



**NDLAMBE
MUNICIPALITY**
PORT ALFRED

**APPLICATION FOR REMOVAL
OF RESTRICTIVE TITLE DEED
CONDITIONS, DEPARTURE FOR
RELAXATION OF BOTH LATERAL
BUILDING LINES, STREET AND
REAR BUILDING LINE AND
RELAXATION OF COVERAGE
ON ERF 37, KENTON ON SEA.**

Applicant: TSHANI CONSULTING
CC

Owner: KGS INVESTMENT
HOLDING PROPRIETARY
LIMITED

Property Description: ERF 37,
KENTON ON SEA

Physical Address: 30 WESTBOURNE
ROAD, KENTON ON
SEA, 6191

Detailed description of proposal:

The matter for consideration is Application For Removal of Restrictive Title Deed Conditions, Departure for Relaxation of Both Lateral Building Lines, Street and Rear Building Line and Relaxation of Coverage on Erf 37, Kenton On Sea 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: 60/2024

ADV. R DUMEZWENI
MUNICIPAL MANAGER
18 April 2024

TALK OF THE TOWN 18 April 2024

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11 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
	Consolidation	R
✓	Requirements for amendment, suspension or removal of restrictive conditions or obsolete Condition, servitude or reservation registered against title of land	R 8 431.07
✓	Departure Permanent or Temporal Departure (for land use change)	R 6 744.85
✓	Departure Relaxation building line	R 4 015.99
	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 19 191.91

COMPLETE THE FOLLOWING:

Local Authority:	NDLAMBE LOCAL MUNICIPALITY
Description of Land:	ERF 37, KENTON-ON-SEA
Registered owner(s):	KGS INVESTMENT HOLDINGS (PTY) LTD
Street Address:	30 WESTBOURNE ROAD KENTON ON SEA
Postal Address:	
	Code: 6191
Email Address of Owner:	kevin@becktrading.co.za
Applicant (With Power of Attorney):	Tshani Consulting CC
Postal Address:	Private Bag X9063 East London
	Code: 5200
Email Address of Applicant:	info@tshani.co.za

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 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 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);
- 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 THE APPLICANT

Your reference number	EL 838
Name of person to whom correspondence should be addressed	Tshani Consulting CC Kreason Naidoo
Address:	9 Princes Road Vincent East London
Telephone number:	043 722 1198
Email:	info@tshani.co.za

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): KGS INVESTMENT HOLDINGS (PTY) LTD

1.3. Is the property encumbered with a bond? No

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 37, KENTON-ON-SEA

Number and date of the title deed:

T12778/2020 27 October 2020

Area of land:

771m²

2.2. What is the present zoning of land unit?

Residential Zone I

2.3. Are any departures applicable to the land unit? No

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

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

In good condition

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

Yes

If not, how is the land being utilised?

3. DETAILS OF APPLICATION

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

Removal of Restrictive Condition C3 and C4 from the Title Deed of Erf 37, Kenton-on-Sea
Relaxation of Street Building Line, Rear Building and Both Lateral Building Lines
Relaxation of Coverage

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:

Yes

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:

The property is being used for residential purposes inline with the current zoning
however the controls limit the maximum development potential of the property

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 1.5 m to 0 m; and / or (both laterals)
- ii. Rear building line from 3 m to 0.72 m; and / or
- iii. Street building line from 5 m to 0 m; and / or
- iv. Coverage factor from 50 % to 58.49 %; 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:

Restriction on Coverage and Building Lines

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?

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:

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

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.)? **Yes**

If so, please give details in so far as they affect the application under consideration:
The area is covered by the Ndlambe Municipality Spatial Development Framework

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:

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

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):

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?

No

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?

If so, furnish details:

No

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?

Yes

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 to the S.A. National Defence Force?

No

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 EIA.....	✓		

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

reasons: Proof of payment to be submitted once application has been accepted.....

AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION

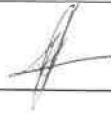
YES	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)
YES	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)
YES	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations
YES	N/A	If required, has application for EIA / HIA / TIA / 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'm 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) that 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: 14 February 2024

Full Name:

Kreason Naidoo

Professional capacity & Registration Nr:

A/1454/2011

FOR OFFICE USE ONLY

DATE RECEIVED

08 / March / 2024

RECEIVED BY

Khathalo Padingoana

FOR ERF NUMBER

EIA 37 KOS



POWER OF ATTORNEY

I, the undersigned, Kevin Schroeder, on behalf of KGS Investment Holdings (Pty) Ltd.

Do hereby nominate and appoint:

**KREASON NAIDOO
ON BEHALF OF
TSHANI CONSULTING CC**

With power of substitution, to be our true and lawful agents in our name, place and stead, with regard to immovable property, namely:

Erf 37, Kenton-on-Sea

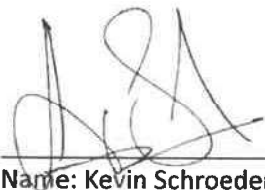
situated in Ndlambe Local Municipality, Province of Eastern Cape:

In order to:

1. Prepare and lodge any statutory application necessary on the above-mentioned properties;
2. Compile and Submit an application Removal of Restrictive Condition C3 and C4 from the Title Deed of Erf 37, Kenton-on-Sea and Relaxation of Building Lines and Coverage of the above-mentioned properties;
3. To apply to the municipality for any legislative requirements needed for said statutory application of above-mentioned properties;
4. To Request any information for the above-mentioned properties from the Municipality;
5. Sign all documents that may be necessary in connection therewith.

And generally for effecting the purposes aforesaid, to do or cause to be done, whatsoever shall be required as fully and effectually to all intents and purposes as we 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 our said agents shall lawfully do or cause to be done by virtue and of these presents.

Signed at Kenton on this 19th day of December 2023 the presence of the undersigned witnesses:



Name: Kevin Schroeder

ID Number:

Date: 19-12-2023

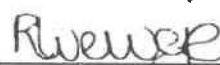
AS WITNESSES:



Name: Jackie Marshall

ID Number: 821123 0158086

Date: 19-12-2023



Name: Roslyn Weweje

ID Number: 820629 0157085

Date: 19-12-2023

COMPANY RESOLUTION

RESOLUTION BY OWNERS/MEMBERS OF

“KGS INVESTMENT HOLDINGS (PTY) LTD”
Registration No: 2010/013663/07

RESOLVED THAT:

At a meeting held at Kenton on 18th day in the month of December 2023.

1. We, The Director(s) of KGS Investment Holdings (Pty) Ltd, are the registered owners/lessees of:

Erf 37, Kenton-on-Sea

2. An application to be submitted to the Ndlambe Local Municipality for the:

Removal of Restrictive Condition C3 and C4 from the Title Deed of Erf 37, Kenton-on-Sea and Relaxation of Building Lines and Coverage

3. We hereby nominate and appoint:

Mr. Kevin Schroeder hereby authorized to sign all necessary documentation and papers to enable the above application to be proceeded with.

Mr. Kevin Schroeder

18-12-2023

Chairperson of the meeting

Date

Directors:

1. Name: Kevin Schroeder

Date: **18-12-2023**

Signature: 

ID Number: 6008055070087

DRAKE FLEMMER & ORSMOND
2
 TEL: 043 643 3879

Fee Endorsement		
	Amount	Office Fee
Purchase Price/Value	R. 10 050 000.00	R. 3397.00
Mortgage Capital Amt.	R.	R.
ALL OTHER REGISTRATIONS		
R.		
Reason For Exemption	Category Exemption	Exempt i.t.o Sect/Reg Act/Proc

DE JAGER & JORDAN
 25 Retief Street
 Alexandria
 6185

Prepared by me


 CONVEYANCER
 SAMANTHA LEE-ANN VOCKERODT
 (LP83310)

T 12778 / 2020

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

SAMANTHA LEE-ANN VOCKERODT, LP 83310

appeared before me, REGISTRAR OF DEEDS at KING WILLIAM'S TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by.

2

1. **MICHAEL ADRIAN WILMOT**
Identity Number 621231 5084 08 2
Married out of community of property
As to a 0,225 Share
2. **JUSTIN GRANT WILMOT**
Identity Number 650905 5056 08 3
Married out of community of property
As to a 0,325 Share
3. **JO-ANNE CLAIRE WILMOT**
Identity Number 750110 0037 08 4
Unmarried
As to a 0,225 Share
4. **DIANE DENISE MALAN**
Identity Number 571022 0066 08 7
Unmarried
As to a 0,225 Share

which said Power of Attorney was signed at KENTON-ON-SEA on 10th September 2020

And the appearer declared that his/her said principal had, on 31 August 2020, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

KGS INVESTMENT HOLDING PROPRIETARY LIMITED
Registration Number 2010/013663/07

or its Successors in Title or assigns, in full and free property

ERF 37 KENTON-ON-SEA
NDLAMBE LOCAL MUNICIPALITY
DIVISION OF BATHURST
PROVINCE OF THE EASTERN CAPE

IN EXTENT 771 (SEVEN HUNDRED AND SEVENTY ONE) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T11334/1938CTN with diagram relating thereto and held by Deed of Transfer Number T4157/2019 and T4161/2019

- A. SUBJECT to such conditions as are referred to in Certificate of Township Title Number T14156/1937CTN save in so far as these may have since lapsed or been cancelled.
- B. SUBJECT to the servitude referred to in the endorsement dated 9th September, 1929 endorsed on Deed of Transfer Number T 8365/1924CTN, relating to an Order of the Water Court (Water Court District Number 10) dated 5th, 6th, and 7th December, 1927.

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C. SUBJECT to the following conditions as being in favour of the registered owner of any erf in the Township, and subject to amendment or alteration by the Administrator of the Cape of Good Hope under the provisions of Section 18(3) of Ordinance Number 33 of 1934 and contained in said Deed of Transfer Number T11334/1938CTN :

1. That this erf be used for residential purposes only.
2. That only one dwelling, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.
3. That not more than half the area of the erf be built upon.
4. That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf, provided that an outbuilding not exceeding 3,05 metres in height, measuring from the floor to the wallplate, may be erected in such a position that the distance between it and any buildings situate on this or any adjoining erf except another such outbuilding is not less than 3,15 metres.

