

# 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 medalist. 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](mailto: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](mailto: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](mailto: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](mailto: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

12 DEC 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	R10 729. 68
	Departure Application: Permanent or Temporary Departure (for Land Use Change)	R
X	Departure Relaxation Building Line	R 5110.89
	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
<b>TOTAL ON FEES PAYABLE</b>		<b>R 15 840. 57</b>

**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.

## **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:
 

<p><b>The Municipal Manager Ndlambe Municipality P O Box 13 Port Alfred 6170</b></p>	<p><b>Town Planning Office Ndlambe Municipality Causeway Road, Civic Centre Port Alfred 6170</b></p>
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- 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**

<b>NOTE: Complete this form using BLOCK letters and ticking the appropriate boxes</b>	
<b>PART C.1: APPLICANT DETAILS</b>	
First name(s)	LOUIS
Surname	SCHELLINK
Company name <i>(If applicable)</i>	N/A
Street or Postal Address	P O BOX 29040 SUNRIDGE PARK 6008
Email Address	louis@africanbrickpe.co.za
Contact Number	082 413 7683
<b>PART C.2: REGISTERED LANDOWNER(S) DETAILS <i>(If different from applicant)</i></b>	
Registered owner(s) Name	LOUIS SCHELLINK FAMILY TRUST
Street or Postal Address	594 KWAAIHOEK STREET BOKNESSTRAND 6189
E-mail Address	louis@africanbrickpe.co.za
Contact Number	082 413 7683

**PART D: PROPERTY DETAILS**

<b>NOTE: Property details must be in accordance with title deed</b>				
Erf No	594	Suburb/Town/Area	BOKNESSTRAND	
Farm No	N/A	Portion (if applicable)	N/A	
Physical or Street Address	594 KWAAIHOEK STREET; BOKNESSTRAND; 6189			
Current Zoning	RESIDNETIAL ZONE 1			
Proposed Zoning	NONE. NO CHANGE IN ZONING			
Additional Rights or Consent Uses Approved	NOT AWARE			
Current activities	DWELLING HOUSE AND OUTBUILDINGS			
Are any departures applicable to the land unit?	NO			
Is there any building or other development on the land unit? If so, what are the nature and condition of these improvements?	YES. GOOD CONDITION			
Is the site/property being used in accordance with its present zoning? If not, how is the land being utilised?	YES			
Property Size/ Extent (m <sup>2</sup> / ha - as per Title Deed	1230 SQUARE METERS			
Title Deed Number				
Any additional/relevant information in regard to the property	NO			
Any restrictions ito Conveyance's Certificate?	Y	X	If yes, list condition(s) in motivation report.	
Are the restrictive conditions in favour of a third party?	Y	X	If yes, list the party(ies) in motivation report.	
Is the property owned by Council?	Y	X	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)	Y	X	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?	Y	X	Is the building older than 60 years?	Y X
Does the property fall inside the urban edge in terms of the SDF?	X	N	Does the property fall within the service edge in terms of SDF?	X N
Is the property encumbered with a bond	Y	X	If yes, is bond/mortgage holders consent attached	Y X
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	X	If yes, is this application to legalise the building / land use?	Y X
<b>NOTE: A contravention penalty may be imposed.</b>				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	X	Are there any land claim(s) registered on the subject property(ies)?	Y X

**PART E: DETAILS OF THE APPLICATION**

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

.....  
Relaxation of Street and Lateral Building Line and Removal of Restrictive Title Deed Conditions  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

2. Does the proposed development involve the entire land unit? If not, indicate the position and size of the portion of the land unit that is not included in the proposed development and for what purpose it is, or will be used:

.....  
NO  
.....  
.....

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:  
.....  
N/A  
.....  
.....

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) from 1.5 m to 0 m; and / or
- ii. Rear building line from ..... m to ..... m; and / or
- iii. Street building line from 5 m to 0 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).....



**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		SDF, LAND USE SCHEME, BY-LAW
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		SEE MOTIVATION
Any other Municipal by-law that may be relevant to application? (If yes, specify)		X	N/A
Does the proposal fall within the provisions/parameters of the land use scheme?	X		NDLAMBE LAND USE SCHEME 2019
Are additional applications required to deviate from the land use scheme? (if yes, specify)		X	SEE MOTIVATION

**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 / COMMENT FROM:
Is/was the property(ies) utilised for agricultural purposes?		X	N/A
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		X	N/A
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	SEE MOTIVATION
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?		X	SEE MOTIVATION
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	N/A

Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?		X	N/A
Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?		X	N/A
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	N/A
Will the proposal have an impact on any National or Provincial roads?		X	N/A
Will the proposal have an impact on any National or Provincial roads?		X	N/A
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	N/A
Will the proposal affect any land owned by any State-Owned Entity (Telkom, ESKOM, Transnet etc.) and/or servitudes?		X	N/A
Is the property subject to any existing mineral rights?		X	N/A

**PART H: SERVICE REQUIREMENTS**

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

**NOTE: Provide more detailed information in the motivation report.**

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

Please indicate if the following Annexures are attached

ANNEXURE	YES	NO	NOT APPLICABLE
<b>COMPULSORY INFORMATION REQUIRED</b>			
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			
Site Development Plan/ Site Layout	X		
S.G / Erf Diagram			
Motivation report	X		
Written motivation pertaining to the desirability and impact of the application	X		
Proof of payment	X		
<b>MINIMUM AND ADDITIONAL REQUIREMENTS</b>			
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: ..... ..... ..... .....			

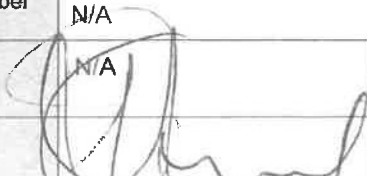
If any of the above questions, answers are no, give reasons:

.....  
 NONE  
 .....  
 .....  
 .....


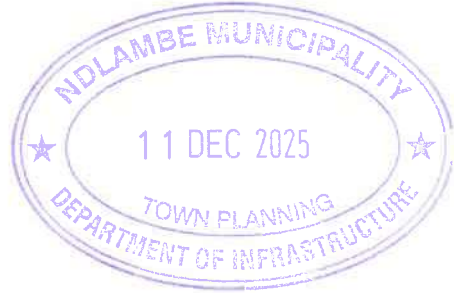
**PART J: DECLARATION BY THE APPLICANT**

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)	LOUIS SCHELLINK		
Professional Capacity & Registration Number	N/A		
Statutory Body	N/A	Are you In Good Standing with the Statutory Body?	N/A
Applicant's Signature		Date	10/12/2025

Applicant's Initials: L.H.S

PART K: FOR OFFICE USE ONLY	
APPLICATION RECEIVED AND VERIFIED BY:	
Full Name(s)	Zamogana Dantle
Title/Capacity	Assistant Town planner
Signature	
Municipal Stamp	

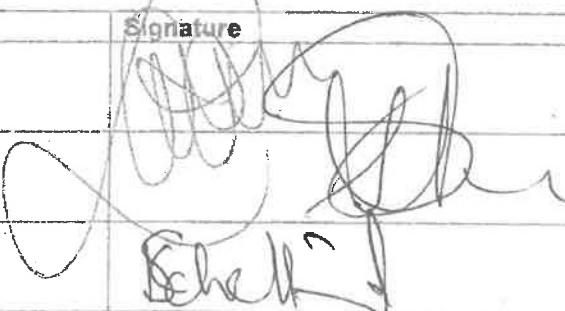
**LOUIS SCHELLINK FAMILY TRUST  
TRUST RESOLUTION**

We, the undersigned Trustees of the **Louis Schellink Family Trust** (the "Trust"), hereby adopt the following resolution:

**RESOLVED THAT:**

1. **Appointment of Representative:** Mr. Louis Schellink, a Trustee of the Trust, is hereby authorised and empowered to act on behalf of the Trust in all matters relating to Erf 594, Boknesstrand, including but not limited to:
  - Lodging and managing the application for departure to relax the street and lateral building lines;
  - Lodging and managing the application for the removal of restrictive title deed conditions;
  - Corresponding with municipal authorities, signing and submitting all necessary documents, forms, plans, and communications related to the above applications.
  - Representing the Trust at any municipal meetings, hearings, or consultations required for the processing of the applications.
2. **Authority to Sign Documents:** Mr. Louis Schellink is authorised to sign and execute any documents, affidavits, or applications necessary to give effect to the above resolutions and to do all things necessary in the best interest of the Trust concerning Erf 594, Boknesstrand.
3. **Validity of Actions:** All actions lawfully undertaken by Mr. Louis Schellink in accordance with this resolution shall be deemed to be the actions of the Trust and shall be binding on the Trust.

