

When the soul is ready to leave

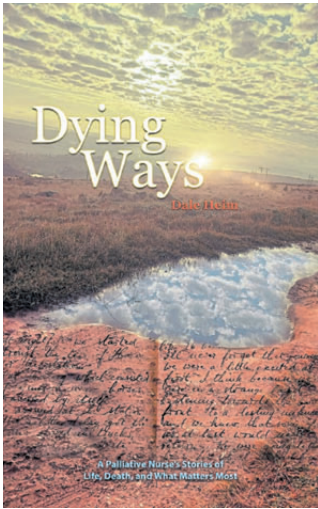
“I always say that death can be one of the greatest experiences ever. If you live each day of your life right, then you have nothing to fear.” — Elisabeth Kubler-Ross

Most of these stories are about the long road to death, and how people cope with the endless waiting and pain.

But not everyone needs that time to make their peace and find their way to the last bell. Every person’s journey is their own, and the best we can do is to ease that journey.

The process of dying and death can be sudden, or it can be slow; peaceful or tormented, painful or liberating.

I have often said these words to my patients; “When your doctor gives you the green light to go home, as no further treatments would achieve anything ... do not look at this as an immediate death sentence. Look upon this as an opportunity. Live your final days on this earth how you choose. Talk to that one person you are longing to contact. Get your house in order, and if you are able, accomplish your final wish on



your bucket list, just like Candice did. The fact you can put off your death doesn’t mean you should unless you really need to.

When you’ve already made your peace, then it can be a moment of beauty, not tragedy. It’s the first time in your life you can truly say, “What have I got to lose?”

Recently, I met someone whose father had just passed.

The details don’t matter, except for one. The father was diagnosed, and just five days later lost that mythical twenty-one grams as his soul left his body. It wasn’t because he was in terrible pain, or his body had turned against him.

His daughter said that he had already made his peace, was happy with how things were, and felt no need to stay past his time.

I found the story deeply comforting, as I have seen so many extend their lives in agony because they could not make that peace.

We can greatly extend the final period of high morbidity in these days of high technology and medical science, but that doesn’t mean it is automatically good. April is the cruellest month because the soul chooses its own time to leave.

Many elderly or ailing people hold on until the beginning of spring, when new life is starting to blossom and the winter is broken.

Helping people know and be at peace with their passing is the most important part of the job.

It is essential for us as practitioners to read a situation and where necessary call on doctors, therapists, and whatever other counsel might be needed to ease the journey of both patient and family.

● Get *Dying Ways* from Palcare shops in PA/GHT. eBook, audio, & large print available online (<https://books2read.com/DyingWays>). Listen to the podcast at dyingways.podbean.com

Live your final days on this earth how you choose. Talk to that one person you are longing to contact. Get your house in order, and if you are able, accomplish your final wish on your bucket list

Car and photo crazy? Give it your best shot!



ICONIC ROADSTER: Horst Keil and Dave Hawkins in the 1963 MGB Roadster that Dave bought for his wife Delene as her 50th birthday present. This will be one of the many vintage and classic beauties you will be able to see (and photograph!) at the Port Alfred Classic Motor Show at the Port Alfred Country Club on September 26. **Picture: SUE MACLENNAN**

TOTT REPORTER

The Port Alfred Classic Motor Show at the Port Alfred Country Club on September 26 will be a photographers’ paradise.

And organisers the Albany Vintage and Classic Motor Club have laid on photo opportunities for amateurs and professionals.

Exhibitors will be able to scan the studio registry QR code at the gate of the car museum in Albany Road to book an elite photography session with professional automotive photographers Sarel van Staden and Maryna Cotton.

At a cost of R500, car owners will receive high-resolution digital packages and premium A5 wall prints of their special cars.

And members of the public can enter the Take Your Best Shot mobile phone photo competition.

Scan the on-field QR codes to enter the public competition on show day for a R50 entry fee, for the chance to win fantastic prizes.



NDLAMBE MUNICIPALITY

PORT ALFRED

APPLICATION FOR PERMANENT DEPARTURE TO PERMIT WAREHOUSES (STORAGE UNITS) ON ERF 2701, KENTON ON SEA.

Applicant:	MIRINDA DE BEER TOWN AND REGIONAL PLANNERS
Owner:	THE TRUSTEES FOR THE TIME BEING OF JACOBS PROPERTY TRUST
Property Description:	ERF 2701, KENTON ON SEA
Physical Address:	10 ALFRED ROAD, KENTON ON SEA, 6191

Detailed description of proposal:
The matter for consideration is an Application for the Departure to Permit Warehouses (Storage Units) on Erf 2701, kenton on Sea as per the provisions of the Ndlambe Municipality Spatial Planning and Land Use Management By-laws (2016) and Ndlambe Municipality Integrated Land Use Scheme, 2019.

Notice is hereby given in terms of Section 93 of the Ndlambe Municipality Spatial Planning and Land Use Management By-law, 2016, that the above mentioned application has been received and is available for inspection during weekdays between 09:00 to 15:00 at the Ndlambe Municipality, Civic Centre, Causeway Road, and Port Alfred Municipal Office. The application can also be viewed on the Ndlambe Municipal website: www.ndlambe.gov.za under Services > Town Planning Portal > Public Participation or through the following link: www.ndlambe.gov.za/services/town-planning-portal/. Any written comments may be addressed in terms of Section 98 of the said By-law to The MUNICIPAL MANAGER, Causeway Road, Port Alfred, 6170 or emailed to townplanning@ndlambe.gov.za on or before **07 September 2026**. Telephonic enquiries can be made to the Town Planning Section at (046) 604 5520. The Municipality may refuse to accept comment received after the closing date. Any person who cannot write will be assisted by a Municipal Official by transcribing their comments.

NOTICE NUMBER: 163/2026

ADV. ROLLY DUMEZWENI
06 August 2026 MUNICIPAL MANAGER



NDLAMBE MUNICIPALITY

PORT ALFRED

APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE TO RELAX THE STREET AND LATERAL BUILDING LINES ON ERF 1038, BOESMANSRIVIERMOND.

Applicant:	MIRINDA DE BEER TOWN AND REGIONAL PLANNERS
Owner:	SAMUEL JACO SYMINGTON
Property Description:	ERF 1038, BOESMANSRIVIERMOND
Physical Address:	55 55 PARK STREET, BOESMANSRIVIERMOND, 6190

Detailed description of proposal:
The matter for consideration is an Application for Removal of Restrictive Title deed Conditions, Departure to Relax the Street and Lateral Building Lines on Erf 1038, Boesmansriviermond as per the provisions of the Ndlambe Municipality Spatial Planning and Land Use Management By-laws (2016) and Ndlambe Municipality Integrated Land Use Scheme, 2019.

Notice is hereby given in terms of Section 93 of the Ndlambe Municipality Spatial Planning and Land Use Management By-law, 2016, that the above mentioned application has been received and is available for inspection during weekdays between 09:00 to 15:00 at the Ndlambe Municipality, Civic Centre, Causeway Road, and Port Alfred Municipal Office. The application can also be viewed on the Ndlambe Municipal website: www.ndlambe.gov.za under Services > Town Planning Portal > Public Participation or through the following link: www.ndlambe.gov.za/services/town-planning-portal/. Any written comments may be addressed in terms of Section 98 of the said By-law to The MUNICIPAL MANAGER, Causeway Road, Port Alfred, 6170 or emailed to townplanning@ndlambe.gov.za on or before **07 September 2026**. Telephonic enquiries can be made to the Town Planning Section at (046) 604 5520. The Municipality may refuse to accept comment received after the closing date. Any person who cannot write will be assisted by a Municipal Official by transcribing their comments.

NOTICE NUMBER: 164/2026

ADV. ROLLY DUMEZWENI
06 August 2026 MUNICIPAL MANAGER



WEEKEND SPARKLING BREAKFAST

INCLUDES **BEST OF BOTH** AND A GLASS OF **BUBBLY** FOR ONLY **R280**

MIDWEEK BREAKFAST OPTIONS

 CONTINENTAL BUFFET From R120 Per Person Continental Breakfast Buffet includes Fruit, Cereals, Yoghurts, Cheese & Preserves, Cold Meats, Toast, Jam, Juice and Bottomless Filter Coffee	 A LA CARTE From R65 Per Person Order any of the Hot Breakfasts from our a la carte menu, Includes Toast, Jam, Juice and Bottomless Filter Coffee	 BEST OF BOTH From R235 Per Person Includes Full Continental Buffet AND any of our Hot Breakfasts, includes Toast, Jam, Juice and Bottomless Filter Coffee
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Highlander Pub

ROYAL ST. ANDREWS HOTEL

**PENSIONERS SPECIAL MONDAYS**
150g Steak, Egg & Chips OR Fish & Chips
R90.00
50% Off on Selected Wines, all 300ml Highlander Beers and Selected Soft Drinks

**WEDNESDAY PRAWN SPECIAL**
10 Prawns with Rice OR Chips with Lemon OR Garlic Butter
R220.00
Top Up with Another 6 Prawns for R145

**PORK BELLY SUNDAYS**
Crispy Pork Belly with Highlander Veggies, Sweet Butternut & Mash
R155.00
Order any Dessert & Receive a Complimentary Filter Coffee!



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📍 19 St Andrews Road, Port Alfred

Ndlambe Municipality
Corporate Services

30 JUN 2026

RECEIVED

NDLAMBE MUNICIPALITY



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 5 110.89
☐	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.

Applicant's Initials: MdB

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
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- 3.3. Lack of information leads to delays and adds to the workload of the Section/Department. It is essential that all applications that are submitted for consideration contain all of the information necessary for the relevant authority to take a rational decision. Ideally applications should indicate the following:

3.3.1. Details in respect of the application

- A Locality sketch showing clearly the details of the application;
- A Description of the site that is to be developed;
- What does the owner intend to do with the land;
- What are the envisaged development parameters (for instance the proposed floor area and coverage);
- What portion of the site is to be developed;
- What is the existing zoning and use of the subject land;
- A copy of the advertisement of the proposal;
- A site development plan.

3.3.2. Details in relation to the existing and proposed development of the land in the vicinity of the subject land

- The existing uses and zonings to be shown on separate map;
- The visual or historical characteristics of the area;
- Topographical and physical features;
- Details of illegal and non-conforming uses.

3.3.3. Details in respect of the planning proposals for the subject area

- what are the existing and proposed conditions applicable to the subject land (servitudes, title deed and/or zoning scheme conditions);
- relevant details contained in Spatial Development Framework, or any other policy proposals for the area.

3.3.4. Motivation

A written motivation for an application should be based on the criteria referred to in the said legislation (SPLUMA), namely;

- Desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister/MEC regarding desirability of proposed land uses;
- Investigations carried out in terms of other laws that are relevant to the consideration of the application;
- The impact of the proposed land development on municipal engineering services;
- Applicable policies of the Municipality that guide decision making;
- Applicable provisions of the zoning scheme;
- Consideration of the following forward planning documents;
- Integrated development plan, including the municipal spatial development framework; provincial spatial development framework; and
- Policies, principles and planning and development norms and criteria set by the national and provincial government; and
- Land development principles as referred to in Chapter 2 of the Spatial Planning Land Use Management Act, 2013 (Act No.16 of 2013) (SPLUMA).
- When an application is submitted for an amendment, suspension or removal of restrictive conditions the criteria referred to in Section 47 of the Act, should also be considered.

