

**PORTRAIT:** The winning photo of the Kowie Camera Club's January competition, taken by photographer Rob Heffer, who says, 'In order to fit the set subject 'Tell me you are South African', I took this photo while in Cape Town a couple of years ago at the Athlone Stadium during the new year Kaapse Klopse (Cape Town Minstrel) festivities. This festival, now celebrated on Human Rights Day, is such a wonderfully colourful and delightful event and should certainly be on your bucket list if you have not experienced it before. Dating back to the days of slavery, it has thankfully now become a celebration of unity and sustainability, with the noise, hype, colour and laughter portraying SA's rich cultural history. I took this photo with a Nikon D700, 70-200mm Nikon lens at f9 1/640 shutter speed.' The Kowie Camera Club meets twice a month. The club organises excursions and invites guest speakers to talk about their specialist genres. You do not need to have a professional camera or photography background to be a member of the club. To join, or for more information, call 078-428 9551. *Picture: ROBERT HEFFER*



## 'Five Centuries of Song' for St Paul's concert

MAGGY CLARKE

On Saturday, February 28 St Paul's Church Port Alfred will be privileged to host two talented musicians from Makhanda, who are presenting a concert at 3pm, 'Five Centuries of Song'.

Those who heard the Cathedral Consort, when they sang in St Paul's Port Alfred last April, will have been thrilled by the angelic voice of soprano Caitlin Balmer. She returns as a soloist, to sing numbers by composers from Purcell and Bach to Fauré and Frederick Loewe. Caitlin, neé Webb, grew up in a musical household in Gauteng, and studied at Rhodes University, specialising in Entomology and Classical Voice.

Peter Black is the Director of Music

at Grahamstown Cathedral, having previously served in similar posts in Port Elizabeth (Gqeberha), Kimberley and Windhoek Cathedrals.

Peter went to school in Gqeberha, where he not only sang in St Mary's Collegiate Church Choir, but was appointed organist at St Paul's parish at the tender age of 11. His tertiary studies were at UCT and in London. As well as accompanying Caitlin, he will showcase his versatility as an organ soloist in two contrasting items.

St Paul's Church is at 15 Ferndale Road. There is no entry charge for the concert, but there will be a retiring collection.

— Maggy Clarke is the Media Officer at St Paul's Anglican Church.



### NDLAMBE MUNICIPALITY PORT ALFRED

#### APPLICATION FOR REZONING OF ERF 8606, PORT ALFRED FROM RESIDENTIAL ZONE 1 TO BUSINESS ZONE 2.

**Applicant:** MIRINDA DE BEER TOWN & REGIONAL PLANNERS

**Owner:** LOURIKA ERASMUS

**Property Description:** ERF 8606, PORT ALFRED

**Physical Address:** VAN DER RIET STREET, PORT ALFRED, 6170

#### Detailed description of proposal:

The matter for consideration is an Application for Rezoning of Erf 8606, Port Alfred, from Residential Zone 1 to Business Zone 2 as per the provisions of the Ndlambe Municipality Spatial Planning and Land Use Management By-laws (2016) and Ndlambe Municipality Integrated Land Use Scheme, 2019.

Notice is hereby given in terms of Section 93 of the Ndlambe Municipality Spatial Planning and Land Use Management By-law (2016) that the abovementioned application has been received and is available for inspection during weekdays between 09:00 to 15:00 at the Ndlambe Municipality, Civic Centre, Causeway, and Port Alfred Municipal Office. The application can also be viewed on the 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 **12 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: 26/2026

12 February 2026 ADV. R DUMEZWENI MUNICIPAL MANAGER



### NDLAMBE MUNICIPALITY PORT ALFRED

#### APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING FROM RESIDENTIAL ZONE 1 TO BUSINESS ZONE 2 AND PERMANENT DEPARTURE TO PERMIT A RESTAURANT ON ERVEN 328 AND 329, KENTON ON SEA.

**Applicant:** TSHANI CONSULTING CC

**Owner:** DAROS TRUST

**Property Description:** ERVEN 328 & 329, KENTON ON SEA

**Physical Address:** 3 & 5 EASTBOURNE ROAD, KENTON ON SEA, 6191

#### Detailed description of proposal:

The matter for consideration is an Application for Removal of Restrictive Title Deed Conditions, Rezoning from Residential Zone 1 to Business Zone 2 and Permanent Departure to Permit a Restaurant on Erven 328 and 329, 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 **12 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: 28/2026

12 February 2026 ADV. R DUMEZWENI MUNICIPAL MANAGER



### NDLAMBE MUNICIPALITY PORT ALFRED

#### APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE TO RELAX THE LATERAL BUILDING LINE ON PORTION 1 OF THE FARM MARSELLE NO. 348.

**Applicant:** MIRINDA DE BEER TOWN & REGIONAL PLANNERS.

**Owner:** DIE NEDERDUITSE GEREFORMEERDE GEMEENTE DIAS TE PORT ALFRED.

**Property Description:** PORTION 1 OF THE FARM MARSELLE NO.348, DIVISION OF ALEXANDRIA, PROVINCE OF THE EASTERN CAPE.

**Physical Address:** FARM MARSELLE NO.348, DIVISION OF ALEXANDRIA, PROVINCE OF THE EASTERN CAPE.

#### Detailed description of proposal:

The matter for consideration is an Application Removal of Restrictive Title Deed Conditions and Departure to Relax the Lateral Building Line on Portion 1 of The Farm Marselle No. 348 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 **12 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: 27/2026

12 February 2026 ADV. R DUMEZWENI MUNICIPAL MANAGER



### NDLAMBE MUNICIPALITY PORT ALFRED

#### APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING FROM RESIDENTIAL ZONE 1 TO RESIDENTIAL ZONE 3 AND PERMANENT DEPARTURE TO RELAX STREET, BOTH LATERAL AND REAR BUILDING LINES AND DEPARTURE TO RELAX THE OPEN SPACE REQUIREMENT ON ERF 9627, PORT ALFRED.

**Applicant:** WADS PROJECTS (PTY) LTD

**Owner:** LIZO PATRICK MBIKO

**Property Description:** ERF 9627, PORT ALFRED

**Physical Address:** 35 - 37 SEA BREEZE DRIVE, PORT ALFRED, 6170

#### Detailed description of proposal:

The matter for consideration is an Application The Removal of Restrictive Title Deed Conditions, Rezoning from Residential Zone 1 to Residential Zone 3 and Permanent Departure to Relax Street, Both Lateral and Rear Building Lines and Departure to Relax the Open Space Requirement on Erf 9627, Port Alfred 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 **12 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: 29/2026

12 February 2026 ADV. R DUMEZWENI MUNICIPAL MANAGER



**NDLAMBE MUNICIPALITY**



LAST UPDATED JULY 2025

Ndlambe Municipality  
Corporate Services

24 OCT 2025

**RECEIVED**

**LAND USE APPLICATION FORM**

**PART A: TYPE(S) OF APPLICATION**

TICK	APPLICATION TYPE	FEE AS PER FEE LIST
✓	Rezoning	R 10 729.68
	Consolidation	R
✓	Requirements for amendment, suspension or removal of restrictive conditions or obsolete Condition, servitude or reservation registered against title of land	R 10 729.68
✓	Departure Application: Permanent or Temporary Departure (for Land Use Change)	R 8 583.74
	Departure Relaxation Building Line	R
	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 30 043.10</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.

Applicant's Initials:     K.N

**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>
--	--
- 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);

Applicant's Initials:     K.N

- 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:</b> Complete this form using BLOCK letters and ticking the appropriate boxes	
<b>PART C.1: APPLICANT DETAILS</b>	
First name(s)	Kreason
Surname	Naidoo
Company name <i>(If applicable)</i>	Tshani Consulting CC
Street or Postal Address	9 Princes Street Vincent, East London
Email Address	nashlin@tshani.co.za
Contact Number	068 865 1508
<b>PART C.2: REGISTERED LANDOWNER(S) DETAILS</b> <i>(If different from applicant)</i>	
Registered owner(s) Name	Daros Trust
Street or Postal Address	07 Eastbourne Road Kenton-on-sea
E-mail Address	dale@bannetonbakery.co.za
Contact Number	083 250 5583

Applicant's Initials: K.N

**PART D: PROPERTY DETAILS**

<b>NOTE: Property details must be in accordance with title deed</b>				
Erf No	328 & 329	Suburb/Town/Area	Kenton-on-Sea	
Farm No		Portion (if applicable)		
Physical or Street Address	07 Eastbourne Road, Kenton-on-Sea			
Current Zoning	Residential Zone 1			
Proposed Zoning	Business Zone 2			
Additional Rights or Consent Uses Approved	N/A			
Current activities	Restuarant			
Are any departures applicable to the land unit?	N/A			
Is there any building or other development on the land unit? If so, what are the nature and condition of these improvements?	Yes, Restuarant Building in Good condition			
Is the site/property being used in accordance with its present zoning? If not, how is the land being utilised?	No, The site zoned Residential 1 however used as a Restuarant			
Property Size/ Extent (m <sup>2</sup> / ha - as per Title Deed	Erf 328 - 644 m <sup>2</sup> Erf 329 - 737 m <sup>2</sup>			
Title Deed Number				
Any additional/relevant information in regard to the property	N/A			
Any restrictions ito Conveyance's Certificate?	✓	N	If yes, list condition(s) in motivation report.	
Are the restrictive conditions in favour of a third party?	Y	✓	If yes, list the party(ies) in motivation report.	
Is the property owned by Council?	Y	✓	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	✓	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	✓	Is the building older than 60 years?	Y ✓
Does the property fall inside the urban edge in terms of the SDF?	✓	N	Does the property fall within the service edge in terms of SDF?	Y N
Is the property encumbered with a bond	✓	N	If yes, is bond/mortgage holders consent attached	✓ N
Any existing unauthorized buildings and/or land use on the subject property(ies)?	✓	N	If yes, is this application to legalise the building / land use?	✓ N
<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	✓	Are there any land claim(s) registered on the subject property(ies)?	Y ✓

Applicant's Initials:     K.N

**PART E: DETAILS OF THE APPLICATION**

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

.....  
Removal of Restrictive Conditions, Rezoning and Special Consent  
Application to operate a Restaurant on Erf 328 & 329, Kenton-on-Sea,  
.....  
Ndlambe Local Municipality, Eastern Cape  
.....