We, the undersigned Trustees of the Louis Schellink Family Trust, hereby confirm that the above resolution was passed unanimously at a meeting of the Trustees held on this 9<sup>th</sup> day of December 2025 and that the resolution remains in full force and effect.

Name of Trustee	Signature
Thomas Frank Lawrence	
Louis Heinrich Schellink	
Karin Marie Schellink	Schellink



GREYVENSTEINS ATTORNEYS  
 104 PARK DRIVE  
 CENTRAL  
 PORT ELIZABETH  
 6001

Prepared by me

CONVEYANCER  
 ROHAN GREYVENSTEIN

Fee Endorsement		Amount	Office Fee
Purchase Price/Value	R	2,000,000.00	R 1018,00
Mortgage Capital Amt.	R		
ALL OTHER REGISTRATIONS		R	
Reason For Exemption	Category Exemption	Exemption to Sect 27 Reg Act/Proc	

R 1050,00

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT



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

in his capacity as agent of

Identity Number

duly authorised thereto by virtue of a General Power of Attorney signed at PORT ELIZABETH on 28<sup>th</sup> February 2018

which said Power of Attorney was signed at PORT ELIZABETH on 29 MAY 2018

And the appearer declared that his/her said principal had, on 26 March 2018, 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:

**The Trustees for the time being of**

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

**ERF 594 BOKNESSTRAND  
IN THE NDLAMBE LOCAL MUNICIPALITY  
DIVISION ALEXANDRIA  
EASTERN CAPE PROVINCE**

IN EXTENT 1230 (ONE THOUSAND TWO HUNDRED AND THIRTY) Square metres

FIRST TRANSFERRED by Deed of Transfer Number 1150CTN dated 1<sup>st</sup> February 1977 with General Plan T.P. 9379 relating thereto and held by Deed of Transfer Number T7710/1993CTN

- A. **SUBJECT** to the conditions referred to in Deed of Transfer Number 9737CTN dated 30<sup>th</sup> June, 1953.
- B. **ENTITLED** to the benefit of the following conditions mentioned in Deed of Transfer Number 8804CTN dated 10<sup>th</sup> of November, 1914, namely:
2. "That the Appearer's Constituent and the future proprietors and occupiers of the remaining extent of the said farm "RICHMOND" and the said firm Oosthuyzen Brothers and the future proprietors and occupiers of the said land "BOKNES" shall in perpetuity have the right to dip their cattle and other livestock in the Cattle Dipping Tank on the land "VETMAAK VLAKTE" this day transferred to Johannes Christoffel Krog, it being distinctly understood that they shall bear a fair proportionate share of the cost of filling the said Cattle Dipping Tank with a Dipping solution and of keeping the said Cattle Dipping Tank and the fences, enclosures and approaches at the said Tank in proper order and repair, and further that they shall whenever it shall be necessary assist in clearing and filling the said tank and bear a fair proportionate share of the cost and expense incurred in so doing.
  3. That the road leading to and from the Cattle Dipping Tank on the said farm "VETMAAK VLAKTE" shall in perpetuity remain free and open for the use at all reasonable times of all persons proceeding to the said Cattle Dipping Tank to dip their stock therein, the said road and right-of-way to be not more than 9,45 metres in width."
- C. **SUBJECT FURTHER** to the following conditions imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 as will more fully appear from Deed of Transfer Number T1150CTN dated 1<sup>st</sup> February 1977.

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 Number 623 dated 14<sup>th</sup> August 1970.
2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance Number 15 of 1952, as amended.
3. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
4. The owner of this erf shall, without compensation, be obliged to allow electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or even inside or outside this township to be conveyed across this erf, if deemed necessary by the local or any other statutory authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.
5. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
6. This erf shall be used soled for the purpose of erecting thereon one dwelling or other buildings for the such purposes as the Administrator may from time to time after reference to the Township Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other building as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.
7. No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 m to the street line which forms a boundary of this erf, nor within 3 m of the rear or 1,5 m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority:-
  - (a) an outbuilding used solely for the housing of motor vehicles and not exceeding 3 m in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side and rear spaces, and any other outbuildings of the same height may be erected within the rear space and side space for a distance of 12 m measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12 m shall be measured from the point furthest from the street abutting the erf;
  - (b) an outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no window or doors are inserted in any wall facing such boundary.

8. On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth, these conditions shall apply to the consolidated holdings as if it was one erf.
9. In the event of this erf being subdivided, each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.

**MOTIVATION REPORT FOR DEPARTURE APPLICATION TO RELAX THE STREET AND  
LATERAL BUILDING LINE AND APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE  
DEED CONDITIONS ON ERF 594 BOKNESSTRAND**



**LOUIS SCHELLINK FAMILY TRUST**

## SECTION A: BACKGROUND INFORMATION

### 1. THE APPLICANT

Louis Schellink has been appointed by the Trustees of the Louis Schellink Family Trust owner of Erf 594, Boknesstrand, to prepare and submit an application to the Ndlambe Municipality for the Permanent Departure to relax the street and lateral building lines and Removal of Restrictive Title Deed Conditions.