3.3.5. Supporting information and documentation

The following information or documentation may be requested at the discretion of the Municipality and can include the following;

- Copy of Traffic Impact Statement (TIS - if between 50 – 150 peak hr trips) or Traffic Impact Assessment (TIA - if > 150 peak hr trips);
- Floodline determination (report / plan);
- Copy of the Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) report;
- Confirmation of submission of EIA / HIA; or Copy of the Environmental Authorisation (EA) / Record of Decision (ROD);

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

PART C: INFORMATION TO BE COMPLETED BY THE APPLICANT

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

PART C.1: APPLICANT DETAILS

First name(s)	Mirinda
Surname	De Beer
Company name (If applicable)	Mirinda de Beer Town & Regional Planners
Street or Postal Address	117 Cape Road, Mill Park, Port Elizabeth, 6001
Email Address	mirinda@mdbtownplanner.co.za
Contact Number	0828962686

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

Registered owner(s) Name	Samuel Jaco Symington
Street or Postal Address	[REDACTED]
E-mail Address	[REDACTED]
Contact Number	[REDACTED]

PART D: PROPERTY DETAILS

LAST UPDATED JULY 2025

NOTE: Property details must be in accordance with title deed					
Erf No	1038	Suburb/Town/Area	Boesmansriviermond		
Farm No	N/A	Portion (if applicable)	N/A		
Physical or Street Address					
Current Zoning	Residential Zone 1				
Proposed Zoning	N/A				
Additional Rights or Consent Uses Approved	N/A				
Current activities	Dwelling and outbuildings				
Are any departures applicable to the land unit?	Yes, departure from building lines				
Is there any building or other development on the land unit? If so, what are the nature and condition of these improvements?	Yes, dwelling unit (incl. the garage) and outbuilding				
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)	664 ²				
Title Deed Number					
Any additional/relevant information in regard to the property	N/A				
Any restrictions ito Conveyance's Certificate?	X	N	If yes, list condition(s) in motivation report.		
Are the restrictive conditions in favour of a third party?	Y	X	If yes, list the party(ies) in motivation report.		
Is the property owned by Council?	Y	X	If yes, <u>attach a power of attorney</u> signed by the Municipal Manager or delegated authority.		
Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)	Y	X	If yes, indicate which section are triggered in motivation report and attach relevant permit.		
Is the property or building located within the historical core or contains any heritage significant features?	Y	X	Is the building older than 60 years?		X
Does the property fall inside the urban edge in terms of the SDF?	X	N	Does the property fall within the service edge in terms of SDF?	X	
Is the property encumbered with a bond	Y	X	If yes, is bond/mortgage holders consent attached		
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	X	If yes, is this application to legalise the building / land use?	X	
NOTE: A contravention penalty may be imposed.					
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	X	Are there any land claim(s) registered on the subject property(ies)?		X

PART E: DETAILS OF THE APPLICATION

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

The need for the application arises from the requirement to regularise existing building line encroachments on Erf 1038, Boesmansriviermond, and to obtain the necessary land use approvals to develop a new garage encroaching the 5m street building line along Park Street.

The Conveyancer Certificate confirmed that Conditions I. C. (c) and (d) and II. C. (c) and (d) from Title Deed T76383/2003 should be removed.

2. Does the proposed development involve the entire land unit? **Yes**

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: **N/A**

.....

3. Is a departure being applied for in order for a temporary change of use on the land unit? **No.**

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

.....

4. Departure (for an alteration of the conditions in respect of a particular zone) in terms of Section 76(1) of the Ndlambe Municipality Spatial Planning and Land Use Management Bylaw (2016) for a relaxation of the:

- i. **Lateral (side) building line(s) from ...1,5... m to ...0.....m; and / or**
- ii. ~~Rear building line fromm tom walls; and / or~~
- iii. **Street building line from5m to2,9m; and / or**
- iv. ~~Coverage factor from % to %; and / or~~
- v. ~~Building height restriction fromm tom; and / or~~
- vi. ~~Street boundary wall / fence height restriction from m tom;~~
- vii. ~~Relaxation of parking requirements from bays to bays~~
- viii. ~~Other zoning scheme condition(s) (as specified)~~

5. RESTRICTING FACTORS

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

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

If so, furnish details:

.....
Conditions I.C (c) and (d) and II. C. (c) and (d) in Title Deed T76383/2003

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: **N/A**

.....

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: **N/A**

.....

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: **N/A**

.....

Are there any other restrictions of which you are aware, but which were not mentioned above? **No.**

.....

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

Please answer the following questions and provide comments:

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	COMMENT
Is any Municipal Integrated Development Plan (IDP)/Spatial Development Framework (SDF) and/or any other Municipal policies/guidelines applicable? If yes, is the proposal in line with the aforementioned documentation/plans?	X		The Ndlambe Municipality SDF : Boesmansrivier & Kenton-on-sea Precinct, earmarks the property for residential purposes.
Any applicable restrictive condition(s) prohibiting the proposal? If yes, is/are the condition(s) in favour of a third party(ies)? List condition numbers and third party(ies)]	X		No third party. Conditions I.C (c) and (d) and II. C. (c) and (d) to be removed.
Any other Municipal by-law that may be relevant to application? (If yes, specify)		X	
Does the proposal fall within the provisions/parameters of the land use scheme?		X	This application is for departure from building lines.
Are additional applications required to deviate from the land use scheme? (if yes, specify)	X		Departure from building lines

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

Please answer the following questions and provide comments:

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Is/was the property(ies) utilised for agricultural purposes?		X	
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		X	
Is the property/land situated within 100m from the high-water mark of the sea or tidal river? (NOTE: Please check with the Environmental Compliance Officer of the Municipality)	X		The property is ±90m from the Bushmans River.
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?		X	
Have you obtained a determination from DEDEAT, confirming whether the proposal triggers any listed activities in terms of NEMA? If Yes, please attach communication/confirmation from DEDEAT.		X	

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

PART H: SERVICE REQUIREMENTS

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

NOTE: Provide more detailed information in the motivation report.

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

Please indicate if the following Annexures are attached

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

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

.....

.....

.....

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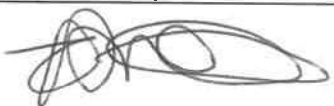
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PART J: DECLARATION BY THE APPLICANT

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)	Mirinda de Beer		
Professional Capacity & Registration Number	Pr. A/1037/1998		
Statutory Body	SACPLAN	Are you In Good Standing with the Statutory Body?	Yes
Applicant's Signature		Date	24/06/2026

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 FOR LAND USE APPLICATIONS

This Power of Attorney is made on this 9 day of MARCH 2026, by:

Principal:

Samuel Jaco Symington

Boesmansriviermond

ID: [REDACTED]

Agent:

Mirinda de Beer Town & Regional Planners

117 Cape Road

Port Elizabeth

6000

ID: [REDACTED]

Whereas, the Principal owns certain real estate property known as **Erf 1038, Boesmansriviermond** (hereinafter referred to as the "Property");

Whereas, the Principal desires to appoint the Agent as an authorized representative with the authority to submit and inquire about land use applications with the relevant municipality or local authority having jurisdiction over the Property.

1. Appointment of Authority

The Principal hereby appoints the Agent to act as the Principal's authority, having the right to both:

- Submit land use applications related to the Property to the Ndlambe Municipality for the Removal of Restrictive Title Deed Conditions from Title Deed [REDACTED] Permanent Departure from building line, in terms of the Ndlambe Municipality SPLUM By-Laws (2016).
- Inquire about, follow up on, and obtain information regarding the status of land use applications submitted for the Property.

2. Powers Granted

The Agent, in their capacity as an authorized representative, shall have the following powers:

- To prepare and submit any necessary documents and applications for permits, zoning variances, or other land use requests on behalf of the Principal;
 - To communicate with municipal officials, department staff, and any other authorities regarding the status or requirements related to land use applications for the Property;
 - To make inquiries, provide additional documentation, and respond to requests for information from the municipality related to land use applications for the Property;
 - To receive copies of all correspondence or decisions related to the land use applications;
 - To take any actions necessary to facilitate or finalize the land use application process.
-

3. Duration

This Power of Attorney shall remain in full force and effect until it is revoked in writing by the Principal. The Principal has the right to revoke this Power of Attorney at any time, provided such revocation is executed in writing and delivered to the Agent and relevant municipal authorities.

4. Execution

IN WITNESS WHEREOF, the Principal has executed this Power of Attorney as of the day and year first written above.

Principal Signature: 

Date: 09/03/2026

Agent Signature: 

Date: 10/03/2026

Witness Signature: LvanDeventer

Witness Name: Linda van Deventer

Date: 11/03/2026

Smith Tabata - Loon & Connellan
4 Cape Road
Central
Port Elizabeth
6000

Prepared by me


CONVEYANCER
BOWES PG

POWER OF ATTORNEY

I, the undersigned

ESME ALICE NEVAY
Identity Number [REDACTED]
Married out of community of property

do hereby nominate and appoint

DAVID PATRICK ARTLEY, ELMA HAMMAN, PHILIP DU TOIT STEYN
PETER JOHN SMITH, PAUL NORMAN CRESSWELL CLARK
KEVIN DANIEL, GEOFFREY PAUL STEERE, MANDY LYNN COPILO
RELINDA KATE LEWIS

with power of substitution to be my true and lawful Attorney and Agent in my name, place and stead to appear at the Office of the Registrar of Deeds in Cape Town or any other competent official in the Republic of South Africa and then and there as my act and deed to pass transfer to:

SAMUEL JACO SYMINGTON
Identity Number [REDACTED]
Married out of community of property

the property described as:

ERF 1038 BOESMANSRIVIERMOND IN THE NDLAMBE
MUNICIPALITY, DIVISION OF ALEXANDRIA, EASTERN CAPE
PROVINCE;

IN EXTENT: 664 (SIX HUNDRED AND SIXTY FOUR) SQUARE METRES

HELD BY Deed of Transfer No. T [REDACTED]

the said property having been sold by me on 23 March 2003, to the said transferee/s for the sum of R385 000,00 (Three Hundred and Eighty Five Thousand Rand).

and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore

had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at PORT ELIZABETH on
presence of the undersigned witnesses.

