

**APPLICATION FOR AMENDMENT OF AN APPROVED CONDITION OF
APPROVAL (SITE DEVELOPMENT PLAN): PORTION 5 OF FARM 296
BITOU MUNICIPALITY**



PREPARED BY



EMILE VAN DER MERWE
town planning consultants

1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Portion 5 of Farm 296 Knysna Division, to prepare and submit the required town planning application to the Bitou Municipality for the following:

- Application in terms of 15 (2) (h) of the Bitou Municipal By-Law on Land Use Planning for the amendment of an approved condition of approval (Site Development Plan) applicable on Remainder Portion 5 of Farm 296 Ach Rock Keurboomstrand.

The application is required (refer to Paragraph 5) as per the letter of the Bitou Municipality attached as **Appendix 6**.

The following report will endeavour to show that the proposal is desirable from an integrated planning point of view and that it is line with the planning policies of National- and Provincial Government as well as the planning policies of the Bitou Municipality.

2. LOCATION – REFER TO LOCATION MAP ATTACHED AS APPENDIX 1

The application property is located in Keurboomstrand, a seaside village located approximately 10km to the north east of Plettenberg Bay. The property is bordered by Enricos Restaurant to the west with surrounding resort/holiday accommodation to the south-west and east. The property gains direct access to Keurbooms beach. There is an existing 5m right of way access servitude registered over the property in favor of Portion 10 of Farm 296.

3. OWNERSHIP AND SIZE

The property is owned by Keurboomsrock (Pty) Ltd held by Deed of Transfer T 47460/2019. A copy of the Title Deed is attached as **Appendix 2**. The Trust Resolution and Power of Attorney is attached as **Appendix 3**. Portions 21 and 10 were subdivided leaving Remainder Portion 5 of Farm 296. The property is 4619m² in extent is accordance with the SG diagrams attached as **Appendix 4**. The lease areas registered on the property during 1999 (Lease areas 2, 3, 5, 6 & 7) as shown the Surveyor General diagram has not been registered in the Deeds Office and has no effect on the existing rights and the amendment of the site development plan.

4. ZONING AND LAND USE

A zoning certificate that was issued during 2018 to Beacon Surveyors shows a zoning of Resort I (see **Appendix 5**).

From the municipal records and planning report attached as **Appendix 7** is it evident to note that the property is zoned as Resort Zone II. The same zoning of Resort Zone II also applies to Portion 10 of Farm 296 that was subdivided from Portion5 during 1999. From a planning and legal point of view the resort zone II is considered to be correct since the said zoning category enable and allowed for the registration of the five (5) lease areas as approved by the Surveyor General office during 1999 (See Appendix 6). In this regard is your attention drawn to the endorsements on the respective lease diagrams, which endorsements were made in terms of Section 25 of the Land Use Planning Ordinance, 1985. The said approvals could not have been issued under a Resort Zone I zoning. The primary land use rights under the Resort zone is holiday which zoning in terms of the Section 8 zoning scheme regulations is defined as follows:

***Holiday housing** means a harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, and where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel or motel.*

5. DÉVELOPMENT PROPOSAL – APPENDIX 8 ; MALHERBE RUST ARCHITECTS

The development proposal will not create and or lead to any increase in new development or land use rights and will be implemented in terms the resort zoning that applies to the property. The number of resort units will be reduced from 10 to 8 and will be development on more or less the same footprint of the existing units. The re-development will be small in scale with a low density character and are as follows:

- 5 x 1 bedroom units with open pergola stoeps (average 81m²)
- 3x 2 bedroom units with open pergola stoeps (average size of 90m²)
- Existing reception to be converted to new laundry
- New pool room and store 45m²-
- Reception and Administration 60m²
- 8 parking bays

Existing develop footprint

992m²

New development footprint

1052m²

Total new build area = 130m²

As mentioned above, the develop proposal will be more or less positioned on the same footprint of the existing chalets.

