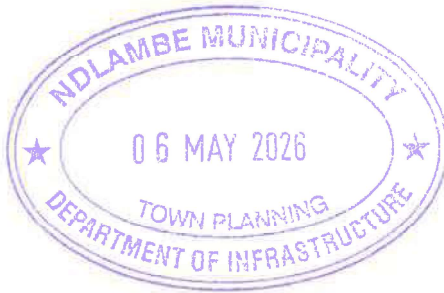


Contact: **Bryan Smith: 046 624 4356**
Email: smithb@talkofthetown.co.za

NOTICE NUMBER: 118/2026

ADV. ROLLY DUMEZWENI
04 June 2026 MUNICIPAL MANAGER

NDLAMBE MUNICIPALITY

Ndlambe Municipality
Corporate Services

14 MAY 2026

RECEIVED

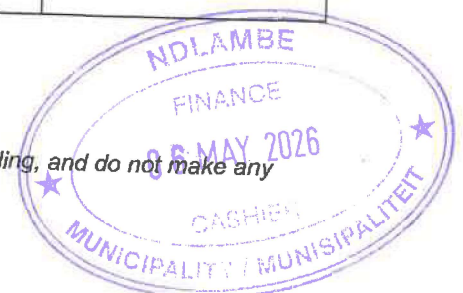
LAND USE APPLICATION FORM

PART A: TYPE(S) OF APPLICATION

TICK	APPLICATION TYPE	FEE AS PER FEE LIST
	Rezoning	R
	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
✓	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
TOTAL ON FEES PAYABLE		R 15 840.57

INSTRUCTIONS:

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



NB

PART B: GENERAL INSTRUCTIONS

(These instructions should be read before completing the form)

1. GENERAL REMARKS

- 1.1. All applications should take cognizance of the requirements for the change of land use in terms of the Environment Conservation Act of 1997.
- 1.2. Incorrect and incomplete applications will be returned to the Applicant. The Applicant's attention is drawn to the plans and other documentation that must accompany their application as per the Schedules in the Ndlambe Municipality Spatial Planning and Land Use Management By-law (2016).
- 1.3. Applicants must note that until such time that an application has been approved in writing, any correspondence or discussions pertaining to this application must not be regarded as an indication that it will in fact be approved and do not bind the Ndlambe Municipality, in any way.
- 1.4. The Ndlambe Municipality reserves the right to have an approval declared null and void if it was based on wrong information supplied by an applicant. Applicants must therefore ensure that information about restricting factors that could influence the application is provided.
- 1.5. Applicants may supply any additional information, on a particular issue, if they want to and when required to.

2. PRIOR LIAISON WITH OTHER INTERESTED PARTIES

- 2.1. Prior Liaison with interested bodies including National and Provincial Departments, is strongly recommended, as the processing of applications will be expedited in this way. Where an applicant submits proof that an interested party is satisfied with a proposal, it will not be necessary to again approach such interested party for comments.
- 2.2. A list of the different authorities and other interested parties affected by the development, together with the names, telephone numbers and addresses of contact persons may be available from the Local Authority.

3. SUBMISSION OF APPLICATION

- 3.1. The application must be submitted in duplicate, together with all the required annexes, to the Local Authority in whose area of jurisdiction the land unit is situated. If the land is to be incorporated within the jurisdiction of a Local Authority, the application form must also be submitted to the Local Authority concerned.
- 3.2. Applications can be posted via registered mail or hand delivered to the following address:

The Municipal Manager Ndlambe Municipality P O Box 13 Port Alfred 6170	Town Planning Office Ndlambe Municipality Causeway Road, Civic Centre Port Alfred 6170
--	--
- 3.3. Lack of information leads to delays and adds to the workload of the Section/Department. It is essential that all applications that are submitted for consideration contain all of the information necessary for the relevant authority to take a rational decision. Ideally applications should indicate the following:

QB

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);

OB

- Services report or indication of all municipal services / registered servitudes;
- Typical unit types (plan & elevation);
- Abutting neighbour consent(s);
- Body Corporate / Home Owners Association (HOA) consent;
- Home Owners Constitution / architectural guidelines;
- Copy of original approval and conditions of approval;
- Minutes of pre-application consultation meeting;
- Confirmation from the Department of Rural Development and Land Reform regarding land claim(s) / restitution claim(s);
- Proof of lawful use right;
- Additional copies of selected documentation;
- Additional motivation; and
- Any other specialist studies, etc.

PART C: INFORMATION TO BE COMPLETED BY THE APPLICANT

NOTE: Complete this form using BLOCK letters and ticking the appropriate boxes

PART C.1: APPLICANT DETAILS

First name(s)	Rick
Surname	Betts
Company name (If applicable)	Rick Betts Architecture & Interior design
Street or Postal Address	22 Marlin Road Port Alfred 6170
Email Address	rjbetts@border.co.za
Contact Number	0823251481

PART C.2: REGISTERED LANDOWNER(S) DETAILS (If different from applicant)

Registered owner(s) Name	Justine Maragaret Weeks
Street or Postal Address	21 Cross Street Makhasda 6139
E-mail Address	[REDACTED]
Contact Number	[REDACTED]

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PART D: PROPERTY DETAILS

NOTE: Property details must be in accordance with title deed					
Erf No	739	Suburb/Town/Area	Boesmansriviermond		
Farm No		Portion (if applicable)			
Physical or Street Address	18 Coetzer Crescent				
Current Zoning	Residential Zone 1				
Proposed Zoning	Residential Zone 1				
Additional Rights or Consent Uses Approved	NA				
Current activities	NA				
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?	No				
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 ² / ha - as per Title Deed)	704m ²				
Title Deed Number	[REDACTED]				
Any additional/relevant information in regard to the property	No				
Any restrictions ito Conveyance's Certificate?	Y	✓	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	✓
Is the property encumbered with a bond	Y	✓	If yes, is bond/mortgage holders consent attached	Y	✓
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	✓	If yes, is this application to legalise the building / land use?	Y	✓
NOTE: A contravention penalty may be imposed					
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	✓

QB

PART E: DETAILS OF THE APPLICATION

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

Proposed new dwelling and double garage

Due to the shape and contours on this property we are proposing to relax the street building line from 5m to 0.6m to construct the garage.

Removal of restrictive Title Deed Condition A(g)(i)

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?
No

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

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:

☒ Lateral (side) building line(s) from m to m; and / or

☒ Rear building line from m to m; and / or

iii. ☒ Street building line from 5 m to 0.6 m; and / or

☒ Coverage factor from % to %; and / or

☒ Building height restriction from m to m; and / or

☒ Street boundary wall / fence height restriction from m to m;

☒ Relaxation of parking requirements from bays to bays

☒ 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?

Yes

If so, furnish details:

Removal of Restrictive Title Deed Condition A(g)(i)

.....

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

No

If so, furnish details:

.....

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?

No

If so, furnish details:

.....

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

No

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

.....

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?	✓		Ndlambe Municipal Integrated Land Use Scheme (2019)
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 / CONSENT / 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)	✓		Attached completed EIA
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	✓		
Water supply	✓		
Sewerage and wastewater		✓	
Storm water		✓	
Road network		✓	
Other, services. Please specify		✓	

NOTE: Provide more detailed information in the motivation report.

NR

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

Please indicate if the following Annexures are attached

ANNEXURE	YES	NO	NOT APPLICABLE
COMPULSORY INFORMATION REQUIRED			
Power of Attorney / Owner's consent if applicant is not owner (if applicable)	✓		
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	✓		
MINIMUM AND ADDITIONAL REQUIREMENTS			
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:	✓		Topographical plan & Beacon Certificate
.....			
.....			
.....			
.....			

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

.....

.....

.....

.....

.....

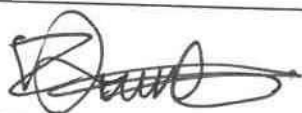
PART J: DECLARATION BY THE APPLICANT

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)	Richard John Betts		
Professional Capacity & Registration Number	Senior Architectural Technologist T0953		
Statutory Body	SACAP	Are you In Good Standing with the Statutory Body?	Yes
Applicant's Signature	<i>RJ Betts</i>	Date	06/05/26

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,

Justine Margaret WeeksID number. [REDACTED]

Address

21 Cross St
Matkandq
6139

hereby appoint Mr Rick Betts

of 22 Marlin Rd, Port Alfred 6170

to be our lawful Agent to act on my behalf in applying for Departure for the relaxation of building lines submitted to Ndlambe Municipality.

I hereby ratify and agree to ratify everything which the Agent under this power of attorney shall do or purport to do by virtue of this power of attorney.

Signed at Port Alfred on this 11 day of November 2024, in the presence of the undersigned witnesses.J Weeks

WITNESSES:

1. Beto

ANGELA MÜLLER ATTORNEYS
39 KENTON ROAD
KENTON-ON-SEA 6191

Prepared by me

A. Müller

Fee Endorsement		
	Amount	Office Fee
Purchase Price/Value	R 600 000.00	R 800.00
Mortgage Capital Amt.	R	R
ALL OTHER REGISTRATIONS		R
Reason For Exemption	Category Exemption	Exempt Lto Sect/Reg Act/Proc

CONVEYANCER
ANGELA MARIA ALESSANDRA MÜLLER
(LPCM 60948)



DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

SHAUN PREGALATHAN NAIDOO
(LPCM 88429)

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

BRIDGET SARAH FISH
Identity Number [REDACTED]
Unmarried

which said Power of Attorney was signed at KENTON-ON-SEA on 13 DECEMBER
2023

[Signature]

And the appearer declared that his/her said principal had, on 8 December 2023, 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:

JUSTINE MARGARET WEEKS

Identity Number [REDACTED]

Married out of community of property

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

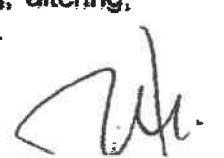
ERF 739 BOESMANSRIVIERMOND
NDLAMBE LOCAL MUNICIPALITY
DIVISION OF ALEXANDRIA
EASTERN CAPE PROVINCE

IN EXTENT 704 (SEVEN HUNDRED AND FOUR) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T38232/1988 with General Plan No. TP 9969 relating thereto and held by Deed of Transfer Number T21165/2010CTN

A. **SUBJECT** to the following conditions contained in Deed of Transfer No. T38232/1988 imposed by the Administrator of the Cape of Good Hope when approving of the establishment of Boesmansriviermond Township Extension No. 1 in terms of Section 18(3) of Act 33/1934:

- (a) Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 623 dated 14th August 1970.
- (b) 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 condition 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 No.15 of 1952, as amended.
- (c) No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
- (d) 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 storm water of any other erf or erven 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 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.