30TH

April 2003 in the

AS WITNESSES :

1. *L. Gilbert*

2. *[Signature]*

[Signature]
ESME ALICE NEVAY

CONVEYANCER'S CERTIFICATE

I, the undersigned,

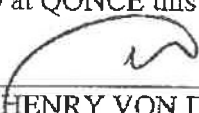
BRIAN HENRY VON DER DECKEN

a Conveyancer of Qonce, do certify, from an investigation of the records at the office of the Registrar of Deeds: Eastern Cape at Qonce, that :

1. **ERF 1038 BOESMANSRIVIERMOND**, Ndlambe Local Municipality, Division of Alexandria, Province of the Eastern Cape, measuring 664 (six hundred and sixty four) square metres was registered in the name of **SAMUEL JACO SYMINGTON**, Identity number [REDACTED] carried out of community of property, on 20 August 2003 under Deed of Transfer No [REDACTED]
2. There are no Mortgage Bonds registered over the above property;
3. The following title deed conditions in Deed of Transfer No [REDACTED] may affect the use or development of the property or a relaxation of the building lines to formalize the existing development and permit the proposed garage extension towards the street boundary and must be removed from the title deed:
 - "I. As regards the figure Abyx on the said Diagram S.G. Number No [REDACTED]
 - C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. [REDACTED] imposed by the Administrator of the Cape of Good Hope under Ordinance No 13 of 1927:-:
 - (c) That not more than one dwelling, together with the necessary outbuildings and accessories, shall be erected on said lot, and that not more than one-half the area of said lot shall be built upon.
 - (d) That no buildings shall be erected on said lot within 4,72 metres of the boundary line between the said lot and the street which said lots abuts.
- II. As regards the figure xyCE on the said diagram S.G. Number No 1781/1987 annexed:
 - C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. [REDACTED] imposed by the Administrator of the Cape of Good Hope under Ordinance No 13 of 1927:-:
 - (c) That not more than one dwelling, together with the necessary outbuildings and accessories, shall be erected on said lot, and that not more than one-half the area of said lot shall be built upon.

- (d) That no buildings shall be erected on said lot within 4,72 metres of the boundary line between the said lot and the street which said lots abuts.

DATED at QONCE this 24th day of APRIL 2026.


BRIAN HENRY VON DER DECKEN

B.Proc.Li.B / LPCM No 80120

Smith Tabata Incorporated

Sutton Square, Queens Road, Qonce

Smith Tabata - Loon & Connellan
4 Cape Road
Central
Port Elizabeth
6000

Prepared by me


CONVEYANCER
BOWES PG

SELLING DUTY	R.
FOOT FEE	R. 340,00

DEED OF TRANSFER

To 

BE IT HEREBY MADE KNOWN THAT

Ilze Du Toit

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said
appearer being duly authorised thereto by a Power of Attorney which said Power
of Attorney was signed at PORT ELIZABETH on 30TH April 2003
granted to him by 

ESME ALICE NEVAY

Identity Number 

Married out of community of property



And the appearer declared that his said principal had, on 23 March 2003, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by these presents, cede and transfer to and on behalf of:

SAMUEL JACO SYMINGTON
Identity Number [REDACTED]
Married out of community of property

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

ERF 1038 BOESMANSRIVIERMOND IN THE NDLAMBE
MUNICIPALITY, DIVISION OF ALEXANDRIA, EASTERN CAPE
PROVINCE;

IN EXTENT 664 (SIX HUNDRED AND SIXTY FOUR) SQUARE METRES

FIRST transferred and still held by Deed of Transfer No. [REDACTED]
with Diagram S G No. [REDACTED] annexed thereto

(i) As regards the figure Abyx on the said Diagram S G No. [REDACTED]
annexed:

A. SUBJECT to the conditions referred to in Deed of Transfer
No. [REDACTED] dated 21st September 1981.

B. SUBJECT FURTHER to the following condition contained
in Deed of Grant issued under the provisions of Act 15 of
1887 in favour of Thomas John Futter on 18th November
1927 (Alexandria Quitrents Vol.8 No.1):-

"That all rights to gold, silver and precious stones found or
discovered at any time on or in the land hereby granted
shall be reserved to the State, together with a right of
ingress to and egress from any mines or works undertaken
for mining or prospecting purposes by any person or
persons authorised by the Minister; but subject always to
the provisions of any law for the time being regulating the
prospecting and mining for precious stones and minerals."

C. SUBJECT FURTHER to the following conditions contained
in Deed of Transfer No. [REDACTED] imposed by the
Administrator of the Cape Province under Ordinance No.13
of 1927:-

(a) That the said lot shall be used for residential
purposes only;

(b) That the said lot shall not be subdivided;

(c) That not more than one dwelling, together with the
necessary outbuildings and accessories, shall be
erected on said lot, and that not more than one-
half the area of said lot shall be built upon.

3

- (d) That no buildings shall be erected on said lot within 4,72 metres of the boundary line between the said lot and the street which said lots abuts.

D. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. [REDACTED] imposed for the benefit of and enforceably by the registered owners for the time being of:-

- (a) the remaining extent of the land Berthaville granted to Thomas John Futter under Act 15 of 1887 on the 18th November 1927 (Alexandria Quitrents Vol.3 No.1).
- (b) all other lots forming portion of Whitney Extension Township and of the lots forming portion of the Township of Whitney (General Plan No.W. 94), viz:-

"ii. That the said lot shall be used for residential purposes only, and that the said Transferee and his successors-in-title and the occupiers thereof for the time being shall have no right whatever to establish, carry on or conduct on the said lot any hotel or other business for the sale of liquor of an intoxicating nature either by retail or wholesale, or any boarding house, or any general dealers, butchery or bakery business, or any other business whatsoever."

(II) As regards the figure xyCE on the said Diagram S G No.1781/1987 annexed:

- A. SUBJECT to the conditions referred to in Deed of Transfer No. [REDACTED] dated 21st September 1981.
- B. SUBJECT FURTHER to the following conditions contained in Deed of Grant issued under the provision of Act 7 of 1865 in favour of W.J. Scheepers on 5th January 1872 (Alexandria Quitrents Vol. 1 no.19):-

"The land thus granted being further subject to such duties or regulations as either are already or shall in future be established regarding land granted under similar tenure."

- C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. 6714/1933 imposed by the Administrator of the Cape Province under Ordinance No.13 of 1927, which conditions are set out in Condition (I)(C) hereof.
 - D. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. 6714/1933 imposed for the benefit of and enforceably by the registered owners for the time being, which conditions are set out in Condition (I)(D) hereof.
- 

III As regards the figure CDE on said Diagram S G No. 1781/1987 annexed:

A. SUBJECT to the conditions contained in Certificate of Registered Title No. 7 [REDACTED]

B. SUBJECT FURTHER to the following condition contained in Deed of Grant issued under the provisions of Act 7 of 1865 in favour of W.J. SCHEEPERS on the 5th January 1872 (Alexandria Quitrents Vol. 1 No.19) namely:-

"The land thus granted being further subject to such duties or regulations as either are already or shall in future be established respecting land granted under similar tenure."

C. SUBJECT FURTHER to the endorsement dated 3rd March 1937 on Deed of Transfer No. 1964/1937 reading as follows:-

"the owner of the remdr. of the property held hereunder or his successors-in-title is restrained from carrying on any trade or business excepting that of any hotel (for sale of liquor etc.) boarding house, café, eating house or lodging house on such remainder."

1

WHEREFORE the said Appearer, renouncing all right and title which the said
ESME ALICE NEVAY

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

SAMUEL JACO SYMINGTON

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be
entitled thereto, conformably to local custom, the State, however reserving its
rights, and finally acknowledging the purchase price to be the sum of
[REDACTED] (TH [REDACTED])

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

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Cape
Town on

20 August 2003

I de Toir

q.q.

In my presence

[Signature]

REGISTRAR OF DEEDS

MOTIVATIONAL REPORT

ERF 1038, BOESMANSRIVIERMOND

Application for:

- Permanent Departure from the 5m street building line to a 2,9m street building line to permit the proposed garage.
- Permanent Departure from the 1,5m south-eastern lateral building line to a 0m south-eastern lateral building line for the existing outbuilding.
- Removal of Restrictive Title Deed Conditions I.C (c) and (d) and II. C. (c) and (d) in Title Deed [REDACTED]

Compiled by:



Pr. Pln A/1037/1998
BA M(TRP) MSAP

Contact Details:

Email: mirinda@mdbtownplanner.co.za

Cell: 082 896 2686

117 Cape Road, Mill Park

Port Elizabeth, 6001

www.mdbtownplanner.co.za

JUNE 2026

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ANNEXURES

Annexure A:

1. Locality
2. Aerial View
3. Land Use
4. Existing Zonings
5. Site Development Plan

Annexure B:

1. Application Form

Annexure C:

1. Power of Attorney
2. Title Deed
3. Conveyancer's Certificate
4. Cadastral Diagram
5. Building Plan Approval (March 2026)

1. The Property

The subject property is described as Erf 1038, Boesmansriviermond (herein referred to as the subject site), situated in the Ndlambe Municipal jurisdiction. The Cadastral Diagram (S.G. No. 1781/1987) is attached as Annexure C.4.

2. Purpose of the Application

The purpose of this application is to obtain the necessary approvals from the Ndlambe Municipality to formalize the building line encroachments of the existing development (as per approved building plans) and permit the proposed garage encroaching the street building line on the subject site.

3. The Application

Samuel Jaco Symington, the current owner of the subject site, appointed Mirinda de Beer Town & Regional Planners (MDB) to prepare and submit an application for the following:

- **Permanent Departure** from the 5m **street building line** to a 2,9m street building line to permit the proposed garage, in terms of Section 76 of the Ndlambe Municipality SPLUM By-Laws (2016).
- **Permanent Departure** from the 1,5m **south-eastern lateral building line** to a 0m south-eastern lateral building line for the existing outbuilding, in terms of Section 76 of the Ndlambe Municipality SPLUM By-Laws (2016).
- **Removal of Restrictive Title Deed Conditions** I. C. (c) and (d) and II. C. (c) and (d) from Title Deed [REDACTED], in terms of Section 69 of the Ndlambe Municipality SPLUM By-Laws (2016).

4. Background

The property is zoned Residential 1 and is currently being used in accordance with the applicable zoning. Samuel Jaco Symington has owned the property since 2003.

Bedford Architects submitted building plans, on behalf of the owner, for alterations and renovations to the Ndlambe Municipality in February/March 2026. The Building Control Department approved the building plans for Erf 1038, Boesmansriviermond subject to the comments from other Departments. The building plans were circulated to the Town Planning Department. On 20 March 2026 the Town Planning Department approved the building plan subject to the submission of a Town Planning application to relax the south-eastern lateral building line to formalize the existing encroachment of the garage along the south-eastern lateral boundary. The alterations and renovations reflected on the approved building plans are currently under construction.

The **Building Plan approval** is attached as **Annexure C.5**.

Following the completion of the renovations, the owner proposes the construction of a new double garage on the south-western side of the dwelling, fronting onto Park Street. The proposed development entails the redevelopment and expansion of the existing outbuilding to accommodate the double garage. However, the proposed structure will encroach the applicable street building line and therefore requires a Permanent Departure to relax the street building line from 5m to 2,9m. Building plans for this second phase of development will be submitted to the Ndlambe Municipality once the current application has been finalised and approved.

Mirinda de Beer Town & Regional Planners has accordingly been appointed to prepare and submit the necessary application to the Ndlambe Municipality in order to formalise the existing building line encroachments and to obtain approval for the proposed garage encroaching the street building line on the subject property.

1. Locality

The subject site is located in the eastern part of Boesmansriviermond, situated at 55 Park Street between the R72 in the north and the Indian Ocean in the south.