D. SUBJECT to the following condition as being in favour of the Administrator and contained in said Deed of Transfer Number T11334/1938CTN,:

That this erf be not subdivided except with the consent in writing of the Administrator.

E. SUBJECT to the following conditions as being in favour of any local authority that may hereafter be constituted for the Township and contained in said Deed of Transfer Number T11334/1938CTN.

That the owner of this erf shall be obliged to allow the drainage, or sewerage of any other erf to be conveyed across this erf if deemed necessary by the local authority that may be hereafter constituted for the Township, and in such manner and in such position as may reasonably be required by the aforesaid local authority.

F. SUBJECT to the following conditions as being in favour of the registered owner of any erf in the Township and contained in said deed of Transfer Number T11334/1938CTN.

That no dwelling shall be erected on this erf unless provision is made above ground for the storage of rain water, the said storage to have a capacity of not less than 9 000 litres and provided that no shallow well shall be constructed or sunk within 31,49 metres from any existing pit privies.

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G, SUBJECT to the following condition as being in favour of the Township Owners, namely Alfred William Pudney, Ernest George Pudney and Norman Andrew Pudney or any future local authority: and contained in said Deed of Transfer Number T11334/1938CTN:

That the right of supervising the plans of any buildings to be erected on this erf shall be vested in the Township owners until such time as a local authority shall have been established in connection therewith.

For Information Only



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4

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

1. MICHAEL ADRIAN WILMOT, Married as aforesaid
2. JUSTIN GRANT WILMOT, Married as aforesaid
3. JO-ANNE CLAIRE WILMOT, Unmarried
4. DIANE DENISE MALAN, Unmarried

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

KGS INVESTMENT HOLDING PROPRIETARY LIMITED
Registration Number 2010/013663/07

or Its Successors in Title 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 R10 050 000,00 (TEN MILLION FIFTY 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 KING WILLIAM'S TOWN on

22 OCT 2020


q.q.

In my presence



REGISTRAR OF DEEDS

SECTION A: INTRODUCTION

Tshani Consulting CC has been appointed **KGS Investment Holdings Proprietary Limited**, (herein after referred to as the "**Client**"), to prepare and submit an application to the **Ndlambe Local Municipality** for the *Removal of Restrictive Condition C3 and C4 from the Title Deed of Erf 37, Kenton-on-Sea and Relaxation of Building Lines and Coverage to allow for an open deck.* A **Power of Attorney** and **Company Resolution** are attached in **Appendix 1**.

The following motivation application pertaining to **Erf 37, Kenton on Sea** is specifically for the following:

- **Removal of Restrictive Conditions C3 and C4 from the Title Deed of Erf 37, Kenton-on-Sea in terms of Section 69 of the Ndlambe Local Municipality SPLUMA by-law.**
- **Relaxation of Street Building Lines from 5m to 0m on Erf 37, Kenton-on-Sea in terms of Section 76 (1)(a) of the Ndlambe Local Municipality SPLUMA by-law.**
- **Relaxation of Lateral Building Lines from 1.5m to 0m on Erf 37, Kenton-on-Sea in terms of Section 76 (1)(a) of the Ndlambe Local Municipality SPLUMA by-law.**
- **Relaxation of Rear Building Lines from 3m to 0.72m on Erf 37, Kenton-on-Sea in terms of Section 76 (1)(a) of the Ndlambe Local Municipality SPLUMA by-law.**
- **Relaxation of Coverage from 50% to 58.49% on Erf 37, Kenton-on-Sea in terms of Section 76 (1)(a) of the Ndlambe Local Municipality SPLUMA by-law.**

This report serves as an application which is being applied through and in accordance with the **Ndlambe Municipality Integrated Land Use Scheme, 2019** and is to be processed in terms of the **Spatial Planning and Land Use Management Act 16 of 2013**.

SECTION B: LOCALITY

This section provides contextual analysis of the subject properties and their relation from the Municipal, Regional and Local Perspective.

B1: MUNICIPAL LOCALITY

The subject property Erf 37, Kenton-On-Sea and falls under the jurisdiction and land use control of the Ndlambe Local Municipality.

The Ndlambe Local Municipality is surrounded by the following Local Municipalities:

- Makana Local Municipality, which is located within the Sarah Baartman District Municipality, is situated to the North.

- Sundays River Valley Local Municipality, which is located within the Sarah Baartman District Municipality, is situated to the West.
- Ngqushwa Local Municipality, which is situated within the Amatole District Municipality, is situated to the East.

(Refer to Plan 1: Municipal Locality Plan)

B2: REGIONAL LOCALITY

Kenton on Sea is town within the Jurisdiction of Ndlambe Local Municipality, it is bordered by:

- Boesmaansrivier to the Southwest
- Indian Ocean to the Southeast
- Kariega River in the Northeast Direction.

(Refer to Plan 2: Regional Locality Plan)

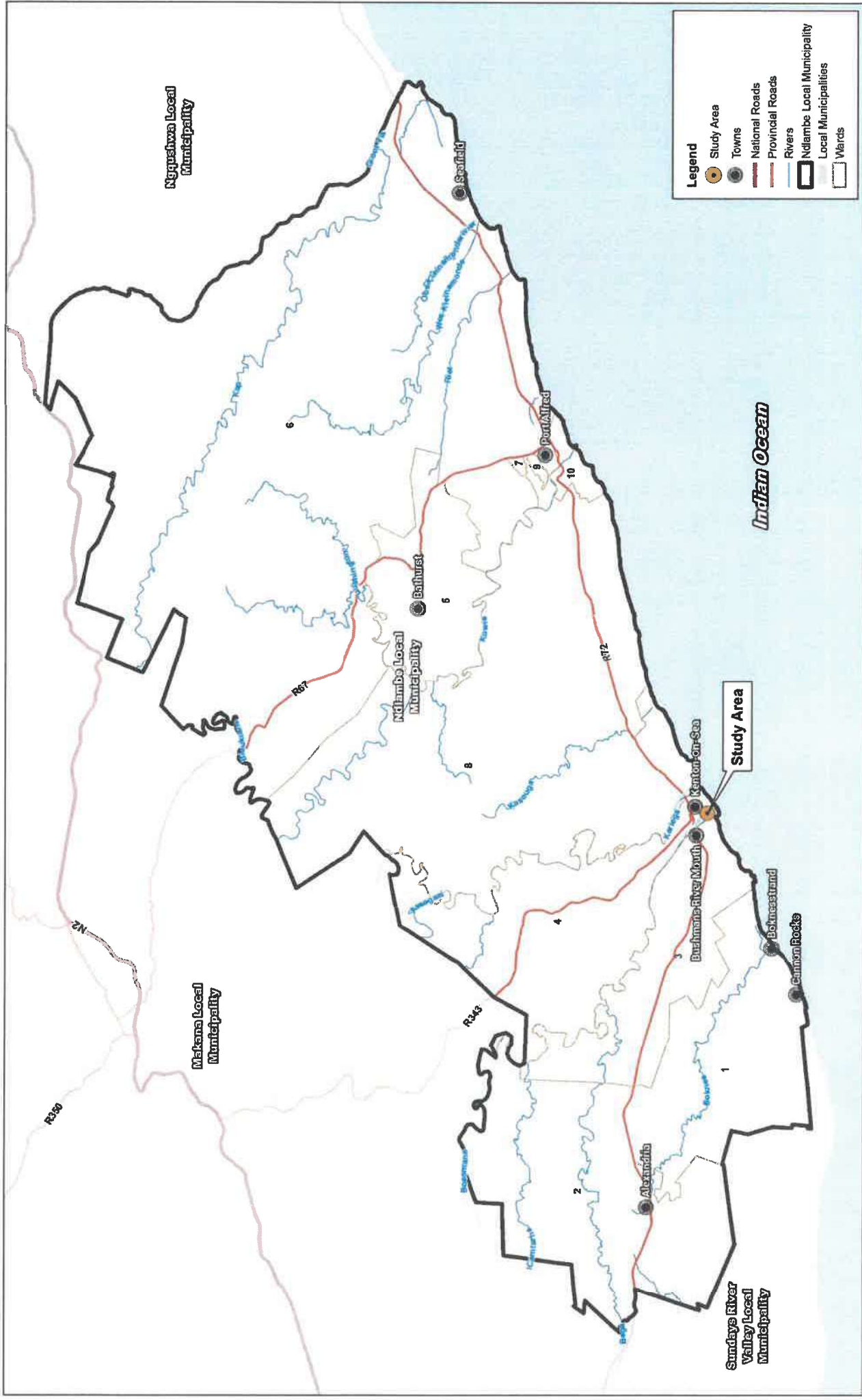
B3: LOCAL LOCALITY

The subject property is located within the town known as Kenton. Access to the property is accessed through Westbourne Road. The subject site is located within close proximity to the Boesmans River to the West. ***(Refer to Plan 3: Local Locality Plan)***

