

Surfers Challenge and the athletes who made it happen

TOTT CONTRIBUTOR

The Discovery Surfers has its origins in 1975: a road relay from King Williams Town, now Qonce, to East London was the catalyst when a team of surfers took on their Buffalo Road Running Club friends and lost.

The surfers decided to challenge the runners to a race on their own turf — on the beach, with two river crossings and a tough section commanded by rocks, shingle and other obstacles.

The surfers were confident, but all-round athlete Kenny Wilkinson proved too strong and won the first encounter in 1975.

The first hat-trick was Danny Biggs from Durban (1985, '86 and '87) He returned last year for the first time since those victories and enjoyed the experience. His fastest run was his second, when he recorded 60:13. Tides and weather were extremely favourable that year.

The first woman for whom we have a result for was Heidi Wust in 1983.

1984 was a big year for the women when Colleen Lindeque (De Reuck) won. Her brother Colin won the men's race. She later married Darren de Reuck from Gonubie, became a SA Champion and an Olympic athlete.

Wust won again in 1989.

Lizanne Holmes one of the top Border athletes of all time won twice, while the all time Queen of Surfers is undoubtedly Hanlie Botha who has won the longer version on 11 occasions.

A visitor for quite a few years was Myrette Brink, who won on three occasions with the fastest documented time for the women's race of 74:25 in 2014.

The first black man to win Surfers was Thabang Baholo in 1988, while a year later Mzwandile Shube ran the fastest time ever.

In 2025, the 50th running of the race, Keagan Cooke from Nelson Mandela Bay won in 68:44 - the second fastest since the distance was increased by a kilometre in 2010.

Gold medalists from the Comrades Marathon include two winners, in Alan Robb and Bruce

Fordyce, while Biggs and Shaw have run gold medal times and in the women's field Yolande MacLean the 2015 Surfers winner, is a multiple time gold medallist. But most importantly, Surfers is a race for absolutely everyone.



The first woman for whom we have a result for was Heidi Wust in 1983



ENDURANCE: The all time Queen of Surfers is undoubtedly Hanlie Botha, who has won the longer version of the race on 11 occasions. *Picture: SUPPLIED*



NDLAMBE MUNICIPALITY PORT ALFRED

APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE TO RELAX THE STREET AND LATERAL BUILDING LINES ON ERF 594, BOKNESSTRAND.

Applicant: LOUIS SCHELLINK

Owner: LOUIS SCHELLINK FAMILY TRUST

Property Description: ERF 594, BOKNESSTRAND

Physical Address: 594 KWAAIHOEK STREET, BOKNESSTRAND, 6189

Detailed description of proposal:

The matter for consideration is an Application for The Removal of Restrictive Title Deed Conditions and Departure to Relax The Street and Lateral Building Lines on Erf 594, Boknesstrand 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 Town Planning Portal on Ndlambe Municipal website (<https://www.ndlambe.gov.za/town-planning-portal/>) under Public Participation. 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 on or before **02 March 2026**. 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 NUMBER: 18/2026

ADV. R DUMEZWENI
29 January 2026 MUNICIPAL MANAGER



NDLAMBE MUNICIPALITY PORT ALFRED

APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE TO RELAX THE LATERAL AND REAR BUILDING LINES ON ERF 604, KENTON ON SEA.

Applicant: KYLE VAN NIEKERK (FOR M.E.H SULTER & SON INC)

Owner: CHRISTOPHER MATTHEW LEE

Property Description: ERF 604, KENTON ON SEA

Physical Address: 12 PAISLEY ROAD, KENTON ON SEA, 6191

Detailed description of proposal:

The matter for consideration is an Application for The Removal of Restrictive Title Deed Conditions and Departure to Relax The Lateral and Rear Building Lines on Erf 604, 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 Town Planning Portal on Ndlambe Municipal website (<https://www.ndlambe.gov.za/town-planning-portal/>) under Public Participation. 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 on or before **02 March 2026**. 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 NUMBER: 20/2026

ADV. R DUMEZWENI
29 January 2026 MUNICIPAL MANAGER



NDLAMBE MUNICIPALITY PORT ALFRED

APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING FROM RESIDENTIAL ZONE 1 TO BUSINESS ZONE 2 (TO ALLOW A SHOP) AND CONSENT USE FOR GENERAL RESIDENTIAL BUILDING ON ERF 3990, ALEXANDRIA.

Applicant: TN CONSULTING

Owner: SINDISWA ANDRONICA DLAKWE

Property Description: ERF 3990, ALEXANDRIA

Physical Address: WOODPECKER CRES, ALEXANDRIA, 6185

Detailed description of proposal:

The matter for consideration is an Application for the Removal of Restrictive Title Deed Conditions, Rezoning from Residential Zone 1 to Business Zone 2 (To Allow a Shop) and Consent Use for General Residential Building on Erf 3990, Alexandria 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 Town Planning Portal on Ndlambe Municipal website (<https://www.ndlambe.gov.za/town-planning-portal/>) under Public Participation. 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 on or before **02 March 2026**. 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 NUMBER: 19/2026

ADV. R DUMEZWENI
29 January 2026 MUNICIPAL MANAGER

GBG

Accountants | Auditors | Consultants

In the Estate of the late **Valerie Anne Nel**, Identity Number 510807 0068 08 1 of Damant Lodge Retirement Village, 14 Pike Lane, Port Alfred, 6170 who was a widow and who died on the 2nd April 2023

Estate number – 2617/2023

The First and Final Liquidation Account in the above estate will lie for inspection at the Office of the Master of the High Court, Grahamstown and at the Magistrate's Court, Port Alfred for a period of twenty-one days from the date of the publication hereof.

Agent to Executor

Reginald David Gowar representing GBG Trustees (Pty) Ltd
Address: 29 Church St, Cradock, 5880
Email: lynn@gbggroup.co.za
Tel: 048 881 1678

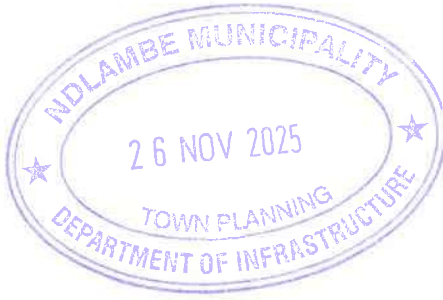
IN THE ESTATE OF THE LATE PHILLIPA SHIRLEE TINLEY, Identity No. 420922 0064 086, of 55 Westbourne Road, Kenton on Sea, who died on the 12th July 2025 and who was divorced

ESTATE NUMBER 2923/2025

Creditors and Debtors of the above deceased are hereby requested to lodge their claims with and pay their debts to the undersigned within 30 days of the 30th January 2026

DATED at PORT ALFRED on this the 19th Day of January 2026

GJ MARAIS
Agent for the Executor
Neave Stötter Inc
25 Van Der Riet Street
PORT ALFRED
Ref. pk/112171



NDLAMBE MUNICIPALITY



Ndlambe Municipality
Corporate Services

26 NOV 2025

RECEIVED

LAND USE APPLICATION FORM

PART A: TYPE(S) OF APPLICATION

TICK	APPLICATION TYPE	FEE AS PER FEE LIST
	Rezoning	R
	Consolidation	R
X	Requirements for amendment, suspension or removal of restrictive conditions or obsolete Condition, servitude or reservation registered against title of land	R10729.68
	Departure Application: Permanent or Temporary Departure (for Land Use Change)	R
X	Departure Relaxation Building Line	R5110.89
	Departure for Relaxation of Development Parameters (Height and/or Coverage)	R
	Consent use in terms of the Land Use Scheme	R
	Extension for validity of an approval	R
	Subdivision	R
	Road closure or Closure of Public Open Space	R
	Approval of Architectural Design Manual, Homeowners Constitution, Site Development Plan	R
	Amendment of Conditions of Approval	R
	Cancellation/Amendment of General Plan	R
	Other	R
TOTAL ON FEES PAYABLE		R 15840,57

INSTRUCTIONS:

- Do not convert or edit the land use application form.
- Confirm the applicable fees with the Town Planning Office before proceeding, and do not make any payment without consent from the Town Planning Office.
- Initial the bottom of each page and sign the Declaration on Page 11.

Applicant's Initials: KVN

PART B: GENERAL 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 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**

**Town Planning Office
Ndlambe Municipality
Causeway Road, Civic Centre
Port Alfred
6170**

- 3.3. Lack of information leads to delays and adds to the workload of the Section/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 Spatial Development Framework, 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/MEC 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 of the Spatial Planning Land Use Management Act, 2013 (Act No.16 of 2013) (SPLUMA).
- When an application is submitted for an amendment, suspension or removal of restrictive conditions the criteria referred to in Section 47 of the Act, 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;
- Typical unit types (plan & elevation);
- Abutting neighbour consent(s);
- 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.