Annexure A.1: Locality



2. Property Size and Zoning

Cadastral information:

- Property Description: Erf 1038, Boesmansriviermond
- Size: 664m²

Zoning information:

- Current zoning: Residential Zone 1

Development parameters:

- Primary land uses: Dwelling Unit
- Street building lines: 5m
- Lateral building lines: 1,5m
- Rear building lines: 3m
- Coverage: 50%
- Height: 8,5m
- Floor factor: 1,0

3. Title Deed, Servitudes and Bonds

Title Deed [REDACTED] is applicable to the subject site and is attached as Annexure C.2. The Conveyancer Certificate confirmed that there are conditions in the Title Deed that prohibit the existing and proposed development on the subject site and should be removed. The Conveyancer Certificate is attached as Annexure C.3.

There are no servitudes registered on the property affected by the proposed development. The Cadastral Diagram is attached as Annexure C.4.

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

4. Existing Land Use

A dwelling unit, outbuilding and single garage are situated on the property. Access to the property is obtained from Park Street in the south-west.

Annexure A.3: Land Use



The Conveyancer Certificate confirmed that Conditions I. C. (c) and (d) and II. C. (c) and (d) from Title Deed T76383/2003 should be removed:

I. As regards the figure Abyx on the said Diagram S.G. Number No [REDACTED]:

C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. [REDACTED] imposed by the Administrator of the Cape of Good Hope under Ordinance No 13 of 1927;

- c) That not more than one dwelling together with the necessary outbuildings and accessories, shall be erected on said lot, and that not more than one-half the area of the said lot shall be built upon.
- d) That no building shall be erected on the said lot within 4,72 metres of the boundary line between the said lot and the street which said lots abuts.

II. As regards the figure xyCE on the said diagram S.G. Number No [REDACTED] annexed:

C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. [REDACTED] imposed by the Administrator of the Cape of Good Hope under Ordinance No 13 of 1927;

- c) That not more than one dwelling together with the necessary outbuildings and accessories, shall be erected on said lot, and that not more than one-half the area of the said lot shall be built upon.
- d) That no building shall be erected on the said lot within 4,72 metres of the boundary line between the said lot and the street which said lots abuts.

Removal of Conditions I. C. (c) and II. C. (c):

- Conditions I. C. (c) and II. C. (c) limits the use of the property to only one residential dwelling and outbuildings are ordinarily required to be used with a dwelling.
- The Ndlambe Municipality Integrated Land Use Scheme (2019) permit the development of an additional dwelling unit on Residential Zone 1 properties, subject to Municipal approval, which means that there are currently two sets of development regulations applicable to the site.
- The Ndlambe Municipality Spatial Planning and Land Use Management By-Law (2016) gives property owners the right to apply for various consent uses in terms of the Ndlambe Municipality Integrated Land Use Scheme (2019).
- The removal of Conditions I. C. (c) and II. C. (c) will simplify planning practices and limit confusion as only one set of regulatory requirements will apply, that being the development parameters as per the Ndlambe Municipality Integrated Land Use Scheme (2019).
- The removal of Condition I. C. (c) and II. C. (c) will allow future development in accordance with the Ndlambe Municipality Integrated Land Use Scheme (2019).

Removal of Conditions I. C. (d) and II. C. (d):

- Conditions I. C. (d) and II. C. (d) in the Title Deed stipulates a 4,72m street building line.
- The Ndlambe Integrated Land Use Scheme (2019) stipulates a 5m street building line for properties with a Residential 1 zoning.
- Building plans for the renovation of the dwelling unit on Erf 1038, Boesmansriviermond have been approved including the existing garage encroaching the 1,5m lateral building line along the south-eastern lateral boundary of the subject site.

- The proposed garage will encroach the 5m street building line per the Ndlambe Municipality Integrated Land Use Scheme (2019) and the 4,72m street building line as per the Conditions in the Title Deed.
- The removal of these conditions is required in order to permit the proposed departure from the street building line and south-eastern lateral building line for the formalization of the existing development and permit the proposed garage.

The existence of the Title Deed condition has the effect of:

- Undermining the Ndlambe Integrated Land Use Scheme (2019), which is the current legal and policy instrument for land use management;
- Delaying development potential that may otherwise be permitted through proper Municipal processes;
- Creating legal uncertainty, as it introduces a second layer of regulation no longer aligned with delegated planning authority structure under SPLUMA (Spatial Planning and Land Use Management Act, 2013).

The removal of the conditions aligns with:

- SPLUMA, which seeks to rationalize and simplify land use controls;
- The Municipal Spatial Development Framework (SDF), which promotes efficient land use and sustainable densification where appropriate;
- The applicable Town Planning Scheme, which provides clear mechanisms (e.g., consent use of rezoning) for change in land use, subject to public participation and technical assessment.

The restrictive conditions in the Title Deed prohibit the efficient use of property and will not have a detrimental impact on the property and surrounding area.

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

According to Section 69 (5) if the Ndlambe Municipality Spatial Planning and Land Use Management By-Laws (2016), the Municipality must have regard to the following, when considering the removal, suspension or amendment of restrictive Title Deed conditions:

- In terms of **Section 69 (5) (a)** of the Ndlambe Municipality SPLUMA By-Laws (2016), when considering the removal, suspension or amendment of a restrictive conditions the Municipality must have regard to:

(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.

Motivation for Removal of Title Deed Conditions in terms of Section 69 (5) (a):

- The restrictive condition is obsolete and have been effectively replaced by the provisions of the Ndlambe Integrated Land Use Scheme (2019) and modern building regulations, which are subject to Municipal approval.
- As such, its removal will eliminate legal uncertainty, align the property's development controls with the Ndlambe Integrated Land Use Scheme (2019), and support more flexible, efficient land use without influencing the rights or values of any third party.
- In terms of **Section 69 (5) (b)** of the Ndlambe Municipality SPLUMA By-Laws (2016), when considering the removal, suspension or amendment of a restrictive conditions the Municipality must have regard to:

(b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition.

Motivation for Removal of Title Deed Conditions in terms of Section 69 (5) (b):

- These conditions were imposed generically at the time of township establishment and were not intended to serve the interests of a specific individual or property.
 - The continued existence of these conditions does not enhance or protect any current owner's property rights or enjoyment, nor does its removal result in a loss of personal benefit to any party.
 - Removing these restrictions thus removes the arbitrary and outdated control without infringing on any legitimate personal rights of others.
- In terms of **Section 69 (5) (c)** of the Ndlambe Municipality SPLUMA By-Laws (2016), when considering the removal, suspension or amendment of a restrictive conditions the Municipality must have regard to:

(c) The personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is removed.

Motivation for the Removal of Title Deed Conditions in terms of Section 69 (5) (c):

- The removal will allow for more efficient and flexible use of the property in accordance with current Municipal planning regulations, the Ndlambe Integrated Land Use Scheme (2019).
 - This includes the ability to construct additional or more appropriately located buildings, respond to contemporary lifestyle needs, and enhance the market value and functional use of the property.
 - In addition, the removal will eliminate outdated spatial limitations that are no longer aligned with Municipal Zoning provisions, thereby simplifying the legal and planning environment in which the property exists.
- In terms of **Section 69 (5) (d)** of the Ndlambe Municipality SPLUMA By-Laws (2016), when considering the removal, suspension or amendment of restrictive conditions the Municipality must have regard to:

(d) The social benefit of the restrictive condition remaining in place in its existing form.

Motivation for the Removal of Title Deed Conditions in terms of Section 69 (5) (d):

- The restrictive Title Deed condition serves only to limit private development on the subject property and does not contribute to the protection of public rights, heritage, environmental resources, or community access.
 - Building lines are now appropriately and effectively regulated through the Ndlambe Municipality Integrated Land Use Scheme (2019) and Municipal development processes, which serve the public interest in a more current, flexible, and responsive manner.
 - The retention of the existing title deed condition provides no tangible social benefit to the community, municipality, or surrounding property owners. Instead, their removal would align with current planning and land use policies, enable local economic activity, encourage sustainable development and reduce administrative inefficiency.
- In terms of **Section 69 (5) (e)** of the Ndlambe Municipality SPLUMA By-Laws (2016), when considering the removal, suspension or amendment of restrictive conditions the Municipality must have regard to:

(e) The social benefit of the removal or amendment of the restrictive condition.

Motivation for Title Deed Conditions in terms of Section 69 (5) (e):

- In terms of Section 69(5)(e) of the Ndlambe Municipality Spatial Planning and Land Use Management By-Laws (2016), the removal of the restrictive building line condition will yield clear social benefits.

- It will allow for more efficient use of land within the urban edge, support the development of affordable and inclusive housing typologies, and enable more context-sensitive and sustainable design solutions.
 - The removal will also reduce legal uncertainty and streamline development processes, supporting both private investment and public interest.
- In terms of **Section 69 (5) (f)** of the Ndlambe SPLUMA By-Laws (2016), when considering the removal, suspension or amendment of restrictive conditions the Municipality must have regard to:

(f) Whether the amendment, suspension, or removal of the restrictive condition will remove all rights enjoyed by the beneficiary or only some of those rights.

Motivation for Title Deed Conditions in terms of Section 69 (5) (f):

- The removal of the restrictive condition will not remove any real or currently enjoyed rights by any beneficiary, as no such beneficiary with enforceable rights exists.
- To the extent that historical rights may exist, the removal will affect only some obsolete and unexercised rights, not all rights.
- There is no prejudice or loss to any third party or community interest.
- Therefore, the Municipality can confidently approve the removal of this condition, knowing that no legitimate rights will be extinguished or unjustly affected.

1. Current Situation

The subject property is located at 55 Park Street, in Boesmansriviermond. A dwelling unit, outbuilding and single garage are situated on the property. The existing dwelling unit has undergone renovations and alterations as per Approved Building Plans dated March 2026.

Access to the property is obtained from Park Street in the south-west from a motorised gate.

Annexure A.3: Land Use



2. Proposed Garage

The subject property currently accommodates only a single garage. The owner intends to construct a new double garage on the south-western portion of the property, positioned along the frontage of the existing dwelling.

Due to the current layout and positioning of the existing buildings on Erf 1038, Boesmansriviermond, it is not feasible to locate the proposed double garage on the rear (north-eastern) portion of the property. Furthermore, the existing single garage situated along the south-eastern boundary cannot reasonably be extended or enlarged due to its close proximity to the main dwelling unit.

In consideration of the above constraints, the most practical and logical location for the proposed double garage is along the frontage of the dwelling. An existing detached outbuilding is presently located on the south-western portion of the property. It is proposed that this structure be expanded and converted to accommodate the new double garage, with the extension projecting towards the street boundary.

3. Departure from Building Lines

The Ndlambe Municipality Integrated Land Use Scheme (2019) stipulates a 5m street building line, 3m rear building line and 1,5m lateral building lines for Residential Zone 1 properties.

The existing development footprints encroach on the 1,5m south-eastern lateral building line and the proposed garage extension will encroach the 5m street building line along Park Street. The south-eastern lateral building line encroachment which is the existing garage was lawfully permitted in line with approved building plans at the time. The proposed garage will encroach the 5m street building line along Park Street. As per conditions of approval set by the Town Planning Department this application includes the departure from the street building line to permit the proposed development as per the Site Development Plan.

This application includes the Permanent Departure from the street building line and south-eastern lateral building line to formalise the existing development (as per approved building plans) and permit the proposed garage.