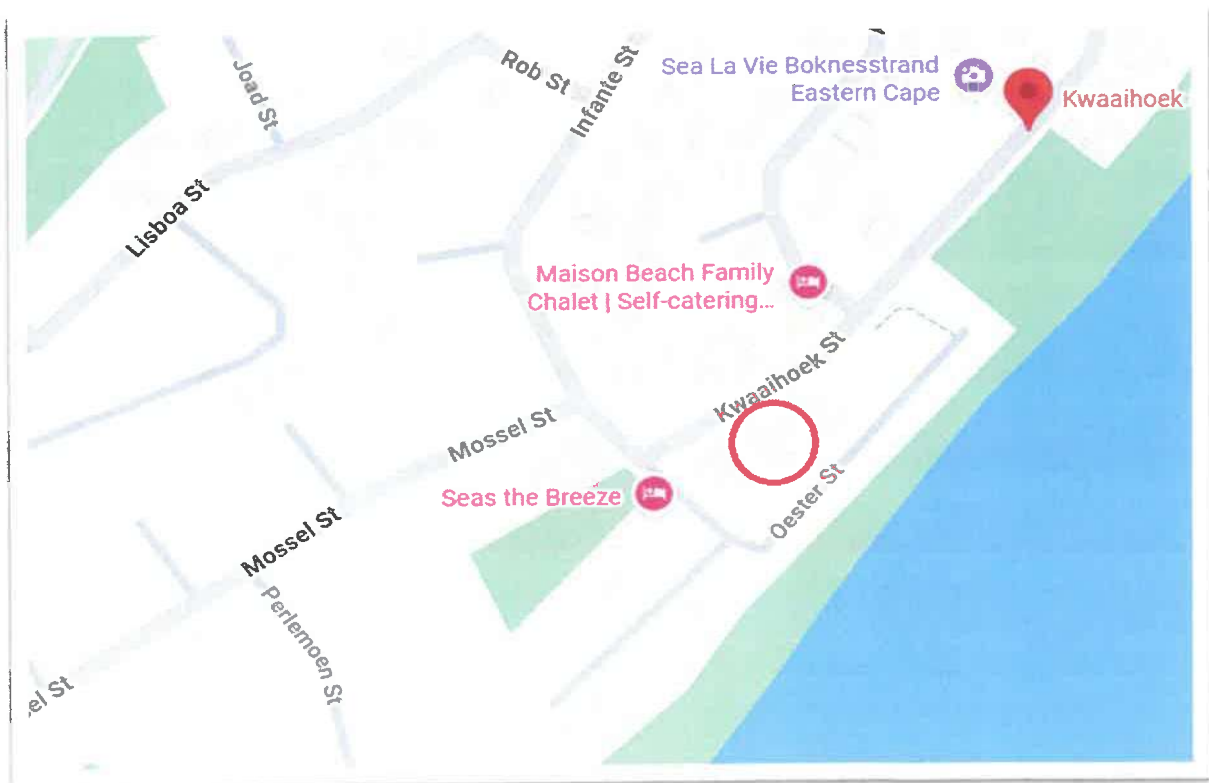
The Trustees Resolution is attached as **Annexure 3**.

### 2. THE PROPERTY

- **Cadastral Information:** The subject property is described as Erf 594 Boknesstrand, situated in the Ndlambe Municipal jurisdiction. The Cadastral Diagram (SG 683/1975) is attached as **Annexure 8**.
- **Ownership:** Louis Schellink Family Trust
- **Property size:** 1230 Square Meters

### 3. LOCALITY

Erf 594, Boknesstrand is located in the residential area of Boknesstrand, situated at 594 Kwaihoek Street.



**Map 1: Locality**

## 4. EXISTING ZONING

The property is in an area surrounded residential properties. See Zoning Map below from Ndlambe Municipality Land Use Scheme, 2019.



**Map 2: Zoning Map**

In terms of the Ndlambe Municipality Integrated Land Use Scheme (2019) the property is zoned for Residential Zone 1 purposes, with the following development parameters:

- **Zoning:** Residential Zone 1
- **Primary Use:** Dwelling Unit - means a self-contained inter-leading group of rooms with not more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and permit a home occupation for a single household.
- **Coverage:** 50%
- **Height:** 8.5m
- **Street Building Line:** 5m
- **Lateral Building Lines:** 1.5m
- **Rear Building Lines:** 3m
- **Parking** 1 space 4

## 5. TITLE DEED, SERVITUDES, BOND HOLDERS AND RESTRICTIVE TITLE DEED CONDITIONS

The property is registered under Title Deed T9723/2018. A copy of the Title Deed is attached as **Annexure 4**. There are restrictive title deed conditions that are restricting the proposed development and building line relaxation. Therefore, the application for removal of restrictive title deed conditions is also made. This will be discussed below in detail.

There are no servitudes registered on the property.

There is no bond registered on the property, therefore, consent from a bond holder is not required.

## SECTION B: APPLICATION TO THE MUNICIPALITY

### 1. THE APPLICATIONS

The applications are made in terms of the Ndlambe Spatial Planning and Land Use Management By-Laws (2016). The applications are as follows:

- **Removal of Restrictive Title Deed Conditions** – Condition C.7; C.7(a) and C.7(b), in Title Deed Number – T9723/2018. The application is made in terms of terms of Section 69 of the Ndlambe Municipality Spatial Planning and Land Use Management By-Law (2016).
- **Departure to Relax Building Lines** – The application for relaxation of building lines is to relax the street building line from 5m to 0m to allow the garage extension and relax the lateral building line from 1.5m to 0m in order to allow the encroachment of the water tanks that are encroaching over the lateral building line on Erf 594 Boknesstrand. The application is made in terms of Section 68 of the Ndlambe Municipality Spatial Planning and Land Use Management By-Law (2016).

#### 1.1 Application For Removal of Restrictive Title Deed Conditions

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The application in terms of Section 69 of Ndlambe SPLUM By-law, 2016, for removal of restrictive title deed conditions is for the following conditions that are in the Title Deed:

**Condition C.7:** *No building or structure or any portion thereof except boundary walls and fences shall, expect with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, not within 3 metres of the rear or 1,5m metres of the lateral boundary common to any adjoining erf provided that with the consent of the local authority: -*

- (a) An outbuilding used solely for the housing of motor vehicles and not exceeding 3 meters in height, measured from the ground floor of the outbuilding to the wall plate thereof, may be erected within such side and rear spaces, and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf, provided that in the case of a corner erf, the distance of 12 metres shall be measured from the point furthest from the streets abutting the erf.
- (b) An outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary.

## **1.2 Motivation For Removal of Restrictive Title Deed Conditions**

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In terms of Section 69(5) of the Ndlambe Municipality Spatial Planning and Land Use Management By-laws (2016). In support of the application for the removal of restrictive title deed conditions pertaining to the subject property, the following statutory considerations are addressed:

**a) Financial or other value of the rights enjoyed by another person or entity in terms of the restrictive condition.**

The restrictive conditions were historically imposed for development regulation purposes and are not in favour of any dominant tenement, neighbouring property owner, or identifiable third party. No person or entity derives financial benefit, advantage, or enforceable rights from these conditions. Their removal therefore does not prejudice any other landowner.

**b) Personal benefits accruing to the holder of rights in terms of the restrictive condition**

There are no personal or vested rights held by any third party under these conditions. The conditions function solely as outdated development parameters that have since been superseded by the Ndlambe Integrated Land Use Scheme, 2019 (ILUS).

**c) Personal benefits that will accrue to the applicant through removal**

The removal of the restrictive conditions will enable the applicant to lawfully develop the property in accordance with the development needs. These rights will yield both residential benefits.

**d) Social benefit of retaining the restrictive conditions**

There is no demonstrable social benefit in retaining the restrictive title deed conditions. The development aspects previously controlled through the deed such as coverage, building lines, and land use are now comprehensively regulated through the Ndlambe ILUS, 2019. Retaining the restrictive conditions therefore creates unnecessary duplication and regulatory conflict.

**e) Social benefit of removing or amending the restrictive conditions**

The removal of the outdated conditions will ensure regulatory clarity and promote the use of a single, modernised development management system, the Ndlambe ILUS, 2019. The proposal is aligned with SPLUMA principles, specifically spatial efficiency, spatial justice, and sustainability.

**f) Whether removal will extinguish all rights enjoyed by beneficiaries or only some**

The restrictive conditions do not confer personal or real rights upon any identifiable beneficiaries. Their removal will not extinguish the rights of any third party. The removal solely eliminates outdated development controls, ensuring that future development is regulated exclusively through the Ndlambe ILUS, 2019.

In conclusion, the removal of the restrictive title deed conditions is both necessary and appropriate to facilitate the intended rezoning and consent use. The conditions are outdated, inconsistent with current spatial planning policy, and impede the optimal utilisation of the property. Their removal will enable development that is aligned with the Ndlambe Integrated Land Use Scheme, 2019, and supports the broader municipal objectives of promoting local economic development, integrated land use, and an efficient urban form.