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

Yes

3. 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

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: **N/A**

- i. Lateral (side) building line(s) from ..... m to ..... m; and / or
- ii. Rear building line from ..... m to ..... m; and / or
- iii. Street building line from ..... m to ..... m; and / or
- iv. Coverage factor from ..... % to ..... %; and / or
- v. Building height restriction from ..... m to ..... m; and / or
- vi. Street boundary wall / fence height restriction from ..... m to ..... m;
- vii. 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, Condition C(1), C(2) and C(4) all of which are being removed through  
the current application

.....  
.....

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?	✓		
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)]	✓		
Any other Municipal by-law that may be relevant to application? (If yes, specify)		✓	
Does the proposal fall within the provisions/parameters of the land use scheme?	✓		
Are additional applications required to deviate from the land use scheme? (if yes, specify)		✓	

**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?		✓	
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		✓	
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)		✓	
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?		✓	
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.		✓	

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

**PART H: SERVICE REQUIREMENTS**

DOES THE PROPOSAL REQUIRE THE FOLLOWING ADDITIONAL INFRASTRUCTURE / SERVICES?	YES	NO	COMMENT
Electricity supply	✓		Supplied
Water supply	✓		Supplied
Sewerage and wastewater		✓	Conservancy Tank utilized
Storm water		✓	Existing services used
Road network		✓	Existing services used
Other, services. Please specify		✓	

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

Applicant's Initials: K.N

**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)	✓		
Company resolution/Minutes if property is registered under a company or entity	✓		
Resolution or other proof that applicant is authorised to act on behalf of a juristic person	✓		
Full Copy of Signed Title Deed	✓		
Bondholder's consent		✓	
Locality map	✓		
Zoning map	✓		
Land-use map	✓		
Site Development Plan/ Site Layout	✓		
S.G / Erf Diagram	✓		
Motivation report	✓		
Written motivation pertaining to the desirability and impact of the application	✓		
Proof of payment		✓	
<b>MINIMUM AND ADDITIONAL REQUIREMENTS</b>			
Neighbours consent		✓	
Proposed subdivision plan			✓
Proposed consolidation plan			✓
Conveyancer's certificate			✓
Flood-line certificate			✓
Services Report or indication of all municipal services / registered servitudes			✓
Environmental Authorisation (EA) / Record of Decision (ROD)			✓
Heritage Impact Assessment (HIA)			✓
Traffic Impact Assessment (TIA)			✓
Traffic Impact Statement (TIS)			✓
Major Hazard Impact Assessment (MHIA)			✓
Home Owners Association Consent			✓
Any other annexures, give details: ..... ..... ..... .....		✓	

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

Above to be provided when Application is accepted and advertised .....

.....

.....


.....

.....



**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)	Kreason Naidoo		
Professional Capacity & Registration Number	Professional Town Planner (A/1454/2011)		
Statutory Body	SACPLAN	Are you In Good Standing with the Statutory Body?	✓
Applicant's Signature		Date	11/09/2025

Applicant's Initials: K.N

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

**POWER OF ATTORNEY**

I, the undersigned

DALE ANDREW PAUL

The nominated representative for the time being of THE DAROS TRUST NOW KNOWN AS BRENT TRUST (the "Owner")

Reg No:

Do hereby nominate and appoint:

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

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


**Erf 328 and Erf 329, Kenton on Sea** Registration Division, province of Eastern Cape, in extent of 1 381 m<sup>2</sup>.

To compile and submit:

1. A **any legislative applications required** for the development of a Garden Restaurant; and
2. To apply to the municipality for any legislative requirements needed for said **Rezoning, Special Consent, Temporary Departure, Removal of Restrictive Title Deed Conditions and Building Relaxation on Erf 328 and Erf 329, Kenton on Sea**
3. Sign all documents that may be necessary in connection therewith.

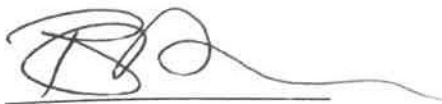
And generally for effecting the purposes aforesaid, to do or cause to be done, whatsoever shall be required as fully and effectually to all intents and purposes as we might or could do if personally present and acting herein, hereby ratifying, allowing and confirming and promising and agreeing to ratify,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

Signed at KENTON on this 09 day of SEPTEMBER 2025 by the nominated representative



Name: DALE ANDREW PAUL

Date: 09/10/2025



Witness 1



Witness 2

RESOLUTION BY TRUSTEES OF

"THE DAROS TRUST NOW KNOWN AS BRENT TRUST ("  
Reg No: NO IT 11048/00

At a meeting held at Kenton on the 9 day in the month of September 2025.

RESOLVED THAT: We, The Director(s) of The Daros Trust Now Known as Brent Trust are the registered owners of:

- Erf 328, Kenton-on-Sea
- Erf 329, Kenton-on-Sea

1. An application to be submitted to the Ndlambe Local Municipality for the above-mentioned property.

2. We hereby nominate and appoint:

Name: ANDREW DAVID PAUL

ID Number: \_\_\_\_\_

Signature: \_\_\_\_\_

on behalf of The Daros Trust Now Known as Brent Trust to sign all necessary documentation and papers to enable the above application to be proceeded with.

[Signature]  
\_\_\_\_\_  
Chairperson of the meeting

09/09/2025  
Date

Trustees:

1. \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

ID Number: \_\_\_\_\_

2. [Signature] Date: \_\_\_\_\_

Name: JONATHAN ANDREW RADEMAN

ID Number: \_\_\_\_\_

[Signature]

**RESOLUTION BY TRUSTEES OF**

**"THE DAROS TRUST NOW KNOWN AS BRENT TRUST ("**  
**Reg No: NO IT 11048/00**

At a meeting held at Kenton on the 9 day in the month of September 2025,

**RESOLVED THAT:** We, The Director(s) of The Daros Trust Now Known as Brent Trust are the registered owners of:

- Erf 328, Kenton-on-Sea
- Erf 329, Kenton-on-Sea

1. An application to be submitted to the Ndlambe Local Municipality for the above-mentioned property.

2. We hereby nominate and appoint:

Name: ANDREW JOHN POOLE

ID Number: \_\_\_\_\_

Signature: [Signature]

on behalf of The Daros Trust Now Known as Brent Trust to sign all necessary documentation and papers to enable the above application to be proceeded with.

[Signature]  
\_\_\_\_\_  
**Chairperson of the meeting**

09/09/2025

**Date**

**Trustees:**

1. [Signature] Date: 09/09/2025

Name: Andrew John Poole

ID Number: \_\_\_\_\_

2. \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

ID Number: \_\_\_\_\_

130 130

Neave Stötter Inc.  
37 Campbell Street  
Port Alfred  
6170

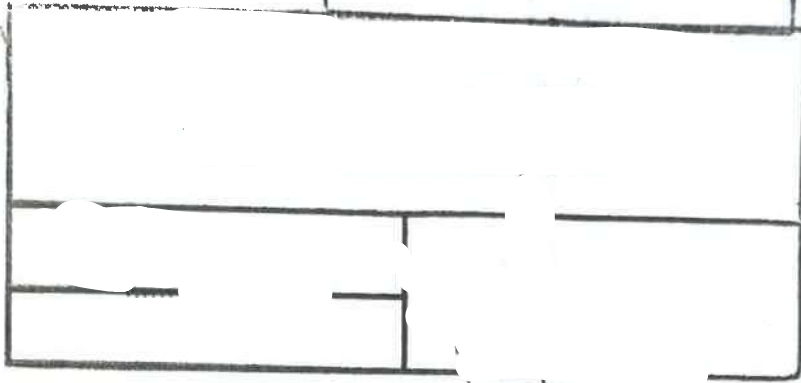
DOCUMENT NO  
CASTLEDEX  
D0001539318

FEE  
R. 500.00

HUTTON & COOK  
3  
TEL: 043 8433410

BC  
GEKANSELLEER  
CANCELLED  
REGISTRATEUR / REGISTRAR  
2025-02-26

Prepared by me  
*[Signature]*  
CONVEYANCER  
Neave JS



### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

*[Redacted]* *[Signature]*

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 1<sup>ST</sup> FEBRUARY 2007 granted to him by