DEPARTURE OF BUILDING LINES OR ERF 37 KENTON-ON-SEA

PLAN NO. 1: MUNICIPAL LOCALITY PLAN

1:250 000



DEPARTURE OF BUILDING LINES FOR ERF 37 KENTON-ON-SEA

PLAN NO. 2: REGIONAL LOCALITY PLAN

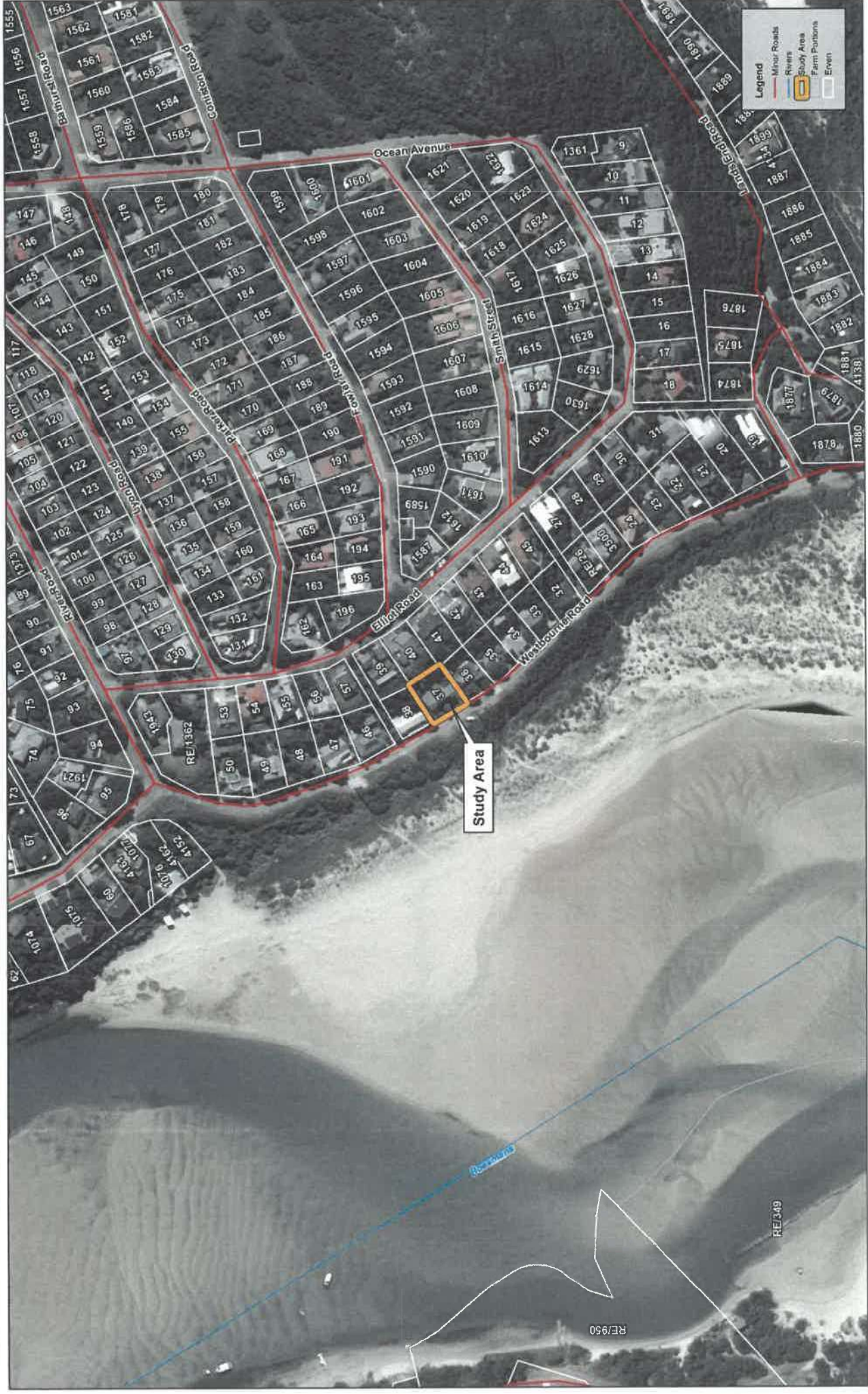
N
1:10 000



DEPARTURE OF BUILDING LINES OR ERF 37 KENTON-ON-SEA

PLAN NO. 3: LOCAL LOCALITY PLAN

N
1:3 000



Source: Department of Transport Municipal Demarcation Board

July 2022

TSHANI
CONSULTING C.C.

SECTION C: OWNERSHIP AND ZONING

C1: OWNERSHIP

Erf 37, Kenton on Sea is currently under the ownership of a company known as KGS Investment Holdings Proprietary Limited, with Registration Number: 2010/013663/07. **(Refer to Appendix 2: Deed of Transfer No. 12778/2020)**

Table 1: Ownership Details

SITE	OWNERSHIP	EXTENT (m ²)
Erf 37, Kenton on Sea	KGS Investment Holdings Proprietary Limited.	771m ²

C2: ZONING

Erf 37, Kenton-On-Sea is currently zoned **Residential Zone 1**. The primary Use for this zone is a dwelling house.

Additional Dwelling Unit, Crèche, Guest House, Home Enterprise, Medical Use and Social Facility are permissible through consent use under this zone. **(Refer to Plan No. 5: Zoning Plan)**

SECTION D: SERVITUDES

According to the Surveyor General Diagrams no: there are no servitudes registered on the properties.

SECTION E: BONDHOLDER'S CONSENT

The property is not encumbered with a bond/mortgage and thus, a bondholder's consent is not required.

SECTION F: EXISTING AND SURROUNDING LAND USES

This section will provide an analysis of the land use of the subject property in relation to its immediate surroundings.

F1: EXISTING LAND USES

Erf 37, Kenton-On-Sea is currently being used as a dwelling house, this is compliant with the current zoning of the site. *(Refer to Plan. Land Use Plan 4)*

F2: SURROUNDING LAND USES

The following Land Uses surround the subject sites:

- Residential properties, in the form of single and double storey residential units with similar ancillary uses, surround the subject property.
- Guest Houses

DEPARTURE OF BUILDING LINES FOR ERF 37 KENTON-ON-SEA

PLAN NO. 5: ZONING PLAN



1:1 500



Source: Department of Transport; Municipal Demarcation Board

July 2022

SECTION G: EXISTING SERVICES

The property is located in a developed suburb with all the necessary municipal services such as water, electricity, roads, and sewer. This section will discuss the services applicable to the property.

Water Supply

The subject property is being serviced with an existing water connection. This connection will continue to be utilized. The client has also made provision for the installation of a 100 000l water tank for the proposed house.

Sewerage

The internal sewer reticulation of the property connects into a conservancy tank which will be pumped out by a honey-sucker once full.

Electricity

Electricity supply is currently available to the sites. Any upgrading of this service, if required, will be applied for by the client. The client has also made provision for a 80kw embedded generation Solar System for the proposed house.

It is the client's intention to go-off grid, and to be self-sustainable

Roads

The roads in and around the study area are paved and in a good condition.

Access and Road Network

Vehicular and Pedestrian Access to the site is obtained from Westbourne Road. ***(Please refer to Plan No. 4: Site Development Plan which spatially depicts the proposed accesses into the site).***

SECTION H: PROPOSED DEVELOPMENT

The development proposal for the subject site is explained below, in line with the specific development controls, we are requesting to be considered for approval:

H1. REMOVAL OF RESTRICTIVE CONDITIONS

As indicated on **Deed of Transfer No. No. 12778/2020 attached in Appendix 2**, there is a single restrictive condition that does not permit the proposed relaxation of building line. The following table depicts the conditions to be removed on the left and the motivation to remove on the right.

Table 2: Restrictive Conditions

Condition	Motivation for Removal
C (3) That not more than half of the erf be built upon	The client proposes the Removal of this Restrictive Condition as the intention of this application is to extend the existing Open Deck to the end of the property thus maximising the space available on the deck resulting in a total of 58.49% of the Erf being built upon. The Open Deck rests on the properties Natural Ground Level, however is still deemed to be coverage as it is a structure as considered by the Ndlambe Municipality Integrated Land Use Scheme.
C (4) That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer that 4.72 meters to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1.57 meters of the lateral boundary common to any adjoining erf, provided that an outbuilding not exceeding 3.15 meters in height measuring from the floor to the walls plate, may be erected in such a position that	There is an existing garage and open deck on the site which is located 3 meters within the building line. The owner wishes to extend the existing garage and open deck, which will be located on the western boundary of the property facing Westbourne Road by a further 2 meters, toward the Street Building Line, as well as to the edge of the lateral Building Line, so as to be against the Boundary Line of the property in order to allow for a seating area

<p>the distance between it and any buildings situated on this erf or an adjoining erf, except another such outbuildings is not less than 3.15.</p>	<p>and facilities. Therefore, the Removal of the Restrictive Condition is applied for.</p> <p>The condition is based on the provisions imposed of the Township Ordinance 33 of 1934 as a control for building lines when there were no Town Planning Scheme governing such controls.</p> <p>Since Ndlambe Municipality has adopted and revised the Land Use Scheme as gazette in 2019, the need for such conditions is unnecessary.</p> <p>The removal of this Restrictive Condition will not affect the amenity of surrounding erven. Therefore, there are not negative externalities envisaged for the removal of this restrictive condition.</p>
--	---

The above condition from **Deed of Transfer No. No.12778/2020** is therefore required to be removed from the said Deed of Transfer, so as to enable the Relaxation of Building line:

H2: RELAXATION OF BUILDING LINES

The proposed buildings within Erf 37, Kenton-On-Sea abide by the building lines, however the existing open deck and garage is over the building line therefore an application is submitted for the relaxation of the Street building line from 5m to 0m and the lateral building lines, from 1.5m to 0m in order to upgrade the open deck and garage. The proposed development also includes a Storeroom located within the rear building line, therefore a relaxation of the Rear Building from 3m to 0.72m has been applied for in terms of the Ndlambe Municipality Integrated Land Use Management Scheme 2019. Our motivation includes the following:

"The Municipality may approve the erection of a building or structure which exceeds a building line provided that no doors or windows are permitted in any wall of such building fronting onto the lateral boundary when such building is closer than 1 m to the lateral or rear boundary."

"The Municipality may refuse, approve, or partially approve the application subject to such conditions as it may deem fit and shall notify the applicant of its decision in writing."

This application aims to relax the Street building line of Erf 37, Kenton-on-Sea from 5m to 0m is to allow for the open deck and garage towards the street boundary of Erf 37 Kenton on Sea which is a common trend amongst other properties along Westbourne Road (Refer to attached images below). The application aims to increase the owner's safety and to improve off-street parking, as Westbourne Road is congested with traffic therefore the owner's intent to include more onsite parking by expanding the existing garage. The owner also intends on utilizing the expansion of the garage for the property to go Off-Grid by increasing water tank storage in the garage, building a larger conservancy tank and storage equipment for the solar system within the garage.