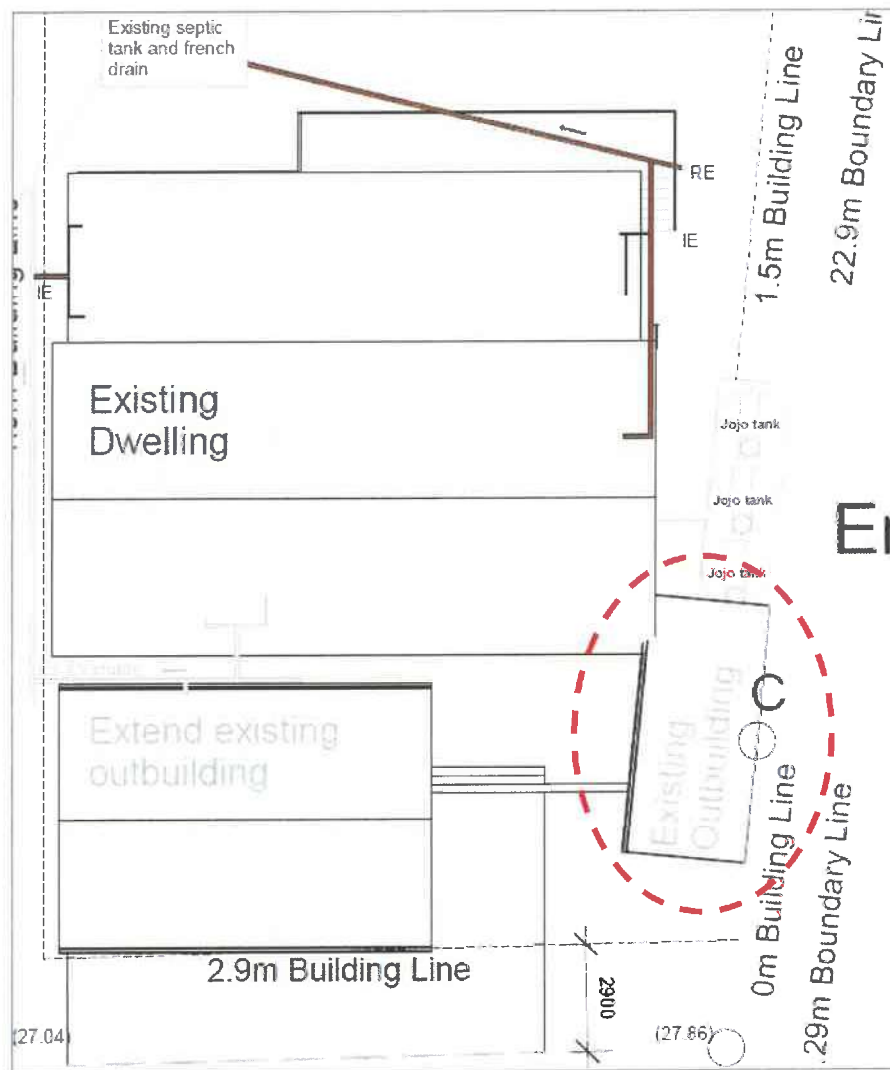
3.1 Departure from the south-eastern lateral building line:

- The existing garage along the south-eastern lateral building line encroaches on the 1,5m south-eastern lateral building line. This structure was constructed before the Ndlambe Municipality Integrated Land Use Scheme (2019) came into effect.
- The proposed 0m south-eastern lateral building line will allow the owner to regularise the existing single garage as per the Approved Building Plans.
- It is therefore the owner's intention to relax the 1,5m south-eastern lateral building line to 0m in order to formalise the existing encroachment.
- As illustrated on the image below, there are water tanks along the south-eastern boundary situated north-east of the existing single garage. This office confirms, as is evident on the image, that the water tank supporting structures are not more than 1m and do not necessitate a building line relaxation application.
- This relaxation will apply only to the existing garage, and any future development on the property will comply with the requirements of the Ndlambe Municipality Integrated Land Use Scheme (2019).

Existing garage encroaching the 1,5m south-eastern lateral building line:



Site Development Plan Extract – South-eastern Lateral Building Line:



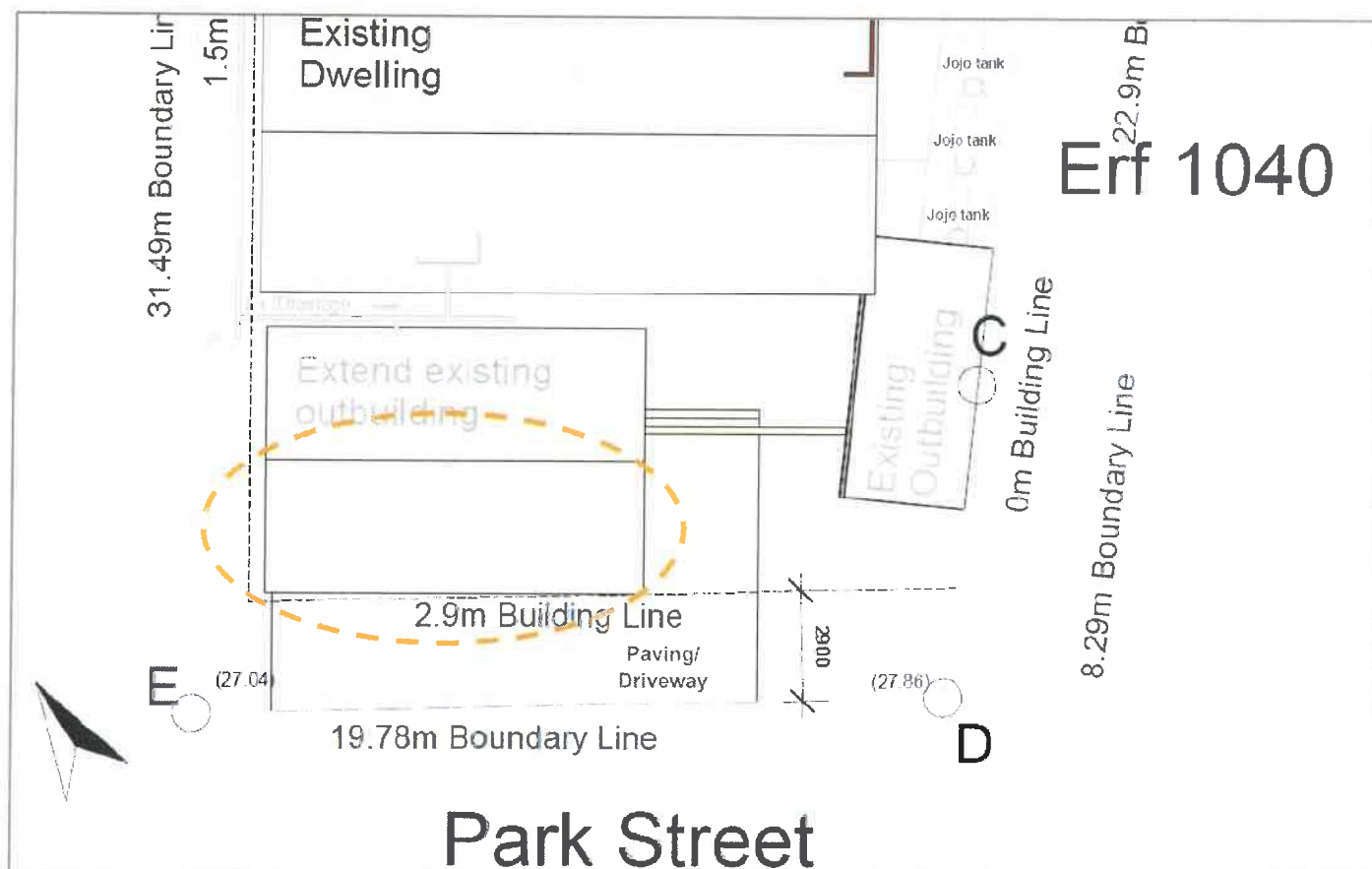
3.2 Departure from the 5m street building line:

- The proposed double garage was not included on the Building Plan approved in March 2026. The double garage is a proposed phase 2 development and will be subject to the approval of the relaxation application at hand.
- The proposed garage will encroach the 5m street building line along Park Street as per the Site Development Plan.
- Permitting the proposed Permanent Departure from the 5m street building line to 2,9m street building line will enable the owner to convert the existing outbuilding and enlarge it into a double garage.
- All future development after the garage development will adhere to the 5m street building line and the proposed 2,9m street building line will only be applicable to the proposed garage.

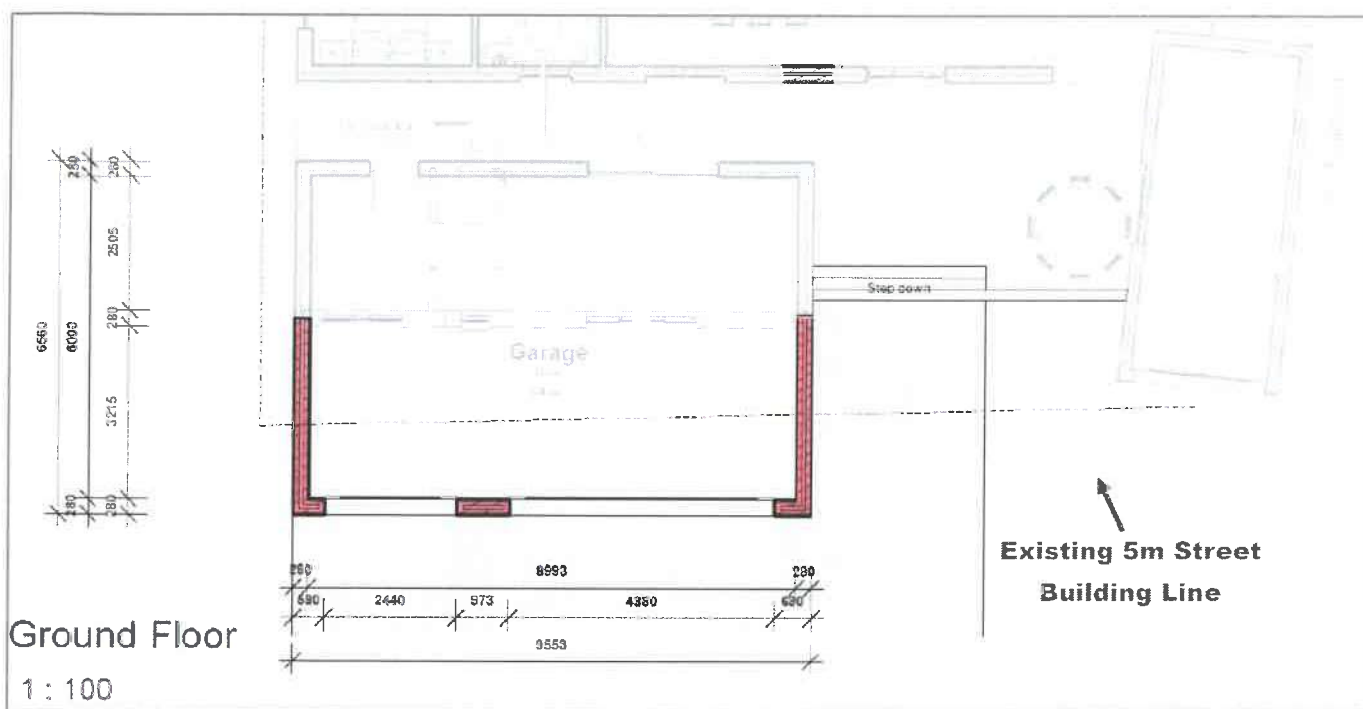
Proposed extension of existing outbuilding for garage:



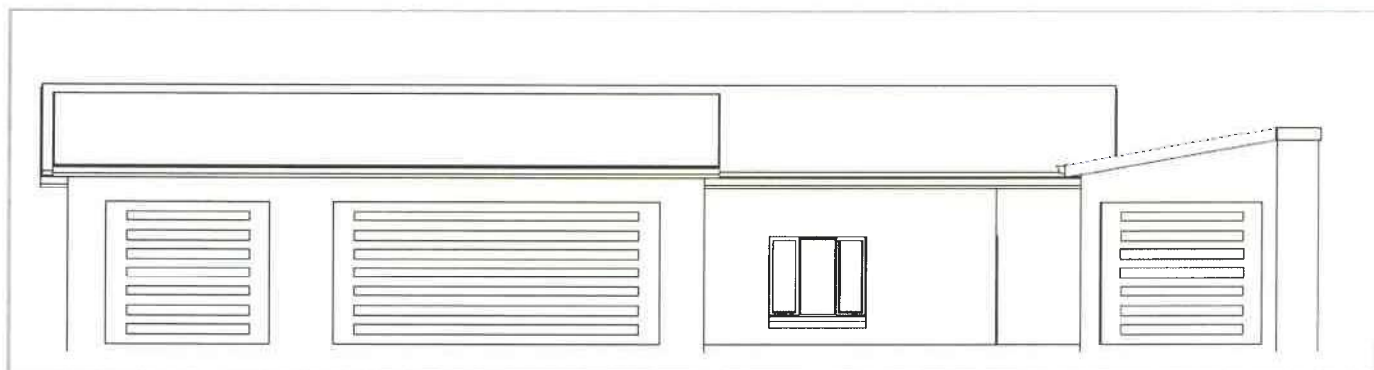
Site Development Plan Extract – Street Building Line along Park Street:



Ground Floor Plan Extract – Double Garage



Proposed double garage:



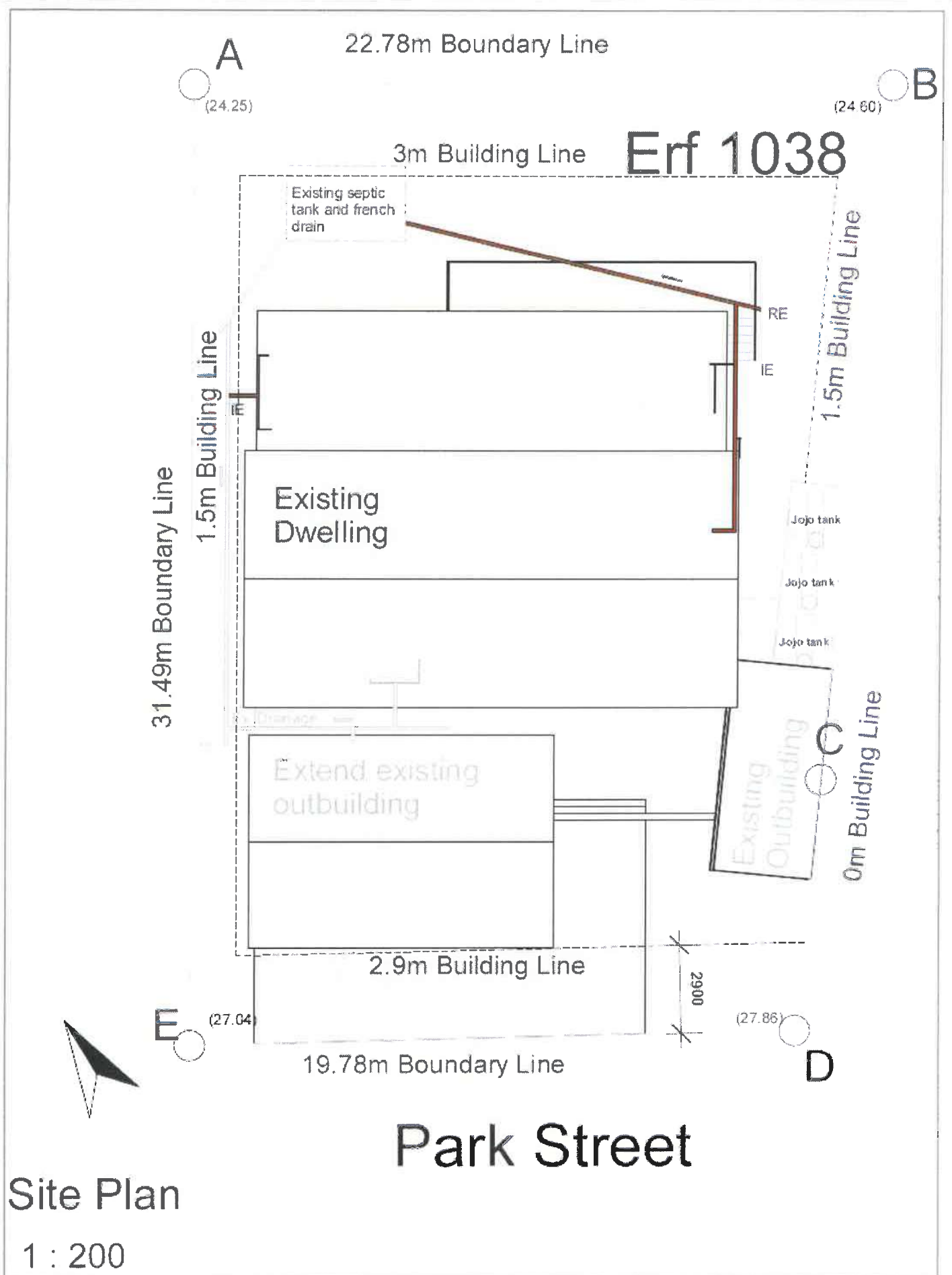
4. Coverage

The terms of the Ndlambe Municipality Integrated Land Use Scheme (2019) a coverage of 50% is allowed for Residential Zone 1 properties. The coverage of the existing development footprints, calculated on ground floor level in accordance with the approved building plan, is:

Land Uses:	Existing buildings:
Existing Garage:	19m ²
Existing Outbuilding:	29m ²
Existing Dwelling Ground Floor:	98m ²
Additions:	60m ²
Covered Patio:	31m ²
New Open Patio and Stairs	30m ²
Total coverage:	267m² (40%)

The coverage of 267m² (or 40% of the property) remains within the permissible 50% coverage allowance for Residential Zone 1 properties. The building footprint therefore complies fully with the development parameters of the Scheme.

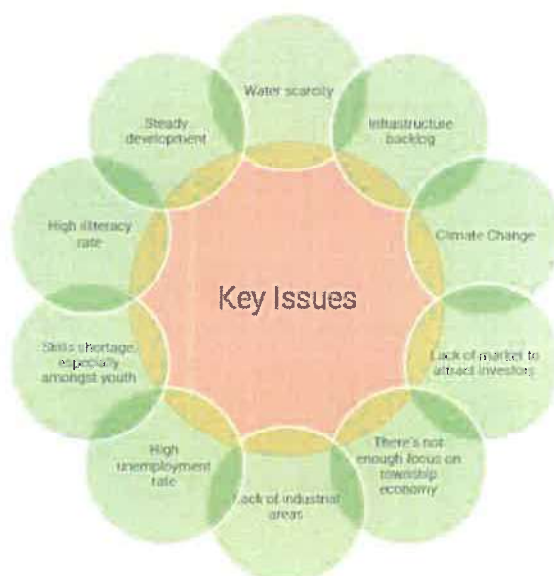
Site Development Plan:



1. Ndlambe Municipality Spatial Development Framework (2023)

The primary purpose of the Spatial Development Framework is to represent the spatial development goals of a local authority that result from an integrated consideration and sifting of the spatial implications of different sectoral issues.

The following key issues were identified pertaining to the Ndlambe Municipality:



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.

Spatial Vision

The spatial vision of the SDF is: *"A Spatially 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 (applicable to this application):

- 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.
- Meet community needs and promote community values and aspirations.

The following objectives have been identified specifically for **Urban** areas (*applicable to this application*):

- 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.

Key Economic Issues

The following key economic issues are applicable to Ndlambe Local Municipality:

- Local municipality have limited revenue sources and are heavily grant-dependent
- High unemployment rate
- Municipality generally are experiencing an inability to spend their approved budgets timeously
- Deline and lagging in the Primary and Secondary economic sector
- Support is needed for the LED sector
- There is a need to support the tourism sector
- Job creation in the local market
- There is a need to address the secondary and tertiary sectors

Development Strategies:

The following development strategies were identified for the Ndlambe Local Municipality (*applicable to this application*):

- 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 Ndlambe Local Municipality identified the following spatial planning principles of critical importance. The proposed development aligns with these principles in the following manner:

- 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 a sense a place
- ▶ Enhancement of investment opportunities
- ▶ Simplifying decisions-making regarding development application

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

- ▶ Transforming Human Settlements
- ▶ **Nodes**
- ▶ Corridors
- ▶ **Urban Edge**
- ▶ **Services Edge**
- ▶ Transition Zone
- ▶ Town Revitalization
- ▶ Infill Development
- ▶ Natural Features
- ▶ Smart Growth

Nodes

Nodes are generally described as areas of mixed-use development, usually having a higher intensity 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 the 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, **Bushmans River Mouth** has been classified as a Sub-District Centre, as illustrated below.