- (e) 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.
- (f) This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may from time to time after reference to the Townships 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 buildings as are permitted by the Scheme, subject to the conditions and restriction stipulated by the Scheme.
- (g) 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 5m to the street line which forms a boundary of this erf, nor within 3m of the rear or 1,5m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority:-
 - (i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3m in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side or rear spaces, and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12m measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12m shall be measured from the point furthest from the streets abutting the erf;
 - (ii) an Outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site that in the above prescribed spaces, if no window or doors are inserted in any wall facing such boundary.
- (h) 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 holding as if it was one erf.
- (i) In the event of this erf being subdivided, each subdivided portion, other than any portion deducted for any road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.

A

|



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

BRIDGET SARAH FISH, Unmarried

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

JUSTINE MARGARET WEEKS, Married as aforesaid

her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R600 000,00 (SIX HUNDRED THOUSAND RAND).

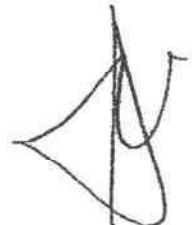
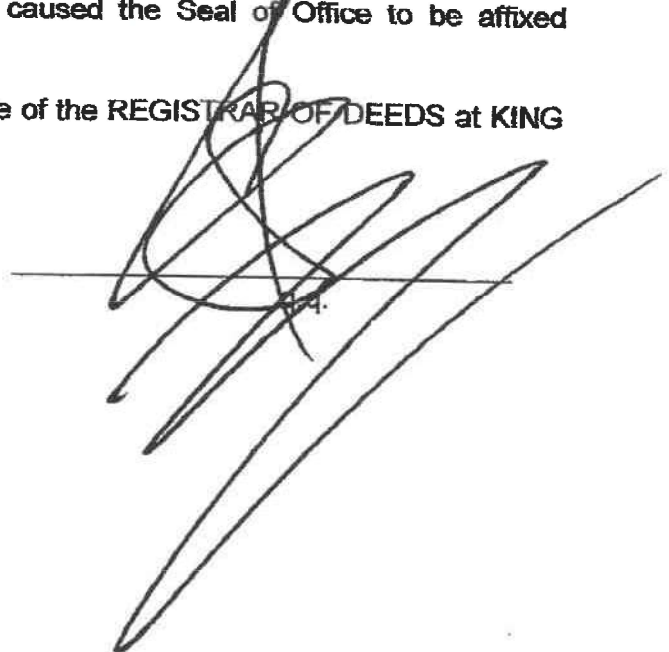
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at KING WILLIAM'S TOWN on 19 JAN 2024

In my presence



REGISTRAR OF DEEDS



Motivational Report
ERF 739
Boesmansriviermond

Application for:

- Removal of restrictive Title Deed Condition A (g) (i) from Title Deed [REDACTED]
- Departure to relax the 5m street building line to a 0,6m street building line.

Complied by :



c. (Rick) 082 325 1481
c. (Jo) 084 547 9933
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PrSArchT SAIAT
S.A.C.A.P no ST0953

EXECUTIVE SUMMARY

ERF 739 is situated in Coetzer Crescent, Boesmansriviermond. The current property is currently zoned as residential 1 and is a vacant site.

Condition A (g) (i) in the Title Deed stipulates that no building or outbuilding may be erected nearer than 5m to the street line. It is the intension of the owner to remove this condition so that the proposed new garage can be built at the 0,6m street building line.

Summary:

Existing Zoning	Residential 1
Area	704m2
Title Deed	██████████
Owner	Justine Maragret Weeks
Address	Coetzer Crescent, Boesmansriviermond
Bond	There is no bond registered on the property
Application	Application in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), Ndlambe Municipality Spatial Planning and Land Use Scheme (2019) for - Removal of Restrictive Title Deed Condition A (g) (i) from the Title Deed ██████████ in terms of section 69 of the Ndlambe Municipality SPLUMA By- Laws (2016). - Departure to relax the 5m street building line to a 0,6m street building line, in terms of section 76 of the Ndlambe Municipality SPLUMA By- laws (2016).

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2. The site
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SECTION C: REMOVAL OF RESTRICTIVE TITLE DEED CONDITION

SECTION: DEPARTURE FOR RELAXATION OF BUILDING LINE

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2. Ndlambe Municipal Spatial Development Framework (SDF) (2023)
3. Ndlambe Municipal Integrated Land Use Scheme (2019).

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1. Potential of the Property
2. Compatibility with surrounding area
3. Engineering service
4. Economic impact

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A. MAPS

1. Locality Map
2. Land Use & Zoning Plan
3. SDP and Sections
4. Topographical plan
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B. APPLICATION FORM

C. PROPERTY DETAILS

1. Power of Attorney
2. Title Deed
3. EIA Authorisation

1. THE APPLICANT

Rick Betts has been appointed by the owner of Erf 739 Boesmansriviermond, to prepare and submit an application to Ndlambe Municipality for the removal of the Restrictive Title Deed Condition and Departure for Relaxation of the street building line.

The Power of Attorney is attached as annexure C.1.

2. THE SITE

- **Cadastral Information:**

The subject property is ERF 739 Boesmansriviermond situated in the Ndlambe jurisdiction.

- **Ownership**

The property is owned by Mrs Justine Margaret Weeks.

- **Property Size**

704m²

3. LOCALITY

The property is located in Coetzer Crescent, Boesmansriviermond.



4. EXISTING ZONINGS & EXISTING LAND USES

The property is currently zoned for Residential Zone 1.



Map 2 illustrates the Land Use of the subject property.

In terms of the Ndlambe Municipality integrated Land Use Scheme (2019), the property is zoned for Residential Zone 1

Zoning	Residential Zone 1 • Use of land for single residential purposes • Protection of the quality and character of residential neighbourhoods and the well being of its citizens • Limited multiple use of buildings to minimize adverse impact on the residential environment. • Densities that are compatible with existing surrounding land uses and are generally situated inside the urban edge. • Site sizes to be guided by relevant subdivision / densification policy
Coverage	50%
Height	8,5m
Building lines	• Street 5m • Lateral 1.5m • Rear 3m

5, TITLE DEED, SERVITUDES & BOND HOLDER

Title deed T [REDACTED] is relevant to the subject site. A copy of the Title Deed is **attached** as Annexure C.4.

There are no servitudes registered on the property.

Beacon Certificate
Erf 739 Bushmansriviermond
Administrative District of Alexandria
Province of the Eastern Cape
Scale: 1/500 (@A3)

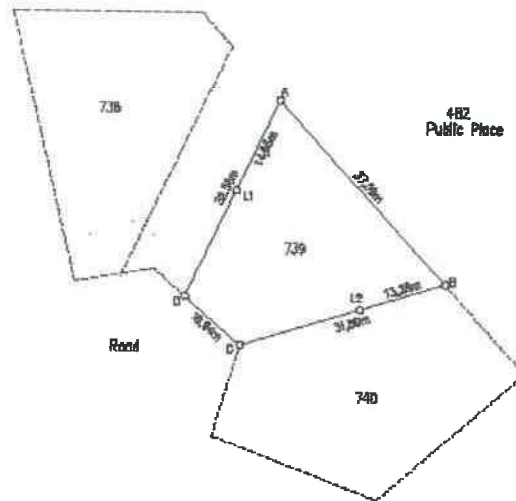


NOTES:

- 1) Line between L1 placed on line D to A.
- 2) Line between L2 placed on line C to B.

Beacon descriptions:

A,B15mm iron peg
C,D25mm iron peg



Date: December 2023

Surveyed by me in accordance with
the provisions of the Land Survey
Act No. 8 of 1997 and the regulations
framed thereunder.
Date: December 2023

P.B. SULTER
Land Surveyor 0796



M.E.H. SULTER & SON INC.

Professional Land Surveyors
Township & Property Consultants
Registered Title Practitioners
30 Manning is building information consulting
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15A Niner Street
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P.B. Sultzer (0481) 832 4441 (0481) 832 4441
K. van Nieuwen (0481) 832 4441 (0481) 832 4441

(SALT-739 BC)
File: 8059-739

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

The Application

Section B

This application is, based on the stipulations of the Ndlambe Municipality Integrated Land Use Scheme (2019), Ndlambe Spatial Planning and Land Use Management By-Laws (2016) and Section 33 (1) of the Spatial Planning and Land Use Management Act , 2013 (Act 16 of 2013), for **ERF 739 Boesmansriviermond**.

1. **Removal of Restrictive Title Deed Condition A (g) (i) from Title Deed** [REDACTED] in terms of Section 69 of the Ndlambe Municipality SPLUMA By-Laws (2016).