The proposed relaxations will not have a negative impact on the neighbouring properties or surrounding areas, as the proposed uses of the structures still promote the operation of their use within their properties and does not lend itself to any use over the cadastral boundary.

The Natural Ground Level of this property and neighbouring properties are higher than the road level therefore, the Open Deck which is proposed at the front of the property is consistent with neighbouring properties, as all the properties next to Erf 37, Kenton-on-Sea and up Westbourne Road have built against the boundary line up until the road boundary. As a result, building within the Building Lines will result in the inefficient use of the property. The Relaxations applied for will not cause obstructions or restrict any views to any of the neighbouring properties and will allow for the better utilization of the site. There are no windows on these edges on the proposed structure which overlook into neighbouring properties.

The relaxation of the Rear Building is proposed to accommodate the existing storeroom on the site, which will be demolished and a new one constructed. Given the terrain on the site the storeroom is not visible from the street or from the property at the rear.

Please see the table below for the building relaxation applicability:

Table No. 3: Building Line Relaxation Applicability

Building Line type	Building Line	Relaxation Required
Street Front	5m to 0m	Applicable
North Lateral Boundary	1.5m to 0m	Applicable
South Lateral Boundary	1.5m to 0m	Applicable
Rear	3m to 0.72	Applicable



Image 1: Properties surrounding Erf 37, Kenton-on-Sea built to the street frontage.

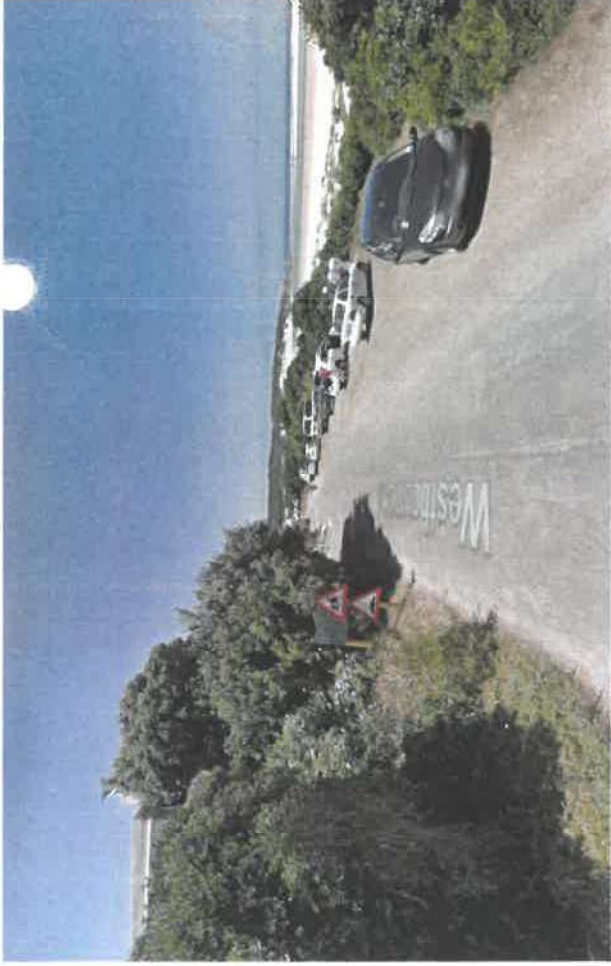


Image 4: Congestion at the entrance of Westbourne Road



Image 5: Congestion further up Westbourne Road



Image 2: Congestion on Westbourne Road directly across the site



Image 3: Congestion down Westbourne Road

H3: RELAXATION OF COVERAGE

Due to the embankment/ terrain at the rear of the property the site is restricted in terms of the area that can be developed by approximately 17%, please refer to plan 7. This significantly impacts the owner's ability to maximise the development potential of the site.

The client therefore proposes a relaxation of coverage from 50% to 58.49% in order to extend the existing Open Deck to the end of the property thus maximising the space available on the deck as well as include an Open Deck at the back of the property by the courtyard. The Open Deck rests on the properties Natural Ground Level, however is still deemed to be coverage as it is a structure as considered by the Ndlambe Municipality Integrated Land Use Scheme.

There is also an existing storeroom above the outbuilding which accommodates the laundry which is currently over the rear building line which the client proposes to demolish and rebuild. This area does not impact its surroundings and provides an appropriate area for utilities to be stored. The area does however contribute to coverage and therefore the relaxation has been applied for in order to legally utilize this space.

There is also a precedence being set on Westbourne Road and surrounding roads wherein buildings have been constructed at greater than 50% coverage on properties, therefore the increase from 50% to 58.49% is in keeping with emerging characteristics of newer developments in the area.

The proposed development has no foreseeable adverse effects to the site or surrounding sites. The proposed patio will not alter the Floor Area ratio from as it is an open area not contributing to F.A.R.

H4: LAND USE PARAMETERS

The following land use restrictions, as stipulated in the Ndlambe Municipality Integrated Land Use Scheme, 2019, for the zoning of Residential Zone I will be applicable to the property.

Table 4: Land Use Restrictions

TABLE: LAND USE RESTRICTIONS	
Parameters	Restrictions
Primary Use	Dwelling Unit
Consent Uses	Creche, Guest House, Home Enterprise, Medical Use, Social Facility
Coverage	50%
Height	8.5m
Street Building Line	5m

Side Building Line	1.5m
Rear Building Line	3m
Floor Factor	1.0

a) Floor Factor

Floor Factor means the factor (expressed as a proportion of 1 that is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit; it is the maximum floor space as a proportion of the net erf area.

The site measures 771 m² in extent. The floor factor applicable to the site is 1 as per the Ndlambe Municipality Integrated Land Use Scheme, 2019

Table 6: Property compliance for F.A.R

Property Size	Permissible Floor Factor	Permissible Floor Area	Total Floor Area	Proposed FAR
771 m ²	1	771m ²	518.43	0.67

b) Coverage

Coverage means the total percentage area of a site that may be covered by buildings, which includes the horizontal area when viewed in a plan. The percentage includes all roofed areas, open balconies and unroofed stoeps.

The permissible coverage, as per the Ndlambe Land use Management Scheme Regulations for **Residential Zone I** is **50%**.

The property **measures an extent of 771 m²**. The proposed buildings on the property measure a total of **427.00m²** on the ground floor Ndlambe Municipality Integrated Land Use Scheme, 2019 thus making the *current total site coverage of 58.49%* which does not consider the 17% unusable area due to the embankment at the rear of the site. As a result this is not in compliance with the Ndlambe Municipality Land Use Scheme, 2019 and therefore, a motivation for the relaxation of coverage has been included in this application.

Table 5: Property compliance for coverage

Property Size	Permissible Coverage	Permissible Building Size	Proposed Ground Floor Size	Actual Coverage
771 m ²	50%	385.5 m ²	451 m ²	58.49%

c) Height

Height means the maximum permissible vertical dimension of any building to be constructed on a land unit, which vertical dimension shall be measured from the determined ground level to the highest externally visible point of the building and shall not exceed a parallel line drawn at the maximum height above the ground level, and a horizontal line drawn at the maximum height above the ground level, as illustrated in Schedule 8: Height Illustration, provided that:

- a) Chimneys, Flues, Satellite dishes, masts and antennae having a total accumulated diameter of less than 1.5 metres shall be excluded from the calculation of the height of the structure.
- b) Elevator motor rooms, ventilation shafts, water tanks, air conditioning plants vehicles and equipment attached to or parked on top of a structure are included when determining in the height of the structure.

The Ndlambe Municipality Integrated Land Use Scheme, 2019, allows for 8.5m height within the Residential zone. The proposed development complies with the definition for Height as mentioned in the scheme per the attached SDP (**refer to Plan 6: Site Development Plan**). A land surveyors' certificate has also been obtained and included in the Site Development which confirms that the height of the proposed building conforms with the Ndlambe Municipality Land Use Scheme.

d) Parking

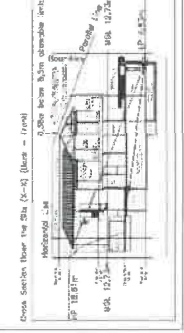
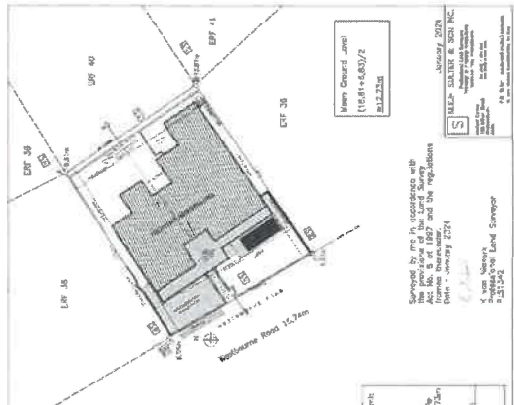
Adequate parking and the necessary manoeuvring area must be provided on the property.

As per the Ndlambe Municipality Integrated Land Use Scheme, 2019, the parking requirement for residential Dwelling Units is 1 bay / unit. The site has sufficient parking space to meet this requirement.

Plan 6.1: Site Development Plan

Height Certificate (rev2) (MS27)
 Approved by the Council of the
 Administrative Council of Buxton,
 Province of the Eastern Cape
 Scale: 1:400 @ A4

1. All measurements and heights are given unless otherwise stated.
2. A cross section has been calculated between (A-A) through the middle of the 2.1m wide ramp with the use of the following assumptions:
 - The ramp is 2.1m wide.
 - The ramp is 0.5m high.
 - The ramp is 0.5m wide at the top.
 - The ramp is 0.5m wide at the bottom.
 - The ramp is 0.5m wide at the top.
 - The ramp is 0.5m wide at the bottom.
3. The proposed building has been designed in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).
4. The proposed building has been designed in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).
5. The proposed building has been designed in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).