PART C: INFORMATION TO BE COMPLETED BY THE APPLICANT

NOTE: Complete this form using BLOCK letters and ticking the appropriate boxes	
PART C.1: APPLICANT DETAILS	
First name(s)	KYLE
Surname	VAN NIEKERK
Company name <i>(If applicable)</i>	MEH SULTER & SON INC
Street or Postal Address	15A MILNER STREET GRAHAMSTOWN 6139
Email Address	kyle@surveyec.co.za
Contact Number	0727976479
PART C.2: REGISTERED LANDOWNER(S) DETAILS <i>(If different from applicant)</i>	
Registered owner(s) Name	CHRISTOPHER MATTHEW LEE
Street or Postal Address	12 PAISLEY ROAD KENTON-ON-SEA 6191
E-mail Address	matthew.lee@veeam.com
Contact Number	0825516778

PART D: PROPERTY DETAILS

NOTE: Property details must be in accordance with title deed				
Erf No	604	Suburb/Town/Area	KENTON-ON-SEA	
Farm No	NA	Portion (if applicable)	NA	
Physical or Street Address	12 PAISLEY ROAD, KENTON-ON-SEA, 6191			
Current Zoning	RESIDENTIAL ZONE 1			
Proposed Zoning	N/A			
Additional Rights or Consent Uses Approved	NONE			
Current activities	CURRENT ACTIVITIES ARE USING HOUSE DWELLING UNIT			
Are any departures applicable to the land unit?	NONE AT THE MOMENT BUT WE APPLYING FOR A RELAXATION			
Is there any building or other development on the land unit? If so, what are the nature and condition of these improvements?	YES THERE IS A DWELLING UNIT ON THE PROPERTY AND IT IS IN VERY GOOD CONDITION. THE OWNER HAS KEPT THE BUILDING IN GOOD CONDITION OVER THE YEARS.			
Is the site/property being used in accordance with its present zoning? If not, how is the land being utilised?	YES IT IS BEING USED IN ACCORDANCE WITH THE CURRENT ZONING HOWEVER WE NEED TO APPLY FOR BUILDING LINE RELAXATION AND REMOVAL OF TITLE DEED RESTRICTIONS.			
Property Size/ Extent (m ² / ha - as per Title Deed	758 SQUARE METERS			
Title Deed Number				
Any additional/relevant information in regard to the property	NA			
Any restrictions ito Conveyance's Certificate?	<input checked="" type="checkbox"/>		If yes, list condition(s) in motivation report.	
Are the restrictive conditions in favour of a third party?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, list the party(ies) in motivation report.	
Is the property owned by Council?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, <u>attach a power of attorney</u> signed by the Municipal Manager or delegated authority.	
Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, indicate which section are triggered in motivation report and attach relevant permit.	
Is the property or building located within the historical core or contains any heritage significant features?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the building older than 60 years?	<input type="checkbox"/>
Does the property fall inside the urban edge in terms of the SDF?	<input checked="" type="checkbox"/>		Does the property fall within the service edge in terms of SDF?	<input checked="" type="checkbox"/>
Is the property encumbered with a bond	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If yes, is bond/mortgage holders consent attached	<input checked="" type="checkbox"/>
Any existing unauthorized buildings and/or land use on the subject property(ies)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If yes, is this application to legalise the building / land use?	<input checked="" type="checkbox"/>
NOTE: A contravention penalty may be imposed.				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are there any land claim(s) registered on the subject property(ies)?	<input type="checkbox"/>

PART E: DETAILS OF THE APPLICATION

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

We have included a full Motivational Report but in short, the owner has an existing carport on the western boundary of Erf 604 Kenton-on-Sea. There were also additions done to the back outbuilding and these two items are outside the Ndlambe ILUMS building lines and the building lines contained within the Title Deed of the property. The objective is to ensure the building is compliant and so we are applying for the removal of Title Deed restrictions and the relaxation of the lateral building line from 1.5m to 0.5m and the relaxation of the rear building line from 3m to 0.5m. There was also a condition in the title deed which indicates that 45000 litres of rainwater need to be stored and we are removing this condition as the owner does not have this at their disposal.

- 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 the proposal includes the entire land unit.

- 3. Is a departure being applied for in order for a temporary change of use on the land unit?

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

No there is no temporary departure being applied for. We are applying for permanent departure from the existing building lines.

- 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 (2016) for a relaxation of the:

- i. Lateral (side) building line(s) from1.5..... m to0.5..... m; and / or
- ii. Rear building line from3..... m to0.5..... 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. Relaxation of parking requirements from.....bays to..... bays
- viii. Other zoning scheme condition(s) (as specified).....

5. RESTRICTING FACTORS

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

5.1 Are there any title deed restrictions, which may have an effect on the application?

If so, furnish details:

Yes there are 2 title deed restrictions which affect the Erf 604 Kenton-on-Sea
.....
Condition 3 states that the property must have 45000 litres of rainwater storage which it doesnt
.....
and Condition 4(d) states that the buildings may not be nearer than 3.15m to the rear and 1.57m
.....
to the lateral boundaries. The Car port and new structure encroach over these and we need to remove them
.....

5.2 Is there any portion of the land unit subject to tidal flow or situated under the high water mark?

If so, furnish details:

No
.....
.....
.....
.....

5.3 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?

If so, furnish details:

No
.....
.....
.....
.....

5.4 Are there any physical restrictions (such as steep slopes, unstable soil formations, swamps etc.) which could affect the development?

If so, furnish details and state how the problem can be solved:

No
.....
.....
.....
.....

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

No
.....
.....
.....
.....

PART F: PROVISIONS IN TERMS OF THE RELEVANT PLANNING LEGISLATION POLICIES / GUIDELINES

Please answer the following questions and provide comments:

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	COMMENT
Is any Municipal Integrated Development Plan (IDP)/Spatial Development Framework (SDF) and/or any other Municipal policies/guidelines applicable? If yes, is the proposal in line with the aforementioned documentation/plans?	X		Yes, the Ndlambe SDF is applicable to the application as well as the Integrated Land Use Management Scheme. The SDF provides policy guidance for the decisions relating to the application and the ILUMS of Ndlambe guide the application to ensure that compliance of all structures are adhered too.
Any applicable restrictive condition(s) prohibiting the proposal? If yes, is/are the condition(s) in favour of a third party(ies)? List condition numbers and third party(ies)]	X		Yes there are 2 title deed restrictions that are prohibiting the proposal. There are no restrictions in favour of third parties. We are proposing to remove the restrictions so that Erf 604 KOS can be compliant in terms of Ndlambe ILUMS
Any other Municipal by-law that may be relevant to application? (If yes, specify)	X		Relevant By Laws are Sections 69(2) and 76(1)(a) of Ndlambe SPLUMA By Laws
Does the proposal fall within the provisions/parameters of the land use scheme?	X		Yes it does fall within the parameters of the land use scheme and we are using the land use scheme to guide the application
Are additional applications required to deviate from the land use scheme? (if yes, specify)		X	

PART G: CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE

Please answer the following questions and provide comments:

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Is/was the property(ies) utilised for agricultural purposes?		X	
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		X	
Is the property/land situated within 100m from the high-water mark of the sea or tidal river? (NOTE: Please check with the Environmental Compliance Officer of the Municipality)		X	
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?		X	
Have you obtained a determination from DEDEAT, confirming whether the proposal triggers any listed activities in terms of NEMA? If Yes, please attach communication/confirmation from DEDEAT.		X	

Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?		X	
Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?		X	
Will the proposal require authorisation in terms of Specific Environmental Management Act(s) (SEMA)? (National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) (NEM:PAA) / National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) / National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) (NEM:AQA) / National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008) (NEM:ICM) / National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (NEM:WA)		X	
Will the proposal have an impact on any National or Provincial roads?		X	
Will the proposal have an impact on any National or Provincial roads?		X	
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993(Act 85 of 1993): Major Hazard Installations Regulations		X	
Will the proposal affect any land owned by any State-Owned Entity (Telkom, ESKOM, Transnet etc.) and/or servitudes?		X	
Is the property subject to any existing mineral rights?		X	

PART H: SERVICE REQUIREMENTS

DOES THE PROPOSAL REQUIRE THE FOLLOWING INFRASTRUCTURE / SERVICES?	YES	NO	COMMENT
Electricity supply		X	
Water supply		X	
Sewerage and wastewater		X	
Storm water		X	
Road network		X	
Other, services. Please specify		X	

NOTE: Provide more detailed information in the motivation report.