2. **Departure for Relaxation of 5m street Building Line to 0,6m street Building Line, in terms of Section 76 of the Ndlambe Municipality SPLUM By-Laws (2016).**

Development parameters on ERF 739 Boesmansriviermond:

Zoning	Residential Zone 1
Primary Land Use	Dwelling Unit
Street Building Line	5m
Lateral Building Line	1.5m
Rear Building Line	3m
Height	8,5m
Coverage	50%

Removal of Restrictive Title Deed Condition **Section C**

- Condition A (g) (i) in the Title Deed stipulates no structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5m to the Streer Building Line which forms part of the boundary of this ERF.
- It is the intension of the owner, Justine Margaret Weeks to build a new dwelling and garage on this vacant property. Restriction A (g) (i) in the Title Deed restricts this proposal.
- It is the intension of the owner to remove this condition so that the new garage can be built.
- The Restrictive condition in the Title Deed referring to land use will be adequately regulated in terms of the Ndlambe Integrated Land Use Scheme(2019). The Land Use Scheme provides sufficient development controls to regulate land use, building lines, coverage, height, density etc.
- In terms of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA), the Municipality Land Use Scheme (LUS) serves as the primary legal instrument regulating land use within jurisdiction of the municipality. Once this restrictive condition has been lawfully removed will the land be capable of being lawfully developed or used in line with the rights granted under Ndlambe Municipality Land Use Scheme (2019).
- The removal of the Restrictive Condition in the Title Deed will not have a detrimental impact on the property and surrounding area.

Section 69 of the Ndlambe Municipality Spatial Planning ad Land Use Management By –Laws (2016)

SECTION 69 (5)	RESPONSE
a) The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement.	The restrictive conditions were historically imposed for new 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 Ndlambe Integrated Land Use Scheme, 2019 (LUS)
c) Personal benefits that will accrue to the application 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 benefit.

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 principals, 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 the future development is regulated exclusively through the Ndlambe ILUS, 2019.

In conclusion, the removal of restrictive title deed conditions is both necessary and appropriate to facilitate the intended permanent relaxation of the street building line. 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.

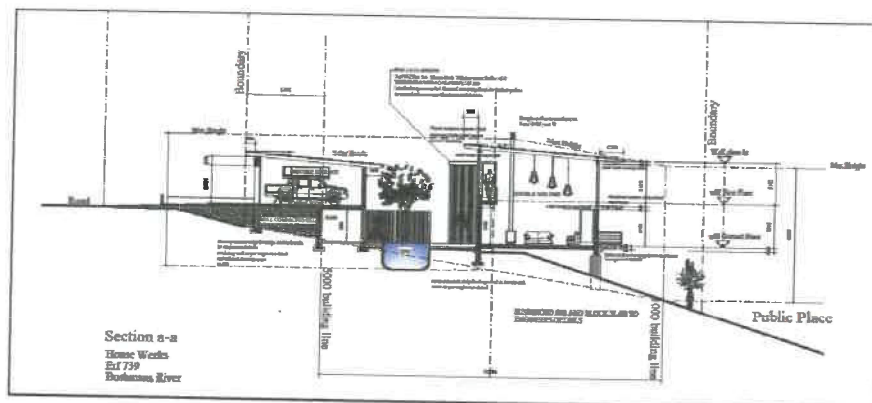
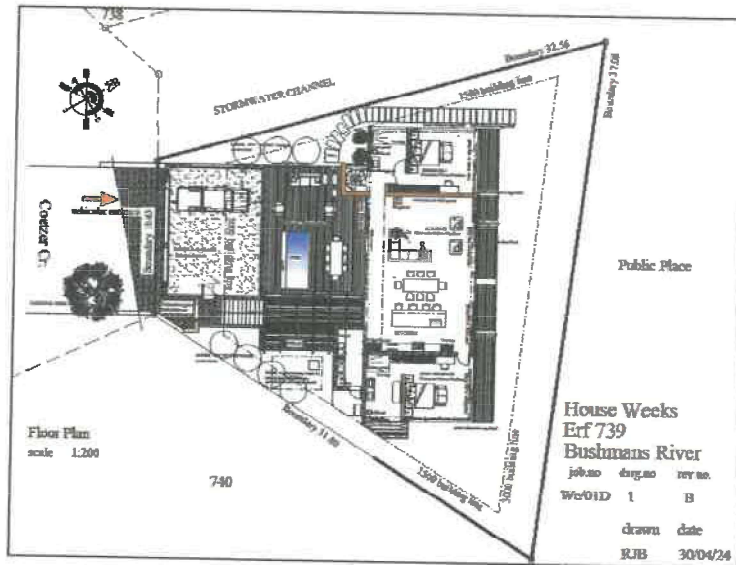
Departure for Relaxation of Building Line Section D

The property owner is proposing to build a new dwelling and garage on their vacant site. This property is situated on the Bushman's river with a steep embankment down to the river frontage. Therefore the building platform is limiting the proposed building footprint. Due to the above, the proposed garage needs to be positioned close to the street building line.

The application therefore seeks approval for the following:

- **Street building line relaxation from 5m to 0.6m** to allow the proposed double garage & dwelling to fit onto the building platform

All proposed works are clearly shown on the attached SDP and section plans by Rick Betts.



The property is situated down a cul-de-sac off Coetzer Crescent and is a cone shaped site with a 10.43m street boundary width and a steep slope down off the road to the level area which widens to 37.08m at the rear boundary. Due to the very steep slope further down the site on the river side we are proposing to build the double garage on the street boundary to allow for a deck and dwelling on the platform before the steep slope. As per the attached beacon certificate which indicates the contours, only the front 20m of the site is suitable for building. This site is 704m² which has limited the building platform foot print and therefore the dwelling foot print forces the bedrooms to be positioned on a first floor level.

- a) The proposed development aligns itself with the Ndlambe SDF by ensuring planning adaptability and compliance with the SPLUMA principles.
- b) The development will be guided by the Spatial Planning and Land Use Management act 16 of 2023.
- c) The proposed development will be in accordance to Sections 63(1) of the integrated Land Use Scheme for Ndlambe Municipality which talks to relaxation of boundaries and the process that needs to be followed for a successful application to be approved
- d) The proposal is in line with the objectives of the Land Use Scheme and aims to increment of building spaces and better use of limited land resources. If the client did not have the option to relax the building line, her space would be limited and would forfeit a garage



1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The spatial Planning and Land Use management Act, 2013 (SPLUMA) is set to aid effective and efficient planning and land use management. Section 7 of SPLUMA stipulates development principals, aimed at achieving sustainability, equality, efficiency, fairness and good governance in spatial planning and land use management, with all planning authorities should adhere to.

The development principals are summarised below, as well as how the development on the application area complies with these planning principals.

The principle of spatial justice:

Criteria	Compliance: Planning Implication
Section 7 (a) deals with past spatial and other development imbalances must be redressed through improved access and use of land	The subject site is situated within a residential neighbourhood, known as Boesmansriviermond, north of the R72 provincial Route.
	The location of the property and type of land use envisaged cannot directly contribute to spatial reform. These matters are best addressed through Spatial Development Frameworks, Integrated Land Use Schemes and other management systems.
	The nature of this application is such that this principle has no bearing as the application only seeks to enable current landowners to develop the properties to their full potential.

The principle of spatial sustainability:

Criteria	Compliance: Planning Implication
Section 7 (b) deals: i. Promotion of land development in strategic location, protecting the environment, stimulation of land markets and viable communities. ii. Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments iii. Promote land development in locations that are sustainable and limit urban sprawl iv. Result in communities that are viable	The development proposal is fully Ndlambe SDF compliant. The proposal does not intend to change the agricultural land use on the subject property or contradict the SDF proposals of Boesmasriviermond.
	The development is within the urban edge of Boesmansriviermond and within an established urban environment.
	Given the need to contain urban sprawl, effective utilization of properties located within the urban edge is regarded as one of the approaches to realise spatial sustainability
	The effective and equitable functioning of land markets is not negatively affected by this land use application.

The principle of efficiency:

Criteria	Compliance:Planning Implication
Section 7 (c) deals: I. Land development optimises the use of existing resources and infrastructure. II. Decision making procedures are designed to minimise negative financial, social, economic or environmental impacts	The proposal will promote the optimal utilization of the subject property and existing infrastructure.
	The proposal will not have a negative impact regarding financial, social, economic or environmental considerations for the relevant authority.

The principle of spatial resilience:

Criteria	Compliance:Planning Implication
Section 7 (d) deals with flexibility of spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities that are most likely to suffer from environmental and economic shocks.	The proposed development is in accordance with the Municipal policies and land use management.

The principle of good administration:

Criteria	Compliance:Planning Implication
Section 7 (e) refers to the promotion of administrative actions, procedures and consultative planning practices for all the relevant role players.	The proposed development complies with the Spatial Planning and Land Use Management Act as demonstrated in the report
	The public will be given an opportunity to participate, and all affected parties will be notified as per the requirement of SPLUMA.
	The application complies with all relevant policies, legislation and procedures as well as transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.

2. Ndlambe Municipal Spatial Development Framework (SDF) (2023)

The Spatial Development Framework for Ndlambe Municipality (2023) 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 Ndlambe Municipality Spatial Development Framework can be regarded as a spatial representation of the municipal integrated Development Plan. It shows the areas of desired aims, the SDF act as a guide for future development to ensure that the municipality maximizes co-ordination of planned activities within its area of jurisdiction.

Vision 2023

The vision of the Ndlambe Municipality is as follows:

“A Spatial integrated Municipality which has unique characteristics and provides support to the towns of Ndlambe Local Municipality for various needs and where the growth and development of towns are in line with spatial proposals for the Municipality and aims to achieve sustainability”

Spatial objectives

In order to achieve the future vision, the following overall objectives have been formulated.

- Stimulate development and growth where there is proven demand
- Use future growth and development to consolidate and improve municipal performance
- To ensure sustainable use of environmental resources, their enhancement and replenishment
- Capitalise on the valuable role of environmental resources
- Create new social and economic opportunities and to improve access to the existing ones
- Create healthy, comfortable, and safe living and working environments for all
- Create employment opportunities

The following objectives have been identified specifically for urban areas:

- The sustainable utilisation of the environment by means of optimum utilisation of natural resources and land
- Provision of services/bulk infrastructure for the purpose of appropriate land development and expansion
- To pursue a more compact and viable urban form, thereby facilitating medium to higher densities by means of infill development and densification where possible

Development strategies

The following development strategies were identified for the Ndlambe Municipality .