Height Certificate Eff 37 KOS-22 Jan 2024, Rev2

GENERAL NOTES:

- All dimensions, levels and heights to be checked on site before construction.
- All measurements are to be taken to the centerline of any wall, unless otherwise indicated.
- All materials used shall be of good quality and conform to the relevant standards of the South African Bureau of Standards (SABS).
- The Contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.
- The Contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.
- The Contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

PROJECT:
 Proposed Dwelling
 for Mr Schroeder
 on Erf 37,
 30 Westbourne Road,
 Kenton on Sea

TITLE:
 SITE DEVELOPMENT PLAN
 HEIGHT CERTIFICATE
 FLOOR PLANS
 SECTION

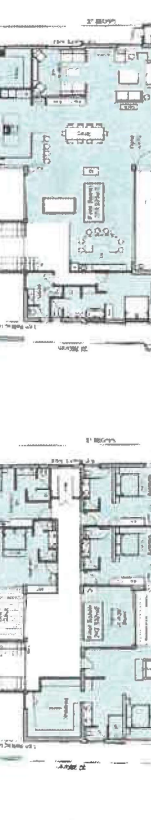
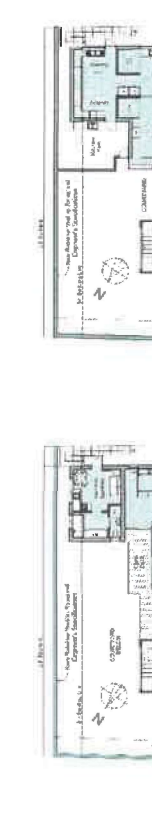
Drawn by:
 ALBERT THERON

Signed:
 [Signature]

Date:
 02 FEBRUARY 2024

Revised:

Drawing:
 2021/06/SDP Rev0



EXISTING DWELLING FOOTPRINT IN RED

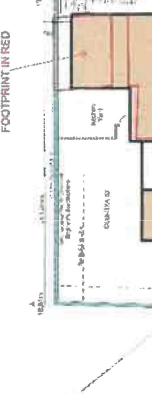
FLOOR	AREA (m²)
GROUND FLOOR	187.6
FIRST FLOOR	187.6
TOTAL	375.2

PROPOSED DWELLING FOOTPRINT IN RED

FLOOR	AREA (m²)
GROUND FLOOR	187.6
FIRST FLOOR	187.6
TOTAL	375.2

COVERAGES CALCULATIONS

Item	Area (m²)	Coverage (%)
Proposed Dwelling	375.2	43.75%
Existing Dwelling	375.2	43.75%
TOTAL	750.4	87.5%



FIRST FLOOR FACTOR AREAS 1:200

GROUND FLOOR FACTOR AREAS 1:200

SITE DEVELOPMENT PLAN - DWELLING LEVEL 1:200

SITE DEVELOPMENT PLAN - GARAGE LEVEL 1:200

Plan 6.4: Site Development Plan

Demolition Plan

GENERAL NOTES:

- The Architect is not responsible for the safety of any person or property on the site and any discrepancies to be reported to the relevant authorities.
- All Building, Planning and Electrical work to comply with the relevant legislation and regulations.
- The Contractor is responsible for all site visits by the relevant authorities.
- The Architect will not be held responsible for any work carried out on the site after the date of completion of the contract.
- On completion of project, all rubble and surplus material must be removed and site left in a good clean condition.

BLDG/MS/ME:

- All masonry to be demolished.
- All suspended concrete slabs and cast-in-place concrete to be demolished.
- All steel beams to be demolished.

FOUNDATION:

- All foundations to be demolished.
- All concrete surfaces to be removed by the Contractor.

DEMOLITION:

- Bottom of structures to be level and sloped where necessary.
- Front of structure to be minimum of 200mm above NGL.

STAIRS:

- All stairs to be a minimum of 300mm wide and clear a minimum of 1800mm high. Staircases to be a minimum of 1000mm wide and clear a minimum of 2100mm high. Headroom to be a minimum of 2100mm.

PLANS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS.

Copyright: P. van der Merwe Architectural Practice

DEMOLITION LEGEND:

- To be Demolished

PROJECT:
Proposed Demolition for
KGS Investments Holding (Pty) Ltd
on Erf 37
30 Westbourne Road,
Kenton on Sea

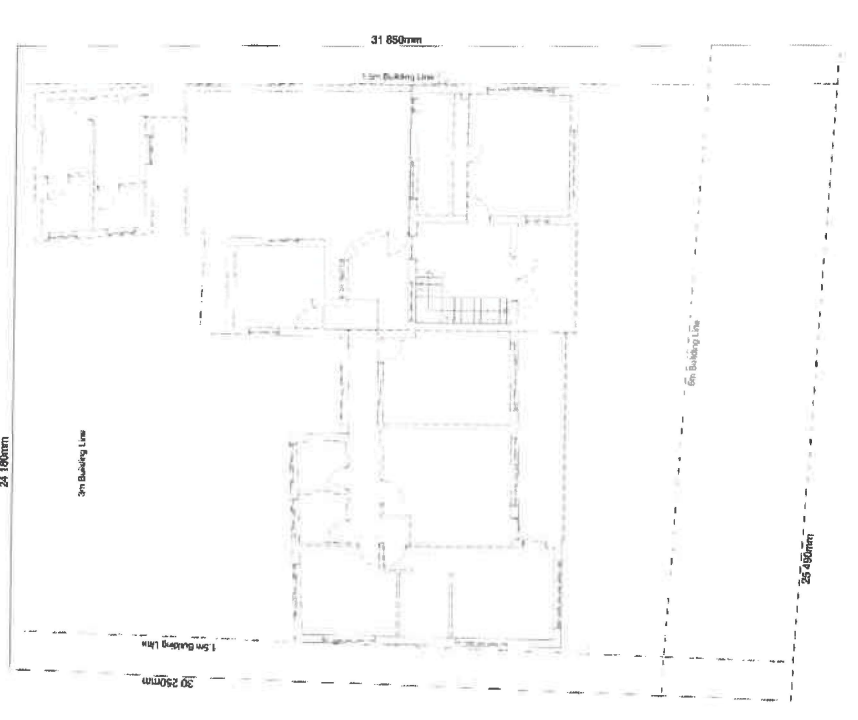
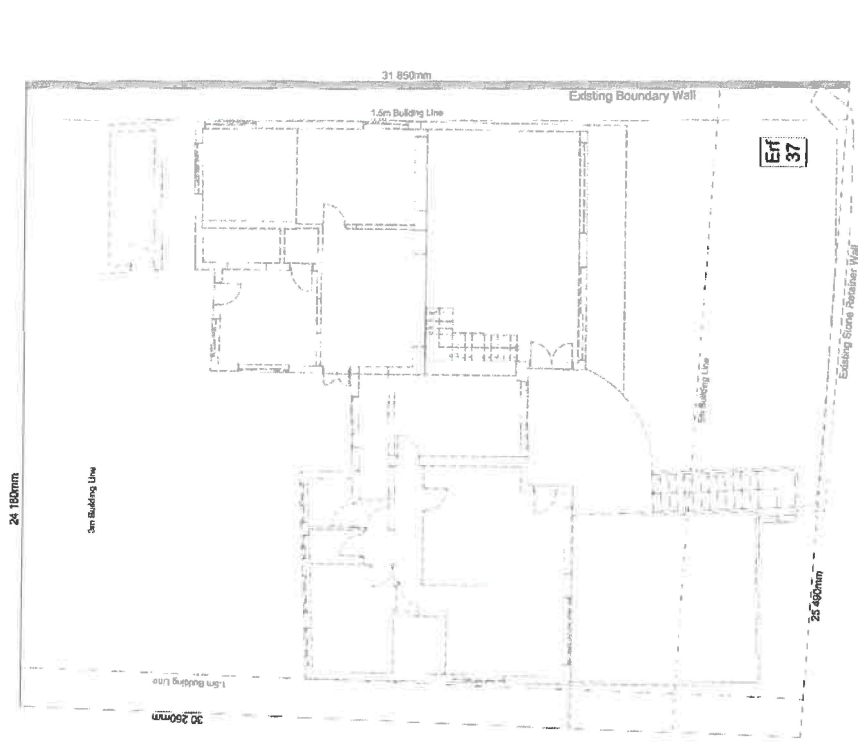
TITLE:
DEMOLITION PLAN

pollios purdon
architectural practice
Pollios Purdon
252 312 Babs | 021 410 1000 | info@polliospurdon.co.za
www.polliospurdon.co.za

Drawn by: *Albert Theron*
ALBERT THERON

Date: 02 FEBRUARY 2024
Revised:

Drawing: 2021/06/MD-D Rev0



Plan 7: Non-Developable Area Plan

Beazon Certificate (WC27)

Erf 37 Kenton-on-Sea
Administrative District of Bannurst
Province of the Eastern Cape

Scale 1:300 @ A4

Reason Descriptions

A.B.C. 20mm Iron Peg
D.E. Drill Hole on Wall

Mean Ground Level
(18,61 + 6,83)/2
12,72m

EXISTING
EMBANKMENT IN BLUE
Embankment - 130m²
Erf Extend - 771m²
Coverage - 17%

Erf 39

Max. Encroachment
0,25m - Outer Wall

Erf 38

Max. Encroachment
0,34m - Outer Wall

Erf 35

Erf 36

Westbourne
Avenue 19,24m

Erf 41

Erf 40

Erf 36

Surveyed by me in accordance with
the provisions of the Land Survey
Act No. B of 1997 and the regulations
framed thereunder.
Date : August 2021

