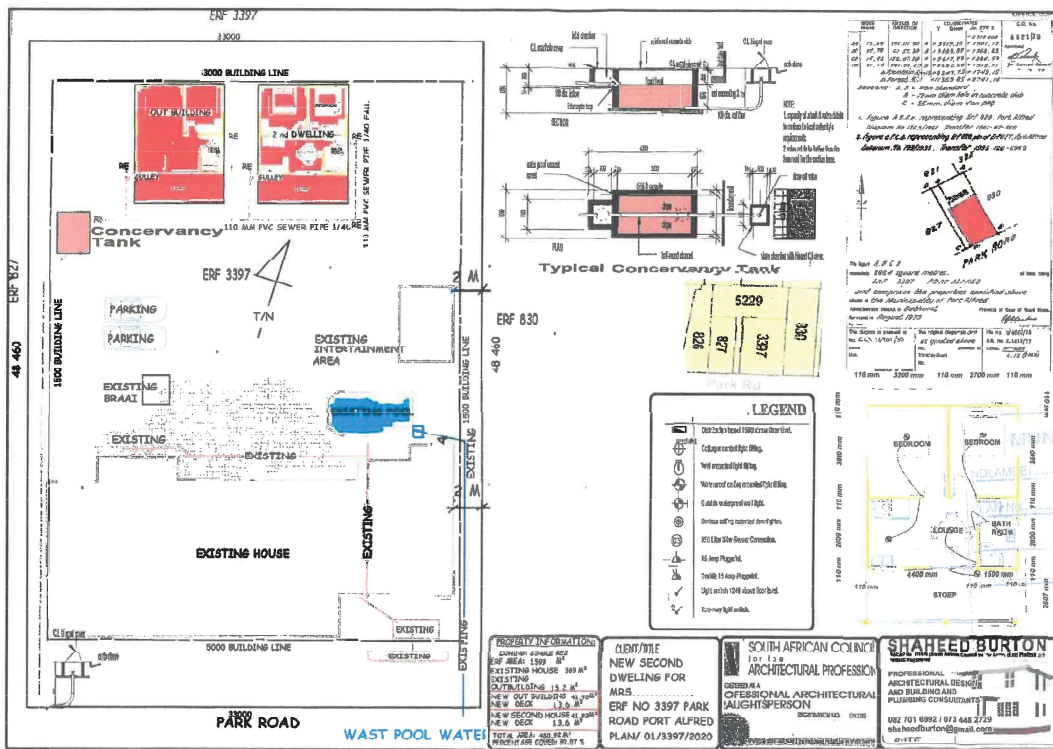
DATE: MARCH 2024

SCALE: NTS



CITEPLAN

REVISED



CAPACITY OF
 Port Alfred
 2021/07/23L
 APPROVED
 01/07/2021
 M. Jeff