### **1.3 Application For Relaxation of Building Lines**

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The property owner proposes to extend the existing garage structure on the property. The proposed extension measures less than 40m<sup>2</sup> and is therefore considered a minor addition in terms of development intensity. However, due to the positioning of the existing building footprint and the layout of the site, the extension will encroach over the prescribed street and lateral building lines.

The application therefore seeks approval for the following:

- **Street building line relaxation:** From 5 metres to 0 metres to allow the garage extension to align with the existing structure located closer to the street boundary.
- **Lateral building line relaxation:** From 1.5 metres to 0 metres to permit the existing water tanks, which are situated along the side boundary, to remain in their current position.

All proposed works and encroachments are clearly illustrated on Drawing No. SCHEL 20/10 DEP, prepared by Mr. Willem Groenewald.

### 1.3.1 Motivation for the Street Building Line Relaxation (from 5m to 0m)

The primary purpose of the street building line is to ensure visual uniformity, protect road reserves, preserve sightlines, and avoid structures encroaching onto municipal land. In this instance, the proposed encroachment is justified on the following grounds:

- a) **Minor scale and low impact:** The garage extension is modest in scale (less than 40m<sup>2</sup>) and forms an extension of an existing built structure already positioned closer to the street. The addition does not create a visual or physical obstruction to the streetscape.
- b) **No impact on municipal infrastructure or road reserves:** The extension does not encroach onto municipal property, road reserves, or underground services. Sufficient space remains for municipal access and maintenance.
- c) **Functional need and practical feasibility:** The property owner requires additional covered storage space for vehicles and household equipment. Due to the configuration of the erf and existing built footprint, expanding the garage toward the street is the most practical and functional solution.
- d) **No negative impact on neighbouring properties:** The garage extension faces the street and therefore does not impose overshadowing, privacy loss, or visual intrusion on adjacent properties. The proposed relaxation does not affect neighbouring landowner rights.
- e) **Consistency with the built character of the area:** In many parts of Ndlambe, garages and carports are commonly situated close to the street boundary due to historical building patterns and site constraints. The proposal is therefore compatible with the prevailing urban form.



**Area proposed for proposed garage extension.**

### 1.3.2 Motivation for the Lateral Building Line Relaxation (from 1.5m to 0m)

The lateral building line relaxation is required to accommodate existing water tanks positioned along the side boundary. The following considerations support the approval:

- a) **Essential functional infrastructure:** Water tanks are essential domestic infrastructure in towns experiencing intermittent water supply challenges. Their location along the boundary is a practical and space-efficient solution on smaller residential erven.
- b) **No structural or fire-risk implications:** Water tanks are non-habitable, non-combustible installations that pose no structural or fire safety risks typically associated with building encroachments.
- c) **No adverse impact on neighbours:** The tanks do not overshadow, overlook, or otherwise negatively affect the use and enjoyment of neighbouring properties. Their presence is visually unobtrusive and common in the area.
- d) **Efficient use of space:** Relocating the tanks elsewhere on the property would compromise functional yard space or conflict with existing structures. Their current positioning represents the optimal layout for water access and distribution.

The proposed building line relaxations are reasonable, functional, and consistent with sound town-planning principles. The encroachments are minor in nature, do not negatively affect municipal infrastructure or neighbouring properties, and enable the property owner to make efficient and practical use of the site.

Given the above motivations, and as accurately reflected in Drawing No. SCHEL 20/10 DEP prepared by Willem Groenewald, the relaxation of the street building line from 5m to 0m and the lateral building line from 1.5m to 0m is respectfully supported and recommended for approval.

## 2. NEED AND DESIRABILITY

In terms of Section 53 of the Ndlambe Municipality Spatial Planning and Land Use Management By-law (2016), all land development applications demonstrate both need (the extent to which the proposed development is required) and desirability (the degree to which it supports sound planning principles, municipal policy, public interest, and the character of the area). The assessment below addresses these considerations in relation to the proposed building line relaxations to accommodate a garage extension and lateral encroachment for water tanks.

## **2.1 Need for the Proposed Development**

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### **a) Functional Need for Additional Storage and Vehicle Protection**

The property owner requires additional covered space for the safe storage of vehicles and household equipment. The existing garage is insufficient for current operational needs, and the proposed extension (less than 40m<sup>2</sup>) enables functional, efficient use of the erf while maintaining the residential character of the property.

### **b) Site Constraints Justifying Relaxation**

Due to the positioning of the existing building footprint and orientation of the erf, compliant expansion is not feasible without compromising usable yard space. A relaxation of the street boundary from 5m to 0m enables the extension to integrate seamlessly with the existing structure.

### **c) Essential Need for Water Storage Infrastructure**

The relaxation of the lateral building line is necessary to accommodate water tanks already installed on the property. These tanks are essential infrastructure for water resilience in an area experiencing intermittent supply challenges, and their positioning along the boundary is the most practical and space-efficient solution.

### **d) Supporting Household Resilience and Service Delivery**

The proposal enhances long-term household sustainability, reduces strain on municipal water systems, and contributes to climate and infrastructure resilience, all of which support municipal development priorities.

## **2.2 Desirability of the Proposed Development**

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### **a) Compatibility with Surrounding Land Use and Built Form**

The proposal maintains the residential character of the neighbourhood. Garages and carports located close to the street boundary are common features within the Ndlambe area due to historical layouts, meaning that the proposal is consistent with the existing urban form. Water tanks alongside boundaries are similarly commonplace and generally constitute visually unobtrusive, non-permanent structures that do not impact neighbouring amenity.

### **b) No Negative Impact on Neighbours or Municipal Infrastructure**

- The garage extension faces the street and does not overlook or overshadow adjacent properties.
- The tanks do not interfere with privacy or sunlight access and pose no structural, health, or safety impacts.

- The development does not encroach onto municipal land, services, or road reserves.

There is therefore no infringement on adjacent landowner rights.

### **c) Alignment with Municipal Policy and SPLUMA**

The proposal supports relevant SPLUMA principles and municipal planning objectives by:

- Promoting spatial efficiency through optimal use of the existing residential property.
- Supporting spatial sustainability by providing essential water storage.
- Ensuring good administration by presenting a well-motivated application accompanied by approved plans (Drawing No. SCHEL 20/10 DEP).

The relaxations are minor and do not undermine the intent of the Ndlambe Integrated Land Use Scheme, 2019.

### **d) Improvement of the Property and Local Area**

The garage extension will enhance the functionality, safety, and value of the property. Improved storage capacity and protection for vehicles contribute to orderly property development and maintenance standards within the neighbourhood.

### **e) No Precedent of Concern or Cumulative Negative Impact**

Given the modest scale of the proposed deviations and the prevalence of similar structures in Ndlambe, the relaxation will not trigger undesirable precedent-setting or cumulative pressure on the area's character.

### **f) Impact on the Environment**

The proposed garage extension and retention of water tanks will have minimal environmental impact. The development occurs within the existing urban edge and on a fully serviced residential erf, avoiding sensitive ecological areas, wetlands, or open spaces. No vegetation clearance, watercourse alteration, or soil disturbance beyond the minor construction footprint is required. Stormwater management can be adequately addressed on-site, and the small-scale nature of the additions ensures sustainable use of land without adverse environmental consequences.

Discussions were also had with Mr. Willem Nel who is the Environmental Compliance Officer of the Municipality and indicated that the proposal does not trigger any listed activity or require any environmental authorisation. Mr. Nel indicated he will inform town planning of this via email or when the application is circulated.