Environmental mapping and screening formed an integral part of the design process and critical areas on site have played an important role in determining the current proposed layout, hence current disturbed areas form the basis of new buildings. The immense scenic beauty of the context allows for modest small buildings which fully utilize the views and connection between natural and built landscape. Although only the front three units will have direct sea view the other units are placed within landscaped canopies that embody a unique charm important to retain within new development. The placement of these units, with specific reference to the three units facing the sea, sits on the same front line as per existing units and follows the same orientation as currently on site. All new units have been placed over the current unit footprints.

The design and architectural framework for re-layout and improvement draws inspiration from modest traditional single storeyed cottages arranged around the landscape to create a landscaped courtyard between buildings. The proposed buildings will have 45 degree non reflective corrugated roofs, white rolled roof ridges, white lime washed walls and gables, timber pergolas with vines on and stone chipped flat roofs as linking elements.

Simplistic rectangular in layout and placed within the current arrangement of trees ultimately creating a closely linked experience between outside and inside living. The overall unit's proportion of roof to wall is 1:1. This allows for a simplistic gable end articulation traditional to vernacular typologies.. Timber screening walls, which will naturally weather into a soft greyish tone will be utilized as boundary condition between this and neighboring properties as well as between units where privacy is required. Currently there are well established trees on the site and by utilizing the existing placement the new units integrate with the current landscaping's sense of place.

A Pedestrian orientated user experience is encouraged and cars will be parked at a central parking area at the entrance to the development. This will ensure that spaces between units can be enjoyed and shared by all users without a visual clutter of cars.

The design and architectural intent follows a sensitive approach that has taken environmental constraints and opportunities into account.

Once completed, we believe the new development will further enhance the current positive sense of place and create a high-end user experience overall, respectful of the immense natural scenic beauty.

A visual presentation prepared by Malherbe Rust Architects is provided per separate cover for municipal reference purposes.

6. LEGISLATIVE AND POLICY CONTEXT

6.1 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) AND WESTERN CAPE LAND USE MANAGEMENT ACT (2014)

The afore-mentioned legislative provides the norms and standards and guiding principles to which development applications must comply and assessed. The application inter-alia is consistent with the following guiding principles.

- Promote land development that is spatially compact, resource –frugal and within the fiscal, institutional and administrative means of the Stellenbosch Municipality.
- Protection of prime unique and high potential agricultural land
- Uphold consistency of land use measures in accordance with environmental management instruments
- Promote land development in locations that are sustainable and limit urban sprawl
- Protection of high biodiversity areas and heritage and tourism resources
- Optimise the use of resources, infrastructure, agriculture and land
- Integrate social, economic and institutional aspects of land development

Desirability In terms of Section 49 (d) of the Western Cape Land Use Planning Act (2014) is defined as the degree of acceptability of a specific proposal on a property within and existing natural or built environment. An important factor when assessing such a proposal is the extent to which the proposal complies with the overarching national, provincial and local planning guidelines and spatial frameworks. With reference to the development proposal your attentions in this regard is drawn to the following:

6.2 DRAFT BITOU MUNICIPALITY ZONING SCHEME BY-LAW (TO BE ADOPTED BY COUNCIL)

The development proposal on Portion 5 of Farm 296 is consistent and complies with the proposals and guidelines contained in the draft Bitou Municipal zoning scheme in respect of land use and zoning rights (Resort Zone) as set out below:

“holiday accommodation”

Land use description: “holiday accommodation” means a harmoniously designed and built holiday development, used for holiday or recreational purposes, whether in private or public ownership, that inter alia —

- (a) consists of a single enterprise that provides overnight accommodation and/or temporary residence and meals for transient guests by means of short-term rental or time sharing only;
- (b) may include a function venue, wellness centre, restaurant and conference or training facility;
- (c) may include the provision of a camping site, caravan park, chalets or mobile home park, resort shop, private or public roads; and
- (d) does not include a backpackers’ lodge.

Development parameters:

- (a) When land is rezoned to Resort Zone, the Municipality must impose conditions with regard to density, layout, landscaping, and building design.
- (b) A site development plan shall be submitted to the Municipality for its approval.