Applicant's Initials: KVN

PART I: DOCUMENTS TO BE SUBMITTED AS PART OF THE APPLICATION

Please indicate if the following Annexures are attached

ANNEXURE	YES	NO	NOT APPLICABLE
COMPULSORY INFORMATION REQUIRED			
Power of Attorney / Owner's consent if applicant is not owner (if applicable)	X		
Company resolution/Minutes if property is registered under a company or entity			X
Resolution or other proof that applicant is authorised to act on behalf of a juristic person			X
Full Copy of Signed Title Deed	X		
Bondholder's consent	X		
Locality map	X		
Zoning map	X		
Land-use map	X		
Site Development Plan/ Site Layout	X		
S.G / Erf Diagram	X		
Motivation report	X		
Written motivation pertaining to the desirability and impact of the application	X		
Proof of payment		X	
MINIMUM AND ADDITIONAL REQUIREMENTS			
Neighbours consent	X		
Proposed subdivision plan			X
Proposed consolidation plan			X
Conveyancer's certificate			X
Flood-line certificate			X
Services Report or indication of all municipal services / registered servitudes			X
Environmental Authorisation (EA) / Record of Decision (ROD)			X
Heritage Impact Assessment (HIA)			X
Traffic Impact Assessment (TIA)			X
Traffic Impact Statement (TIS)			X
Major Hazard Impact Assessment (MHIA)			X
Home Owners Association Consent			X
Any other annexures, give details:			
.....			
.....			
.....			
.....			

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

We are applying for the removal of title deed conditions and relaxation of building lines so a lot of the principles mentioned above are not applicable.

.....

.....

.....

.....



PART J: DECLARATION BY THE APPLICANT

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 in terms of section 111(4)(e) of Ndlambe Municipality Spatial Planning and Land Use Management, By-law, 2016, to provide inaccurate, false or misleading information.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is 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. 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.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true, and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false, or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false, or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information, or answers in a land use application in terms of the Ndlambe Municipality Spatial Planning and Land Use Management By-law, 2016, knowing it to be incorrect, false, or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered if it has reason to believe that information submitted, or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. By initialling each page of this form, I confirm that I have read and understood the contents therein, and I declare that all information completed in this form and provided as part of this application is true, correct, and complete to the best of my knowledge and belief. I understand that any false or misleading information may result in the rejection of the application or other legal consequences.
16. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public, other sector departments or organs of state, as part of processing the application and public participation processes.

Full Name(s)	KYLE VAN NIEKERK		
Professional Capacity & Registration Number	PROFESSIONAL LAND SURVEYOR PLS1342		
Statutory Body	SOUTH AFRICAN GEOMATICS COUNCIL	Are you In Good Standing with the Statutory Body?	YES
Applicant's Signature	<i>K. Nieuwe</i>	Date	21-11-25

Applicant's Initials: KVN

PART K: FOR OFFICE USE ONLY	
APPLICATION RECEIVED AND VERIFIED BY:	
Full Name(s)	ZAMAGANA DANTILE
Title/Capacity	ASSISTANT TOWN PLANNER
Signature	
Municipal Stamp	

POWER OF ATTORNEY

I, the undersigned,

CHRISTOPHER MATTHEW LEE (7410225227085)

Being the registered Land Owner of

Erven 604 Kenton-on-Sea

Do hereby nominate, constitute and appoint the below mentioned person;

Mr. Kyle van Niekerk for (MEH Sulter & Son Land Surveyors)

15A Milner Street

Grahamstown

6139

To make and handle all and whatsoever applications and procedures that are necessary and to sign all documentation on our behalf relating to the:

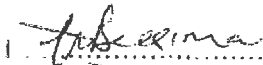
Removal of Title Deed Conditions ^{CKM C KN} 3 and 4(d) from T30965/2014 and Relaxation of Lateral Building line from 1.5m to 0.5m and the Rear Building Line from 3m to 0.5m on Erf 604 Kenton-on-Sea

SIGNED AT **KENTON**

on this 14th day of August 2025 in the

presence of the undersigned witnesses;

AS WITNESSES:

1. 

2. 

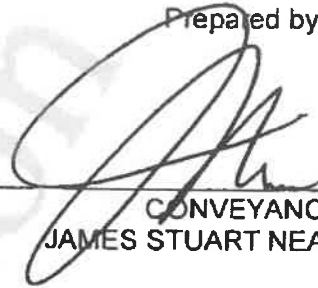

CHRISTOPHER MATTHEW LEE

(SOLE OWNER)

130

Neave Stötter Inc.
37 Campbell Street
Port Alfred
6170

Prepared by me


CONVEYANCER
JAMES STUART NEAVE

Fee endorsement:		
	Amount	Office fee
Purchase price/Value	R. 1 075 000,00	R. 900,00
Mortgage capital Amount	R.	R.
Reason for exemption	Exempt i.t.o	
	Cat.	section. Act.

REKENAAR: DATAASLEGGING/COMPLEET		
	DATUM/DATE	
ORGANEEMENTERED	25/06/2014	P. ma
CESTAATVERIFIED		


VERBOD MORTGAGED

VUR FOR R 1 290 000,00

B 000016978 / 2014

19 JUN 2014

REGISTRAR OF DEEDS



T

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

DAVID PATRICK ARTLETT

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at KENTON-ON-SEA on 1ST APRIL 2014 granted to him by

MICHAEL JOHN VAN QUICKELBERGE
Identity Number 411124 5008 08 2
Married out of community of property



And the appearer declared that his said principal had, on **21 February 2014**, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

Identity Number

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

**ERF 604 KENTON-ON-SEA
IN THE AREA OF NDLAMBE MUNICIPALITY
DIVISION OF BATHURST
EASTERN CAPE PROVINCE**

IN EXTENT 758 (SEVEN HUNDRED AND FIFTY EIGHT) Square Metres

FIRST TRANSFERRED by Deed of Transfer Number T4013/1957 with Diagram No. 9742/56 relating thereto and held by Deed of Transfer T21208/1975

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T 8365/1924
- B. **SUBJECT FURTHER** to the servitude referred to in the servitude endorsement dated 9th September 1929, made on the aforesaid Deed of Transfer No. T 8365/1924 relating to an Order of the Water Court (Water Court District No. 10) dated 5th, 6th and 7th December 1927.
- C. **SUBJECT FURTHER** to the following special conditions contained in Deed of Transfer No. T4013/1957 imposed by the Administrator of the Province of the Cape of Good Hope under the provisions of Ordinance No. 33 of 1934, namely:-
1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 401 dated 17th October 1935 and in the memorandum which accompanied the said regulations.
 2. The owner of this erf shall, without compensation, be obliged to allow water mains, and the sewage and drainage, including storm-water of any other erf or erven to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.

- 3. That no building intended for human habitation shall be erected on this erf unless provision is made above ground for the stoage of rain water, the said storage to have a capacity of not less than 45 000 litres and provided further that no shallow well shall be constructed or sunk on this erf within 31,49 metres of any existing pit privies.

- 4. This erf shall be subject to the following further conditions provided especially that where in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:
 - (a) it shall not be subdivided;
 - (b) it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;
 - (c) not more than half the area thereof shall be built upon;
 - (d) 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, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the Local Authority an outbuilding not exceeding 3,05 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf.

- D. **SUBJECT** to the following condition contained in Deed of Transfer No. 4013/1957, imposed by the Township Owners being A.W. Pudney and six others carrying on business in partnership under the name and style of City Executors Loan and Investments Company as being in favour of the Registered Owners of any Erf in the said Township.
 - 1
 - 2 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.

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

as aforesaid

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

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 075 000,00 (ONE MILLION SEVENTY FIVE THOUSAND RAND).

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on

19 June

2014

In my presence

REGISTRAR OF DEEDS

For Information



M.E.H. SÜLTER & SON Inc.

Professional Land Surveyors / Professionele Landmeters
Township & Property Consultants / Dorps- en Eindomsraadgewers
Sectional Title Surveyors / Deeltitelopmeters
3D Scanning and Data Modelling / 3D Skandering en Datamodellering

Medical Centre
15A Milner Street
Grahamstown 6139

Tel: 046-6224441
Cell: 082-6549849
072-7976479

E-mail: peter@surveyec.co.za
kyle@surveyec.co.za

Our Reference / Ons verwysing: KEN604

Your Reference / U verwysing:

Date: 21st November 2025

Ndlambe Municipality

PO Box 13

Port Alfred

6170

Attention: The Municipal Manager



Dear Sir/Madam,

We would like to make an Application for;

- 1. The Removal of Title Deed Restrictions Condition C.3 -Rain water Storage & Condition C.4(d) Building lines from Title Deed T30965/2014 relating to Erf 604 Kenton-on-Sea in terms of SPLUMA, read in conjunction with Section 69(2) of the Ndlambe Spatial Planning and Land Use Management By Laws:2016**
- 2. Application for Departure to Relax the Lateral Building Line common with Erf 603 Kenton-on-Sea from 1.5m to 0.5m and the Rear Boundary common with Erf 605 Kenton-on-Sea from 3m to 0.5m in terms of SPLUMA, read in conjunction with Section 76(1)(a) of the Ndlambe Spatial Planning and Land Use Management By Laws:2016**

Reference is made to the above-mentioned application.