- Create sustainable human settlement with quality physical, economic, and social environments
- Planning for densification /infill and careful expansion of existing settlements on productive agricultural resources

Spatial Planning Principles

The following spatial planning principles are of critical importance for the Ndlambe Municipality:

- Development of Sustainable Human Settlements
- Ensuring a sustainable and functioning environment
- Managing and maintaining Safe and Accessible Infrastructure Provision
- Access to and Affordable Public Transportation and Accessible Linkages between Settlements
- Thriving economy which is well positioned within the province and within the country
- *Smart City* and information technology
- Effective Governance

Spatial Structuring Elements

There needs to be certain structuring elements to give guidance to develop and spatial planning. The key objective of the structuring elements is as follows:

- Contain urban sprawl
- Promote urban and social integration
- Promote higher densities
- Create quality urban environments
- Promote pedestrian friendly environments and movement patterns
- Create sense of space
- Enhancement of investment opportunities
- Simplifying decision-making regarding development application

The Following elements guide spatial development and decision-making in the municipality:

- Transforming Human Settlements
- Nodes
- Corridors
- Urban Edge
- Service Edge
- Transition Zone
- Town Revitalization
- Infill Development
- Lateral Features
- Smart Growth

Nodes

Nodes are generally described as areas of mixed-use development, usually having a higher density of activities involving retail, transportation, office, industry, and residential land uses. These are the places where most interaction takes place between people and organisations, enabling most efficient transactions and exchange of goods and services. Nodes are usually located at interchanges to provide maximum access and usually act as catalysts for new growth and development.

According to the Eastern Cape Provincial Spatial Development Framework, Boesmasriviermond has been classified as a **Sub-District Centre**.

The functions of a Sub-District Centre and associated land uses:

- Municipal scale Administrative Centre
- Municipal scale service Centre for commercial and social goods and services
- Residential development covering full range of economic bands (middle income – low income)
- Potential to value-adding agro-industrial processes

Urban Edge and Service Edge

The function of an **Urban Edge** is:

- A purpose drawn and defensible line used as a means of restructuring an urban area and integrating the currently segregated social groups and urban areas. Development first takes place within existing urban edge before the Ndlambe LM can review to expand the urban edge.

The **Service Edge** is described as the area within which the Ndlambe Local Municipality is able to provide services within. This is the space that is promoted for densification. Development within this zone serves to manage, direct, and limit urban expansion.

Land Use Proposals : Boesmansriviermond

The following Land Use Proposals have been developed through a detailed study of understanding the current land use patterns of the towns of Ndlambe as well as unpacking Land Use development trends within these towns and likelihood of development guidelines and future trends and direction of growth.

The “Boesmansriviermond” urban concentration has been identified as a “*Sub-District Centre*” owing to its location in close proximity to the R72 (Tourism Route) and a large number of tourism activities situated in town where tourists from all over the country visit.

Consistency with the Ndlambe SDF: Boesmansriviermond

Zoning

- ERF 739, Boesmansriviermond is situated within the urban edge and service edge of Boesmansriviermond.
- The removal of the Restrictive Title Deed Condition and Departure to relax the street building line will not change the current land use or character of the surrounding area
- Optimal development of land within the existing urban structure can be developed in the future
- Therefore, the application is not considered to be in conflict with the vision of the Ndlambe SDF for Boesmansriviermond.

3. Ndlambe Municipality Integrated Land Use Scheme(2019)

- Land use and land use parameters applicable to the subject site are managed through the Ndlambe Municipality Integrated Land Use Scheme (2019). ERF 739, Boesmansriviermond is currently zoned Residential Zone 1.
- Proposed development parameters:

Zoning	:	Residential Zone 1
Primary Use	:	Dwelling unit
Street Building Line	:	5m
Lateral Building Line:		1.5m
Rear Building Line	:	3m
Coverage	:	50%
Height	:	8.5m

- Development parameters and future land use management on the property can be adequately managed through the provisions and guidelines as contained in the relevant Integrated Land Use Scheme

Desirability

Section F

1. Potential of the property

- The subject site is situated in a cul-de-sac in Coetzer Crescent, Boesmansriviermond.
- The property slopes down with a steep gradient in a north easterly direction to the river
- The Ndlambe Municipality SDF for Boesmansriviermond earmarks the property for Mixed-Use purposes. The removal of the Title Deed Conditions A (g)(i) will enable the owner to develop the property in accordance with the Land Use Scheme(2019).
- It is hereby concluded that the proposal will not have any material and undue impact on the subject property or surrounding properties.

2. Compatibility with surrounding area

- Boesmansriviermond is a holiday town with a growing number of permanent residents. The area is characterized by moderate slopes towards the Boesmansriviermond.
- The property is situated in an area made up mostly of single residential properties, limited businesses and undeveloped properties.
- The proposed Removal of Restrictive Title Deed Condition and Departure to relax the Street Building Line will not change the character of the area and have no detrimental impact on the surrounding properties.
- Based on the above it can be concluded that the Removal of the Condition in the Title Deed and Departure to relax the Street Building Line will not lead to a loss in property value or the quality of life in terms of the right to privacy and sunlight.
- The proposal will not have any negative impact on the rights currently enjoyed by the surrounding properties, built character, land values and privacy of the neighbours.
- An EIA report has been conducted and attached.

3. Engineering services

- The property is located within the existing urban fabric, situated within an area of adequate existing service infrastructure and capacity with regards to roads, sewer, electricity, and storm-water reticulation.
- The Removal of Restrictive Conditions from the Title Deed and Permanent Departure from the street building line will not have any effect on the existing municipal services.

4. Economic Impact

- The development will contribute investment in the area by increasing the properties value, attracting new residents, and potentially stimulating further development or improvement in nearby properties, thereby improving the overall attractiveness and market value of the neighbourhood.
- The development of the property will result in increased rates and will have a direct impact for the Municipality in increased rates and revenue.
- It is predicted that a number of short-term construction and downstream jobs will be created during the implementation of services and construction of the property.
- The Market value of the property as well as the surrounding properties will increase due to investment on the area.

This report has provided background, a statement of the current situation and motivation which supports of the Removal of Restrictive Title Deed Condition and Permanent Departure from the street building line on ERF 739, Boesmansriviermond.

In light of this motivation and the information contained in this report, it is clear that the application for ERF 739, Boesmansriviermond:

- **Removal of Restrictive Title Deed Condition A (g)(i) from Title Deed T [REDACTED] in terms of Section 69 of the Ndlambe Municipality SPLUM By-Laws(2016)**
- **Departure for Relaxation of the 5m street building line to 0,6m street building line, in terms of Section 76 of the Ndlambe Municipality SPLUM By-Laws (2016)**

meets the criteria as set out in The Spatial Planning and Land Use Management Act, 2013 (SPLUMA), Ndlambe Municipality SPLUM By-Laws (2016) and the Ndlambe Municipality Integrated Land Use Scheme (2019)

To conclude:

- The relaxation of the street building line will formalize the development footprints on ERF 739, Boesmansriviermond.
- Condition A(g)(i) in the Title Deed stipulates that no structure except a boundary wall can be built over the 5m street building line and we are requesting to have this condition removed.
- The proposal is not in conflict with the SPLUMA principles and Ndlambe Municipality SDF for the Boesmansriviermond Precinct and will promote optimal use of existing resources and infrastructure. There is no significant negative impacts that are envisaged from the proposal.

It is therefore recommended, from a planning point of view, that this application should be supported as it will have a positive impact on development in the area.