1. Identity Number  
Married out of community of property
2. Identity Number  
Married out of community of property

DATA / VERIFY  
14 SEP 2007  
MURIEL

DATA / CAPTURE  
30 AUG 2007  
WILLIS

And the appearer declared that his said principal had, on 1<sup>ST</sup> JANUARY 2007, 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:

**The Trustees for the time being of THE DAROS TRUST  
NO IT**

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

**ERF 328 KENTON-ON-SEA  
IN THE AREA OF NDLAMBE MUNICIPALITY  
DIVISION OF BATHURST  
EASTERN CAPE PROVINCE;**

**IN EXTENT 644 (SIX HUNDRED AND FORTY FOUR) SQUARE METRES**

**FIRST TRANSFERRED** by Deed of Transfer No. T7470/1938 with Diagram annexed thereto and held by **Deed of Transfer No.**

- A. **SUBJECT** to the conditions referred to in Certificate of Township Title No. 14156/1937.
- B. **SUBJECT FURTHER** to the servitude referred to in the endorsement dated 9<sup>th</sup> September, 1929 endorsed on Deed of Transfer No. 8365/1924 relating to an Order of the Water Court (Water Court District No. 10) dated 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> December, 1927.
- C. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. 7470/1938 as being in favour of the registered owner of any Erf in the Township and subject to amendment or alteration by the Administrator of the Cape of Good Hope under the provisions of Section 18(3) of Ordinance No. 33 of 1934:-
  - "1. That this erf be used for residential purposes only.
  - 2. That only one dwelling, together with such outbuildings as are ordinarily required to be used therewith be erected on this erf.
  - 3. That no more than half the area of this erf be built upon.
  - 4. That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf, provided that an outbuilding not exceeding 3,15 metres in height measuring from the floor to the wall plate, may be erected in such a position that the distance between it and any buildings situate on this erf or an adjoining erf, except another such outbuilding is not less than 3,15 metres."
- D. **SUBJECT FURTHER** to the following condition contained in Deed of Transfer No. 7470/1938 as being in favour of the Administrator:-
  - "5. That this erf be not subdivided except with the consent in writing of the Administrator."

E. **SUBJECT FURTHER** to the following condition contained in Deed of Transfer No. 7470/1938 as being in favour of any Local Authority that may hereafter be constituted for the Township:

"6. That the owner of this erf be obliged to allow the drainage over this erf if deemed necessary by the Local Authority that may hereafter be constituted for the Township, and in such manner and in such position as may be reasonably required by the aforesaid Local Authority."

F. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. 7470/1938 as being in favour of the registered Owner of any erf in the Township:-

"7. That no dwelling shall be erected on this erf unless provision is made above ground for the storage of rain water, the said storage to have a capacity of not less than 2000 gallons and provided further that no shallow well shall be constructed or sunk within 31,49 metres of any existing pit privies."



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

- 1. Married as aforesaid
- 2. Married as aforesaid

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

**The Trustees for the time being of THE DAROS TRUST  
NO**

its Successors in Office 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 R2 000 000,00 (TWO MILLION 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 3rd August 2007

  
\_\_\_\_\_  
R.Q.

In my presence

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

**130**  
Neave Stötter Inc.  
37 Campbell Street  
Port Alfred  
6170

HUTTON  
& COOK  
3  
PORT ALFRED 6170

Prepared by me

CONVEYANCER  
Neave JS

**FEE**  
R. 500.00

**BC**  
**GEKANSELLEER  
CANCELLED**  
REGISTRATEUR / REGISTRAR  
2025-02-26

Hand-drawn rectangular box with internal lines, possibly representing a signature or stamp area.

**DEED OF TRANSFER**

[Redacted area]

BE IT HEREBY MADE KNOWN THAT

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 1<sup>ST</sup> FEBRUARY 2007 granted to him by

1. Identity Number  
Married out of community of property
2. Identity Number  
Married out of community of property

**DATA / VERIFY**  
14 SEP 2007  
MURIEL

**DATA / CAPTURE**  
30 AUG 2007  
WILLIS

And the appearer declared that his said principal had, on 1<sup>ST</sup> JANUARY 2007 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:

**The Trustees for the time being of THE DAROS TRUST  
NO IT**

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

**ERF 329 KENTON-ON-SEA  
IN THE AREA OF NDLAMBE MUNICIPALITY  
DIVISION OF BATHURST  
EASTERN CAPE PROVINCE;**

**IN EXTENT 737 (SEVEN HUNDRED AND THIRTY SEVEN) SQUARE  
METRES**

**FIRST TRANSFERRED** by Deed of Transfer No. T1045/1938 with Diagram annexed thereto and held by **Deed of Transfer No.**

- A. **SUBJECT** to the conditions referred to in ~~Certificate of Township Title~~ **Deed of Transfer No. 1045/1938.** x
- B. **SUBJECT FURTHER** to the servitude referred to in the endorsement dated 9<sup>th</sup> September, 1929 endorsed on Deed of Transfer No. 8365/1924 relating to an Order of the Water Court (Water Court District No. 10) dated 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> December, 1927.
- C. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. 1045/1938 as being in favour of the registered owner of any Erf in the Township and subject to amendment or alteration by the Administrator of the Cape of Good Hope under the provisions of Section 18(3) of Ordinance No. 33 of 1934:-
- "1. That this erf be used for residential purposes only.
  2. That only one dwelling, together with such outbuildings as are ordinarily required to be used therewith be erected on this erf.
  3. That no more than half the area of this erf be built upon.
  4. That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf, provided that an outbuilding not exceeding 3,15 metres in height measuring from the floor to the wall plate, may be erected in such a position that the distance between it and any buildings situate on this erf or an adjoining erf, except another such outbuilding is not less than 3,15 metres."
- D. **SUBJECT FURTHER** to the following condition contained in Deed of Transfer No. 1045/1938 as being in favour of the Administrator:-

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

E. **SUBJECT FURTHER** to the following condition contained in Deed of Transfer No. 1045/1938 as being in favour of any Local Authority that my hereafter be constituted for the Township:

"6. That the owner of this erf be obliged to allow the drainage over this erf if deemed necessary by the Local Authority that may hereafter be constituted for the Township, and in such manner and in such position as may be reasonably required by the aforesaid Local Authority."

F. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. 1045/1938 as being in favour of the registered Owner of any erf in the Township:-

"7. That no dwelling shall be erected on this erf unless provision is made above ground for the storage of rain water, the said storage to have a capacity of not less than 2000 gallons and provided further that no shallow well shall be constructed or sunk within 31,49 metres of any existing pit privies."

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

- 1. **Married as aforesaid**
- 2. **Married as aforesaid**

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

**The Trustees for the time being of THE DAROS TRUST NO**

its Successors in Office 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 **R2 000 000,00 (TWO MILLION 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 **3rd August 2007**

\_\_\_\_\_  
q.c.

In my presence

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

## CONVEYANCER'S CERTIFICATE

I, the undersigned

ANGELA MARIA ALESSANDRA MULLER

(LPCM 60948)

A Conveyancer by lawful authority duly admitted and practising as such at Kenton-on-Sea in the Eastern Cape Province, do hereby certify that:

1. The following properties are registered in the name of the BRENT TRUST, registration number . . . . . namely:-

ERF 328 KENTON-ON-SEA  
NDLAMBE LOCAL MUNICIPALITY  
DIVISION OF BATHURST  
EASTERN CAPE PROVINCE

IN EXTENT 644 (SIX HUNDRED AND FORTY FOUR) square metres

HELD by Deed of Transfer Number . . . . .

SUBJECT to the following restrictive conditions which will hinder the property's development:

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

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

and

ERF 329 KENTON-ON-SEA  
NDLAMBE LOCAL MUNICIPALITY  
DIVISION OF BATHURST  
EASTERN CAPE PROVINCE

IN EXTENT 737 (SEVENHUNDRED AND THIRTY SEVEN) square  
Metres

HELD by Deed of Transfer Number . . . . .

SUBJECT TO the same restrictive conditions as are applicable to ERF 328  
KENTON-ON-SEA, above.




2.

The above restrictive conditions must be removed to enable development of the abovementioned properties.

2. The abovementioned properties are Notorially tied under Notarial Deed of Tie Number [redacted], with no restrictive conditions relating to the development of the properties above.