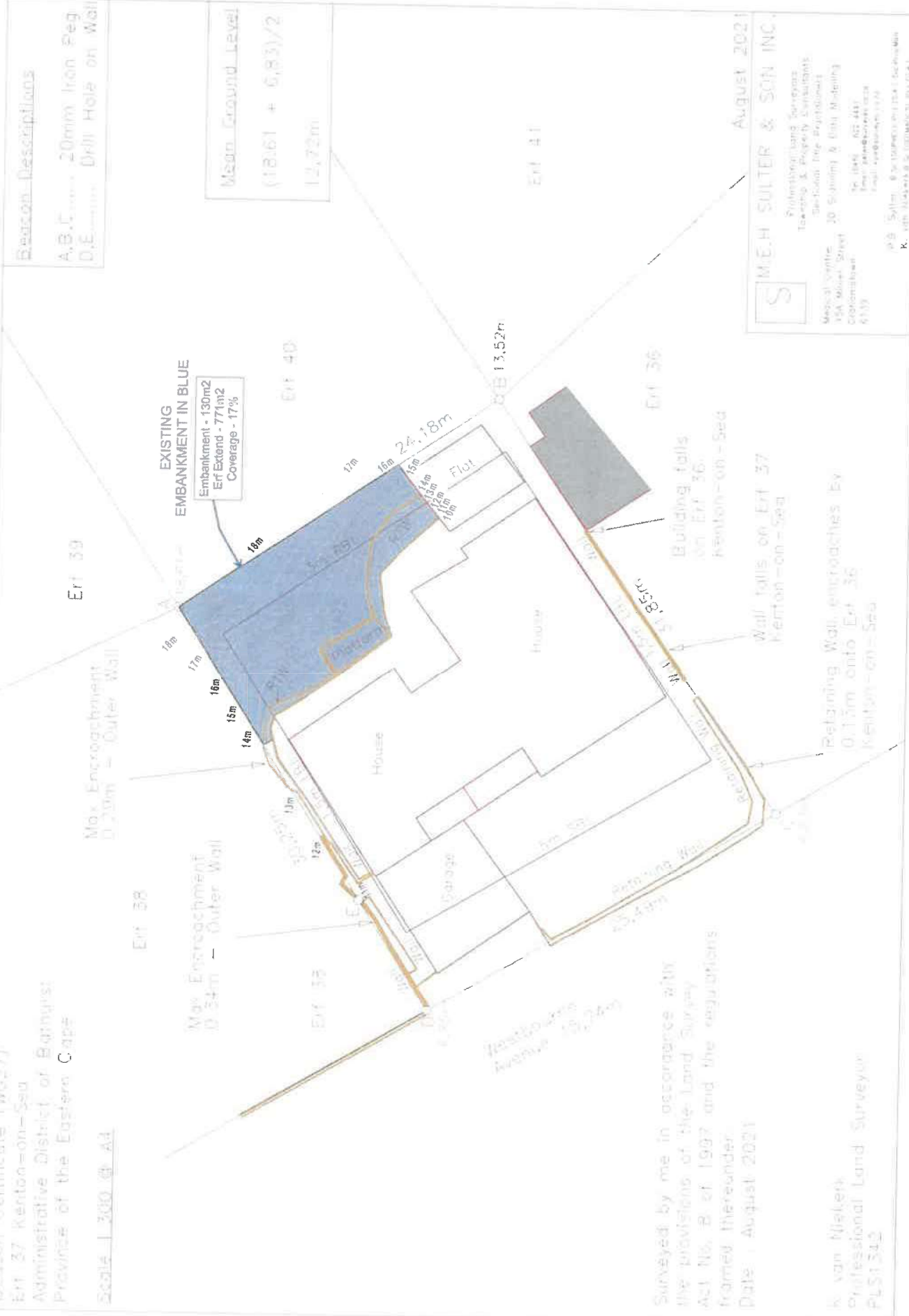
K. van Nijlen
Professional Land Surveyor
PLS1342

August 2021



M.E.H. SULTER & SON, INC.
Professional Land Surveyors
Township & Property Consultants
General Engineering Professionals
Medical Centre
15A Middel Street
Cape Town
6119
Tel: (021) 402-4411
Fax: (021) 402-4412
Email: info@mesulter.co.za

P. B. Sulten, Director
K. van Nijlen, Director



SECTION I: DESIRABILITY

This section will discuss the desirability of the proposed Removal of Restrictive Conditions and Relaxation of Building Lines and Coverage using the following aspects: Built-Environment and Views.

It should be noted that the surrounding built environment in relation to Erf 37, Kenton on sea consists of:

- Residential buildings in the form of single storey dwellings as well as some double storey flats

Built Environment

The surrounding built environment in the vicinity of **Erf 37, Kenton on Sea** consists of residential structures in the form of double to triple story dwelling units. Municipal services are also available as part of the built environment and the road network that gives access to the properties.

In terms of the built environment, it could be said that the area conforms to a Residential suburb. The proposed Removal of Restrictive Conditions and Relaxations applied for does not impede of the surrounding erven because the area is predominantly residential in nature.

As can be seen on the Land Use Map and Zoning map the area is characterised as a Residential Zone. This development will thus not introduce a new land use in the area.

(Refer to Plan 4 & 5: Land Use and Zoning Plan)

In essence, the intended land use should not result in any negative impact to the surroundings.

Views

The proposal will not affect the height allowed within the zone. Therefore, the development will not impede on the surrounding property's views as there are no increases in terms of height.

SECTION J: ENVIRONMENTAL OPINION

The owner has appointed Greenenvironment Environmental Specialists to conduct a screening of the site from an Environmental Perspective in accordance with the Environmental Conservation Act (Act 73 of 1989) National Environmental Management Act (Act 107 of 1998). Based on their findings they have noted that the existing Kenton-on-Sea Township was established in 1987 (prior to Environmental Legislation) and have concluded that an Environmental Authorization is not required for the proposed development. Please refer to Appendix 4: Environmental Opinion.

SECTION L: POLICY ALIGNMENT

K1: MUNICIPAL LEVEL: NDLAMBE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (2023)

The ***Ndlambe Municipal Spatial Development Framework (SDF - 2023)*** sets out the long-term spatial development for the municipality which is informed and guided by the vision for the area.

It guides land use and development and ensures that future public or private development is implemented in line with the vision and development objectives and strategies of the municipality as set out in the IDP. It therefore acts as a planning and land use management tool to assist the Local Authority to make informed decisions on a day-to-day basis and on strategic issues regarding the land use options, timing and phasing of development in the area.

The SDF also functions as a marketing tool to facilitate public and private partnership in the implementation of specific projects and to assist to bring about economic and social regeneration of the various towns and settlements.

It also:

- Provides a long-term vision of the spatial development of the municipality.
- Aligns the municipality's spatial development goals, strategies and policies with relevant national and provincial spatial principles, strategies, and policies.
- Guides the proposals contained in the more detailed local plans which cover a shorter planning time frame (10 + years), and the preparation of Local Spatial Plans (LSDF's)
- Identifies strategies to prevent indiscriminate loss and degradation of critical biodiversity areas, and to ensure the necessary level of protection for the remaining areas.
- Provides policy guidance to direct decision making on the nature, form, scale and location of urban development, land use change, infrastructure development, disaster mitigation and environmental resource protection.

As per the above motivation, the proposal for ***Removal of Restrictive Condition C3 and C4 from the Title Deed of Erf 37, Kenton-on-Sea, Relaxation of the Street, Rear and Both Lateral Building Lines and Coverage on Erf 37, Kenton on Sea*** aligns to the residential proposal of the SDF and does not interfere with the vision of the future development of the area. Therefore, the proposal does not have any negative externalities for the neighbouring properties.

K2. NATIONAL LEVEL: SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (SPLUMA), 2013

The **Spatial Planning and Land Use Management Act** aims to achieve the following through Land use management:

- (a) Provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic.*
- (b) Ensure that the system of spatial planning and land use management promotes social and economic inclusion.*
- (c) Provide for development principles, norms, and standards.*
- (d) Provide for the sustainable and efficient use of land.*
- (e) Provide for cooperative government and intergovernmental relations amongst the national, provincial, and local spheres of government; and*
- (f) Redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems.*

The following principles apply to spatial planning, land development and land use management:

- (a) The principle of spatial justice, whereby:
 - I. past spatial and other development imbalances must be redressed through improved access to and use of land.
 - II. spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.
 - III. spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.
 - IV. land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements, and former homeland areas.
 - V. land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and

VI. A Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application.

(b) The principle of spatial sustainability, whereby spatial planning and land use management systems must:

- I. promote land development that is within the fiscal, institutional, and administrative means of the Republic.
- II. uphold consistency of land use measures in accordance with environmental management instruments.
- III. promote and stimulate the effective and equitable functioning of land markets.
- IV. consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.
- V. promote land development in locations that are sustainable and limit urban sprawl; and
- VI. result in communities that are viable.

(c) The principle of efficiency, whereby:

- I. land development optimises the use of existing resources and infrastructure.
- II. decision-making procedures are designed to minimise negative financial, social, economic, or environmental impacts; and
- III. development application procedures are efficient and streamlined and timeframes are adhered to by all parties.

(d) 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; and

(e) The principle of good administration, whereby:

- 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.

- 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.
- III. the requirements of any law relating to land development and land use are met timeously.

The preparation and amendment of spatial plans, policies, and land use schemes as well as procedures for development applications.

SECTION M: APPLICATION FORM

The application forms in terms of the ***Spatial Planning and Land Use Management Act 16 of 2013*** for the Removal of Restrictive Conditions and Relaxation of Building Lines and Coverage Application has been completed and attached in Appendix 5.