ANNEXURE A

MAPS & PLANS

1. Locality Map
2. Land Use & Zoning Map
3. SDP & Section
4. Topographical Plan
5. Beacon Certificate

ANNEXURE B

Neighbours consent forms



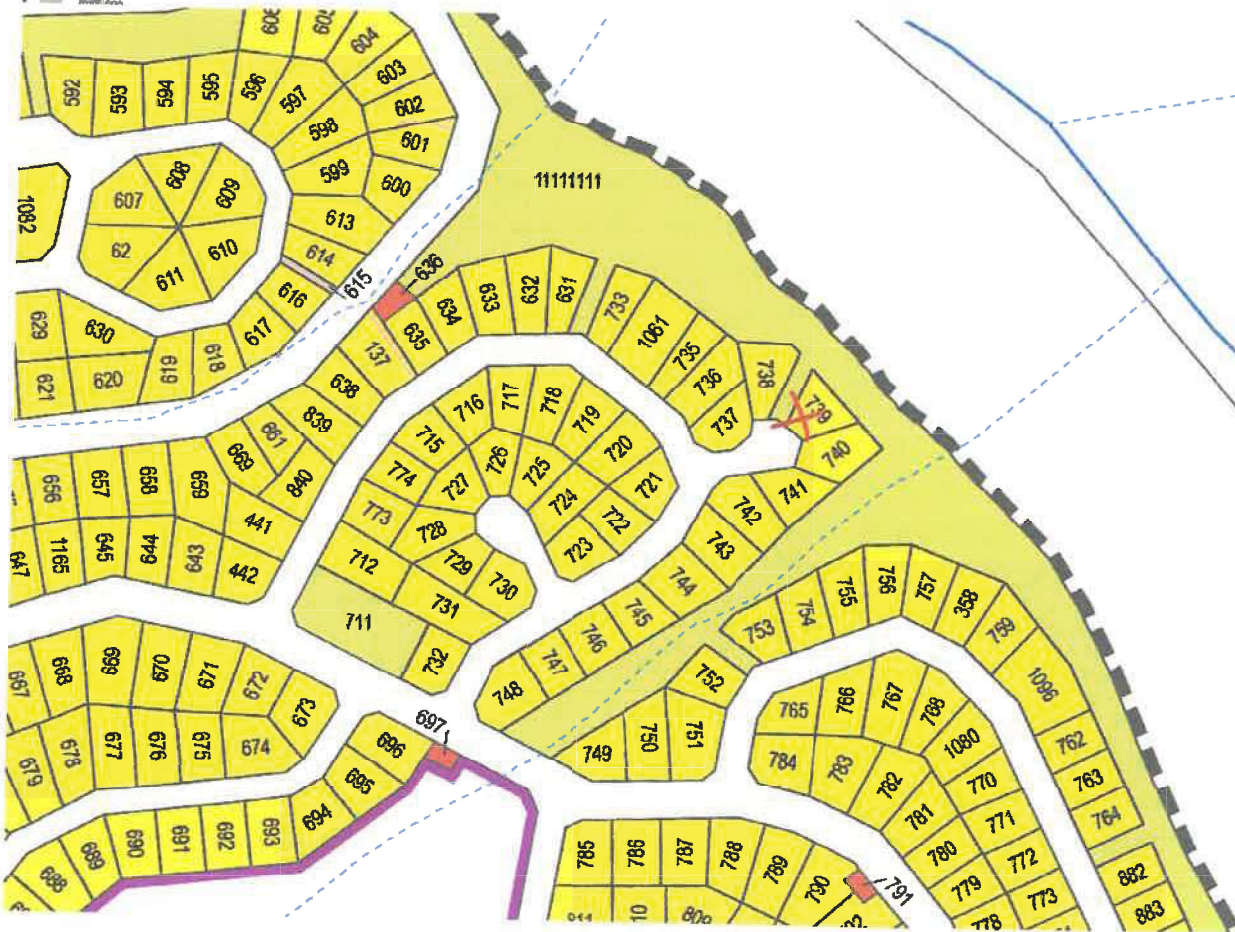


**NDLAMBE
MUNICIPALITY
LAND USE
SCHEME**

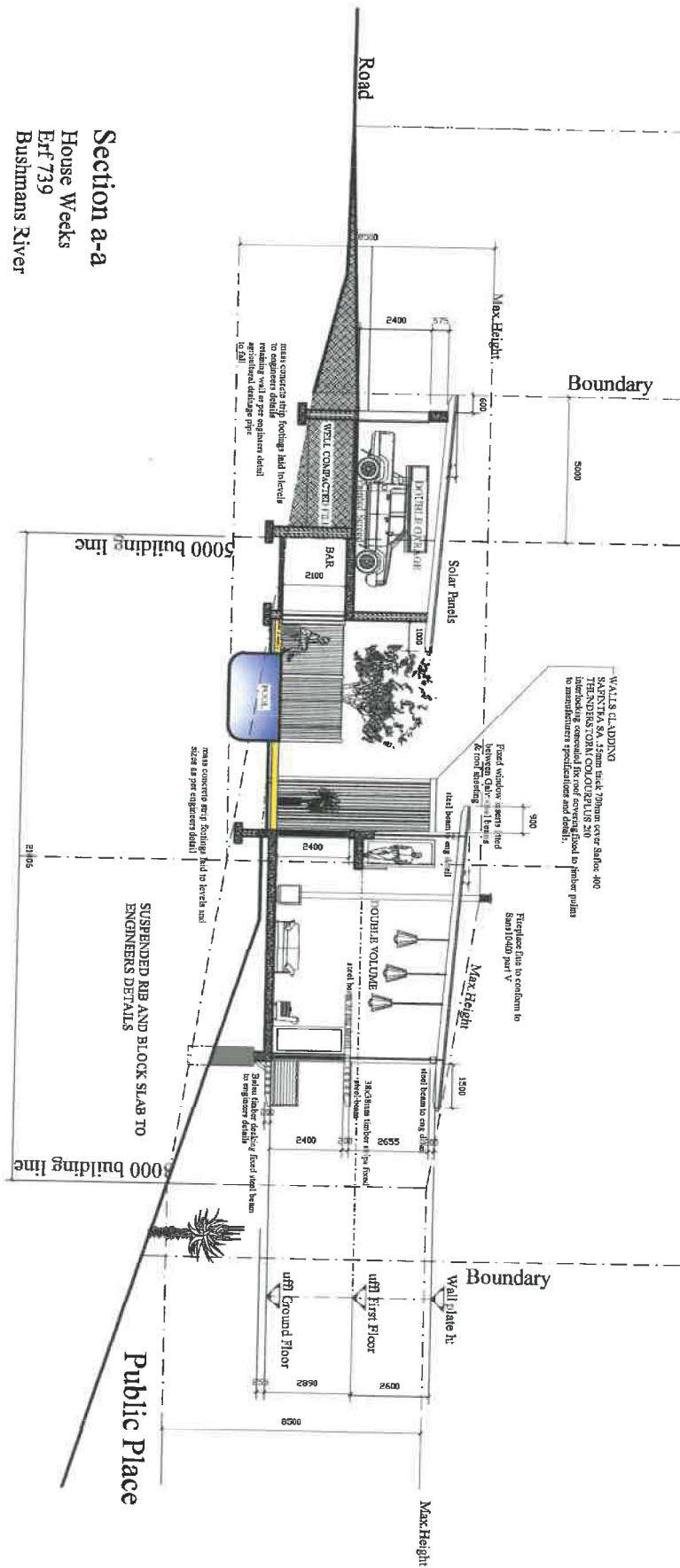
**BUSHMANS RIVER
& KENTON-ON-SEA**

SHEET 1 of 1

- Agriculture Zone
Agriculture
- Residential Zone 1
Dwelling Unit
- Residential Zone 2
Group Housing
- Residential Zone 3
General Residential Building
- Residential Zone 4
*Dwelling Unit
+ Environmental Housing*
- Business Zone 1
*General Business
+ General Residential Building*
- Business Zone 2
*Office
+ Shop*
- Business Zone 3
Office
- Industrial Zone 1
Industry
- Industrial Zone 2
*Industry
+ Recreational Use*
- Industrial Zone 3
Mining
- Community Zone 1
Place of Institution
- Community Zone 2
*Place of Assembly
+ Place of Worship*
- Community Zone 3
Public Area



Section a-a
House Weeks
Erf 739
Bushmans River





738

STORMWATER CHANNEL

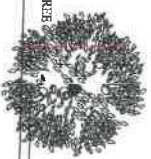
Coetzer Cr:



vehicular entrance

Boundary 10.43

EXISTING TREES



DOUBLE GARAGE
Paved Area
5000 building line

Freestanding gate and intercom

4x8000 m² W. R. F. ANS on PAVING

4x8000 m² W. R. F. ANS on PAVING

Boundary 31.80

740

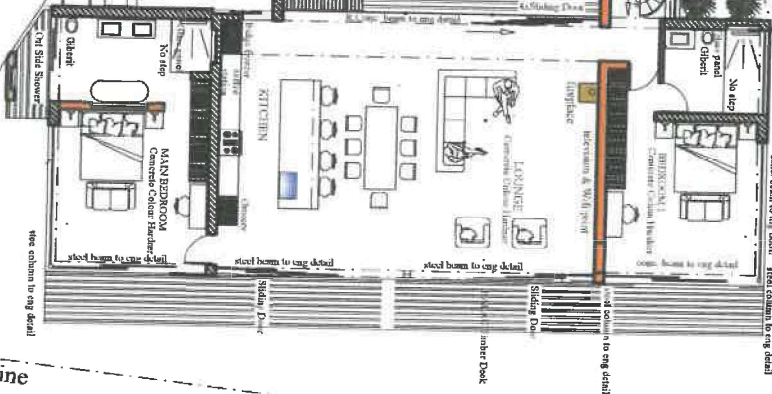
1500 building line

3000 building line

1500 building line

Boundary 32.56

Boundary 37.08



Public Place

House Weeks
Erf 739

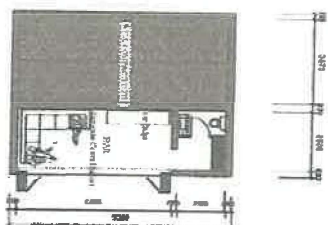
Bushmans River

job.no dwg.no rev.no.
We/01D 1 B

drawn date

RJB 30/04/24

Floor Plan
scale 1:200

[illegible]

Date: January 2026

- S

Professional Land Surveyors
Township & Property Consultants
Sectional Title Practitioners
3D scanning & building information modelling

Tel: 046 - 622 4441
E-mail: peter@surveyec.co.zo

(BUSH-739 TOP)
File: BUSH-739

Beacon Certificate
Erf 739 Bushmansrivermouth
Administrative District of Alexandria
Province of the Eastern Cape
Scale: 1/500 (@A3)

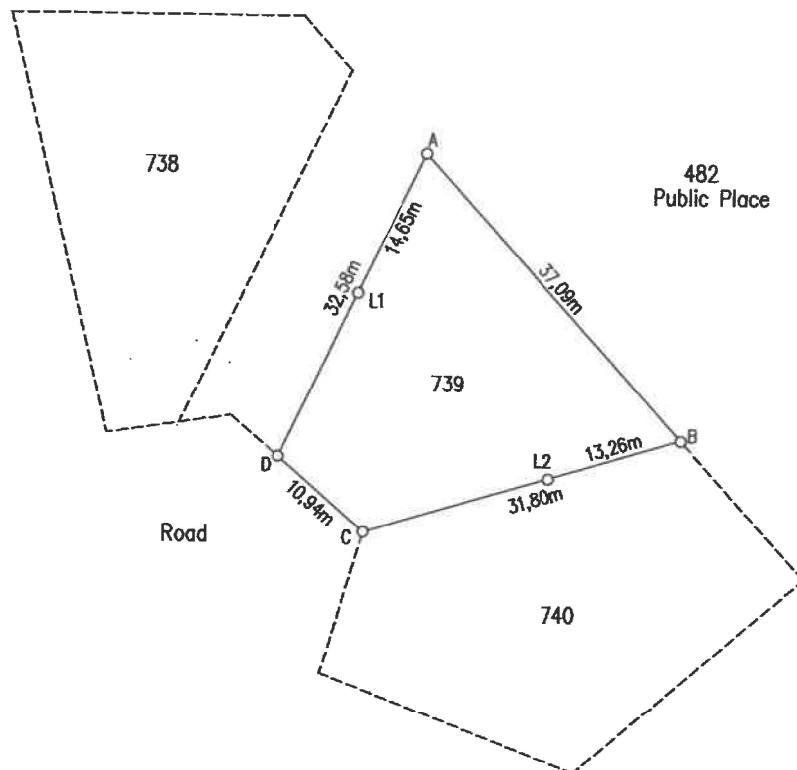


NOTES:

- 1) Line beacon L1 placed on line D to A.
- 2) Line beacon L2 placed on line C to B.