### **g) Compatibility with Surrounding Land Uses**

The development is fully compatible with surrounding land uses. Erf 594 is located in a residential area, and the proposed garage extension and water tanks are typical ancillary structures in residential settings. The scale, height, and location of the extensions are consistent with the existing built form in the neighbourhood and will not alter the residential character of the area. No land-use conflicts are anticipated.

### **h) Impact on Health, Safety, and Wellbeing of Surrounding Communities**

The proposal poses no risk to health, safety, or wellbeing. The garage and water tanks are non-hazardous structures. The extension does not obstruct access, visibility, or fire-fighting routes, and there is no anticipated increase in noise, traffic, or other nuisances. Proper construction and adherence to building regulations will ensure safety standards are maintained.

### **i) Parking Considerations**

The garage extension improves on-site parking capacity, allowing safe, off-street storage of vehicles and reducing reliance on street parking. The development does not reduce existing parking availability for neighbours or the public and supports orderly vehicular access and circulation within the erf.

### **j) Impact on External Engineering Services**

The minor development will not place additional demand on external municipal engineering services. The property is fully serviced, and the additions—being ancillary domestic structures do not require additional connections or upgrades to water, sewer, electricity, or stormwater infrastructure. The development is therefore sustainable from a service delivery perspective.

## **2.3 Public Interest Considerations**

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The proposal:

- Does not obstruct public movement or access.
- Does not burden municipal services.
- Does not generate noise, traffic, or activity beyond typical residential levels.
- Supports a more resilient, well-maintained, and orderly residential environment.

There is therefore no negative implication for the broader public interest.

The application satisfies both the need and desirability requirements of Section 53. The proposed building line relaxations are necessary to enable functional improvements to the property and desirable as they align with municipal planning policies, do not negatively impact neighbours or public services, and support sound and sustainable urban development.

The scale of development is minor, the impacts are negligible, and the benefits including improved property functionality, enhanced water resilience, and alignment with prevailing built patterns strongly support approval of the application.

## **SECTION C: PLANNING POLICY COMPLIANCE**

### **1. Spatial Planning and Land Use Management Act, 2013**

SPLUMA (2013) establishes five development principles that must guide all spatial planning and land development decisions in South Africa. These principles ensure that development is spatially just, efficient, resilient, and aligned with long-term public interest. The proposed development is assessed against each principle below.

#### **a) Spatial Justice**

Spatial justice seeks to redress historic spatial inequalities and ensure equitable access to land, services, and development opportunities.

- The proposal promotes fair access to development rights by allowing the property owner to utilise their land optimally within the municipal planning framework.
- Minor relaxations (e.g., building lines) avoid unnecessary regulatory barriers and ensure that planning decisions are not rigidly applied in a manner that creates inequity or undermines the household's ability to improve their property.
- Allowing essential infrastructure such as water tanks supports resilience for households that may be affected by service inconsistencies, aligning with the principle of equitable access to basic resources.
- Through enabling small-scale residential improvements and mixed-use opportunities, the application contributes to the progressive realisation of spatially just settlements.

#### **b) Spatial Sustainability**

Spatial sustainability ensures that land development occurs in an environmentally responsible manner, while promoting economic and social sustainability.

- The development is located within an already established urban area, ensuring that existing infrastructure networks are used efficiently, reducing pressure for greenfield expansion.
- The installation and retention of rainwater or water storage tanks directly supports environmental sustainability, reduces dependence on municipal water systems, and enhances climate resilience.
- The garage extension is modest in scale and does not negatively impact drainage, biodiversity, natural resources, or public open spaces.

- The proposal supports the long-term functional sustainability of the property, contributing to a resilient built environment.

### **c) Efficiency**

Efficiency refers to optimising the use of existing resources, minimising duplication of services, and ensuring compact, coordinated development.

- The use of the existing built footprint for the garage extension reflects efficient use of land and existing structures.
- By relaxing building lines where appropriate, the municipality avoids forcing inefficient, costly, or impractical design alternatives.
- The retention of water tanks along the boundary represents efficient use of limited residential yard space, allowing the remainder of the property to function effectively without unnecessary clutter.
- The proposal does not require new roads, bulk services, or infrastructure extensions, thereby ensuring cost-effective and efficient urban management.

### **d) Spatial Resilience**

Spatial resilience ensures that settlements and infrastructure systems can withstand shocks such as climate change, service delivery interruptions, and economic pressures.

- The presence of water tanks significantly enhances household resilience to droughts, water interruptions, and peak-demand shortages common in coastal towns.
- The minor extension to the garage contributes to the long-term viability and adaptability of the property, enabling it to continue functioning effectively for changing household needs.
- By consolidating development within existing built-up areas, the proposal contributes to the resilience of municipal infrastructure, reducing pressure for costly expansions.

### **e) Good Administration**

Good administration requires transparent, accountable, consistent, and efficient decision-making by municipalities.

- The neighbours have granted consent to the application.
- The application is supported by a comprehensive motivation, professionally drafted plans (Drawing No. SCHEL 20/10 DEP), and clear design intentions, ensuring administrative clarity.
- The proposal upholds the legal and procedural requirements of SPLUMA, the Ndlambe Integrated Land Use Scheme (2019), and the Ndlambe Municipal By-law (2016).

- Granting minor, logical building line relaxations reflects administrative fairness and consistency, ensuring that municipal decisions are responsive to real planning needs and avoid rigid interpretation of standards where they serve no public benefit.
- The application promotes a cooperative, rule-based planning environment, supporting predictability and legal certainty in municipal land-use governance.

The proposed development including the relaxation of the street and lateral building lines, and the associated improvements to the property fully aligns with all five SPLUMA development principles. It promotes equitable access, efficient use of space, resilience, environmental responsibility, and consistent administration. Importantly, it does not compromise neighbouring rights, municipal infrastructure, or the character of the surrounding area. This alignment strongly supports the approval of the application in terms of SPLUMA, the Ndlambe Municipality Spatial Planning and Land Use Management By-law, and the Ndlambe Integrated Land Use Scheme (2019).

## **2. Ndlambe Spatial Planning and Land Use Management By-law, 2016**

The application is compliant with the Ndlambe SPLUM By-law, 2016 as it satisfies the core requirements for land development assessment, including the need and desirability considerations outlined in Section 53, demonstrating that the garage extension and water tank placement are functionally necessary and pose no negative impact on surrounding properties or municipal services. The proposal follows the correct procedures for building line departures as provided for in the By-law, with detailed plans submitted and motivations addressing compatibility with the built environment. The development aligns with SPLUMA principles, maintains neighbourhood character, does not prejudice adjacent landowners, and does not impose any burden on municipal infrastructure. It further lends itself to reasonable conditions of approval as envisaged under Section 54, confirming that the application meets all procedural and substantive criteria of the By-law and is suitable for approval.