SIGNED AND DATED at KENTON-ON-SEA on this 16 September 2025

  
\_\_\_\_\_

ANGELA MARIA ALESSANDRA MULLER  
(LPCM 60948)

REMOVAL OF RESTRICTIVE  
TITLE DEED CONDITIONS,  
REZONING AND  
PERMANENT DEPARTURE  
APPLICATION TO ALLOW  
FOR THE OPERATION OF A  
RESTAURANT

---

FOR ERVEN 328 & 329, KENTON-ON-  
SEA, NDLAMBE LOCAL  
MUNICIPALITY, EASTERN CAPE

08 OCTOBER 2025

# TSHANI

CONSULTING C.C.

## TEAM LEADER

Nashlin Ramgopal

 nashlin@tshani.co.za

For technical queries call: 067 865 1508

## PROJECT MANAGER


Kreason Naidoo

 kreason@tshani.co.za


 082 940 2502

 9 Princes Road, Vincent, East London, 5217

 Postnet Suite 98, Private Bag X9063, East London

 043 722 1198

 082 940 2502

 086 435 7631

 kreason@tshani.co.za or info@tshani.co.za

---

## CONTENTS

SECTION A: INTRODUCTION .....	1
SECTION B: LOCALITY .....	2
SECTION C: OWNERSHIP, ZONING AND EXTENT OF PROPERTY.....	7
SECTION D: BONDHOLDERS' CONSENT .....	8
SECTION E: NOTARIAL TIE .....	8
SECTION G: ZONING .....	9
SECTION H: EXISTING SERVICES .....	12
SECTION I: PROPOSED DEVELOPMENT .....	13
SECTION J: NOTIFICATION TO AFFECTED PROPERTY OWNERS.....	21
SECTION K: NEEDS AND DESIRABILITY .....	21
SECTION L: POLICY ALIGNMENT .....	23
SECTION M: APPLICATION FORM .....	3
SECTION N: CONCLUSION.....	3

---

## **APPENDICES**

- Appendix 1: Power of Attorney
- Appendix 2: Deed of Transfer
- Appendix 3: S.G. Diagram
- Appendix 4: Application Form
- Appendix 5: Bond/Mortgage letter
- Appendix 6: Notarial Tie Confirmation
- Appendix 7: Conveyancers Certificate
- Appendix 8: Confirmation of Trust Name Change
- Appendix 9 Photo Evidence
- Appendix 10: Site Survey and Report
- Appendix 11: Affidavit

## **TABLES**

- Table No. 1: Site, ownership and extent of properties
- Table No. 2 Restrictive Title Conditions and Motivation:
- Table No. 3 Building Line applicability
- Table No. 4: Land Use Restrictions
- Table No. 5: Development Parameters

## **PLANS**

- Plan No. 1: Municipality Locality Plan
- Plan No. 2: Regional Locality Plan
- Plan No. 3: Local Locality Plan
- Plan No. 4: Land Use Plan
- Plan No. 5: Zoning Plan
- Plan No. 6: Proposed Site Development Plan

## SECTION A: INTRODUCTION

---

**Tshani Consulting CC** has been appointed by the **Darius Trust now known as Brent Trust**, (herein after referred to as the "**Client**"), to prepare and submit an application to the Ndlambe Local Municipality. A **Power of Attorney and Trustee Resolution** are attached in **Appendix 1**.

The following motivation application pertaining to **Erven 328 and Erf 329, Kenton-on-Sea** is specifically for the following:

- **Removal of Restrictive Conditions C (1), C (2) and C (4) from the Title Deed for Erf 328, Kenton-on-Sea in terms of Section 69 of the Ndlambe Local Municipality SPLUMA by-law**
- **Removal of Restrictive Conditions C (1), C (2) and C (4) from the Title Deed for Erf 329, Kenton-on-Sea in terms of Section 69 of the Ndlambe Local Municipality SPLUMA by-law**
- **Rezoning of Erven 328 & 329, Kenton-on-Sea from Residential Zone 1 to Business Zone 2 in in terms of Section 68 of the Ndlambe Local Municipality SPLUMA by-law**
- **Permanent Departure Application to operate a Restaurant on Erven 328 & 329, Kenton-on-Sea in terms of Section 76 of the Ndlambe Local Municipality SPLUMA by-law**

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

## SECTION B: LOCALITY

---

This section provides a contextual analysis of the subject properties and their relation from a Municipal and Local site perspective.

### B1: MUNICIPAL LOCALITY

The subject sites, Erf 328 and Erf 329, Kenton-on-Sea are situated within the suburb of Kenton-On-Sea and falls under the jurisdiction and land use control of the Ndlambe Local Municipality.

The R72 road (**Refer to Plan 1: Municipal Locality**) provides direct access into the suburb of Kenton on Sea. The R72 connects the Port Alfred Central Business District to East London in an Easterly direction, and Port Elizabeth in a South Westerly direction.

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

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

### B2: REGIONAL LOCALITY

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

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

***(Refer to Plan 2: Regional Locality Plan)***

### B3: SITE LOCALITY

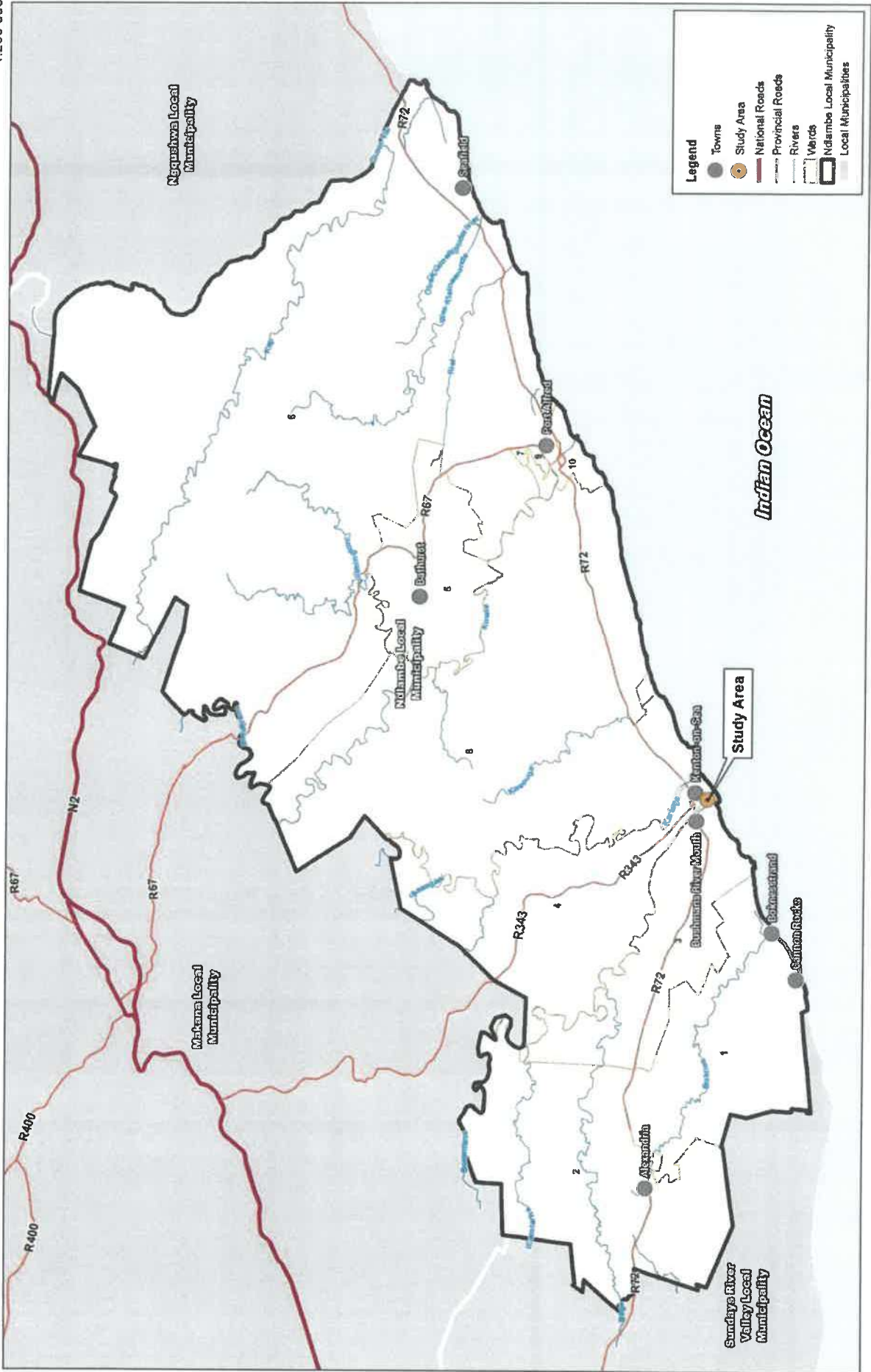
From a site locality perspective, Erf 328 and 329, Kenton-on-Sea are situated at number 7 **Eastbourne Road** within the suburb of Kenton-On-Sea. Both properties have direct access off Eastbourne Road.