In support of the application, the following documentation is attached:

- Motivation Report
- Maps
 - Municipal Locality Plan
 - Local Locality Plan
 - Land Use Plan
 - Site Development Plan

Reference: KEN604

Directors: P.B. Sultter B.Sc Survey, Pr.L. (S.A.G.C.) Dip. Proj. Management :: K. van Niekerk B.Sc Geomatics, Pr.L. (S.A.G.C.)

Reg. No. 2014/003435/21

“A curse upon him who moves his neighbour’s boundary stone”: the people shall say ‘Amen’” – Deuteronomy 27:17

- Appendices

- Appendix 1 – Power of Attorney
- Appendix 2 – SG Diagrams
- Appendix 3 – Deed of Transfer
- Appendix 4 – Bondholders Consent
- Appendix 5 – Signed Letters by Neighbours
- Appendix 6 – Building Floor Plans and Elevations
- Appendix 7 – Application Form SPLUMA (July 2025 form)

K. van Niekerk

Mr Kyle van Niekerk

Professional Land Surveyor (PLS1342)

MEH Sulter & Son Inc.

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SECTION A: INTRODUCTION

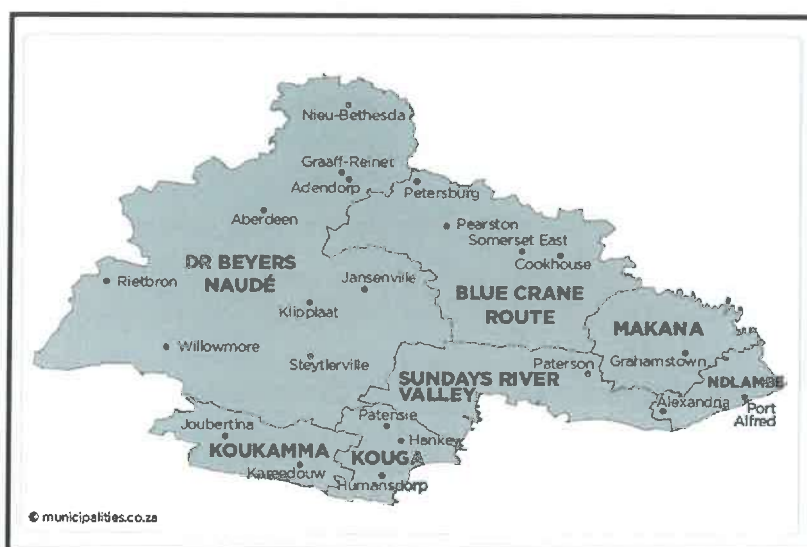
MEH Sulter & Son have been appointed by Christopher Matthew Lee (hereafter referred to as the “Client”. Refer to the attached Special Power of Attorney), to submit an application on his behalf to the Ndlambe Municipality for Erf 604 Kenton On Sea (KOS) for:

- **Removal of restrictive title deed conditions C.3 and C.4(d) in terms of Section 69(2) of the Ndlambe Spatial Planning and Land Use Development By Laws:2016**
- **Relaxation of the Lateral building line from 1.5m to 0.5m for an existing carport and the Relaxation of the Rear Boundary from 3m to 0.5m for the new outbuilding development (Cottage) and Pool in terms of Section 76(1)(a) of the Ndlambe Spatial Planning and Land Use Development By Laws:2016**

The contents of this report, therefore, serve as a motivation for the removal of restrictive title deed conditions and the relaxation of the lateral and rear boundaries lines on Erf 604 Kenton-on-Sea. This application is made in terms of Section 69(2) and 76(1)(a) of the Ndlambe Municipal By-laws promulgated in terms of the Spatial Planning and Land Use Management Act No.16 of 2013.

SECTION B: LOCALITY OF TH PROPERTY

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



Map 1: Ndlambe Local Municipality

The Ndlambe Municipality consists of towns such as Alexandria, Bathurst, Boknesstrand, Bushmans River Mouth, Cannon Rocks, Kenton-on-Sea, Port Alfred and Seafield. Within the town of Kenton-on-Sea, Erf 604 KOS is situated at *No.12 Paisley Road*, the locality of Erf 604 KOS can be seen below.



Map 2: Local Locality Map for Erf 604 KOS

SECTION C: OWNERSHIP, ZONING AND EXTENT OF THE PROPERTY

Erf 604 KOS is owned by **Christopher Matthew Lee** (See attached Deed of Transfer in Appendix 3).

In terms of the Ndlambe Integrated Land Use Management Scheme, Erf 604 KOS is zoned **Residential Zone 1**. This application will not change the zoning of the property and will remain as **Residential Zone 1**.

The zoning parameters currently applicable to the land unit are as follows:-

Residential Zone 1 (RZ1):

- *Primary Use: Dwelling unit*
- *Consent Use: Additional dwelling unit, Crèche, Guest House, Home Enterprise, Medical Use, Social Facility*
- *Building lines: Street 5m, lateral 1,5m and rear 3m*
- *Height: 8,5m*
- *Coverage: 50%*
- *Floor factor 1.0*

The size and extent of the property is stipulated on the Surveyor General Diagrams and on the Deed of Transfer.

- **Erf 604 KOS is 758 (Seven Hundred and Fifty Eight) square meters in extent.**

SECTION D: TITLE DEED RESTRICTIONS

The title deed conditions that needs to be addressed and removed as part of this application are:

- *Condition C.4(d) “no building or structure, or any portion thereof, except boundary walls and fences shall be erected nearer than 4.72m metres to the street line which forms a boundary of the erf, nor within 3.15 metres of the rear or 1.57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the Local Authority an outbuilding not exceeding 3.05 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf.”*
- *Condition C.3 “That no building be used for human habitation 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 45000 litres and provided further that no shallow well shall be constructed or sunk on this erf within 31.49m of any existing pit privies.*

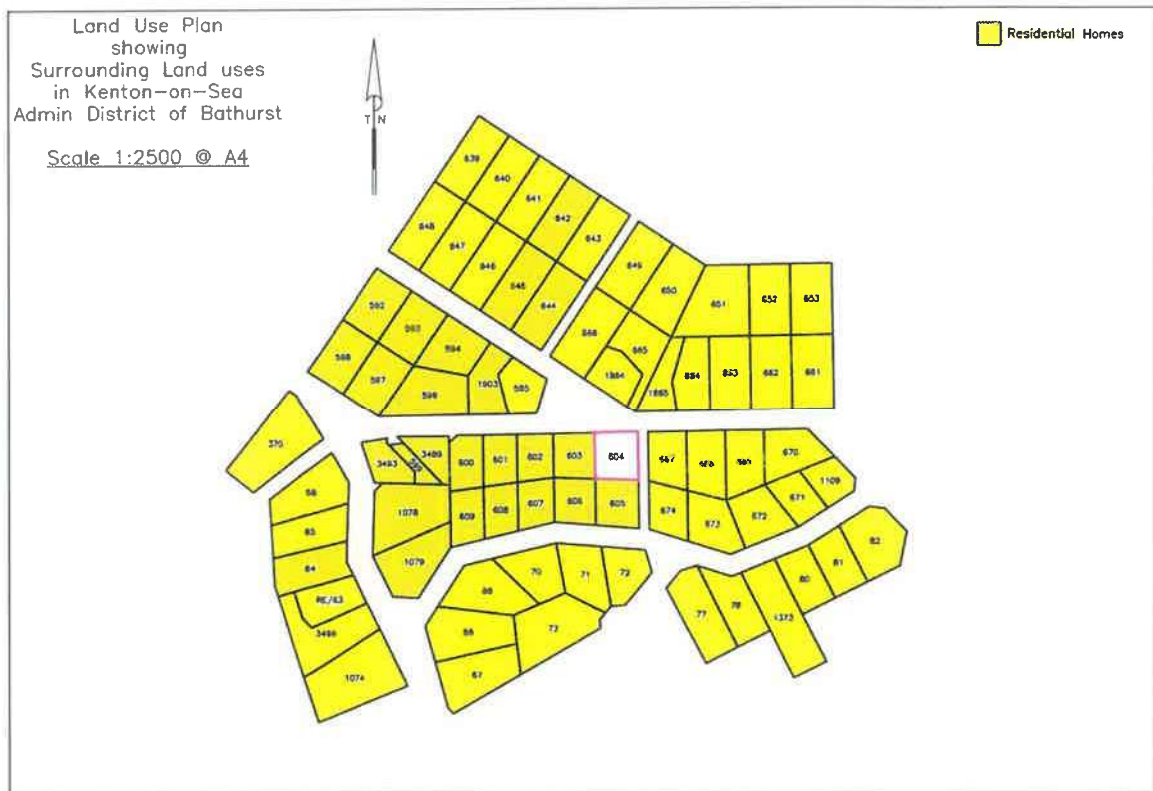
This application will later motivate the removal of these two conditions from T30965/2014.