Ndlambe Municipality: Nodal Plan



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 and low income)
- Potential for value adding agro-industrial processes

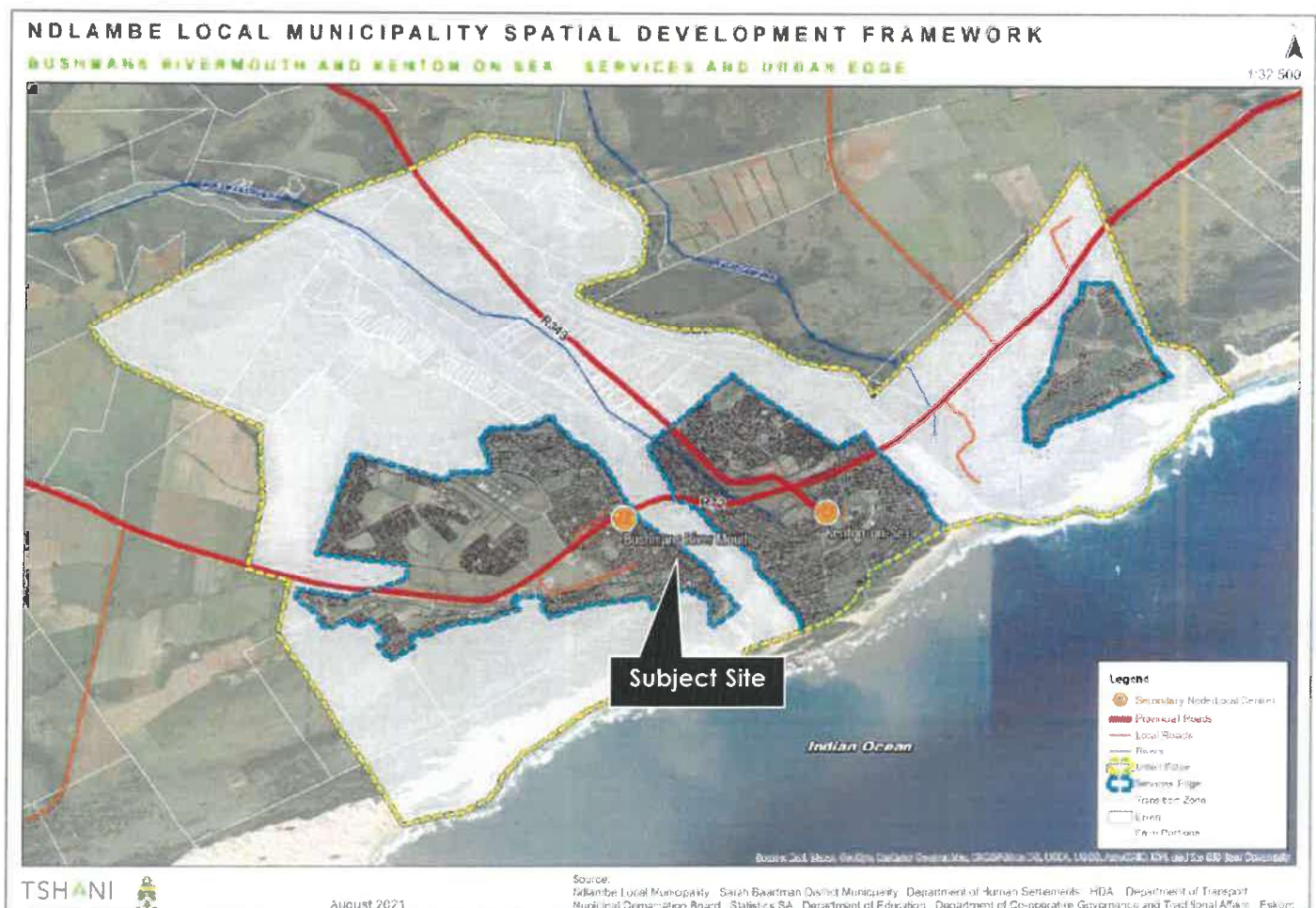
Urban Edge and Service Edge

The function of an **Urban Edge** is a drawn and defensible line used as a means of restructuring the urban area and integrating the currently segregated social groups and urban uses. Development first takes place within the existing urban edge before the Ndlambe LM can review to expand the urban edge.

The **Services 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.

The subject site is located within the urban edge and service edge of Bushmans River Mouth.

Urban Edge and Service Edge: Bushmans Rivermouth and Kenton on Sea



Land Use Proposal: Bushmans Rivermouth and Kenton on Sea

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.

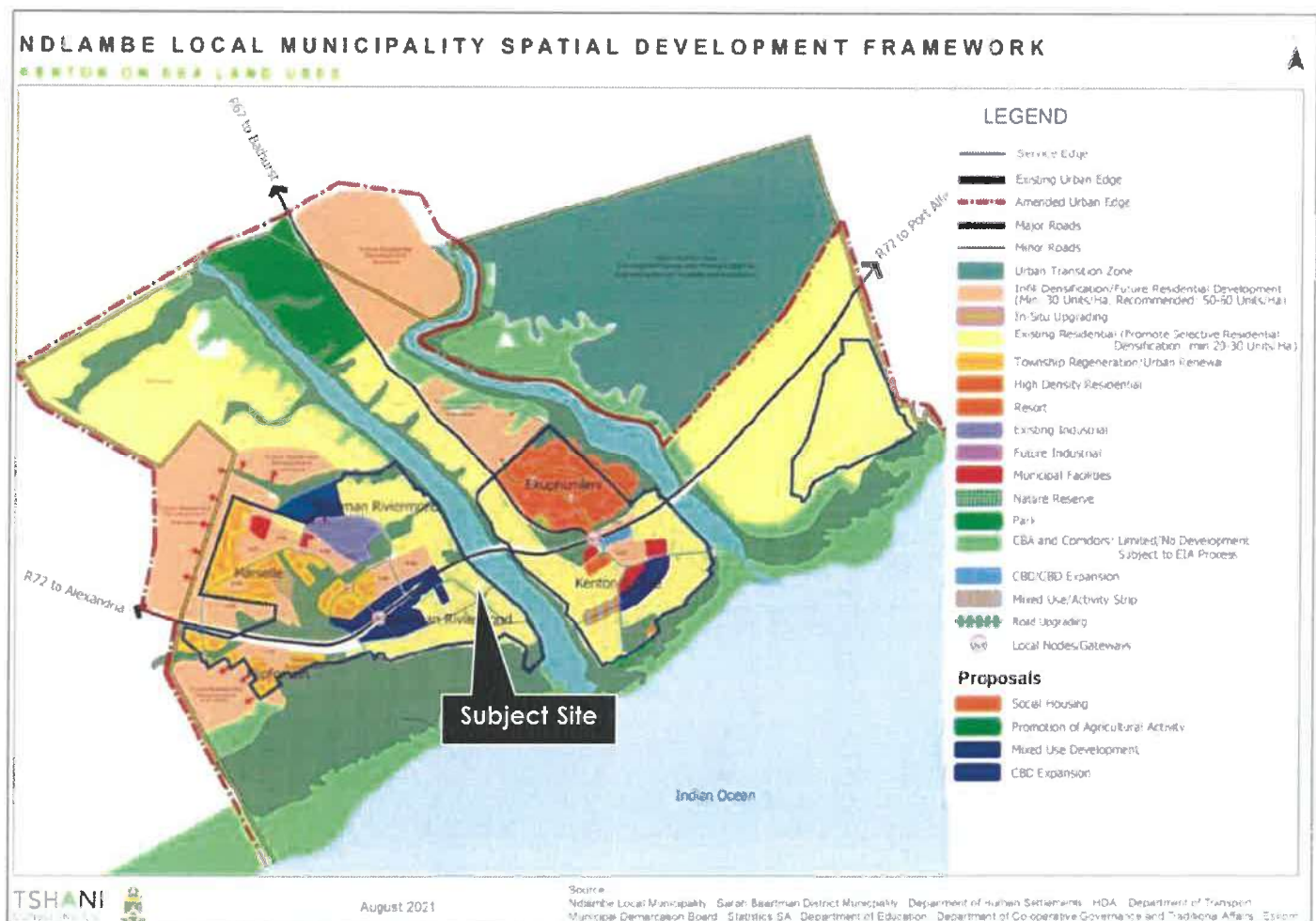
The "Bushmans River Mouth" urban concentration has been identified as a "*Sub-District Centre*" owing to its location along the coast and tourism activities found in the town.

Residential:

Bushmans River Mouth lies spatially adjacent to Kenton-on-Sea. With a limited range of housing typologies, which has led to very low-density development and promotions of urban sprawl.

Erf 1038, Boesmansriviermond is earmarked for Residential and promotion of selective residential densification.

Ndlambe Local Municipality Spatial Development Framework: Bushmans River Mouth



Compliance with the Ndlambe Spatial Development Framework: Bushmans Rivermouth and Kenton on Sea

- Erf 1038, Boesmansriviermond is situated within the urban edge and service edge of Boesmansriviermond within walking distance of residential areas and surrounding community facilities like churches.
- The proposed building line relaxations on the property in Boesmansriviermond aligns with the Ndlambe Municipality Spatial Development Framework in several key respects. It supports the compact urban form of Boesmansriviermond and allows for practical improvements that enhance liveability and property values.

- The Permanent Departure from the street and south-eastern lateral building lines will not change the residential land uses or character of the surrounding area.
- The proposed garage is architecturally designed and will bring investment to the area and create quality urban environments.
- It is clear from the above that the development on the site supports and promotes the goals and principles of the existing planning vision and proposals applicable to the area in Boesmansriviermond.
- Therefore, the application is not considered to be in conflict with the vision of the Ndlambe SDF for Boesmansriviermond.

It is clear from the above that the development on the site supports and promotes the principles of the existing planning vision and proposals applicable to the area.

2. Ndlambe Municipality Land Use Scheme (2019)

Land use and land use parameters applicable to the subject site are regulated by the Ndlambe Municipality Land Use Scheme (2019). Erf 1038, Boesmansriviermond is currently zoned for Residential 1 purposes.

This application is submitted in terms of the Scheme and relevant SPLUMA By-Law provisions for a Departure to relax the prescribed building lines in order to formalise existing encroachments and accommodate a new garage. Importantly, the application does not seek to amend the zoning of the property or introduce additional land uses but is limited to site-specific departures from building line restrictions.

Applicable Land Use Rights and proposed Development Parameters:

- **Primary Land Uses (as per Residential 1 zoning):**
 - *Dwelling Unit*
- **Development Parameters:**
 - *Street building line: 5m, 2,9m to permit the proposed garage per the Site Development Plan*
 - *Lateral building line: 1,5m, 0m along the south-eastern boundary to formalize the existing outbuilding (garage) as per the Site Development Plan*
 - *Rear building line: 3m*
 - *Permitted height: 8,5m*
 - *Floor Factor: 1.0*
 - *Maximum coverage: 50%*

The proposed departures are therefore limited to building line relaxations and do not affect the primary land use rights or the broader development parameters applicable to the property.

COMPLIANCE WITH SPLUMA PRINCIPLES

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 principles, aimed at achieving sustainability, equality, efficiency, fairness and good governance in spatial planning and land use management, which all planning authorities should adhere to.

The development principles are summarized below, as well as how the proposed development on the application area complies with these planning principles.

1. The principle of Spatial Justice

Criteria:

Section 7 (a) requires that spatial planning systems redress past imbalances, promote equitable access to land and opportunities, and ensure inclusive and fair land use management.

Development Compliance:

- The proposed development does not exclude or limit access to land, infrastructure, or services for any members of the community, ensuring fair and equitable use of space.
- Regularising the existing encroachments through formal approval promotes lawful land administration and prevents informal or irregular development practices.
- The application provides clarity and legal certainty for surrounding property owners by aligning existing structures with the Municipality's land use management system.
- The proposed garage placement makes effective use of an underutilised portion of the site, supporting efficient land use without negatively impacting neighbouring properties.
- No public land or communal access is affected by the requested departures, ensuring that broader community rights are not compromised.
- The development maintains compatibility with the surrounding residential character, supporting inclusive and balanced neighbourhood development.
- By following due process in terms of the Ndlambe Local Municipality SPLUM By-Laws (2016), the applicant upholds transparent, accountable, and fair spatial planning procedures.
- The improvements to the property contribute to long-term stability and investment in the area, supporting the equitable distribution of development benefits within the local community.

2. The principle of Spatial Sustainability

Criteria:

Section 7 (b) requires that development promote efficient land use, protect environmental resources, optimise infrastructure investment, and support long-term economic viability.