The subject properties both overlook the Kariega River. (*Refer to Plan 3: Local Locality Plan*)

**REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING AND PERMANENT DEPARTURE APPLICATION FOR ERVEN 328 & 329, KENTON-ON-SEA**

**PLAN NO. 1: MUNICIPAL LOCALITY PLAN**

N  
1:250 000



**Legend**

- Towns
- Study Area
- National Roads
- Provincial Roads
- Rivers
- Wards
- Nidambe Local Municipality
- Local Municipalities

Source: Department of Transport Municipal Demarcation Board

July 2022

**TSHANI**  
CONSULTING C.C.

# REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING AND PERMANENT DEPARTURE APPLICATION FOR ERVEN 328 & 329, KENTON-ON-SEA

## PLAN NO. 2: REGIONAL LOCALITY PLAN

1:7 500



# SECTION C: OWNERSHIP, ZONING AND EXTENT OF PROPERTY

## C1. OWNERSHIP

Erf 328 and Erf 329 measure 644m<sup>2</sup> and 737m<sup>2</sup> respectively and are held under **Deed of Transfer No. [REDACTED]** respectively (Refer to **Deed of Transfers** attached in **Appendix 2**).

As per the attached Deeds of Transfer, the properties are owned by **Daros Trust**. A request was made in 2008 for change of Trust name from **Daros Trust** to **Brent Trust** with **Trust Registration Number [REDACTED]**

Tshani Consulting CC has received and attached herein as Appendix 7, the confirmation of amendment of deed of trust stamped 19 January 2023 from the Department of Justice and Constitutional Development with reference [REDACTED], which acknowledges the change of trust name as Darios Trust now known as the Brent Trust whose trustees are Andrew John Poole and Jonathan Andrew Rademan, it can therefore be said that the properties are owned by the **Darios Trust now known as the Brent Trust** (Refer to **Appendix 7: Confirmation of Trust Name Change**).

**Table 1: Site, Ownership and extent of properties**

SITE	OWNERSHIP	AREA (m <sup>2</sup> )
Erf 328, Kenton on Sea	Darios Trust now known as Brent Trust (Refer to Appendix 2 Deeds of Transfer)	644m <sup>2</sup> (Refer to Appendix 2 Deeds of Transfer)
Erf 329, Kenton on Sea	Darios Trust now known as Brent Trust (Refer to Appendix 2 Deeds of Transfer)	737m <sup>2</sup> (Refer to Appendix 2 Deeds of Transfer)

## SECTION D: BONDHOLDERS' CONSENT

---

The properties are **unencumbered** with a **bond/mortgage** and thus, a letter sent from a representative of the Trust from Mr Matelela (FNB Business Banking) confirming this is attached (Refer to **Appendix 5**).

## SECTION E: NOTARIAL TIE

---

Erf 328 and Erf 329 Kenton-On-Sea are currently notarial tied by the virtue of **Notarial Deed of Tie No.** , as endorsed in Title Deeds **and** respectively. Please refer to **Appendix 2** which contains the endorsement. A Conveyancers Certificate clarifying the notarial tie of the property, in relation to the existing structure is attached (**Appendix 6**).

The client has appointed Angela Muller to prepare a separate conveyancers certificate based on the restrictive title deed conditions applied for. This will be attached to the report upon receipt thereof.

## SECTION F: EXISTING AND SURROUNDING LAND USES

### F1. EXISTING LAND USES

Erf 329, Kenton-On-Sea is currently being used as a **Restaurant**, and although such use is not in compliance with the current zoning of the site, the client has instructed our Company as the applicant to rectify the situation by submitting this application.

Erf 328, Kenton-on-Sea is currently being used for **Parking purposes**.

The subject sites are situated within an area that predominantly accommodates residential uses; however, Eastbourne Road does have a parking lot at the end of the street to provide the public with access to the river's edge.

## F2. SURROUNDING LAND USES

The following Land Uses surround the subject sites:

- Residential properties, in the form of single and double storey residential units with similar ancillary uses, surround the site;
- To the south of the site is also a restaurant on the end of the Eastbourne Road;
- Sibuya Nature Reserve located on the eastern side of the study area. (**Refer to Plan No. 4: Land Use Plan**)

## SECTION G: ZONING

---

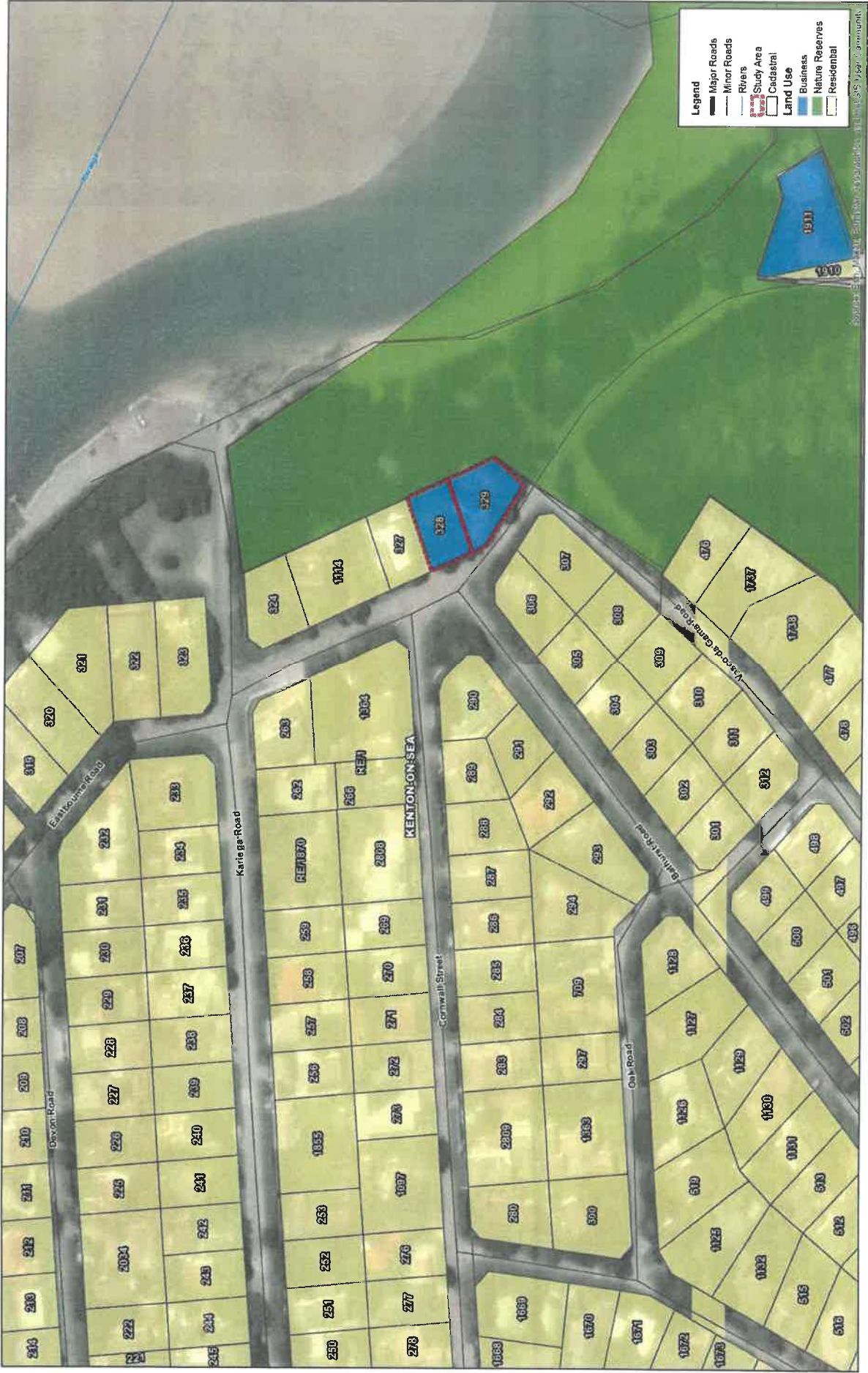
Erf 328 and Erf 329 Kenton-On-Sea are zoned Residential Zone 1 according to the Ndlambe Integrated Land Use Scheme.

The subject sites are situated within an area predominantly zoned Residential Zone 1; however, south of the site is an establishment known as Jerry's Kenton which is zoned Business Zone 2. **Refer to Plan No. 5: Zoning Plan**

**REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING AND PERMANENT DEPARTURE APPLICATION FOR ERVEN 328 & 329, KENTON-ON-SEA**

**PLAN NO. 4: LAND USE PLAN**

1:1 652



REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING AND PERMANENT DEPARTURE APPLICATION FOR ERVEN 328 & 329, KENTON-ON-SEA

TSHANI  
CONSULTING C.C.

PLAN NO. 5: ZONING PLAN

1:2 500



Source: Esri, Maxar, Earthstar Geogr

## SECTION H: EXISTING SERVICES

---

The properties are situated in a developed suburb with all the necessary municipal services. This section will discuss the services applicable to the property.

### **H1. Water Supply**

The sites in question are being serviced via an existing water connection. This connection will continue to be utilized.

### **H2. Sewerage**

The internal sewer reticulation of the property connects to a Honeysucker system which is emptied on a weekly basis by the municipality.