SECTION E: BONDHOLDER’S CONSENT

A bond currently exists on the property under the Deed of Transfer. The bond is with FNB Bank. The Bondholder’s Consent has been attached as **Appendix 4**.

SECTION F: EXISTING AND ADJACENT LAND USE

Erf 604 KOS as mentioned above and shown on map 3 below is zoned as **Residential 1 Zone**. Erf 604 KOS has an existing house, a new outbuilding, new pool, and an existing carport. The site is currently being use according to its zoning. The adjacent land uses surrounding Erf 604 KOS are dominated by **Residential 1 Zone** erven which are either used as permanent residential or holiday houses. The aerial map on Map 3 below shows the land use of and around Erf 604 KOS. There is no intention to change the zoning of the property, just to remove the Title Deed Restrictions and Relax the building lines so the new and existing structures are in line with the Ndlambe ILUMS.



Map 3: Land Use Plan-showing all surrounding erven are used for Residential purposes.

SECTION G: SERVITUDES

There are no servitudes encumbering Erf 604 KOS, see attached General Plan with Erf 604 KOS on Appendix 2.

SECTION H: EXISTING SERVICES

The purpose of this section is to highlight the existing infrastructural services available to Erf 604 KOS. The erf is situated along Paisley Road in Kenton-on-Sea and all services have been installed.

- **Electricity**
Erf 604 currently is fed electricity from Eskom and there will be no change with this application. The electricity input and output will not be altered with the approval of this application.
- **Refuse Removal**
The Municipality is currently responsible for refuse removal from Erf 604 Kenton-on-Sea. No change will be effected with this application.
- **Roads**
Access to the site is via Paisley Road and there will be no increased amount of traffic. No additional cars will be accessing the site with this application and therefore no
- **Sanitation**
There is an existing septic tank on the site which services the site.
- **Storm water**
Is via natural run off and drains to paisley road in Kenton. No change will be effected from a stormwater point of view on the site.
- **Water**
The site has an existing water connection which will not be affected by this development application.

SECTION I: NEED & DESIRABILITY

The main criterion of establishing a need and desirability is to ensure that the land use development proposals are necessary and desirable in the public interest. This will result in sustainable land utilization which is publicly acceptable and relevant in all aspects. We will deal with the removal of restrictions first and then deal with the Building Line Relaxation of Erf 604 Kenton-on-Sea. The need and desirability will be discussed will be discussed in terms of the Ndlambe SDF and in terms of the compatibility with the surrounding area of Kenton-on-Sea.

1.REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, C.3 & C.4(d).

The restrictive title deed condition that needs to be removed:

- Condition C.3 *“That no building be used for human habitation 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 45000 litres and provided further that no shallow well shall be constructed or sunk on this erf within 31.49m of any existing pit privies.*

- Condition C.4(d) *“no building or structure, or any portion thereof, except boundary walls and fences shall be erected nearer than 4.72m metres to the street line which forms a boundary of the erf, nor within 3.15 metres of the rear or 1.57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the Local Authority an outbuilding not exceeding 3.05 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf.”*

As can be seen from the two conditions above, condition C.3. in T30965/2014 speaks to the storage of 45000 litres of rain water storage and condition C.4(d) speaks to the building line restrictive conditions. Now both these conditions would have been imposed in the Title Deed before any Municipal regulations came into play. The properties were set out in 1950 prior to any Town Planning Scheme and there were not many buildings present in Kenton with the earliest properties being set out in 1937. In the 1950's Kenton-on-Sea did not have a permanent water supply to the residents and so condition 3 was placed in the Title Deed to ensure that residents were self sufficient on water from the rain in the area. Down the line, this has changed and Kenton-on-Sea now supplies all residents with water to their homes.

With this in mind, we can see why it is not critical to store 45000 litres of water in rain water tanks as the supply of water has improved drastically since the 1950's. With education and technology we have also become more water wise and the Home Owner on Erf 604 KOS can use his water far more efficiently than in the 1950's. In terms of the Ndlambe SPLUMA By-Laws, when the Municipality is assessing a removal of restrictions application, they take a couple of factors into account. The aim factors are the financial value, the personal benefit and the social benefit of the restriction. Section 69(5) of the SPLUMA By-Laws speaks to these factors but also the section focuses more on conditions between two personal parties whereas these restrictions are more between the Municipality and the homeowner of Erf 604 Kenton-on-Sea.

The financial value of removing the restriction pertains to our client not having to erect more tanks on his property to house all the water. As can be seen on the SDP, he will not have space to house an additional 35 000 litres of water. This moves us onto to the Ndlambe SDF which promotes efficient land use and promotes conformation with the surrounding character of the area. If you look at the surrounding homes, none of them have 45 000 litres of rain water storage above ground as this would restrict the size of their homes. This in turn also restricts the efficient use of the land. Water storage is important and Ndlambe is well within their right to require water storage but we don't believe 45 000 litres is required when you have a working existing infrastructure which is supplying water to each resident. The removal of this condition 3

pertaining to rain water storage ensures equitable and orderly development of properties. It allows the existing structures on Erf 604 Kenton-on-Sea to align with the Ndlambe SDF by promoting spatial integration and reducing fragmentation of land. Imagine, the client had to suddenly place another 3-4 10 000 litre tanks on the property. This would lead to the client not being able to use his land on Erf 604 Efficiently. From a Personal and Social point of view, the client will not have to place additional tanks on his land at his cost and the Municipality is not required to provide additional water to the client. All water is metered and paid for by the client and it is a system which works extremely well in the town of Kenton-on-Sea.

Condition C.4(d) speaks to the Building Lines of structures imposed in the Title Deeds. Now in order for this property (ERF 604) to conform to the Ndlambe ILUMS, we need to remove this condition. This condition was imposed into Title Deeds prior to any Town Planning scheme being around. We see it on a daily basis where structures now transgress the Municipal ILUMS building lines but are still in line with the Title Deeds. Some of these restrictions are outdated and they don't allow properties to align with the Ndlambe ILUMS and the Ndlambe SDF. This motivation for removing the Title Deed Building lines is very similar to that of a relaxation of the building line but they do differ slightly.

2. BUILDING LINE RELAXATION.

The building lines of Erf 604 KOS stipulated by the Title deed are as follows:

- Street line- 4.72m
- Lateral line- 1.57m
- Rear line- 3.15m

Apart from the Title Deed Restrictive Building lines as shown above, the Ndlambe Integrated Land Use Management Scheme has stipulated building lines for Erf 604 Kenton-on-Sea;

- Street Line – 5m
- Lateral Boundary 1.5m
- Rear Boundary 3m

As per the current SDP, the Rear and Lateral boundaries are being encroached upon not only from a Title Deed point of view but also from an Integrated Land Use Management point of view. Once the title deed restrictions are removed, the Ndlambe ILUMS still hold the property accountable which is why the building lines need to be relaxed. There are 3 structures which encroach the building lines, namely the existing carport, the new swimming pool and the cottage.

The existing carport on the western half of the erf encroaches the lateral building line with Erf 603 by 1m. Brian the neighbour has consented to the relaxation provided that the existing carport is used and no further alterations are done. It is also explicitly written that the carport is to remain single story.

The additions onto the existing cottage and the new pool seen as a structure, encroach the rear boundary line by 2.5m and therefore we have requested a relaxation from 3m to 0.5m. Brenda the neighbour on Erf 605 has consented to the relaxation as requested. It is advantageous to the application that the neighbours have consented to the relaxations which allow the structures to meet the objectives of the scheme and allow better utilization of the land. By relaxing the building lines, we are legalizing the structures and bringing them in line with the schemes parameters. The relaxations in summary are;

- Rear line- From 3m to 0.5m (Cottage and New Swimming Pool become compliant)
- Lateral line (Western side) – From 1.5m to 0.5m (Existing Carport becomes compliant)
- Lateral line (Eastern side) – Remain 1.5m once the Title Deed Restriction has been removed.
- Street Line – Remain 5m once the Title Deed Restriction has been removed.

The owners of Erf 603 and 605 KOS have approved the relaxation of the lateral (Western) and rear building lines, respectively, to the shared boundary lines. This shows that this proposal will not affect the adjacent neighbors. The signed letters can be seen under Appendix 5. The neighbour consultation forms part of the public consultation and they do not have any issues with this application. Our client and his neighbours have a good relationship and understanding and they seem to live in unity in the town of Kenton-on-Sea.