Beacon descriptions:

A,B
C,D.....15mm iron peg
L1,L2.....20mm iron peg



Date: December 2023

Surveyed by me in accordance with
the provisions of the Land Survey
Act No. 8 of 1997 and the regulations
framed thereunder.
Date: December 2023

P.B. SULTER
Land Surveyor 0786



M.E.H SULTER & SON INC.

Professional Land Surveyors
Township & Property Consultants
Sectional Title Practitioners
3D scanning & building information modelling

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Grahamstown
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K. van Niekerk B.Sc.(GEOMATICS) Pr.L.(S.A.G.C.)

(BUSH-739 BC)
File: BUSH-739



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: Mrs Justine Weeks

SITUATED ON ERF 739 **STREET & NO.** Coetzer Crescent **TOWNSHIP** Bushmans River Mouth

It is confirmed that I (Name in Full of affected land owner), Stoney Steenkamp Family Trust

being the registered owner of Erf 740 Township Bushmans River Mouth

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

- ☒ A relaxation of the lateral building line from m to m from our common side;
- ☒ A relaxation of the rear building line from m to m;
- ☒ A relaxation of the street building line from 5m m to 0m m;
- ☒ A relaxation of building height from m to m;
- ☒ A second dwelling unit not exceeding m²;
- ☒ A relaxation of the lateral / street boundary wall / fence height restriction from m to m;
- ☒ Other (Give details)

shown on plan number We/01D Rev B 3014/24 undated

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: 26.01.2026

Residential Address (Of owner giving consent):

Home Tel: [Redacted]

Work Tel: [Redacted]

WITNESSES

1. F. J. Lelcer
Full Name

2. Heidi Esterhuysen
Full Name

Signature [Signature]

Signature [Signature]



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: Mrs Justine Weeks

SITUATED ON ERF 739 STREET & NO. Coetzer Crescent TOWNSHIP Bushmans River Mouth

It is confirmed that I (Name in Full of affected land owner) SUDRON CULLEN
being the registered owner of Erf 738 Township Bushmans River Mouth

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

- ☒ A relaxation of the lateral building line from m to m from our common side;
- ☒ A relaxation of the rear building line from m to m;
- ☒ A relaxation of the street building line from 5m m to 0m m;
- ☒ A relaxation of building height from m to m;
- ☒ A second dwelling unit not exceeding m²;
- ☒ A relaxation of the lateral / street boundary wall / fence height restriction from m to m;
- ☒ Other (Give details)

shown on plan number We/01D REV B updated dated 30/04/24

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).

Residential Address (Of owner giving consent):

Signed: Sudron Cullen

Date: 2 FEBRUARY 2026

Home Tel:

Work Tel:

CIA

WITNESSES

1. GAVIN CULLEN
Full Name

2. CRAIG STANFORD
Full Name

Signature

Signature

 Lindelwa Twala
 073 259 6062
 073 259 6062
 Lindelwa.xipu@dedea.gov.za
Ref: EC05/C/LN1&3/M/13-2025



Justine Margaret Weeks
21 Cross St, Makhanda
6139

Attention: Mrs Justine Margaret Weeks

E-mail: justine@amakhala.co.za

APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998 TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, AS AMENDED: PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 739, COETZER CRESCENT, BUSHMANS RIVER WITHIN NDLAMBE LOCAL MUNICIPALITY.

1. With reference to the above-mentioned application (Reference number EC05/C/LN1&3/M/13-2025), please be advised that **the Department has decided to grant authorisation. The Environmental Authorisation and reasons for the decision are attached herewith.**
2. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the Department's decision in respect of your application.
3. The written notification referred to above must –
 - 3.1. Specify the date on which the Environmental Authorisation was issued;
 - 3.2. Inform interested and affected parties of the appeal procedure provided for in terms of the National Appeal Regulations, 2025, as contained in GN R. 5985 of 13 March 2025 in terms of Section 43, 44(1)(a), 44(1)(b) and 47 of the National Environmental Management Act, Act 107 of 1998 as amended; and
 - 3.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
4. Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4 (1) of the NEMA Appeal Regulations 2025 and within 20 (twenty) days in terms of Reg. 4 (1) (a), or 30 days in terms of Reg. 4 (1) (b), after the appellant has been notified in terms of paragraphs 3.1 and 3.2 of the decision.

Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.

5. An Appeal Submission must be made on a form obtainable from the Department Appeal Administrator and/or the Departmental website on www.dedea.gov.za or relevant Regional Office.

6. The Appellant must also submit a copy of the appeal to the regional office that processed the application.
7. In the event that an appeal is lodged, copies of such appeal must, within the timeframes stipulated in paragraph 4 above, be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 3.1 and 3.2 of the decision.
8. The address to which the originals of such appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO, 5605
Hand delivery	2nd Floor Erf 5000, Cnr. Independence Avenue & Circular Drive, Bhisho Central, Bhisho, 5605
In order to facilitate efficient administration of appeals <u>copies</u> of any appeal and supporting documentation must also be submitted as follows:	
Appeal Administrator: Mr S. Gqalangile Administrative assistant: Ms P. Gxala	Siyabonga.Gqalangile@dedea.gov.za Phumeza.Gxala@dedea.gov.za

9. In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.



DAYALAN GOVENDER

DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS

SARAH BAARTMAN/NMB REGION

DATE: 01 September 2025

CC: Mr Warren Lange – Hort Couture
P.O. Box 2206/1 Halstead Lane
Port Alfred, 6170

E-mail: warren@hortcouture.co.za

 Lindelwa Twala
 041 508 5807
 073 256 6062
 lindelwa.xipu@dedea.gov.za
Ref: EC05/C/LN1&3/M/13-2025



Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	Provincial Reference Number: EC05/C/LN1&3/M/13-2025 NEAS Reference: ECP/EIA/0001732/2025
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	Justine Margaret Weeks
LOCATION OF ACTIVITY	ERF 739, Coetzer Crescent, Bushman's River.

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

"Audit" – as used in the context of this Environmental Authorisation refers to an audit of compliance with conditions contained in this Environmental Authorisation and the requirements/stipulations of a Construction and/or Operational Environmental Management Programme and not to an Environmental Audit undertaken in terms of an accredited environmental management system by a certified environmental management systems auditor.

"CEMP" - Construction Environmental Management Programme: Proposed Residential Development on ERF 739, Coetzer Crescent, Bushman's River within Ndlambe Local Municipality. Dated 19 May 2025 as attached to the FBAR as Appendix F.

"Commencement" – Any physical activity on site that can be viewed as associated with the construction of a dwelling on ERF 739.

"EIA regulations" – These are the 2014 Environmental Impact Assessment Regulations as amended and published in Government Notice R326 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, 107 of 1998 as amended.

"FBAR" - refers to the Final Basic Assessment Report titled: "Proposed Residential Development on ERF 739, Coetzer Crescent Bushman's River within Ndlambe Local Municipality Dated 19 May 2025 as prepared by Hortcuture Landscape Architecture Planning.

"The Department" – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

1. Decision

The Department is satisfied, based on information available to it and subject to compliance with the conditions of this Environmental Authorisation that the applicant should be allowed to undertake the activity specified below. Details regarding the basis on which the Department reached this decision are set out in Section 4.

2. Activities and regulations for which authorisation has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the NEMA Environmental Impact Assessment Regulations, 2014, the Department hereby authorises **Justine Margaret Weeks**, being the legal or natural person who has applied for this authorisation, with the following contact details:

Name	Justine Margaret Weeks		
Address	21 Cross Street, Makhandia, 6139		
Telephone		Fax	N/A
Cell	066 274 8389		
Contact	Justine Margaret Weeks	E-mail	justine@amakhala.co.za

To undertake the following activity (hereafter referred to as "the activity"), in terms of the scheduled activities or activities listed in the table below:

Detailed description of activity

The proposed activity includes the clearance of approximately 450m² of natural vegetation in order to develop a new dwelling on the property. The new development footprint area is expected to be approximately 349m², comprising a multi-story structure with 172m² ground floor, 67m² garage, and 110m² timber deck with covered braai area.

The new dwelling will be constructed from brick and mortar with a metal roof, incorporating steel and glass, and timber decking. A new splash pool of approximately 10m² is also proposed.

The subject property is located on Erf 739, Coetzer Crescent, Bushmans River Boesmansriviermond within the Ndlambe local Municipality, Sarah Baartman District in the Eastern Cape. The GPS coordinates of the site are S 33°40'32.4" & E 26°38'54.9"



HC HORTCOUTURE	
PROJECT	WEEKS
PROJECT DESCRIPTION: THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 739, COETZER CRESCENT, BUSHAMMS RIVER, BOESMANSDRIFTERHOND, 6190, NOLAMBE MUNICIPALITY IN THE EASTERN CAPE	
DRAWING	LOCALITY MAP
SCALE AND SHEET SIZE 1: 1000 ON A4 0 5 10 15 20 25 30 35 40 m	
DRAWING DATE	6 November 2024
STUDY AREA	S 33°40'22.4"
CO-ORDINATES	E 26°38'54.9"
MAP ORIENTATION	
NORTH 	
LEGEND	
Erf 739 Contours	
CALLOUT 	

Services

Power and water will be supplied from the existing bulk municipal connection with additional water augmentation from underground rainwater tanks.