SECTION N: CONCLUSION

This application is based purely on sound town planning principles and has no significant negative impacts associated with it; therefore, it is recommended that the Ndlambe Local Municipality supports and approves the following:

- *Removal of Restrictive Conditions C3 and C4 from the Title Deed of Erf 37, Kenton-on-Sea in terms of Section 69 of the Ndlambe Local Municipality SPLUMA by-law.*
- *Relaxation of Street Building Lines from 5m to 0m on Erf 37, Kenton-on-Sea in terms of Section 76 (1)(a) of the Ndlambe Local Municipality SPLUMA by-law.*
- *Relaxation of Lateral Building Lines from 1.5m to 0m on Erf 37, Kenton-on-Sea in terms of Section 76 (1)(a) of the Ndlambe Local Municipality SPLUMA by-law.*
- *Relaxation of Rear Building Lines from 3m to 0.72m on Erf 37, Kenton-on-Sea in terms of Section 76 (1)(a) of the Ndlambe Local Municipality SPLUMA by-law.*
- *Relaxation of Coverage from 50% to 58.49% on Erf 37, Kenton-on-Sea in terms of Section 76 (1)(a) of the Ndlambe Local Municipality SPLUMA by-law.*



NDLAMBE MUNICIPALITY
 The Manager: Town Planning & Land Estates
 P.O. Box 13
 Port Alfred
 6170

Tel: (046) 604-5520
 Fax: (046) 624-2669
 www.ndlambe.gov.za

COMMENT (S) TO APPLICATION

NOTE: The owner of the property does not have to sign this document if they do not consent to the application. They may submit a letter of objection or comment to the Manager: Town Planning giving reasons against the application if they so wish.

APPLICATION FOR: Removal of Restrictive Title Deed Conditions, Relaxation of Street, Rear and Both Lateral Building Lines and Relaxation of Coverage
SITUATED ON ERF 37, **STREET & NO.** 30 Westbourne Road, **TOWNSHIP** Kenton-on-Sea

It is confirmed that I (Name in Full of affected land owner) Andrew J White Trust represented by Abigail White
 being the registered owner of Erf 38 Township Kenton-on-Sea

have **NO OBJECTION** to the above proposal being (Delete which is not applicable):

- a) A relaxation of the lateral building line from 1.5 m to 0 m from our common side; (both laterals)
- b) A relaxation of the rear building line from 3 m to 0.72 m;
- c) A relaxation of the street building line from 5 m to 0 m;
- d) A relaxation of building height from m to m;
- e) A second dwelling unit not exceeding m²;
- f) A relaxation of the lateral / street boundary wall / fence height restriction from m to m;
- g) Other (Give details) Removal of Restrictive Title Deed Conditions and Relaxation of Coverage from 50% to 58.49%

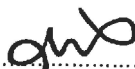
shown on plan number 2021/06/SDP Rev0

Additional comments by consenting owner to the above consent:

Relaxation of the building line between our properties is based on the following:
Relaxation (a) is for a garge only of which the finished height does not exceed more than 480mm above our verandah floor height. Any boudary wall built will not obstruct our view of the river mouth

(If additional space is required a separate sheet may be attached)

I, the undersigned, hereby declare that I am familiar with the contents of the building plan(s) and site plan by signing the building plan(s).

Signed:  Residential Address (Of owner giving consent):
7. Stockholm Street, Belford

Date: Home Tel:
 Work Tel: 082 612 5900

WITNESSES

1.....
 Full Name


 Signature

2.....
 Full Name

.....
 Signature



NDLAMBE MUNICIPALITY
 The Manager: Town Planning & Land Estates
 P.O. Box 13
 Port Alfred
 6170

Tel: (046) 804-5520
 Fax: (046) 824-2659
 www.ndlambe.gov.za

COMMENT (S) TO APPLICATION

NOTE: The owner of the property does not have to sign this document if they do not consent to the application. They may submit a letter of objection or comment to the Manager: Town Planning giving reasons against the application if they so wish.

APPLICATION FOR: Removal of Restrictive Title Deed Conditions, Relaxation of Street, Rear and Both Lateral Building Lines and Relaxation of Coverage

SITUATED ON ERP 37 **STREET & NO.** 30 Westbourne Road **TOWNSHIP** Kenton-on-Sea

It is confirmed that I (Name in Full of affected land owner) Gillian Kennedy Pringle

being the registered owner of Erf 40 Township Kenton-on-Sea

have **NO OBJECTION** to the above proposal being (Delete which is not applicable):

- a) A relaxation of the lateral building line from 1.5 m to 0 m from our common side: (both laterals)
- b) A relaxation of the rear building line from 3 m to 0,72 m.
- c) A relaxation of the street building line from 5 m to 0 m.
- d) A relaxation of building height from m to m.
- e) A second dwelling unit not exceeding m².
- f) A relaxation of the lateral / street boundary wall / fence height restriction from m to m.
- g) Other (Give details): Removal of Restrictive Title Deed Conditions and Relaxation of Coverage from 50% to 58.49%

shown on plan number 2021/06/SDP Rev0

Additional comments by consenting owner to the above consent:

(If additional space is required a separate sheet may be attached)

I, the undersigned, hereby declare that I am familiar with the contents of the building plan(s) and site plan by signing the building plan(s).

Signed: *Gillian Kennedy Pringle*
 Date: 24.02.2024

Residential Address (Of owner giving consent):
Stair Holt Farm
Jefford 5780
 Home Tel: 082 597 5500
 Work Tel: X

WITNESSES

William Doos Pringle *W Pringle*
 Full Name Signature

Nisa Pringle Mickleth *N Pringle*
 Full Name Signature

Nashlin Ramgopal

From: royden@vicefamily.co.za
Sent: Wednesday, 22 November 2023 2:25 PM
To: 'Kreason Naidoo'
Cc: 'Nashlin Ramgopal'; Naomi Vice; marius@djlaw.co.za
Subject: RE: Westbourne Road || Letter to Erf 36

Hi Kreason,

I haven't responded because I thought it was the same document you sent me back in September 2022. I took a closer look and see there are a few changes but it is substantially the same request. We responded to the Ndlambe Municipality at the end of September 2022 objecting to the application you had sent me. Apparently the application had not been formally filed and so the Municipality replied that any objection thereto was premature.

I find it difficult to respond to your request for me to support the application when Mr Schroeder has so vehemently opposed my relatively simple requests over the past two years. In addition, I have received many lawyers letters and threats of interdicts.

As these requests are substantially the same as September 2022, I find it necessary for me to consult with our legal advisors and I will get back to you.

Regards
Royden Vice

From: Kreason Naidoo <kreason@tshani.co.za>
Sent: Wednesday, November 22, 2023 1:10 PM
To: royden@vicefamily.co.za
Cc: Nashlin Ramgopal <nashlin@tshani.co.za>
Subject: Re: Westbourne Road || Letter to Erf 36

Goodday Mr Vice

Please let me know if you received the email sent below.

I also tried calling you and sent a follow up message in this regard.

We did not have a chance to chat about this email and its attached application.

Please let me know when will be a good time to chat.

Regards
Kreason Naidoo
kreason@tshani.co.za

On 13 Nov 2023, at 16:14, Kreason Naidoo <kreason@tshani.co.za> wrote:

Goodday

Reference is made to our telephonic discussion held this morning between Merrs Vice and Naidoo.

We have been appointed by KGS Investment Holdings (Pty) Ltd, to assist in submitting an application to the Ndlambe Municipality on their behalf for the property under their ownership know as Erf 37, Kenton on Sea.

As an adjacent owner, we require the Vice Family SA Trust, which owns the property referred to as Erf 36, Kenton on Sea, to provide their consent.

Please see attached letter, report and Site Development Plan for your perusal.

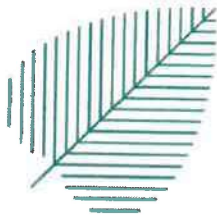
A consent letter on the Ndlambe Municipality letterhead is also attached for your signature.

If there are other Trustees in your trust, please get them to sign the resolution giving one person permission to sign the consent.

Any queries, please contact me, my details are provided below.

Regards
Kreason Naidoo
Tshani Consulting CC
0829402502

<Vice_Combined_Neighbours Template_Erf36 (002)_Revised 4.pdf>
<LETTER VICE RESOLUTION.pdf>
<Erf 36_Vice Form.pdf>



GREEN ENVIRONMENT

ENVIRONMENTAL SPECIALISTS

admin@greenenvironment.net

+(27)72 573 8962

16 October 2023

For attention:

Mr. Kevin Schroeder

KGS INVESTMENT HOLDINGS PTY LTD

[By email]

ENVIRONMENTAL SCREENING: DEMOLISHMENT OF AN EXISTING RESIDENTIAL DWELLING TO CONSTRUCT A NEW RESIDENTIAL DWELLING ON ERF 37, KENTON-ON-SEA, NDLAMBE LOCAL MUNICIPALITY EASTERN CAPE.

1. Various email correspondence and telephone conversations during October 2023, refer. This letter serves to provide a professional screening opinion against the potential requirement to obtain Environmental Authorisation in terms of the National Environmental Management Act (Act 107 of 1998) and its Regulations.

2. Specifications of the proposed development:

The following project specifications as provided by Mr. Kevin Schroeder were screened against the relevant environmental policy and legislation.

Specifications:	Description:
Activity:	Demolishment of an existing residential dwelling and the construction of a new residential dwelling on the same footprint.
Quantity:	One (1) single residential stand
Zoning description	Residential
Property description:	Erf 37, Kenton-on-Sea, Easter Cape
Status of development	Not commenced.

3. Historical background / context:

The proposed activities to be performed is located on an existing residential stand that forms part of the greater Kenton-on-sea build-up area, that was developed in 1987 (prior to Environmental Legislation) –SG Diagram 110/1988.

4. Screening of the activity

In reaching our opinion we considered the requirements of the existing NEMA EIA Regulations and specifically the listed activities contained in GNR 324 – 327 dated 7 April 2017 as amended.

Furthermore, it should also be noted that the proposed development falls within the boundaries of the existing Kenton-on-Sea township that was established in 1987 (prior to Environmental Legislation).

5. Opinion

In view of the above and after considering the project description provided against the requirements of the 1) Environment Conservation Act (Act 73 of 1989) and the 2) National Environmental Management Act (Act 107 of 1998) and related Regulations, we are of the opinion that an environmental authorisation is not required for the proposed development.

6. We trust that you find the above in order. If there are any uncertainties or additional information required, please feel free to contact the undersigned or Dr. Francois Retief from our office at 083 639 2293.