The proposals are in line and conform to the above by-law. The density of the development, maximum 8 resort units with ancillary uses for the guests will be controlled by the site development plan as a condition of approval.

6.3 WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (WCPSDFP)

The WCPSDF serves as guideline and puts forward proposals and strategies aimed at achieving certain provincial wide goals. The policy document is informed by the National Development Plan and related spatial policies and takes its strategic direction from the Western Cape development strategy and related policy frameworks. It also serves to guide the location and form of public investment. An important factor in this regard relates to the role which the tourism sector can play in the overall economy of the Western Cape. The proposal as stated before will not create any new land use rights but presents an opportunity to strengthen the economic advantage as a result of the pristine and unique setting of the property in Keurboomstrand to the benefit of the broader good of society with positive socio-economic returns.

As far as the application is concerned, the principles contained in the WCPSDF will have to be considered to ascertain whether sustainable development is promoted. Sustainable

development encompasses the integration of social, economic and ecological factors into planning, decision-making and implementation so as to ensure that development serves present and future generations. The three pillars of sustainable development, also referred to as the triple bottom line are:

- Ecological integrity
- Social Justice
- Economic efficiency

These three pillars of sustainability can be viewed as providers of the capital necessary for each subsequent pillar to function. In order to determine the desirability of a proposed development one should thus consider whether or not it is socially, economically and ecologically sustainable. The application will not have a negative impact on the 3 pillars of sustainability

6.3 WESTERN CAPE STRATEGIC PLAN 2014-2019

Vision

“We need to transform the nature and performance of the economy to simultaneously achieve sustained GDP growth, greater environmental resilience, and much better inclusion reflected in radically lower unemployment, poverty and inequality. A Highly skilled Innovation-driven Resource-efficient Connected High Opportunity Society For All”



Provincial Strategic Goals

Western Cape Economic Drivers



Western Cape Industry: District Comparative Advantages

Table 3.5 Western Cape: Industry revealed comparative advantage by district

Cape Metro Textiles, clothing & leather Tourism Finance, BPO, ICT 'Knowledge sector' Timber & furniture	Cape Winelands Agriculture & processing Tourism Building & construction Communications & ICT	Eden Agriculture & processing Tourism Building & construction Timber & furniture
West Coast Agriculture & processing Tourism Building & construction	Overberg Agriculture & processing Tourism Building & construction Timber & furniture	Central Karoo Agriculture & processing Tourism Building & construction Electrical machinery Finance & insurance

Source: CER

From the above information it is clear that the Provincial Government Western Cape in terms of the Provincial Spatial Development Framework and Strategic Plan has placed as specific emphasis on the importance of the tourism sector in growing and sustaining the economic base of the region.

6.4 BITOU MUNICIPALITY: INTEGRATED DEVELOPMENT PLAN 2017-2022

The Bitou Municipality in terms of their IDP is committed in growing economy and to create favourable conditions for employment within an enabling environment that is conducive to sustainable development.

The Municipality with reference to the above recognises the important role that tourism play as catalyst towards local economic development and the creation of employment opportunities. The application on Portion 5 of Farm 296 will further enhance the tourism potential of the area and is consistent with the Key Performance Areas and Strategic objectives of the Municipality.

6.5 BITOU MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

The proposals are in line with the SDF since the property is earmarked for resort development. The SDF for Keurboomstrand is attached as **Appendix 9**.

7. SERVICES

It is envisaged that the proposal will not impact on the service level capacities of the Municipality. Comments in this regard will be obtained from the relevant Municipality and can be imposed as conditions to the approval of the site development plan.

8. CONCLUSION

The development is consistent and conforms to the following general criteria for considering applications as set out in the Bitou Land Use Planning By-Law with reference to the following:

- The proposal is consistent with the Integrated Development plan and the Spatial Development Framework
- The proposal conforms to the objectives of the National Development Plan and the Provincial Spatial Development Framework and Strategic Action Plan
- The policies (e.g. LED strategy) that guides decision-making
- The policies, principles and the planning and development norms and criteria set by the national and provincial government
- The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act
- The principles referred to in Chapter VI of the Land Use Management Act, and
- The provision of the Bitou Zoning Scheme By-Law

The development will furtherance the growth of the local economy by providing tourism accommodation that has been identified as one of the key strategies of the Western Cape Government and the Bitou Municipality in achieving accelerate growth and economic development.