In summary, the structures which will be legalized are

- Existing Carport – Relaxation from 1.5m to 0.5m
- Renovated Cottage – Relaxation from 3m to 0.5m
- New Swimming Pool – Relaxation from 3m to 0.5m

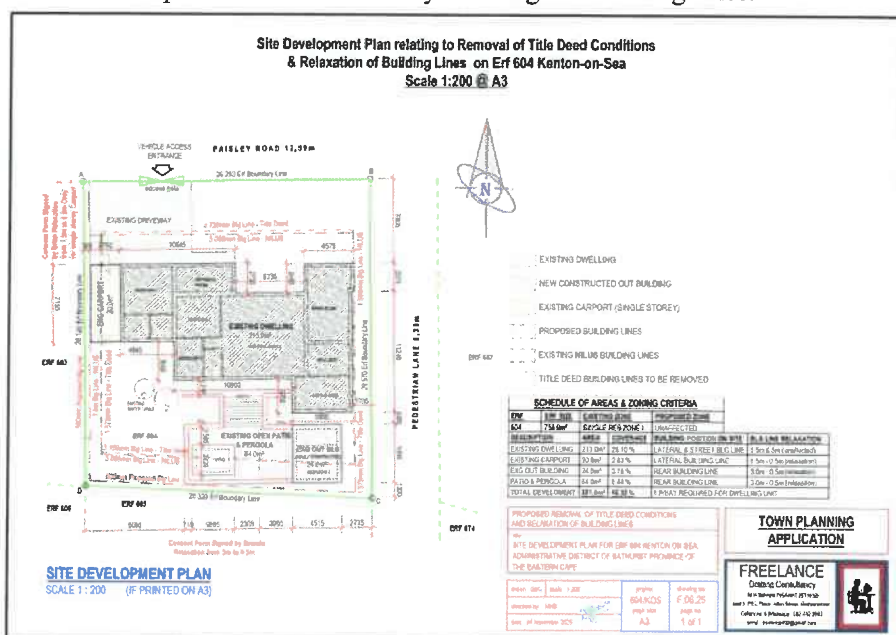
The relaxation of the existing building lines for Erf 604 KOS to the proposed building lines is desirable in a Town Planning point of view for the following reasons:

- The relaxation will legalize the existing development that encroaches the rear line by 2.5m and the proposed development that will encroach the lateral line by 1m. Legalizing the

encroachments allows the structures to meet the objectives of the scheme and the Ndlambe SDF which promotes efficient land use and spatial integration.

- The proposed development aligns itself with the Ndlambe SDF by ensuring planning adaptability and compliance with the SPLUMA principles.
- The development will be guided by the Spatial Planning and Land Use Management Act 16 of 2013. We are also guided by the Town Planning office who have provided sound advice for the application and allowed it to be adapted to conform with the current legislation.
- The proposed development will be in accordance to Section 63(1) of the Integrated Land Use Scheme for Ndlambe Municipality which talks to relaxation of boundaries and the process that needs to be followed for a successful application to be approved.
- The Ndlambe Municipality is always looking for ways to address the transgressions of the past and this transgression will be dealt with following all the correct channels.
- This proposal is in line with the objectives of the Land Use scheme and aims to the increment of building spaces and better use of limited land resources (space). If the client did not have the option to relax the building lines, his space would be limited and he would have to break down his structures which would not be good.

The relaxation of the building lines in a way protects the environment because it allows structures to expand in an orderly fashion without forcing clients to other properties where they may disturb the environment. Erf 604 KOS is not near the 100m high water mark and it does not have virgin vegetation on it, there by allowing the structures to expand on an existing property which is developed only preserves the environment in the long run. There is always a scare of a precedent being set when applications get approved but both neighbours have consented to the relaxation and have stipulated that no precedent should be set. With the Town Planning Office, each application will be assessed on merit and no precedent will be set by relaxing the building lines.



SECTION J: POLICY ALIGNMENT

Municipal Spatial Development Framework (2023):

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

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

Spatial Planning Principles - Section 9:

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

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

Further the following spatial structuring elements should apply.

The key elements of the structuring elements are as follows: -

- **Contain urban sprawl – By relaxing building lines and removing title deed restrictions, it allows for the better utilisation of space meaning there is less chance of urban sprawl in the long run. Erf 604 KOS will develop on a portion of ground, creating a compact town for KOS.**
- **Promote urban and social integration – Urban and Social integration is being promoted through neighbourly discussions and a proper application to correct transgressions of the past. No resident will feel that their rights can be taken away from them if all processes follow a Town Planning application which is fair and transparent just as this one is on Erf 604 KOS**

- Promote higher densities – **This application promotes densification as the relaxation of the building lines and removal of restrictions prevents the owner from expanding elsewhere. He will expand on Erf 604 KOS and this in turn promotes higher density structures.**
- Create quality urban environments – **This area in Kenton-on-Sea is already a quality urban environment and the legalisation of this application further improves the situation and improves the land values around the property with compliance,**
- Promote pedestrian friendly environments and movement patterns – **these will not change**
- Create a sense of space – **The erf is in an exclusive suburb with a sense of space and place and this proposal will not affect the sense of space in the neighbourhood**
- Enhancement of investment opportunities – **the proposal might trigger investment opportunities as when the erf has become compliant, it makes it more sellable from that point of view.**
- Simplifying decision making regarding development applications – **a key point to note. The application will be put before the Ndlambe Municipal Tribunal when the Town Planners have scrutinised the contents thereof.**

It should be emphasized that this proposal will not negatively impact on the character of the area in any way but will ensure that it legalizes all transgression existing and proposed on Erf 604 KOS.

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

The Ndlambe SDF speaks to Efficient Land Use. Now by removing the Title Deed Building restriction, efficient land use is promoted by allowing the owner of Erf 604 KOS to efficiently expand his structures without having to buy a new property or expand elsewhere. In addition to this, the SDF talks to orderly development which is supported through the removal of building line restrictions in condition C.4(d). Orderly development allows the owner on Erf 604 KOS to develop his property in a manner which is controlled and aligns with the requirements of the Ndlambe Municipality. As mentioned, the building lines for all properties in Ndlambe are controlled by ILUMS already and it is not necessary to have two restrictive conditions pertaining to one set of building lines. It is not only confusing but most of the time, clients and builders are not sure which restrictions to use, should they use the Title Deed or the Municipal. Removing Condition C.4(d) from the Title Deed removes confusion and creates a clearer development path forward to all property owners.

We were asked to update the neighbours letters to include the removal of restrictions and relaxation. The surrounding neighbours were quite confused as they did not understand the Title Deed Restrictions and their purpose. Another reason why removing irrelevant Title deed restrictions is a positive move as it simplifies things. Spatial integration through compact settlements is a goal of the Ndlambe SDF and by removing old Title Deed restrictions, you bring properties in line with current legislation and you allow the properties to conform to SPLUMA principles, the Ndlambe SDF and the Ndlambe ILUMS. The removal of restrictions doesn't have any affect on the broader Kenton population but rather in this instance on the direct neighbours who have given their consent proving that this application is in line with the public interest. Currently the buildings transgress the building lines and the Title Deed building lines. Removal of Condition C.4(d) ensures that the building align with current legislation and the transgressions of the past are rectified.

Lastly the Ndlambe SDF focuses on 4 areas of development;

- 1) Spatial integration (**By Relaxing the building lines on Erf 604, we promoting a compact development**)
- 2) Efficient Land Use (**By Relaxing the building lines on Erf 604, we are using the land more efficiently without affecting the surrounding neighbours**)
- 3) Environmental sustainability (**By Relaxing the building lines on Erf 604, we are using portions of property already developed and not affecting new virgin ground or vegetation**).
- 4) Orderly Development (**By applying through the correct channels, we ensuring that the development is in an orderly fashion with SDPs and Building Plans.**)

Spatial Panning and Land Use Management Act (SPLUMA), Act No.16 of 2013:

The application is made in terms of Sections 69(5) and 76(1)(a) of the Ndlambe Municipal By-laws promulgated in terms of the Spatial Planning and Land Use Management Act No.16 of 2013.

This development is in accordance with the following Spatial Planning Principles.

Section 7 of SPLUMA stipulates:

Such principals include but are not limited too.

- The principal of Spatial Justice
- The principal of Spatial Sustainability
- The principal of Efficiency

SECTION K: APPLICATION FORM

This application form, in terms of the Spatial Planning and Land use Management Act, Act No.16 of 2013, for the departure to relax building lines and the removal of restrictive title deed conditions for Erf 604 KOS can be found under **Appendix 7**.