### **H3. Electricity**

Electricity supply is currently available to the sites. Any upgrading of this service, if required, will be applied for by the client.

### **H4. Roads**

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

### **H5. Access and Road Network**

Access to the site is obtained from Eastbourne Road. Both the sites in question use one vehicular entrance on Eastbourne Road. Vehicular access is provided via Erf 328, Kenton-on-Sea wherein parking is provided for the development. A pedestrian access has been provided for on Erf 329, Kenton-on-Sea (Please refer to Plan No.5: proposed Site Development Plan which spatially depicts the proposed accesses into the site as well as the proposed toilet on site).

# SECTION I: PROPOSED DEVELOPMENT

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

## 11. REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

As indicated on the Title Deed No. **attached in Appendix 2**, there are restrictive conditions on the properties that do not permit a land use other than Residential use. The following table depicts the conditions we intend removing in the left and the motivation to remove those conditions in the column on the right.

**Table 2: Restrictive Title Conditions and Motivation**

Condition C (1)	Motivation for Removal
<p>C (1) That this erf to be used for residential purposes (Erf 328 and Erf 329).</p>	<p>At the moment the restrictive condition C(1) prohibits the use of this property for anything other than for residential purposes.</p> <p>The owner wishes for the restriction to be removed in order to allow for the Restaurant to legally operate on Erf 328 and Erf 329, Kenton-On-Sea. The motivation to allow for the use of the property as a restaurant has been stated in the the above section for the Rezoning.</p>
<p>C (2) That only one dwelling, together with such outbuildings as are ordinarily required to be used therewith be erected on this erf (Erf 328 and Erf 329)</p>	<p>At the moment the restrictive condition C(2) one building and the outbuilding will be required to be built on this erf.</p> <p>The owner wishes for the restriction to be removed in order to allow for additional</p>

	<p>buildings to be built on the site to cater for a coffee bar, sit down areas and additional facilities as part of the restaurant.</p> <p>By allowing the removal of this condition the property can be better utilized and densified.</p> <p>Densification within the Kenton-On-Sea area should be promoted as urban sprawl is noted as a negative implication in the Ndlambe Municipality SDF</p>
<p>C (4) That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4.72 meters to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1.57 meters of the lateral boundary common to any adjoining erf, provided that an outbuilding not exceeding 3.15 meters in height measuring from the floor to the walls plate, may be erected in such a position that the distance between it and any buildings situated on this erf or an adjoining erf, except another such outbuildings is not less than 3.15. (Erf 328 and Erf 329)</p>	<p>At the moment the restrictive condition C(4) prohibits buildings to be built near the 4.72m to the street line. No building should be situated within 1.57m from the lateral boundary.</p> <p>Since the owner wishes to utilise the site as a Restaurant, temporary structures for this restaurant that will be erected on the property near or over the 1.57m of the lateral boundary and 3.15m height to allow for seating area and facilities for the running of the restaurant.</p> <p>The attached proposed site development plan (<i>Plan no. 6</i>) shows the proposed development as well as the structures which protrude over the building lines.</p>

The above conditions from Title Deeds No. \_\_\_\_\_ are therefore required to be removed from the said Title Deed, so as to enable the site to be utilized for Restaurant purposes:

## 12. REZONING PROPOSAL

The Pizzarella Restaurant is currently in operation on Erf 329 Kenton-on-Sea and has become a well-known restaurant attracting both tourists and local residents, seeking leisure time within the Kenton-on-Sea area. The owner of Erven 328 and 329, Kenton-on-sea and the operator of the Pizzarella restaurant wishes to adhere to the Ndlambe Municipality rules and regulations and wants to rectify any wrongdoing to date, and for that purpose we have been instructed to prepare and submit this application.

The existing use of the property for a Restaurant is not permitted under its current Residential Zone 1 and can only be permitted by way of a **Rezoning** the properties to Business Zone 2 in order to cater for the business rights. The proposed zone is also chosen to bring uniformity along the coastline with regards to the existing business zones as this zone is already on Erf 1911 Kentn-on-sea which is less than a kilometre away from Erven 328 & 329, Kenton-on-Sea.

The proposed rezoning will assist to attract business developments to Bathurst Street within the prominent coastal area of Kenton-on-sea. The rise in business zones will also be a huge factor in tourism development and also aid the following benefits for the coastal region:

- Increased Property Values
- Accessibility of the Coastal Region
- Marketing of Coastal Region for future Business Expansion
- Growth of Business Infrastructure

## 13. PERMANENT DEPARTURE PROPOSAL

The application also includes a Permanent Departure proposal to operate a restaurant under the new proposed Business Zone 2 for the properties. This will assist the existing Pizzarella Restaurant to obtain business in order to operate legally and inline with the Municipal land use policies. The existing restaurant has been apart of the Kenton-one-Sea community for several thus being a convenient place for safe, community-focused gathering or place of leisure for tourists and community members. This restaurant is positive and important factor of the social life within Kenton-on -sea which gives the community a place to enjoy their costal view through good food. It can also be said that the restaurant has been a major impact to the local economy through employment, increased foot traffic that benefits nearby small businesses and also contributes to Municipal taxes.

The attached proposed Site Development Plan (SDP) provides a layout of the buildings and activities which take place. The existing structures within Erf 329, Kenton-on-Sea will remain, and these structures are not formal in nature. The structures are rustic, with the intention to blend in with the natural Flora on the site, making the operation unique. As depicted on the SDP the existing outbuildings remain with a covered corrugated iron roof covering the Pizza Oven area. A coffee/espresso bar is situated in front of the existing outbuildings, an in-between the outside seating area.

The owner has confirmed that the toilet/ablution facility, furniture (Tables/chairs/umbrellas) and fittings including those furniture items which were previously located in the 'Look Out' outside of the property have been removed (Please refer to **Appendix 8** for the photos provided as proof of evidence). The owner has also appointed a Land Surveyor to conduct a survey on the site on the 24<sup>th</sup> of July 2024 which confirms the removal of the above-mentioned structures as reflected on the report and survey plan attached as **Appendix 9**.

The owner has also filled an affidavit attached herein as **Appendix 10**, confirming that they have demolished the structures which encroached outside of the property boundary.

The developer will also liaise with the relevant Environmental Department and respective officials to gain approval for the rehabilitation/remedial work to take place to restore the environment back to an acceptable condition. This rehabilitation/remedial work, once officially approved, will be completed under the guidance of an authorised Environmental Practitioner.

The owner has agreed and confirmed to appoint an Engineer to assess and confirm that all buildings within the development are structurally secure, in order to comply with the Building Regulations.

Should the Ndlambe Municipality accept the appeal, our client has confirmed that the development will comply with the Site Development Plan upon approval.

There are no Septic Tank soakaways on site. The toilets, which have since been removed from outside the site boundary, which were connected to the conservancy tank on Erf 328, Kenton-on-Sea which was connected to the Municipal Connection and sucked away with Honeysuckers. Currently the owner has constructed temporary toilets within the site boundary which is connected to the Honeysucker on the street. The municipality remove all waste on a weekly basis from the property.

Parking is always a concern to any land use, and therefore the client has agreed to utilize the adjacent Erf 328, Kenton-on-Sea for parking purposes. The site is also owned by the same Trust that owns Erf 329, Kenton-on-Sea and is proposed to be used specifically for parking purposes only. The number of parking bays have been calculated in relation to the square meterage of the outdoor seating area and in compliance with the Ndlambe Integrated land Use Scheme parking recommendations. At a 350 sq/m of outdoor seating and at a ratio as per the scheme of 2 Bays per 100m<sup>2</sup>, a total of seven (7) parking bays are required. As such the SDP depicts seven (7) parking bays. Erf 328 is large enough to accommodate the seven (7) parking bays. Sufficient space has also been allocated for vehicles to manoeuvre within the site.

Erf 328 and Erf 329, Kenton-On-Sea are already notarial tied; however, a Conveyancers Certificate is attached in **Appendix 6** which confirms such, and that the proposals contained within this application adhere to the Notarial tie.

The restaurant proposal from an aesthetic perspective blends into the urban fabric of the Eastbourne Street, as the natural trees have been incorporated into the proposed development and it links seamlessly with the vegetation along the river. Residents and members of the public alike, traverse the street already to gain access to the river's edge. The presence of a restaurant, of this type, aligns to the policy of integrated residential settlements and the promotion of mixed uses within all areas.



#### 14. LAND USE RESTRICTIONS

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

**Table 4: Land Use Restrictions**

TABLE: LAND USE RESTRICTIONS	
Zoning	Business Zone 2
Primary Use	Office, Shop
Consent Uses	<i>Funeral Parlour, General Residential Building, Institution, Place of Assembly, Place of Entertainment, Place of Instruction, Place of Worship, Restaurant, Telecommunication Mast, Tourist Facility</i>
Coverage	100%
Height	8.5m
Street Building Line	0m
Side Building Line	0m
Rear Building Line	0m
Floor Factor	1.5

**Please note that the proposed development is in line with the coverage, height restrictions Building Lines and Floor Factor. (Please refer to Plan 6: Site Development Plan).**

#### I 4.1 Coverage

In terms of the Ndlambe Land Use Scheme the allowable coverage for Business Zone 2 is 100%.