## **3. Ndlambe Integrated Land Use Scheme, 2019**

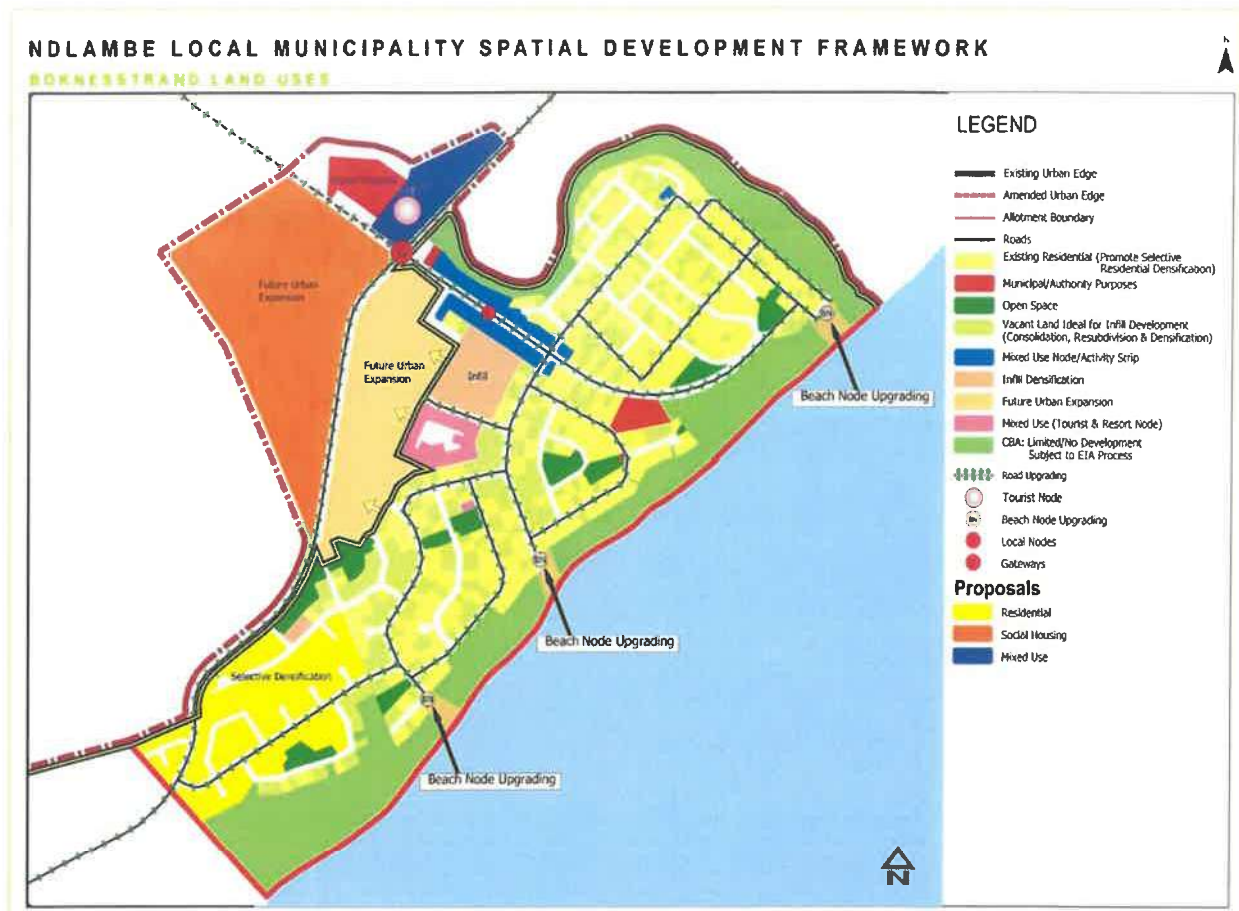
In terms of the Ndlambe Integrated Land Use Scheme, 2019, the application's compliance is assessed against the zoning parameters, land-use rights, development controls, and defined purposes of land use categories applicable to the subject property. The Scheme provides clear guidance on permitted and consent uses, bulk parameters, building lines, parking requirements, and the intended spatial function of each zone; therefore, the proposal must demonstrate that the intended activity aligns with the land-use rights granted under the current

zoning or alternatively justify the need for rezoning, departure, or consent use where deviations arise. Compliance hinges on whether the proposed development maintains the integrity, purpose, and character of the zoning, avoids land-use conflicts, and adheres to the Scheme's standards regarding density, coverage, height, and site development. Where the proposed use is inconsistent with the existing zoning—as in cases where a non-industrial land use is introduced within an industrial area—the application must provide compelling planning motivation showing that no adverse impacts will occur, that infrastructural capacity is sufficient, and that the activity will not compromise policy objectives or surrounding land uses. Overall, compliance is achieved when the development aligns with the Scheme's land-use parameters or when any deviation is supported by sound planning rationale demonstrating that the proposal does not undermine orderly development or the municipality's spatial planning objectives.

#### 4. Ndlambe Spatial Development Framework, 2023

The Spatial Development Framework (SDF) for Ndlambe Municipality (2023) serves as the primary policy instrument guiding land-use planning and development within the municipal area. It ensures that all future public and private development aligns with the municipality's long-term vision, development objectives, and strategies as articulated in the Integrated Development Plan (IDP). As both a strategic and regulatory tool, the SDF assists the Local Authority in making informed, consistent decisions on day-to-day land-use applications as well as on broader development priorities, including the optimal location, timing, and sequencing of growth. Functioning as the spatial expression of the IDP, the SDF identifies areas of desired development, promotes coordinated planning, and supports the efficient management of municipal resources and infrastructure.

Erf 594, Boknesstrand falls within the designated urban edge and service edge of Boknesstrand and is located in an area earmarked for residential development in terms of the SDF. The proposed Removal of Restrictive Title Deed Conditions and Permanent Departure from the street and lateral building lines will not alter the land use or negatively affect the residential character of the surrounding area. Accordingly, the application is fully aligned with and compliant with the Ndlambe Municipal SDF.



Map 3: Ndlambe SDF

## SECTION D: CONCLUSION

The application for the Removal of Restrictive Title Deed Conditions and Permanent Departure from the Street and Lateral Building Lines on Erf 594, Boknesstrand, is fully justified and supported in terms of planning policy, SPLUMA principles, and municipal by-laws. The proposed garage extension and retention of water tanks are minor, functional, and ancillary developments that do not alter the residential land use or the character of the surrounding area.

The development is fully compliant with the Ndlambe SPLUM By-law (2016), satisfying the need and desirability criteria, following proper procedures for building line departures, and posing no negative impact on neighbours, municipal services, or public interest. It is likewise aligned with the Ndlambe Integrated Land Use Scheme (2019), with the proposed relaxations falling within the Scheme's permissible deviations and the development adhering to the objectives of efficient land use, compatibility with surrounding uses, and orderly urban growth.