SECTION L: CONCLUSION

The application which has been submitted is for the: -

- **Removal of restrictive title deed conditions 3 and 4(d) in terms of Section 69(5) of the Ndlambe Spatial Planning and Land Use Development By Laws:2016**
- **Relaxation of the Lateral building line from 1.5m to 0.5m for an existing carport and the Relaxation of the Rear Boundary from 3m to 0.5m for the new outbuilding development in terms of Section 76(1)(a) of the Ndlambe Spatial Planning and Land Use Development By Laws:2016**


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

- 1) Removal of old irrelevant Conditions which are governed by new town planning principles.
- 2) Consistency with Town Planning schemes especially the Ndlambe ILUMS and the Ndlambe SDF
- 3) Improves efficient Land Use through densification and compaction of buildings on Erf 604 KOS and discourages urban sprawl.
- 4) Alignment with the Public Interest in the sense that the removal of restrictions and relaxation of boundaries were consulted with the direct neighbours and will be advertised through a public participation process. Any objections or comments will be brought to the forefront of the application.
- 5) The relaxation will legalize the existing development that encroaches the rear line by 2.5m and the proposed development that will encroach the lateral line by 1m. Legalizing the encroachments allows the structures to meet the objectives of the Ndlambe ILUMS.
- 6) The proposed development aligns itself with the Ndlambe SDF by ensuring planning adaptability and compliance with the SPLUMA principles. The removal of restrictions and relaxation promotes efficient land use, spatial integration, orderly development and environmental sustainability through no harm inflicted on the environment.
- 7) The development will be guided by the Spatial Planning and Land Use Management Act 16 of 2013.
- 8) The proposed development will be in accordance to Section 63(1) of the Integrated Land Use Scheme for Ndlambe Municipality.

- 9) The Ndlambe Municipality is always looking for ways to address the transgressions of the past and this transgression will be dealt with following all the correct channels.
- 10) This proposal is in line with the objectives of the scheme and aims to the increment of building spaces and better use of limited land resources (space).

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

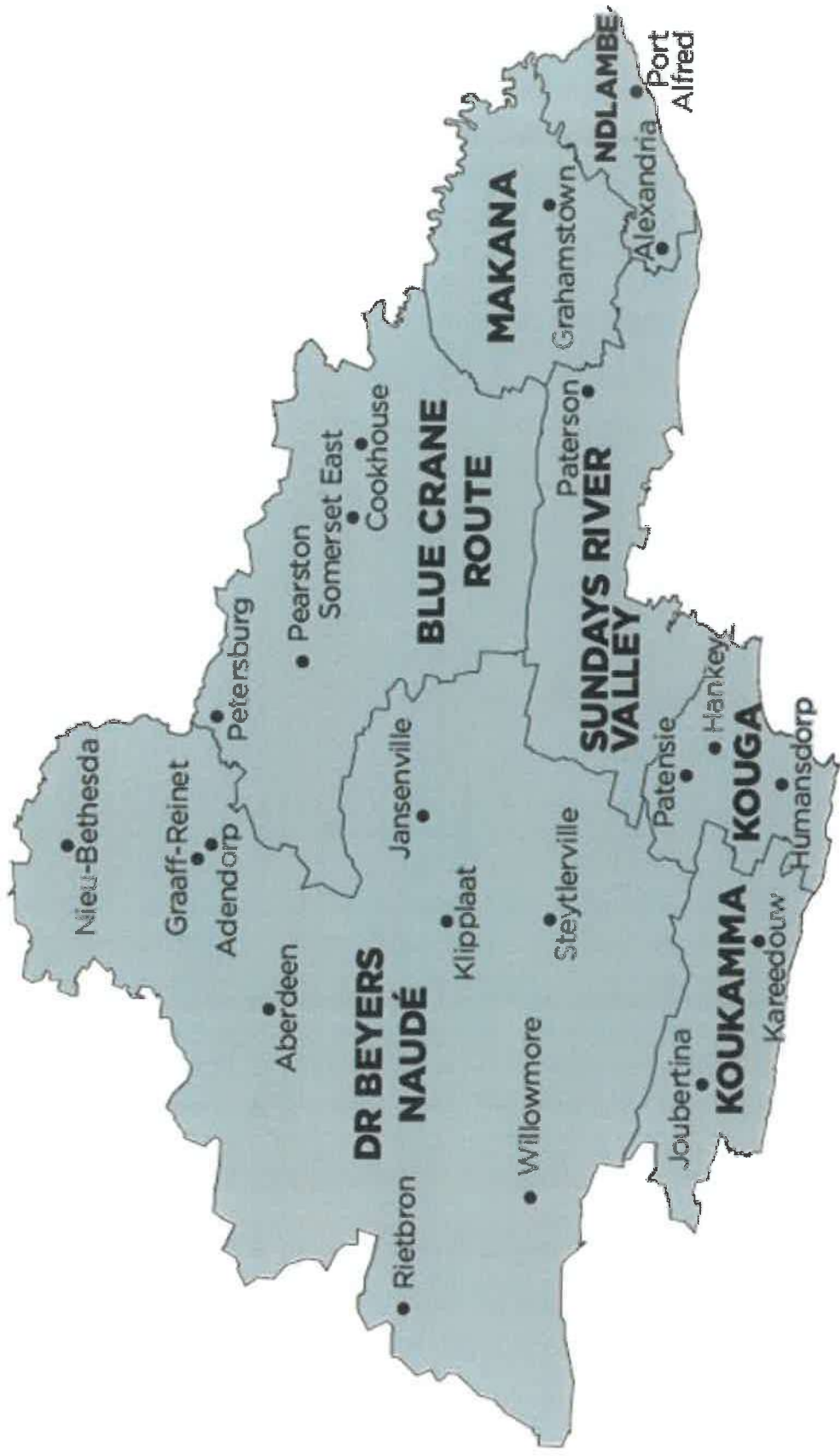
Kyle van Niekerk



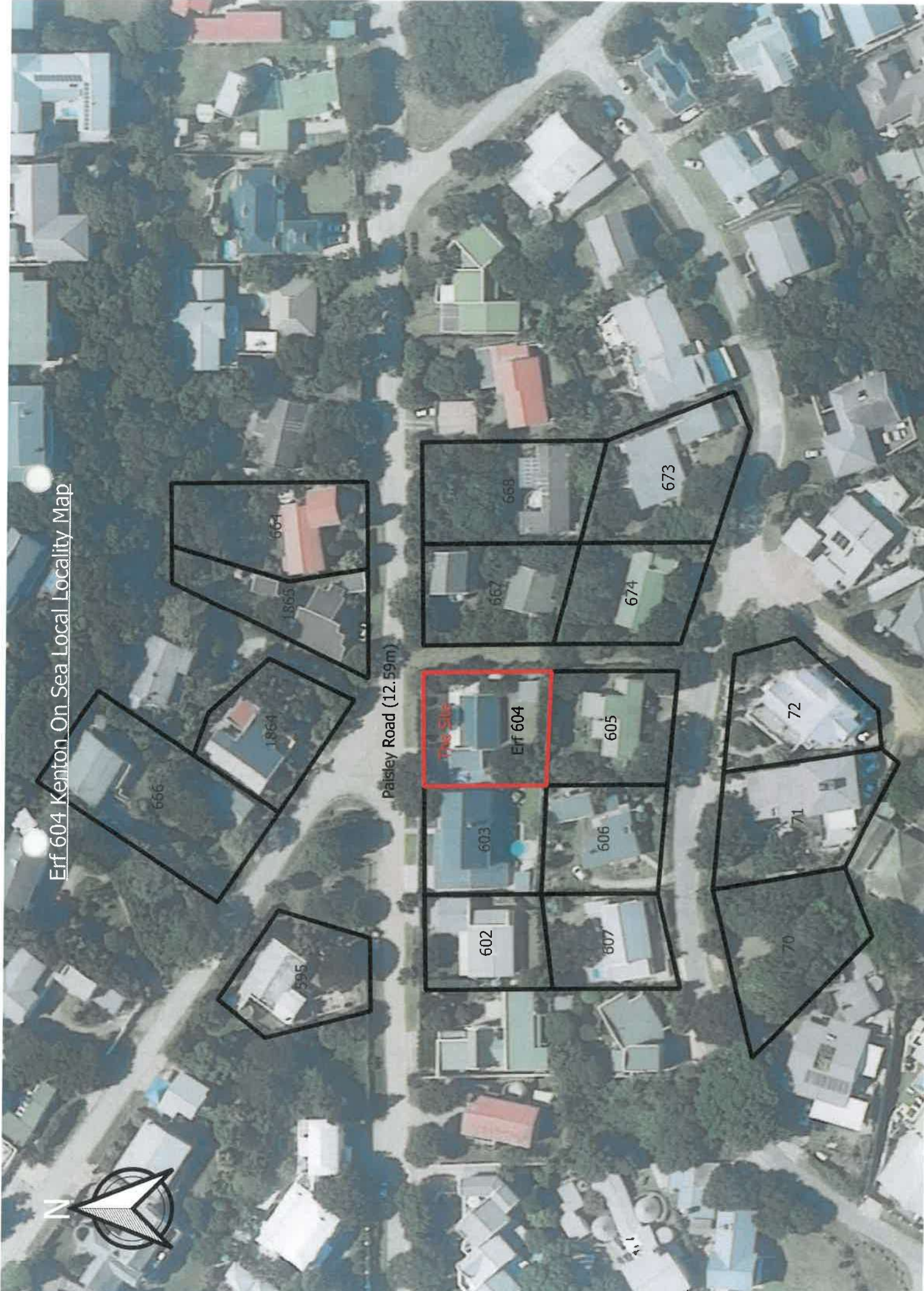
Professional Land Surveyor

November 2025

MUNICIPAL LOCALITY MAP



Erf 604 Kenton On Sea Local Locality Map



Paisley Road (12.59m)