The coverage proposed for this development is 5% for Erf 328 and 42% for Erf 329, and is therefore compliant (*Refer to Plan 6: Site Development Plan attached*).

TABLE: COVERAGE CALCULATIONS					
Site	Property Size	Permissible Coverage	Permissible Building Size	Proposed Ground Floor Size	Actual Coverage
Erf 328	645 m <sup>2</sup>	100%	645 m <sup>2</sup>	32 m <sup>2</sup>	5%
Erf 329	727 m <sup>2</sup>	100%	727 m <sup>2</sup>	302 m <sup>2</sup>	42%

Table 5: Property Compliance for Coverage

#### I 4.2 Floor Factor

In terms of the Ndlambe Land Use Scheme the allowable coverage for Business Zone 2 is 1.5. Based on this, a total of 2071.5m<sup>2</sup> can be developed.

The floor factor for the proposed development is 300 m<sup>2</sup>, which relates to 0.14 and is therefore compliant (*Refer to Plan 6: Site Development Plan attached*).

TABLE: F.A.R CALCULATIONS					
Site	Property Size	Permissible Floor Factor	Permissible Floor Area	Total Floor Area	Proposed F.A.R
Erf 328	645 m <sup>2</sup>	1.5	967.5 m <sup>2</sup>	32m <sup>2</sup>	0.05
Erf 329	727 m <sup>2</sup>	1.5	1 090.5 m <sup>2</sup>	302m <sup>2</sup>	0.42

Table 5: Property Compliance for FAR

#### I 4.1 Height

**Height** means the height of a building in floors or storeys; and is expressed as a number. For the purpose of this application, height will refer to the number of storeys. The existing Restaurant development is a **single storey building**, no additions are proposed to the height of the building therefore complies with the height of **8.5m**.

#### I 4.4 Parking

In terms of Plan 5: proposed Site Development Plan, there are parking requirements stipulated within the Ndlambe Municipality Integrated Land Use Scheme 2019. Therefore, the parking requirements will be as per Restaurant parking regulation of 2 bays/ 100m<sup>2</sup> floor space. (**Refer to Plan 6: Site Development Plan attached**).

Table 6: Property Compliance for Parking Requirements

TABLE: PARKING CALCULATIONS				
Proposed Floor Area	Parking Standard	Parking Required	Parking bays on site	In Compliance
300 m <sup>2</sup>	2 bays /100 m <sup>2</sup> floor area	Six (6) bays	Seven (7)	✓

## SECTION J: NOTIFICATION TO AFFECTED PROPERTY OWNERS

Tshani Consulting CC will place an advertisement into the local newspaper to notify the General Public of the application and their right to comment/object within 30 days of the notice appearing in the newspaper. Tshani Consulting CC will also send registered letters of intent to the surrounding and affected property owners, to notify them of the application and their right to comment/object within 30 days of the date of the letter.

## SECTION K: NEEDS AND DESIRABILITY

The Kenton-on-Sea Pizzarella is a small but popular and well-established (12 years old) restaurant in the area, which attracts both locals and visitors from far and wide. It is unique and exclusive to only the Kenton-on-Sea area. The structures of the restaurant itself cannot be clearly seen from the road as it has a wooden fence to blend into the natural vegetation found along dunes to limit visibility and separate activities. From the road one would assume that the property is a normal residential building as it is no different to the properties around it. Apart from the small sign, one would only realise once they walk about 30 meters into the property, then they would realise that they are within a restaurant nestled into the garden.

The establishment is a SMME which aids in the promotion of Local Economic Development. According to the SDF, 2023, Local Economic Development is crucial in assisting to improve the livelihoods of people to promote the growth of local industries and is critical to boost local economic growth and development.

The Spatial Development Framework, 2023 notes that there are smaller business uses situated at the entrance to Kenton-on-Sea in the coastal node along the Eastbourne Road.

The Pizzarella establishment is of historical significance to not only Kenton on Sea, but to the Ndlambe Municipality, as it was previously known as "the lookout". Images dating back to the early 2000s have been attached in **Appendix 11**, showing the establishment being famous for its lookout, which has since been removed, as requested by the municipality.

The restaurant design and structure has embraced the natural vegetation of the adjoining reserve and coastal forest into its operations. The owner has removed illegal structures within the reserve and has distinctly separated the restaurant, so it integrates and blends in more to the surrounding residential fabric and environment.

There is significant market demand for restaurants which has surprisingly overcome the Covid-19 pandemic, which saw various similar establishments having to close their doors.

Currently there are only 7 restaurants in Kenton indicating the very limited choice that locals have for dining out and the Pizzarella fills in for the demand experienced. A similar establishment, Jerrys, is also located within 500m, indicating a strong need for such establishments particularly on the banks of the Kariegarivier, due to the relaxing atmosphere it provides.

Jerrys Restaurant will be closing for one year due to upgrades to the facility. Kenton-on-Sea being a major tourism attraction will have insufficient amenities for tourists and locals to use and therefore Pizzarella will cater to the demand and still be able to retain tourists coming into the area.

It provides a unique dining experience in the open air that creates a relaxing ambiance which attracts locals and tourists alike. The rustic and organic nature of the establishment is in-keeping with the environment and aims to blend in with the aesthetics by which it is surrounded, thus creating a more appealing and pleasing establishment.

Within the immediate vicinity, one can find multiple Bed and Breakfast establishments which cater for tourists, many of which visit the Pizzarella establishment, as it is within walking distance of their accommodation.

## SECTION L: POLICY ALIGNMENT

---

### L1 NDLAMBE MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2023

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

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

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

It also:

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

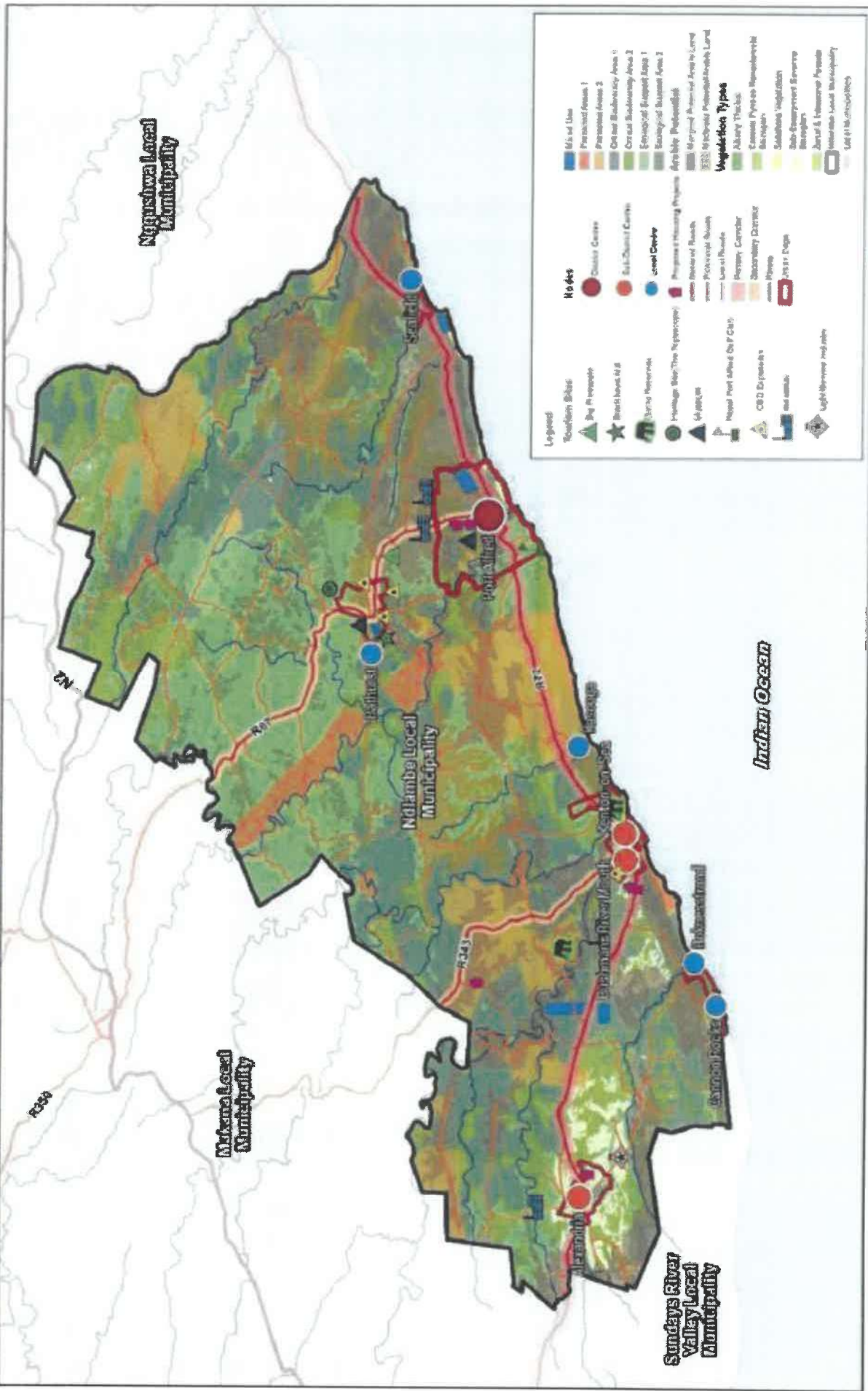
With reference to the above mentioned, the Spatial Development Framework aims to highlight that the proposed development application asserts to the fact that the Garden Restaurant will amount to bring change by means of economic growth, improved income levels of the working class, and social upliftment within the Kenton-On-Sea area as the restaurant aims to give back to the community by means of job creation and improve the aesthetic appeal of the area.