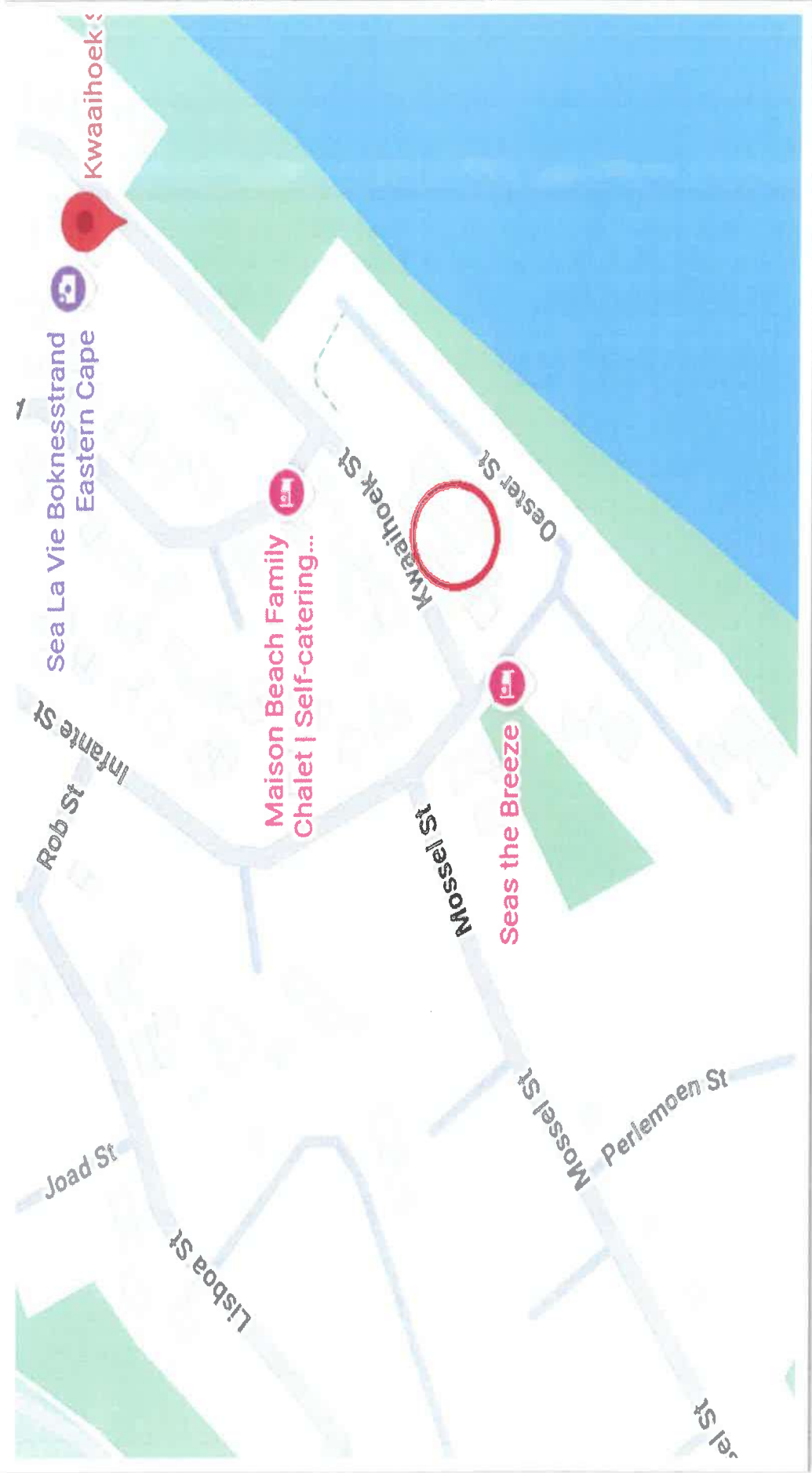
The application also aligns with the Ndlambe Spatial Development Framework (2023), as the property is situated within the designated urban and service edge of Boknesstrand and earmarked for residential development. The proposal does not compromise the municipality's spatial objectives, does not create any adverse social or environmental impacts, and promotes sustainable, resilient, and efficient use of the erf.

From a SPLUMA perspective, the development promotes spatial justice, sustainability, efficiency, resilience, and good administration. Environmental impact is negligible, health, safety, and wellbeing are not compromised, and no additional burden is placed on municipal engineering services. The extension also improves on-site parking capacity without affecting the surrounding community.

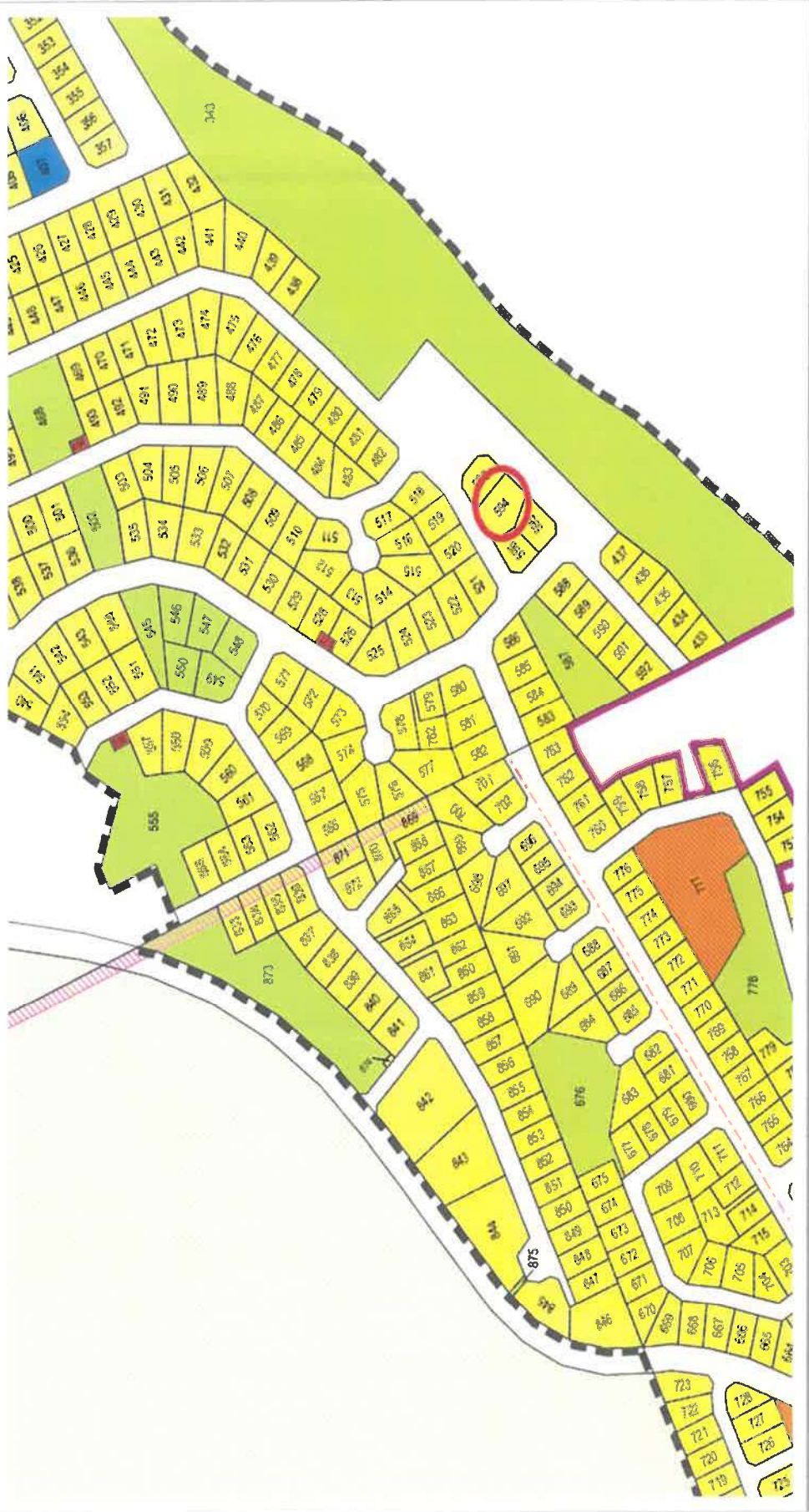
Given the above, the proposed removal of restrictive title deed conditions and building line relaxations are reasonable, justifiable, and in the best interest of orderly and sustainable development. Approval of the application will enable the property owner to utilize the erf effectively while maintaining alignment with municipal policies, the residential character of the area, and the broader strategic planning objectives of Ndlambe Municipality.