Kind regards



Charlotte Cilliers

M.Env.Man.

Registered Environmental Assessment Practitioner: Number 2019/1418

Plan 6.2: Site Development Plan Floor Plan



GENERAL NOTES:

- 1. All dimensions, levels and heights to be checked on site.
- 2. All dimensions are to be taken to the centerline of walls unless otherwise stated.
- 3. All dimensions are to be taken to the centerline of walls unless otherwise stated.
- 4. All dimensions are to be taken to the centerline of walls unless otherwise stated.
- 5. All dimensions are to be taken to the centerline of walls unless otherwise stated.
- 6. All dimensions are to be taken to the centerline of walls unless otherwise stated.
- 7. All dimensions are to be taken to the centerline of walls unless otherwise stated.
- 8. All dimensions are to be taken to the centerline of walls unless otherwise stated.
- 9. All dimensions are to be taken to the centerline of walls unless otherwise stated.
- 10. All dimensions are to be taken to the centerline of walls unless otherwise stated.

PROJECT:
Proposed New Dwelling for
KGS Investments Holding (Pty) Ltd
on Erf 37,
30 Westbourne Road,
Hermanus 6881

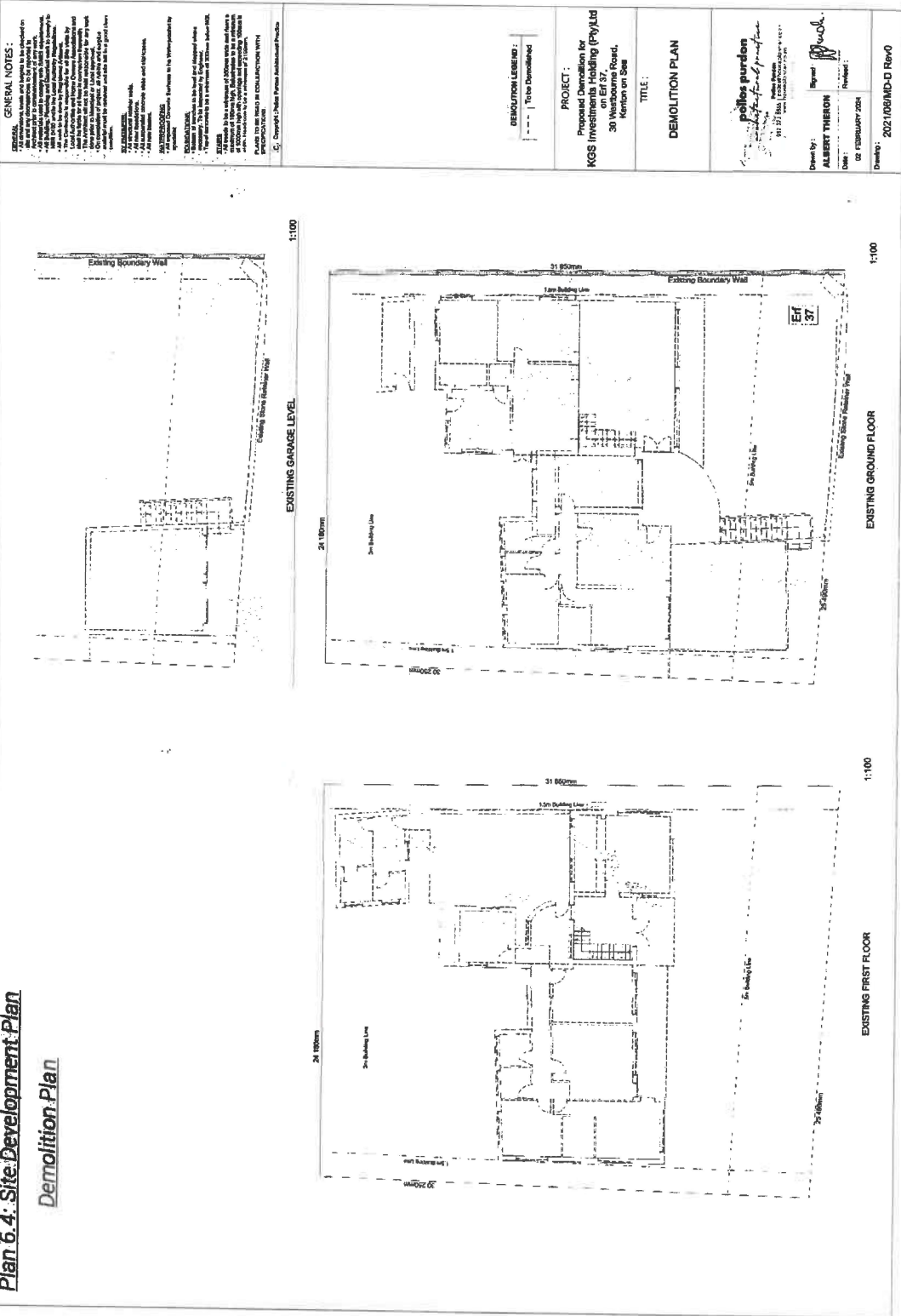
TITLE:
GROUND FLOOR PLAN
FIRST FLOOR PLAN

ARCHITECT	DATE	SCALE
PROJECT NO.	DATE	SCALE
CLIENT	DATE	SCALE
DESIGNER	DATE	SCALE
CHECKER	DATE	SCALE
APPROVED BY	DATE	SCALE
DATE	DATE	SCALE

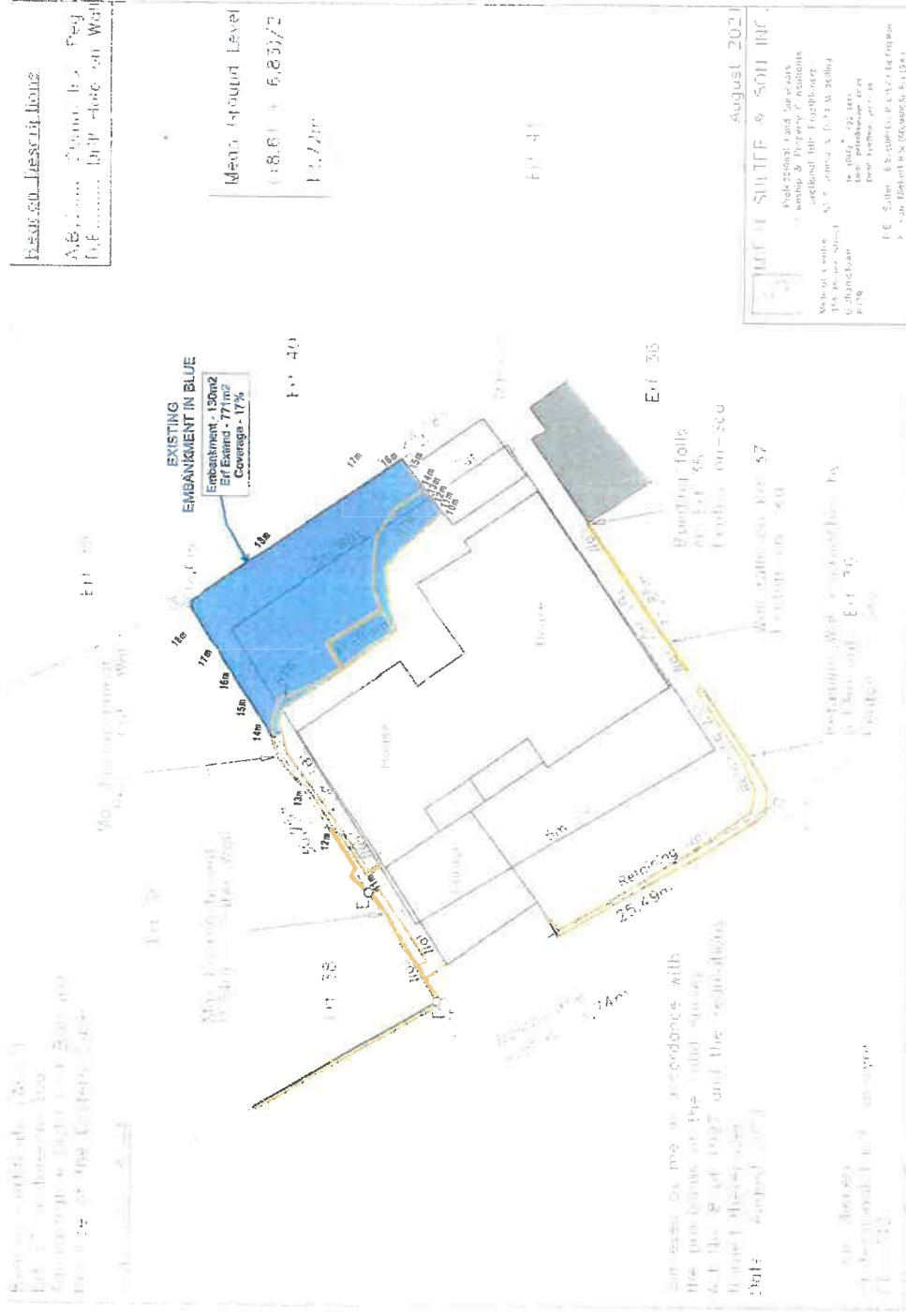
Drawn by: ALBERT THORSON
Date: 02 FEBRUARY 2024
Revised:
Drawn:
Scale: 1:100
Project: 2021/05/MD-A Rev=0

Plan 6.4: Site Development Plan

Demolition Plan



Plan 7: Non-Developable Area Plan



ES&S CONSULTANTS

Address: 2000 E. Bay
City: Hayward, CA 94542

Mean Ground Level
6.2372
1:1.2m

August 2021
SOUTH STIFF by SOH INC.
Mokelumne River, Contra Costa County, California
Project Manager: [Name]
Engineer: [Name]
Professional License: [Number]

...in accordance with the provisions of the Uniform Building Code and the regulations of the State Board of Building and Fire Underwriters.

...Professional Engineer