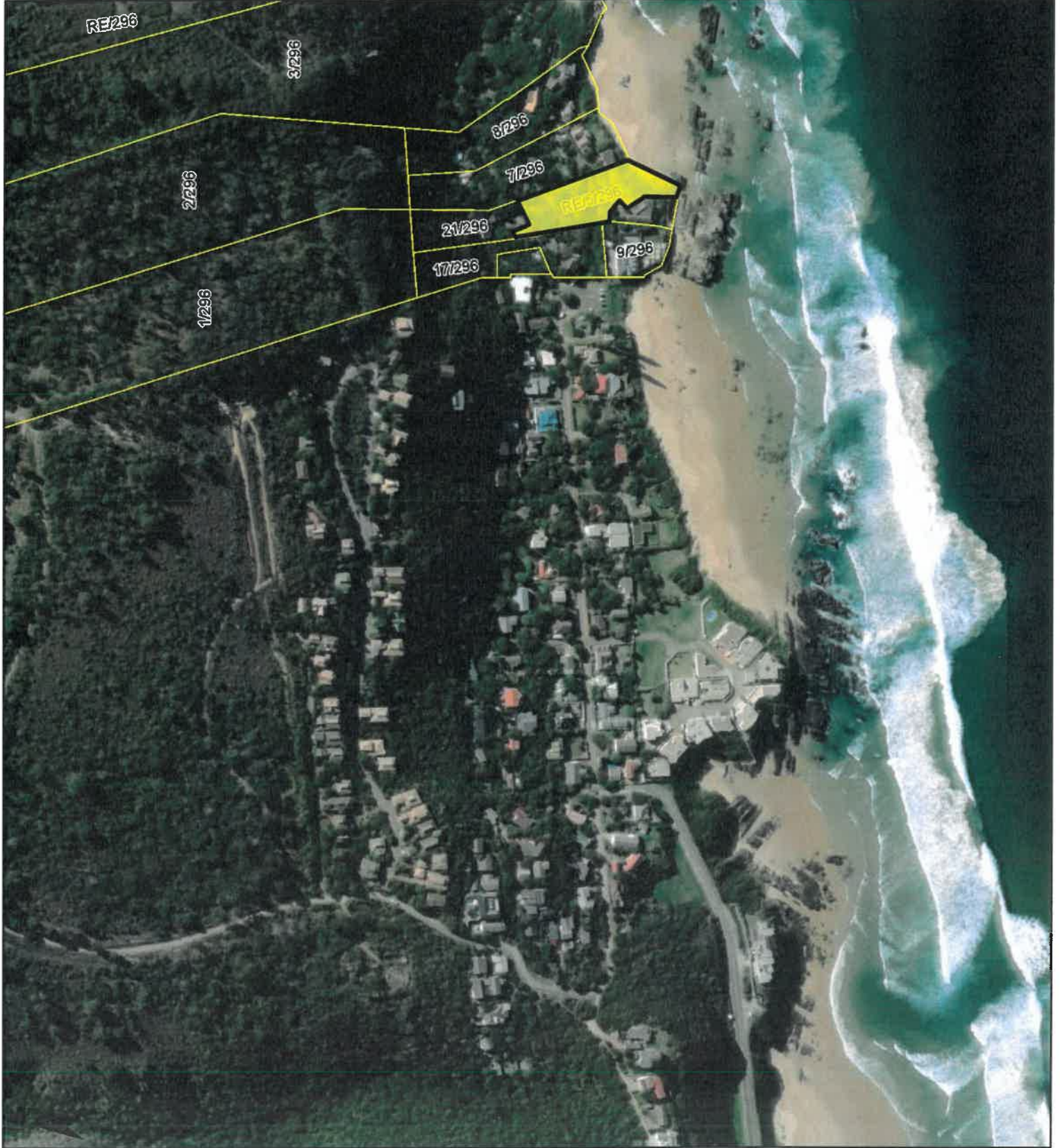
The development proposals are considered to be appropriate in design and form and the approval thereof will contribute to expansion and diversification of the economic base of the area with associated up- and downstream value added benefits and linkages . The envisaged development will give practical effect to the strategic outcomes and objectives of the Bitou Municipality as endorsed in terms of the Integrated Development Plan and Spatial Development Framework as well as those adopted on National and Provincial Government level.