The following Spatial Development Framework Plan developed and approved in 2023, indicates Kenton On Sea as an area that has economic potential since it is located within places of activity (proximity to the CBD) where the proposed Garden Restaurant will increase the town's economic status as the restaurant accommodates different working classes (affordability).

# NDLAMBE LOCAL MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK

## SPATIAL DEVELOPMENT FRAMEWORK PLAN

1:275 000



## L2 TOURISM & HERITAGE:

Ndlambe Municipality is part of the Sunshine Coast tourism route that stretches from Port Elizabeth to East London. Tourism in the area is mostly domestic tourism with limited international tourists. The proliferation of game farms and safaris is however causing a rise in international tourists. Tourism in the municipality is characterized by resorts, leisure, cultural and Heritage, game farms/reserves, hiking, water sports and farm-based agriculture. The main tourist attractions are the coastal resorts along the Sunshine coast, Addo Elephant Park, Nature Reserves, Game Farms and attractive beaches and estuaries. Most towns have tourist related facilities such as Bed and Breakfasts, restaurants, hotels, camping grounds/sites, caravan parks, hiking trails, horse riding trails and resort facilities. There is also a growing increase in game farming, which is attracting international tourists, there is potential to tap into this market through the inclusion of local sightseeing tours to townships and heritage sites. Sports activities such as Kate surfing are becoming a tourist driver in areas such as Cannon Rocks and Boknes Ndlambe has significant heritage assets most of which are unknown and/or have not been enhanced.

This can amount to positive change within the Kenton-On-Sea area as the patrons of the Pizzarella will provide economic upliftment and this could encourage further tourist attractions particularly overlooking the Kariega River. At a later stage, this can result to the emergence of Small Medium Micro Enterprises (SMME's) within the area.



Source: *Kenton-on-sea Rotary Club website*



Source: *Kenton-on-sea Rotary Club website*

### L3 PROMOTING LOCAL ECONOMIC DEVELOPMENT (LED) WITHIN NDLAMBE:

Local Economic Development (LED) is crucial in assisting to improve the livelihoods of people and to promote the growth of local industries. Local Economic Development in the area can be promoted through a variety of ways such as:

- Urban Agriculture or home-based farming on vacant arable land in the towns/settlements
- Commercial Agriculture
- Promote informal business opportunities in the CBD areas of the towns and in various nodes and public transport facilities.
- Small scale business support through the provision of SMME Hives and institutional support
- Employment creation through strategic partnerships (public, private)
- Enterprise Development and Skills Training
- Maximize use of local resources and opportunities with comparative advantage for each town/settlement

### L4 PROPOSALS FOR KENTON-ON-SEA:

The following proposals were specifically mentioned in the SDF in relation to Kenton-On-Sea:

- Expansion of Kenton on Sea CBD to the south through allowing more business and office development and urban renewal through higher density development
- Develop land at R72 intersection as Gateway Node and integration Node for mixed use (transit related retail, social housing, tourist amenities, retirement village, densify existing undeveloped but service land, beautification and traffic calming, etc.

These proposals from the SDF highlight that the Kenton-On-Sea CBD area can result to become an economic node that results from the concentration of land uses that conform in manner of mixed land uses to be created where this will create an influx of individuals and enterprises to compete when it comes to business opportunities.

## SECTION M: APPLICATION FORM

---

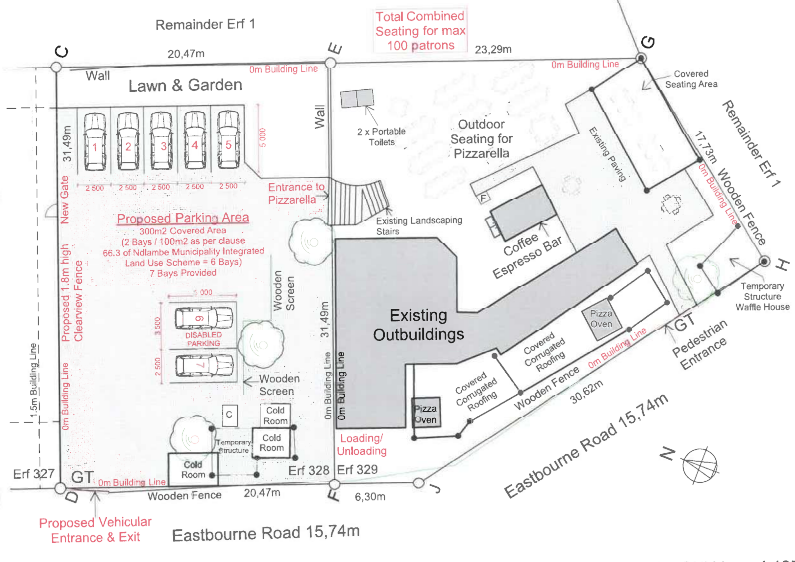
The application forms in terms of the Spatial Planning and Land Use Management Act 16 of 2013 for the Removal of Restrictive Title Deed Conditions, Rezoning and Permanent Departure Application has been completed and attached in **Appendix 4**.

## SECTION N: CONCLUSION

---

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

- ***Removal of Restrictive Conditions C (1), C (2) and C (4) from the Title Deed for Erf 328, Kenton-on-Sea in terms of Section 69 of the Ndlambe Local Municipality SPLUMA by-law***
- ***Removal of Restrictive Conditions C (1), C (2) and C (4) from the Title Deed for Erf 329, Kenton-on-Sea in terms of Section 69 of the Ndlambe Local Municipality SPLUMA by-law***
- ***Rezoning of Erven 328 & 329, Kenton-on-Sea from Residential Zone 1 to Business Zone 2 in in terms of Section 68 of the Ndlambe Local Municipality SPLUMA by-law***
- ***Permanent Departure Application for Operate a Restaurant on Erven 328 & 329, Kenton-on-Sea in terms of Section 76 of the Ndlambe Local Municipality SPLUMA by-law***



PROPOSED SITE DEVELOPMENT PLAN FOR TEMPORARY DEPARTURE USE ONLY 1:125



LAND SURVEYOR'S DIAGRAM

**M.E.H. SÜLTER & SON Inc.**  
 101-103 Eastbourne Road  
 Eastbourne, Western Cape  
 Tel: 021 885 4000  
 Fax: 021 885 4001  
 Email: info@mesulter.com

**LAND SURVEYOR'S REPORT**

1. I have surveyed the site in accordance with the provisions of the Land Survey Act No. 8 of 1997 and the regulations thereunder. Administrative District of Bathurst Date: February 2021 - September 2025

2. I am with Robert Professional Land Surveyor 2515192

3. Figure 001 represents Erf 328 measuring 248 square meters. 4. Figure 002 represents Erf 329 measuring 137 square meters.

Scale: 1:400 @ A3

1) Erf 328 - Area 545 square meters. Coverage 2%

2) Erf 329 - Area 727 square meters. Coverage 2%

3) Building - 100 sqm. Coverage 42%

4) Temp Structures - 134 sqm. Coverage 42%

5) Fences - 10 sqm. Coverage 42%

6. I, M.E.H. SÜLTER & SON INC. (Pty) Ltd, hereby certify that the above is a true and correct copy of the original survey plan as shown to me by the client.

7. I, M.E.H. SÜLTER & SON INC. (Pty) Ltd, hereby certify that the above is a true and correct copy of the original survey plan as shown to me by the client.

Building	Area (sqm)	Coverage (%)
1) Building	100	42%
2) Temp Structures	134	42%
3) Fences	10	42%

**AFFIDAVIT**

I, the undersigned, do hereby certify that the above is a true and correct copy of the original survey plan as shown to me by the client.

*A. Wilkes*

**AFFIDAVIT**

**PROJECT :**  
 Site Development Plan on Erfen 328 & 329, Eastbourne Road, Kenton on Sea

**TITLE :**  
 SITE DEVELOPMENT PLAN WITH SUPPORTIVE DOCUMENTS

**pollos purdon**  
*architectural practice*

163 371 0315 | 108888888@gmail.co.za  
 www.purdon.co.za

Drawn by: **ALBERT THERON** | Signed: *[Signature]*

Date: 11 MARCH 2021 | Released: 09 OCTOBER 2025

Drawing: 2021101MD - A Rev01