The Silo
Erf 604

666

1864

664

1865

602

603

Erf 604

606

605

607

667

668

674

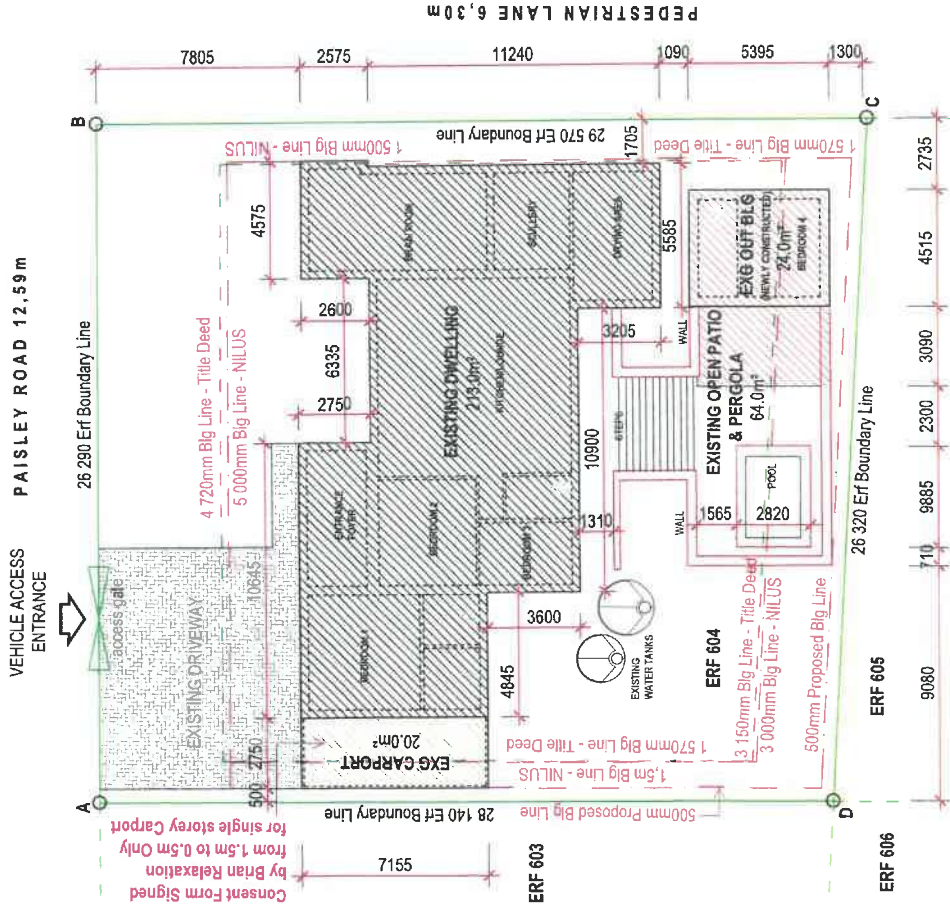
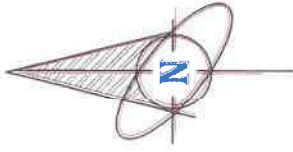
673

70

71

72

Site Development Plan relating to Removal of Title Deed Conditions & Relaxation of Building Lines on Erf 604 Kenton-on-Sea Scale 1:200 @ A3



- EXISTING DWELLING
- NEW CONSTRUCTED OUT BUILDING
- EXISTING CARPORT (SINGLE STOREY)
- PROPOSED BUILDING LINES
- EXISTING NILUS BUILDING LINES
- TITLE DEED BUILDING LINES TO BE REMOVED

SCHEDULE OF AREAS & ZONING CRITERIA			
ERF	ERF SIZE	EXISTING ZONE	PROPOSED ZONE
604	758.0m ²	SINGLE RES ZONE I	UNAFFECTED
DESCRIPTION	AREA	COVERAGE	BUILDING POSITION ON SITE
EXISTING DWELLING	213.0m ²	28.10 %	LATERAL & STREET BLG LINE 1.5m & 5m (unaffected)
EXISTING CARPORT	20.0m ²	2.63 %	LATERAL BUILDING LINE 1.5m - 0.5m (relaxation)
EXG OUT BUILDING	24.0m ²	3.16 %	REAR BUILDING LINE 3.0m - 0.5m (relaxation)
PATIO & PERGOLA	64.0m ²	8.44 %	REAR BUILDING LINE 3.0m - 0.5m (relaxation)
TOTAL DEVELOPMENT	321.0m²	42.33 %	1 P/BAY REQUIRED FOR DWELLING UNIT

PROPOSED REMOVAL OF TITLE DEED CONDITIONS AND RELAXATION OF BUILDING LINES

Title : SITE DEVELOPMENT PLAN FOR ERF 604 KENTON ON SEA, ADMINISTRATIVE DISTRICT OF BATHURST PROVINCE OF THE EASTERN CAPE

drawn : DSC	scale : 1:200	projref/ 604/KOS	drawing no. : F.06.25
checked by : NHB		page size : A3	page no. 1 of 1
date : 04 November 2025			

TOWN PLANNING APPLICATION

FREELANCE
Drafting Consultancy
M H Behrens PEng (ST1812)
Unit 5, PEC Place, Allan Street, Grahamstown
Cellphone & Whatsapp : 082 432 2883
email : freelance02@gmail.com

SITE DEVELOPMENT PLAN
SCALE 1 : 200 (IF PRINTED ON A3)

Consent Form Signed by Brenda
Relaxation from 3m to 0.5m



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 3 AND 4(d) AND RELAXATION OF BUILDING LINES
 SITUATED ON ERF 604 STREET & NO. PAISLEY ROAD NO.12 TOWNSHIP KENTON-ON-SEA**

It is confirmed that I (Name in Full of affected landowner:

being the registered owners of **ERF 605** Township: **KENTON-ON-SEA**

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

- a) ~~A relaxation of the western lateral building line fromm tom-~~
- b) **A relaxation of the rear building line from 3m to 0.5m;**
- c) ~~A relaxation of the street building line fromm tom~~
- d) ~~A relaxation of building height fromm tom;~~
- e) ~~A second dwelling unit not exceedingm²;~~
- f) ~~A relaxation of the lateral / street boundary wall / fence height restriction fromm tom;~~
- g) **Other (Give details)..Removal of Title Deed Restrictions; Conditions 3 & 4(d) on Title Deed T30965/2014 (attached).**

shown on plan number: **SITE DEVELOPMENT PLAN KEN.604.SDP**

Additional comments by consenting owner to the above consent:

Consent applies to existing carport (single story) only

.....

(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).

Signature:

Residential Address (of owner giving consent):

.....

Date: ...16 September 2025

Home Tel:

Work Tel:

WITNESSES

1. Lungelo Biyase
 Full Name

Signature

2. HILARY BERRIMAN
 Full Name

Signature



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 3 AND 4(d) AND RELAXATION OF BUILDING LINES
 SITUATED ON ERF 604 STREET & NO. PAISLEY ROAD NO.12 TOWNSHIP KENTON-ON-SEA**

It is confirmed that I (Name in Full of affected landowner:

being the registered owners of **ERF 603** Township: **KENTON-ON-SEA**

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

- a) A relaxation of the western lateral building line from 1.5m to 0.5m
- b) ~~A relaxation of the rear building line fromm tom;~~
- c) ~~A relaxation of the street building line fromm tom~~
- d) ~~A relaxation of building height fromm tom;~~
- e) ~~A second dwelling unit not exceedingm²;~~
- f) ~~A relaxation of the lateral / street boundary wall / fence height restriction fromm tom;~~
- g) Other (Give details) **Removal of Title Deed Restrictions: Conditions 3 & 4(d) on Title Deed T30965/2014 (attached).**

shown on plan number: **SITE DEVELOPMENT PLAN: KEN.604.SDP**

Additional comments by consenting owner to the above consent:

1. Consent applies to existing carport (single story) only
2. Consent applies to existing carport structure only. No consent is given for any other construction along the western boundary.
 (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).

Residential Address (of owner giving consent):

Signed: 

.....

Date: 19/9/2025

Home Tel:

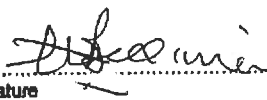
Work Tel:

WITNESSES

1. Lungelo Biyase
 Full Name


 Signature

2. Hilary Berman
 Full Name


 Signature