Sewer

Effluent treatment will be provided by a new conservancy tank, with removal managed by municipal sanitation services. The proposed activity will adhere to all National Building Regulations and the local Ndlambe town planning scheme and by-laws.

Access.

The property will be accessed via a new driveway off Coetzer Crescent paved.

Listed Activities triggered in terms of Listing Notice 1 of the NEMA EIA Regulations 2014 as amended (GN R. 327 of 07 April 2017) as contained in the application form:

GN R.324- Activity 12	The clearance of an area of 300 square meters or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. a. Eastern Cape iii. Within the littoral active zone or 100 meters inland from the high-water mark of the sea, whichever distance is the greater, excluding where such
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ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

	removal will occur behind the development setback line on Erven in urban areas;
R. 327 – 17	Development— (v) if no development setback exists, within a distance of 100 meters inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of— (d) rock revetments or stabilizing structures including stabilizing walls; or (e) infrastructure or structures with a development footprint of 50 square meters or more —
R. 327 – 19	The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from— (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater.

At the locality defined in the Table below, and hereafter referred to as “the property”:

District	Sarah Baartman
Municipal Area	Ndlambe Local Municipality
Farm Name	N/A
Farm Number and Portion	ERF 739 Coetzer Crescent, Bushman’s River Boesmansriviermond
Erf Number and Township Extension or Suburb	ERF 739 Coetzer Crescent
Co-ordinates	GPS co-ordinates: 33° 40'31.55"S 26°38'54.74"E.
Physical address	33° 40'32.36"S 26°38'55.96"E.

This Environmental Authorisation is granted subject to the conditions set out below.

3. Conditions

The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorisation and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorisation.

3.1. Duration of authorisation

- 3.1.1. Clearing of vegetation for the construction of the aircraft hangars, the grass taxiway and associated infrastructure, as described in Section 2 of this Environmental Authorisation,

must commence within a period of 24 (twenty-four) months from the date of issue of this Environmental Authorisation. Should commencement of the activity not occur within this time period, this Environmental Authorisation will be deemed to have lapsed and a new application for Environmental Authorisation must be submitted to the Department should the applicant wish to proceed with the development.

- 3.1.2. The proposed construction of individual hangars, as described in Section 2 of this Environmental Authorisation, must be completed within a period of 60 (sixty) months from the date of commencement.
- 3.1.3. An application for the amendment of the Environmental Authorisation to extend the validity thereof may be submitted to the Department on condition that the Environmental Authorisation is valid on the date of receipt of such amendment application. If no such request for amendment is received prior to the expiry of this Environmental Authorisation, the Environmental Authorisation will be deemed to have lapsed.
- 3.1.4. On receipt of any such application for amendment, the Department reserves the right to request such information as it may deem necessary to consider the application for amendment which may include but not limited to:
 - 3.1.4.1. An updated EMP; and
 - 3.1.4.2. Such public participation process as may be deemed necessary at the time of the application for extension.
- 3.1.5. Conditions relating to the operation of the project are valid in perpetuity.

3.2. Standard conditions and declarations

- 3.2.1. Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.2.2. This Environmental Authorisation applies only to the activities and property described therein.
- 3.2.3. This Environmental Authorisation does not negate the holder thereof of his/her responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity, including but not limited to:
 - 3.2.3.1. The National Forests Act, Act 84 of 1998;
 - 3.2.3.2. The National Environmental Management: Integrated Coastal Management Act, Act 24 of 2008;
 - 3.2.3.3. The National Environmental Management: Biodiversity Act, Act 10 of 2004;
 - 3.2.3.4. The Provincial Nature Conservation Ordinance, Ordinance 19 of 1974; and
 - 3.2.3.5. Municipal Building Regulations and By-Laws.
- 3.2.4. Further to Condition 3.2.3 the holder of this Environmental Authorisation is to remain cognisant of Sections 14 and 15 of the ICMA namely:



Section 14 – Position of the high-water mark

- (1) No person may replace the high-water mark curvilinear boundary with a straight-line boundary in terms of section 34 of the Land Survey Act.
- (2) If the high-water mark is landward of a straight line boundary of a coastal land unit when this Act took effect, or the high-water mark moves landward of a straight line boundary of a coastal land unit due to the erosion of the coast, sea-level rise or other causes, the owner of that coastal land unit—
 - (a) loses ownership of any portion of that coastal land unit that is situated below the high-water mark to the extent that such land unit becomes coastal public property; and
 - (b) is not entitled to compensation from the State for that loss of ownership, unless the movement of the high-water mark was caused by an intentional or negligent act or omission by an organ of state and was a reasonably foreseeable consequence of that act or omission

Section 15 - Measures affecting erosion and accretion

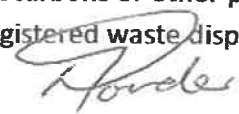
- (1) No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person
 - (2) No person may construct, maintain or extend any structure, or take other measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act, the National Environmental Management Act or any other specific environmental management Act
- 3.2.5. The holder of this Environmental Authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of this Environmental Authorisation.
- 3.2.6. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
- 3.2.7. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.8. **This authorisation applies strictly to the project description as outlined in Section 2 of this Authorisation. Should the applicant wish to amend any component or aspect of the project hereby authorised, then approval will be required from this Department. The Department will advise what information is required as well as the process that must be followed in order to apply for an amendment to this Environmental Authorisation or, if**

needed, for authorisation in terms of the applicable EIA Regulations promulgated in terms of the National Environmental Management Act, Act 107 of 1998.

- 3.2.9. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), such transfer is to be affected by means of an amendment to the Environmental Authorisation. Such amendment to be applied for in terms of the relevant provisions contained in the EIA Regulations that may be applicable at the time.
- 3.2.10. This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation is given to any such interested and affected party within 7 (seven) days of receiving this Environmental Authorisation.
- 3.2.11. This Environmental Authorisation or a certified copy thereof must be kept at the property where the activity will be undertaken. The Authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the site.
- 3.2.12. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.2.13. In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 days if a condition of this Authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.14. Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act 107 of 1998 and the regulations.
- 3.3. Project - specific conditions in relation to the design and construction phase**
- 3.3.1. Fourteen days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
- 3.3.2. The fourteen- day notice contemplated in Condition 3.3.1 may only be submitted once all pre-construction condition have complied with and proof of such compliance to be submitted with the fourteen-day notice.
- 3.3.3. The layout plan for the proposed development must be revised and submitted to the Department for endorsement prior to commencement of the proposed development. Such

detailed layout plans to be based on the facility illustrations as contained in Appendix C of the FBAR and clearly indicate an area to be demarcated as a no-go zone between the proposed development and the boundary on the estuary side of the property.

- 3.3.4. Any recommendations / mitigatory measures contained in the FBAR and its appendices and not explicitly covered under the conditions contained in this Environmental Authorisation, are regarded as conditions in terms of this Environmental Authorisation. In the event that any such recommendation / mitigatory measure is contradictory to a condition contained in this Environmental Authorisation, such condition will be deemed to take precedence.
- 3.3.5. The relevant conditions of this Environmental Authorisation shall form part of any contracts entered between the applicant and any contractor(s) and or any subcontractor(s).
- 3.3.6. The CEMPr contained in Appendix F of the FBAR is hereby approved. The CEMPr must be implemented during construction together with the conditions contained in this Environmental Authorisation.
- 3.3.7. The following environmental management principles/ measures to be implemented during project implementation if not already contained in the CEMPr:
- 3.3.7.1. Applicable conditions of this Environmental Authorisation;
 - 3.3.7.2. All recommendations, mitigation measures, responsibilities, key actions and other provisions contained in the FBAR.
 - 3.3.7.3. General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, and rehabilitation measures of the development footprint area etc.
 - 3.3.7.4. Copies of all permits / licences issued to the applicant in relation to this project that have relevance to the environment, A general code of
 - 3.3.7.5. conduct for any contractor that may be carrying out any work on the relevant development site.
 - 3.3.7.6. A clear description of the construction activities to be carried out on the site;
 - 3.3.7.7. Details regarding storage of construction material on site.
 - 3.3.7.8. A framework for all contracts associated with the construction phase of the development and the Environmental Method Statements that will be associated with such contracts;
 - 3.3.7.9. No cement/concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface;
 - 3.3.7.10. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site;
 - 3.3.7.11. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site;