In light of the above report and supporting documentation it is trusted that the Bitou Municipality favourably will consider the application for amendment of an approved condition of approval on Portion 5 of Farm 296.

.....

LOCATION PLAN: PORTION 5 OF FARM

Legend
Farm Portions



Scale: 1:5 651

Date created: August 6, 2020

Compiled with CapeFarmMapper



Western Cape
Government

Agriculture

21

CLIFFE DEKKER HOFMEYR INC
12th Floor
11 Buitengracht Street
Cape Town
8001

Prepared by me

CONVEYANCER
MICHAEL RHODES COLLINS

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 23,000,000.00	R. 5,104.00
Reason for exemption	Category Exemption	Exemption i t o. Sec/Reg. Act/Proc.

✓
✓

DATA / CAPTURE
11 -11- 2019
ATHI DAMOYI

T 000047640 / 2019

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

RAYMOND FRANCIS SCOTT

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

GRAHAM ALPHONSO READ
Identity Number 511103 5046 08 5
Married out of community of property

DATA / VERIFY
17 -11- 2019
ELIZABETH VAN TONDER

which said Power of Attorney was signed at PLETTENBERG BAY on 23 August 2019

WIR ENDOSSEMENTE KYK BI ADGY 5
FOR ENDORSEMENTS SEE PAGE 5

Λ

And the appearer declared that his/her said principal had, on 29 May 2019, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

KEURBOOMS ROCK PROPRIETARY LIMITED
Registration Number 2018/324347/07

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

REMAINDER OF PORTION 5 OF THE FARM ARCH ROCK NO. 296, IN THE BITOU MUNICIPALITY, DIVISION OF KNYSNA, WESTERN CAPE PROVINCE

IN EXTENT 4619 (FOUR THOUSAND SIX HUNDRED AND NINETEEN) Square metres

FIRST transferred and still held by Deed of Partition Transfer Number T98189/1994 with Diagram SG No. 915/93 relating thereto

- A. SUBJECT to the conditions referred to in Certificate of Uniform Title Number 6657/1951.
- B. SUBJECT FURTHER in so far as the portion marked P q D d on high water mark e E F on the attached Diagram Number 915/1993 is concerned to the following conditions contained in Crown Grant issued under Section 1 of Act No. 8 of 1922 on 22nd February 1934 Number 58/1934 namely:-

"That all roads and thoroughfares being or existing on the said land, described in the plan or diagram of the same, shall remain free and uninterrupted; unless the same be closed or altered by competent authority."

- C. SUBJECT FURTHER to the Endorsement dated 30 June 1952 on said Deed of Partition Transfer Number T6658/1951, reading:-

"By Not Deed Number 315/52 dated 6.5.1952 the owner of the property held hereunder has (a) granted to the owners of the property held under T6660/51 the use of a private road 21 Cape feet wide, crossing the property held hereby, the northern boundary whereof running from point A to point B, as indicated on diagram 3157/50 annexed to said Not. Deed, with ancillary rights, subject to conditions (b) granted to the owners of the property held under T6661/51 the use of a private road 20 Cape feet wide, crossing the property held hereby, the Northern boundary whereof running from Point A to the point B as indicated on the aforesaid diagram with certain ancillary rights, subject to conditions, as will more fully appear on reference to said Not. Deed Copy annexed hereto."

(A portion of the above servitude appears on the annexed Diagram No. 915/93 and is reflected by the broken line a b representing the northern boundary of the servitude right of way 6,30 metres wide.)