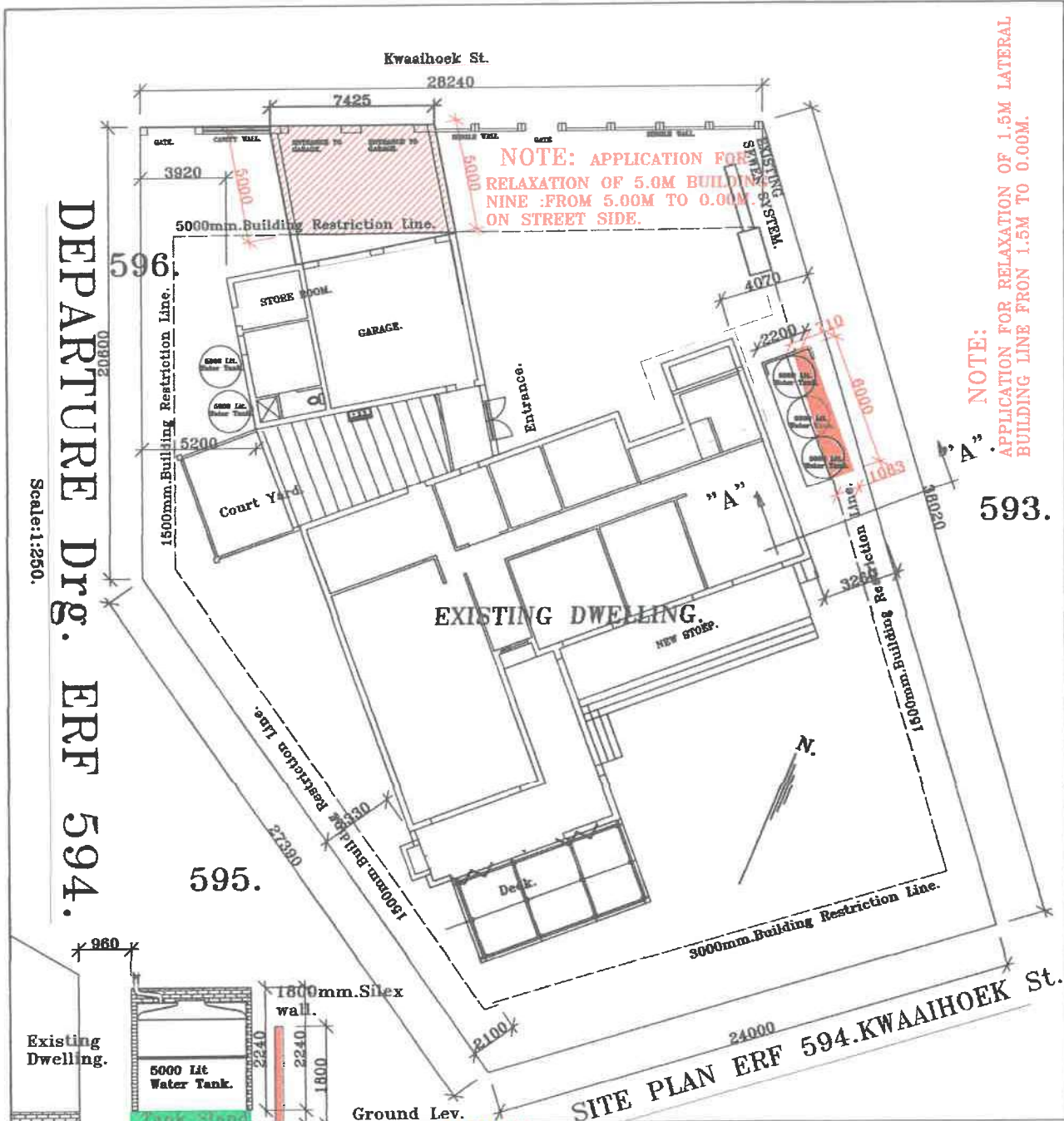
It is therefore respectfully recommended that the application be approved.

# LOCALITY MAP



# ZONING MAP





NOTE: APPLICATION FOR RELAXATION OF 1.5M LATERAL BUILDING LINE FROM 1.5M TO 0.00M.

NOTE: APPLICATION FOR RELAXATION OF 5.0M BUILDING LINE FROM 5.00M TO 0.00M ON STREET SIDE.

593.

595.

DEPARTURE Drg. ERF 594.

Scale: 1:250.

### ELEVATION 'A-A'

Scale 1:100.

FOR FURTHER REFERENCES, SEE Drg. APPROVED DATE 31/03.82. REV. "A" WATER TANK BASE ADDED. REV. "B": DEPARTURE APPLICATION AREAS RECTIFIED. 05/11/2024.

NOTE: (A) APPLICATION FOR RELAXATION OF 5.00M BUILDING LINE FROM 5.00M TO 0.00 M. STREET SIDE. (B) APPLICATION FOR RELAXATION OF 1.5M. LATERAL BUILDING LINE FROM 1.5M TO 0.00 M.

#### Zoning and Coverage Factor.

Zoning:	Single Residential.
Property Size:	= 1230 Sq.M.
Residence Area:	= 235.00 Sq.M.
Stoop area: (EXIST&ADD)	= 96.35 Sq.M.
Balcony Area: (DECK)	= 32 Sq.M.
Outbuilding:	= 73.85 Sq.M.
Ground Floor Area: (ENT)	= 51 Sq.M.
1st. Floor Area:	= 488 Sq.M.
Total Area: (Coverage)	= 488 Sq.M.
Coverage Area:	= 39.6%

### DEPARTURE DRAWING. SITE PLAN ERF 594. KWAAIOHOEK St.

OWNER: LOUIS SCHELLINK FAMILY TRUST. BOKNESSTRAND.	
Drawn & Checked:	W.J. GROENEWALD. PO. BOX 221. BOKNESSTRAND.
Signature:	SACAP No. 20594 Cell No. 0824702179. "e" mail: willem.groenewald@yahoo.com
W.J. Groenewald.....	
Clients Signature:	DATE: 20/10/2023 DRAWING No.
W.J. Groenewald.....	26/07/04 (REV. A) 05/11/04 SCHEL 20/10 DEP.
	SCALE: 1:250 & 100. (REV. B) REV. A. / REV. B.



**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: Relaxation of street and lateral building lines  
 SITUATED ON ERF 594 STREET & NO. 594 Kwaihoek TOWNSHIP Bakresstrand

It is confirmed that I (Name in Full of affected land owner).....  
 being the registered owner of Erf 594 Township Bakresstrand

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

- a) A relaxation of the lateral building line from 15 m to 0 m from our common side;
- b) A relaxation of the rear building line from ..... m to ..... 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 ..... m<sup>2</sup>;
- f) A relaxation of the lateral / street boundary wall / fence height restriction from ..... m to ..... m;
- g) Other (Give details) .....

shown on plan number SCH 24/10 dated 20/10/2023

Additional comments by consenting owner to the above consent:

geen beswaar teen aanbodding n.p.

(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: [Signature]  
 Date: 3-12-2024

Residential Address (Of owner giving consent):

Home Tel: .....

Work Tel: .....

**WITNESSES**

1. [Signature]  
 Full Name .....

2. [Signature]  
 Full Name .....

K. Scharling  
 Signature

L. Scharling  
 Signature

APPENDIX 76



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

Tel: (046) 604-5520  
Fax: (046) 624-2669  
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### 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: Relaxation of street and lateral building lines  
SITUATED ON ERF 594, STREET & NO. 594 Kwadaihoek, TOWNSHIP Boknesstrand

It is confirmed that I (Name in Full of affected land owner) .....  
being the registered owner of Erf 593 Township Boknesstrand.

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;
- b) A relaxation of the rear building line from ..... m to ..... 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 ..... m<sup>2</sup>;
- f) A relaxation of the lateral / street boundary wall / fence height restriction from ..... m to ..... m;
- g) Other (Give details) .....

shown on plan number SCH 20/10 dated 20/10/2023.

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: [Signature]  
Date: 2024/12/00

Residential Address (Of owner giving consent):

Home Tel: ...

Work Tel: ...

WITNESSES

1. K. Schellink  
Full Name

2. K. Schellink  
Full Name

[Signature]  
Signature  
[Signature]  
Signature