- 3.3.7.12. All excess construction material and any waste generated during construction must be removed from site on an ongoing basis.
- 3.3.7.13. Adequate waste disposal and sanitation facilities to be provided and the applicant must ensure that these facilities are properly used and maintained; and
- 3.3.7.14. Clear stipulations as to who is responsible and accountable for what actions.
- 3.3.8. An Environmental Control Officer to be appointed to oversee implementation of the CEMPr as well as adherence to the conditions contained within this Environmental Authorisation. Confirmation of appointment of the ECO to be provided to the Department together with the notice of commencement contemplated in Condition 3.3.1. The ECO is amongst others responsible for the following:
 - 3.3.8.1. Pre-commencement Audit report to be compiled and submitted to the Department.
 - 3.3.8.2. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO.
 - 3.3.8.3. To conduct monthly audits during construction and submit a quarterly summarized audit report to the department until construction is completed.
 - 3.3.8.4. To keep and maintain a detailed incident and complaints register (inclusive of any spillages of hazardous substances and other materials) indicating how these issues were addressed (including any rehabilitation measures implemented) and preventative measures implemented to avoid re-occurrence of such incidents.
 - 3.3.8.5. To keep copies of all reports submitted to the Department on site; and
 - 3.3.8.6. To obtain and keep record of all documentation, permits, licenses and authorisation relevant to the project on site.
- 3.3.9. A plant "search and rescue", to be conducted by a suitably qualified botanical specialist prior to commencement of any vegetation clearing for all protected species and species of special concern that may be affected by the development, as well as other indigenous plant specimens which can be relocated. Such specimens are to be relocated and appropriately transplanted, including in rehabilitation initiatives, where applicable and practical on site.
- 3.3.10. Further to Condition 3.3.9, any protected species which need to be removed or relocated require the necessary permits to be obtained from DEDEAT for those species protected under the Cape Nature and Environmental Ordinance (Ordinance 19 of 1974), as well as those species listed under NEMBA.
- 3.3.11. A suitably qualified individual is to carry out a faunal "search and rescue", which fauna are to be relocated to a suitably protected natural area prior to the commencement of vegetation clearing. Should any injured fauna be found, they are to be taken to be examined by a veterinarian and if deemed suitable for rehabilitation, these faunae are to

- be taken to a suitable faunal rehabilitation centre, in consultation with the Department's Biodiversity Unit. Any species protected in terms of the Cape Nature and Environmental Ordinance (Ordinance 19 of 1974) or NEMBA, Act 10 of 2004 which need to be removed or relocated require the necessary permits to be obtained from DEDEAT.
- 3.3.12. All construction activities to be restricted to normal working hours being 08:00 to 17:00 on weekdays. No construction to take place on weekends and public holidays.
- 3.3.13. The disposal of any waste to take place at a registered waste disposal site.
- 3.3.14. Installation of the tank/s is to be in accordance with the relevant SANS and municipality specifications and to be located in such a manner as to facilitate access thereto by municipal vehicles used for the servicing of conservancy tanks. The integrity of the tanks is to be inspected on a regular basis to avoid potential leaks.
- 3.3.15. Any construction camp sites that may be necessary must be identified with the help of the ECO to ensure that they are in areas of low ecological and/or environmental sensitivity.
- 3.3.16. The development footprint needed for the construction must be restricted to the absolute minimum necessary to facilitate construction of such. Such development footprint to be clearly demarcated with pegs. Construction activities, stockpiling of any building material and the storing of machinery must be accommodated within such demarcated areas and in accordance with the relevant provisions of the CEMPr.
- 3.3.17. All sand, gravel, stone or other building material to be used are to be obtained from a bona fide source and the building contractor is not allowed to source any such material from the surrounding environment.
- 3.3.18. Any areas disturbed as a result of construction activities to be rehabilitated immediately using vegetation indigenous to the area.
- 3.3.19. The applicant will be held liable in the event of non-compliance by any contractor associated with this activity.
- 3.3.20. Compliance/non-compliance records must be kept and shall be made available on request from the authorities.
- 3.3.21. The South African Heritage Resources Agency (SAHRA) and the Eastern Cape Province Heritage Resources Agency (ECPHRA) must be contacted immediately should any archaeological findings be discovered during the course of the development.
- 3.3.22. Non-compliance with any stipulation in the CEMPr will be regarded as non-compliance in terms of this Environmental Authorisation.
- 3.3.23. Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the Final Basic Assessment Report must be adhered to.

4. Reasons for Decision

4.1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration:

4.1.1. The information is contained in the following documentation:

4.1.1.1. Completed application form dated 11 March 2025 and received by the Department on 13 March 2025; and

4.1.1.2. The Final Basic Assessment Report dated 19 May 2025 and received by the Department on 19 May 2025.

4.1.2. The EIA regulations of 2014 as amended and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998.

4.2. Key factors considered in making the decision

4.2.1. The proposed activity includes the clearance of approximately 450m² of natural vegetation in order to develop a new dwelling on the property. The new development footprint area is expected to be approximately 349m², comprising a multi-story structure with 172m² ground floor, 67m² garage, and 110m² timber deck with covered braai area.

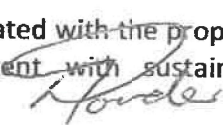
4.2.2. The Erf is located within the designated urban edge of Bushmans River Mouth and Kenton-on-Sea. The majority of the surrounding properties are already developed, and the property is elevated high above the estuary and there is a dense buffer of bush to the east of the site boundary.

4.2.3. The proposed site was observed that the location is within an established residential area, zoned for residential use and is surrounded by developed properties. However, the site itself remains undeveloped. The site has been previously cleared and the majority of the current vegetation consists of alien and invasive taxa. The proposed development is situated within an existing road reserve along Coetzer Crescent. The impact of the proposed activity, due to the nature and size is expected to have a moderate impact on the receiving environment, granted adequate mitigation is in place during the construction process.

4.2.4. Erf 739 falls within an ESA 1 area and the site is located within a proclaimed residential area and is zoned for residential use. The property is surrounded by residential development to the southeast, with the vegetated area serving as an additional buffer between the proposed development and the Bushmans Estuary. The on-site verification revealed that the site is primarily comprised of alien and invasive plant species. The altered distribution and structure of the vegetation indicated that the area had been previously cleared. Aerial imagery further confirms that this clearing occurred before 2024.

The neighbouring properties have been developed, and the roads have been formalised. The site falls within a built-up residential area and is zoned for residential use. The Albany Mesic Thicket is moderately protected and needs to maintain a conservation target of 19%. It is therefore important to remain cognisant of the need to maintain this target in the

consideration for vegetation clearing. Vegetation clearing will require a sensitive approach to the development and should limit the potential disturbance on surrounding biodiversity. Due regard also needs to be made with regards to isolating, obtaining permits and adhering to the regulations thereof in the event of protected species found on site.

- 4.2.5 The site is privately owned and zoned for residential use within the Ndlambe Municipality. The owners have decided to develop the proposed property. It is anticipated that the property will be used as a semi-permanent residence. The proposed activity is further expected to increase desirability of property in the town and improve local property prices which will ensure the long-term sustainability of the local property market in Bushman's River. The proposed activity is further expected to increase the desirability of property in the town and improve local property prices, which will ensure the long-term sustainability of the local property market in Bushman's River.
- 4.2.6 A revised layout plan must be submitted to the Department prior commencement for approval.
- 4.2.7 All services will link to existing service infrastructure in the area and to municipal bulk services which are available as stated in the report. In this regard it was stated that the services demand of the proposed development can be met.
- 4.2.8 The project has been advertised and has been subjected to Public Participation as per the EIA Regulations and, there were issues raised during public participation; however, those issues were responded to.
- 4.2.9 Impacts during site establishment and construction will be managed through the implementation of a comprehensive Construction Environmental Management Programme as required in terms of Condition 3.3.6. Implementation of and adherence to this CEMPr as well as compliance to the conditions of this Environmental Authorisation are to be overseen by a dedicated Environmental Control Officer as stipulated in Condition 3.3.8.
- 4.2.10 No fatal flaws were discovered during the Environmental Impact Assessment Process and from an environmental perspective there is nothing that would preclude an authorisation being issued. In addition, several other measures are stipulated in the conditions contained in Section 3 of this Environmental Authorisation that are intended to ensure that potential impacts associated with the development are kept within limits that are compatible with the environmental character of the site. *It is further believed that this development does not present any impact that could not be successfully mitigated.*
- 4.2.11 The Department is satisfied that the risks to the natural environment and to humans can be adequately managed if all the conditions contained within this Environmental Authorisation are adhered to.
- 4.2.12 The conditions set out in this Environmental Authorisation have been designed to ensure that the negative impacts and risks associated with the project are identified, addressed and/or managed effectively.
- 4.2.13 In conclusion, this Department is satisfied that the benefits associated with the proposed project outweigh the environmental costs and are consistent with sustainable development principles.
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- 4.2.14 In general, the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

5. Appeal of authorisation

- 5.1. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the Department's decision in respect of your application.
- 5.2. The written notification referred to above must –
- 5.2.1. Specify the date on which the Environmental Authorisation was issued;
 - 5.2.2. Inform interested and affected parties of the appeal procedure provided for in terms of the National Appeal Regulations, 2025, as contained in GN R. 5985 of 13 March 2025 in terms of Section 43, 44(1)(a), 44(1)(b) and 47 of the National Environmental Management Act, Act 107 of 1998 as amended; and
 - 5.2.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 5.3. Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4 (1) of the NEMA Appeal Regulations 2025 and within 20 (twenty) days in terms of Reg. 4 (1) (a), or 30 days in terms of Reg. 4 (1) (b), after the appellant has been notified in terms of paragraphs 3.1 and 3.2 of the decision.

Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.

- 5.4. An Appeal Submission must be made on a form obtainable from the Department Appeal Administrator and/or the Departmental website on www.dedea.gov.za or relevant Regional Office.
- 5.5. The Appellant must also submit a copy of the appeal to the regional office that processed the application.
- 5.6. In the event that an appeal is lodged, copies of such appeal must, within the timeframes stipulated in paragraph 4 above, be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 3.1 and 3.2 of the decision.
- 5.7. The address to which the originals of such appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
Hand delivery	2nd Floor Erf 5000, Cnr. Independence Avenue & Circular Drive, Bhisho Central, Bhisho, 5605
In order to facilitate efficient administration of appeals <u>copies</u> of any appeal and supporting documentation must also be submitted as follows:	
Appeal Administrator: Mr S. Gqalangile	Siyabonga.Gqalangile@dedea.gov.za
Administrative assistant: Ms P. Gxala	Phumeza.Gxala@dedea.gov.za

- 5.8. In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.



LINDELWA TWALA
ENVIRONMENTAL OFFICER: EIM
SARAH BAARTMAN/NMB REGION
DATE: 01 September 2025



DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
SARAH BAARTMAN/NMB REGION
DATE: 01 September 2025