52

2

D. Remainder

By Deed of Transfer Number T98615/1999 dated 9 December 1999 the withinmentioned property is subject to a servitude road 5 metres wide as represented by the lines x y and y c on Diagram SG2336/1999 annexed thereto, which lines represent eastern and south eastern boundaries respectively of the said road in favour of Portion 10 (Portion of Portion 5) of the Farm Arch Rock No. 296, in extent 992 (Nine Hundred and Ninety Two) square metres. As will more fully appear from said Deed of Transfer.

For Information

SN

R

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

GRAHAM ALPHONSO READ, Married as aforesaid

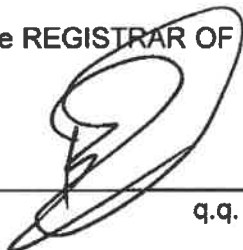
heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

KEURBOOMS ROCK PROPRIETARY LIMITED
Registration Number 2018/324347/07

or its Successors in Title 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 R23 000 000,00 (TWENTY THREE MILLION RAND).

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 08 NOV 2019



q.q.

In my presence



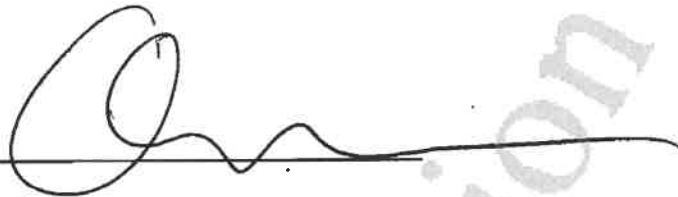
REGISTRAR OF DEEDS





T 000047640 / 2019

By Notarial Deed of Right of First Refusal No. K ~~000000795 / 2019~~ /S dated 7th October 2019, the within property is subject to a Right of First Refusal in favour of KEURBOOMS ROCK PROPRIETARY LIMITED (Company No. 2018/324347/07) as will more fully appear on reference to the said Notarial Deed.



REGISTRAR OF DEEDS

DATE:

For Information Only

3

Bitou

BITOU MUNICIPALITY

^

CERTIFICATE IN TERMS OF SECTION 118 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT No. 32 OF 2000)
(AS PRESCRIBED IN TERMS OF SECTION 120 OF ACT No. 32 OF 2000)

ISSUED BY BITOU MUNICIPALITY

In terms of section 118 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), it is hereby certified that all amounts that became due to Bitou Municipality in connection with the undermentioned property situated within that municipality for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for this certificate, have been fully paid.

DESCRIPTION OF PROPERTY (see definition of property in section 1 of Act 32 of 2000)

21 Digit Code (or Municipal Reference Number): ELJURAN 11422041

Erven: 296

Portion: Remainder of 5 ✓

Extension: ARCH ROCK

Zoning:

Registration division / Administrative District:

Suburb:

Town:

Sectional Title unit number:

Exclusive use area and number as referred to on the registered plan:

Real right:

Scheme registration number:

Sectional Title Scheme Name:

Registered owner: GRAHAM ALPHONSO READ (5111035046085)

Name and Identity/ Registration Number of all purchaser/s: KEURBOOMS ROCK PROPRIETARY LIMITED (2018/324347/07)

This Certificate is valid until: 19/11/2019

Given under my hand at BITOU on 20/09/2019

Digitally signed by Bitou Municipality
 Signee: Eljuran Leona Du Plessis
 Sign date: 20/09/2019 09:37:53.300 AM
 Expiration date: 18/09/2020 03:22:58 PM

MUNICIPAL MANAGER
Bitou Municipality

Date issued: 20/09/2019 ✓

Authorised Officer: Eljuran Mitchell

Certificate By Conveyancer:
 I MICHAEL RHODES COLLINS (full name and surname) hereby certify that this is a print-out of a data message in respect of the original clearance certificate electronically issued by the Bitou Municipality.