Development Compliance:

- The development makes efficient use of an already developed residential property, supporting sustainable land use within the existing urban footprint.
- No environmentally sensitive areas, public open spaces, or natural resources are affected by the proposed departures.
- Regularising existing structures prevents uncontrolled or informal development, promoting long-term sustainable land management.
- The proposed garage will strengthen the functional use of the site without increasing pressure on municipal services or infrastructure.

- The application supports compact urban form by encouraging development within existing residential areas rather than outward expansion.

3. The principle of Efficiency

Criteria:

Section 7 (c) requires that land be used optimally, infrastructure be used effectively, and development minimise wasteful urban sprawl and duplication of services.

Development Compliance:

- The proposed garage utilises a portion of the site that is currently underutilised, ensuring more efficient use of available land.
- The requested departures enable the optimal placement of structures without compromising access, sunlight, or ventilation on neighbouring properties.
- Regularisation of existing encroachments ensures orderly development and avoids unnecessary demolition or waste of built resources.
- The application supports efficient development patterns by maintaining the residential function of the property in line with surrounding uses.
- No additional burden is placed on municipal infrastructure, ensuring efficient service delivery.

4. The principle of Spatial Resilience

Criteria:

Section 7 (d) requires that development strengthen the ability of settlements to adapt to economic, social, and environmental changes over time.

Development Compliance:

- The development aligns with the existing residential environment, supporting long-term adaptability and stability within the neighbourhood.
- The proposed structures improve the property's functionality and longevity, contributing to the resilience of the built environment.
- Compliance with formal planning processes ensures the property can adapt to future regulatory changes and community needs.
- The application does not introduce land uses that could create future risks or conflicts within the area.

5. The principle of Good Administration

Criteria:

Section 7 (e) requires that land use management be lawful, transparent, efficient, and consistent with adopted municipal policies and procedures.

Development Compliance: Planning Implication:

- The application follows all statutory requirements in terms of Section 76 of the Ndlambe Municipality SPLUM By-Laws (2016).
- All affected neighbours have been, or will be, notified in accordance with public participation requirements, ensuring transparency.
- The submission provides accurate and complete information, enabling fair, accountable, and efficient decision-making by the Municipality.
- The process promotes cooperative governance by ensuring alignment with municipal planning policies and land use management systems.
- The application supports consistent and fair application of development controls for all property owners.

MOTIVATION AND PLANNING MERITS

1. Need for the Application

The need for the application arises from the requirement to regularise existing building line encroachments on Erf 1038, Boesmansriviermond, and to obtain the necessary land use approvals to develop a new garage encroaching the 5m street building line along Park Street.

The dwelling unit and outbuilding on the subject property were constructed in accordance with building plans approved by the Ndlambe Municipality prior to the coming into operation of the Ndlambe Municipality Integrated Land Use Scheme, 2019. As a result of the introduction of the current Scheme, certain aspects of the existing development, specifically the encroachment of the 1,5m south-eastern lateral building line, have become non-compliant. The need for the application is therefore not driven by unlawful development, but rather by the requirement to align the existing, long-established development footprint with current planning legislation.

In addition, the owner intends to develop a garage along the street boundary of the property, which necessitates the relaxation of the street building line.

Due to the position of existing structures on the property, the south-western portion of the property is the only suitable location for the proposed double garage, as illustrated in the Site Development Plan. The proposed relaxation of the street building line from 5m to 2,9m will provide an additional 2,1m of usable space, enabling the practical development of the garage.

2. Site Suitability

The subject property measures 664m² and is developed with a dwelling unit and associated outbuilding located on the south-western portion of the site. Access to the property is obtained from Park Street in the south-west.

Due to the physical constraints caused by the layout of the existing buildings, it is not feasible to position the proposed garage along the rear of the property. The south-western portion of the property represents the only practical and functional area for such development, as it allows for safer and more convenient access without compromising the stability of the site or existing structures.

The proposal supports more efficient use of the property, particularly within an established and high-demand area such as Boesmansriviermond, where optimising available land is important. Furthermore, the proposed departures are considered site-specific and responsive to the unique topographical constraints of the property.

It is therefore concluded that the proposal is appropriate for the site and will not result in any significant or adverse impact on the subject property or the surrounding properties.

3. Compatible with the surrounding area

The property is situated in an area predominantly characterized by larger residential dwellings including double and triple storey dwellings. Park Street is characterized by a mix of freestanding homes, varied setbacks, mature landscaping and non-uniform boundary treatments. As shown on the image below, a number of properties in Park Street are not uniformly aligned, with buildings set back at varying distances from the boundary, resulting in an irregular streetscape.

Irregular streetscape:



Source: Google Earth

Staggered streetscape along Park Street:



Source: Google Earth

The proposed relaxation of the street building line will not negatively impact the character of the surrounding area, as the existing development already reflects varied and non-uniform building setbacks. The proposal is therefore consistent with the established streetscape and will not detract from the visual character or amenity of the area.

There will be no visual impact from the proposed building line departures or the future development of the garage along the street boundary. The proposed building line will not change the character of the area and have no detrimental impact on the surrounding properties. The proposal will not have a negative impact on the rights currently enjoyed by the surrounding properties, built environment, land values and privacy of neighbours.

It can be concluded that the relaxation of the street and south-eastern lateral building will not lead to loss in property value or quality of life in terms of right to privacy and sunlight.

4. Engineering Services

The application area is located within the existing urban fabric with all necessary Municipal services. The property is 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 in the Title Deed and departure from buildings lines will not have any effect on the existing Municipal services.

5. No Impact on Existing Rights

The proposed development and associated building line relaxations will not negatively affect the existing rights of adjoining property owners. The encroachment to be regularised is long-established and has formed part of the site's development footprint for many years without giving rise to any known objections or adverse impacts.

The proposed garage will be located along the street boundary in a position that is responsive to the site's topography and existing layout, ensuring that it does not interfere with neighbouring properties in terms of access, light, privacy, or views. Furthermore, the scale and nature of the proposed structure remain consistent with the residential character and permissible land use rights within the area.

No additional bulk or density rights are being sought beyond what is permitted in terms of the zoning. The application merely facilitates the optimal and practical use of the property within the constraints of the site.

It is therefore concluded that the proposal will not prejudice the existing rights or reasonable use and enjoyment of neighbouring properties.

The subject site is suitable for the proposed departures from the street and south-eastern lateral building lines, as the application is mainly intended to formalise long-established development that was historically approved by the Municipality, together with the proposed garage along the street boundary line. The proposal will not result in overdevelopment, will not negatively affect the surrounding properties or character of the area, and represents a reasonable and desirable planning outcome. The requested departures are therefore considered justified and supportable.

The application is considered desirable for the following reasons:

(a) Regularisation of lawful development: The proposal seeks to formalise structures that were constructed in accordance with approved building plans under previous planning frameworks. The departures will correct a technical non-compliance introduced by updated legislation, thereby ensuring that the property's planning rights accurately reflect its existing development.

(b) Appropriate and limited scale of development: The proposed garage is considered a minor amendment and will be aligned with the existing building footprint. It does not introduce a new or intrusive built form but rather represents a logical continuation of the established development on the site. The departures are therefore modest and site-specific.

(c) Compatibility with the surrounding area: The subject property is located within a residential area of Boesmansriviermond characterised by relatively large dwellings, many of which respond to the sloping topography and coastal setting. Relaxations of building lines occur within the broader area, particularly in cases of older developments. The proposal will not alter the residential use of the property and remains fully consistent with the zoning and prevailing land use pattern. The scale and nature of the proposal are in keeping with the character of the surrounding area.

(d) No negative impact on surrounding properties: The existing encroachments have been in place for a considerable period without any known adverse impact on neighbouring properties. The proposed extension is limited in extent and will follow the existing building line. As such, the development is unlikely to result in additional overlooking, overshadowing, loss of privacy, or visual intrusion.

(e) Compliance with development parameters: The total building coverage of 40% (267m²) remains within the permissible 50% coverage allowance applicable to Residential Zone 1 properties. The proposal therefore does not constitute overdevelopment of the erf and complies with the bulk requirements of the Scheme.

(f) Practical and equitable planning outcome: It would be unreasonable to require the alteration or demolition of long-standing structures that were lawfully approved and constructed. The proposal represents a practical and fair planning solution that recognises historical approvals while ensuring compliance with current legislation.

(g) Promotion of sound planning principles: The application promotes orderly development by legalising the existing built form and providing clarity regarding future development rights. It ensures consistency between the title deed, land use rights, and the physical development on the property.

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.



ERF 1038, BOESMANSRIVIERMOND



ERF 1038, BOESMANSRIVIERMOND

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

Tel: (046) 804-5520
Fax: (046) 624-2869
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: DEPARTURE FROM BUILDING LINES AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

SITUATED ON ERF 1038 **STREET & NO.** 55 PARK STREET **TOWNSHIP** BOESMANSRIVERMOND

It is confirmed that I (Name in Full of affected land owner) CHERYL SCHOLTZ

being the registered owner of Erf 1040 Township BOESMANSRIVERMOND

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

- a) A relaxation of the lateral building line from 1.5 m to 0 m from our common side; (To formalize the existing garage)
- b) ~~A relaxation of the rear building line from 1.5 m to 0 m;~~
- c) A relaxation of the street building line from 5 m to 2.9 m; (To permit the proposed garage)
- d) ~~A relaxation of building height from 1.5 m to 0 m;~~
- e) ~~A second dwelling unit not exceeding 1.5 m²;~~
- f) ~~A relaxation of the lateral / street boundary wall / fence height restriction from 1.5 m to 0 m;~~
- g) Other (Give details)

shown on plan number 2025-070 undated 12/05/2026

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).

Cheryl M. Scholtz

Signed: Cheryl M. Scholtz

Date: 21-05-2026

Residential Address (Of owner giving consent):

5

6190

Home Tel: 0

Work Tel:

WITNESSES

1. Catherine Braans
Full Name

Signature C Braans

2. DEREK BRAANS
Full Name

Signature D Braans



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: DEPARTURE FROM BUILDING LINES AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS
SITUATED ON ERF 1038, STREET & NO. 55 PARK STREET, TOWNSHIP BOESMANSRIVIERMOND

It is confirmed that I (Name in Full of affected land owner) DANIEL ADRIAN COUTTS
being the registered owner of Erf 266 Township BOESMANSRIVIERMOND
have **NO OBJECTION** to the above proposal being (Delete which is not applicable):

- a) A relaxation of the lateral building line from 1,5 m to 0 m from our common side; (To formalize the existing garage)
- b) A relaxation of the rear building line from m to m;
- c) A relaxation of the street building line from 5 m to 2,9 m; (To permit the proposed garage)
- d) A relaxation of building height from m to m;
- e) A second dwelling unit not exceeding m²;
- f) A relaxation of the lateral / street boundary wall / fence height restriction from m to m;
- g) Other (Give details)

shown on plan number 2025-070 undated 12/05/2026

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: 
Date: 18/5/2026

Residential Address (Of owner giving consent):

6190

Home Tel: 

Work Tel: 

WITNESSES

1. Cathenne Braam
Full Name

2. DEREK BRAANS
Full Name

Signature 

Signature 