[Signature] Date 20/9/2019

Conveyancer

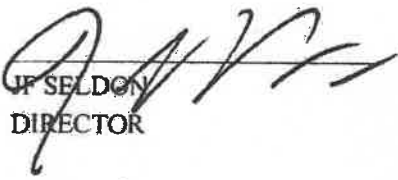
KEURBOOMS ROCK (PTY) LTD
Registration No. 2018/324347/07

WRITTEN RESOLUTION OF THE DIRECTORS

**BUILDING
IMPROVEMENTS /
RENOVATIONS TO
ARCH ROCK SEASIDE
ACCOMMODATION**

RESOLVED to commence extensive alternations and additions to the property known as the remainder of Portion 5 of the Farm ARCH ROCK, Number 296 in the Bitout Municipality, Division of Knysna, Western Cape Province, trading as ARCH ROCK SEASIDE ACCOMMODATION.

FURTHER RESOLVED that Ignatius Terblanche De Waal be authorised to sign all necessary documentation to give effect to the building project including but not limited to the conclusion of contracts, the appointment of contractors and service providers, the submission of building plans and the approval and payment of all invoices in respect of the alterations and additions to the aforesaid property.



JF SELDON
DIRECTOR

2020-02-03
DATE



JL RAFFERTY
DIRECTOR

3.2.2020
DATE

POWER OF ATTORNEY

Keurbooms Rock (Pty) Ltd, the registered owner of Remainder of Portion 5 of the Farm Arch Rock No 296 held by Deed of Transfer T47640/2019 and situated in the jurisdiction area of the Bitou Municipality,

Do hereby nominate and appoint

Emile van der Merwe Town Planning Consultants

With the power of substitution, to be my/our lawful Agent in my/our name, place and stead and to make the necessary application for the following

- **APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL IN TERMS OF SECTION 15 (2) (H) OF THE BITOU MUNICIPAL LAND USE PLANNING BY-LAW**

On the above mentioned property and to proceed with any required work to the final end and termination thereof and generally of effecting the purpose aforesaid, to do our cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as I/we might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my/our said Agent(s) shall lawfully do, or cause to be done ; by virtue of these present.

SIGNED AT PAARL ON THIS 16TH DAY OF
JULY 2020.



TERRY DE WAAL

SIDES Metres	ANGLES OF DIRECTION	Y	CO-ORDINATES	
			System	L ₀ 23° X
A B 38,84	265 52 50	-30 000,00	+376 000,00	0,00
B C 70,30	0 54 30	-12 671,19	+ 3648,61	
C D 121,00	340 44 20	-12 709,92	+ 3645,82	
D E 62,16	61 10 30	-12 708,80	+ 3716,12	
E F 33,92	186 11 20	-12 748,72	+ 3830,35	
F G 73,74	169 54 30	-12 694,26	+ 3860,32	
G A 106,29	172 31 50	-12 697,92	+ 3826,60	
	Connections	-12 685,00	+ 3754,00	
D d 12,03	340 44 20			
E e 7,33	6 11 20			
A H 7,46	265 52 50			
	(113) Knys 57	-12 678,62	+ 3 648,08	
	(118) Knys 62	- 6 905,70	+ 15 018,12	
		- 8 252,16	+ 5 299,25	

Beacons.

- A = No beacon.
- B, C, D, E, F. = 20mm iron peg in stone cairn.
- G = Section of Y iron standard in concrete.
- H = 12mm iron peg in stone cairn.

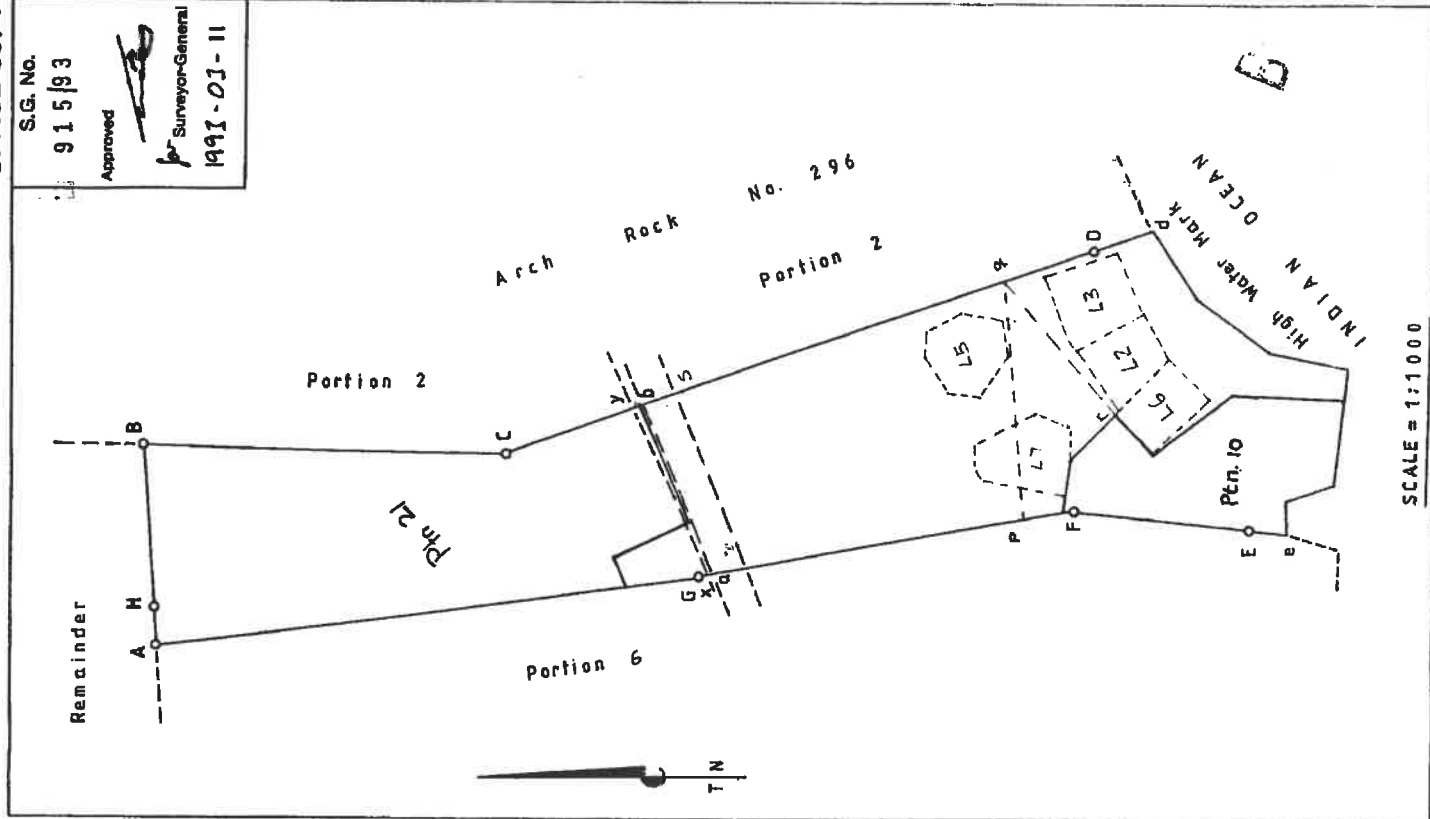
Servitude Notes

1. The broken line a b represents the northern boundary of a Servitude Right of Way 6,30 metres wide.
See Dgm 3 157 / 50 Notarial Deed No. 315 / 52
2. The broken line x y represents the middle of a Servitude 3,0 metres wide
See Dgm 4 853 / 85 Deed of Servitude No.

The figure A B C d High Water Mark of Indian Ocean e F G represents 8 8 7 9 square metres of land, being Portion 5 (a Portion of Portion 1) of the Farm Arch Rock No. 296 situate in Keurboomstrand Local Board Area in the

Administrative District of Kynsna Province of Cape of Good Hope.
Surveyed in July 1981, June 1984 and May 1992 to February 1993
by me *H. van Waas*
H. van Waas Land Surveyor

This diagram is annexed to	The original diagram is
No. 1994. dated 11.11.89	No. 3 62 2 / 48
Annexed to	AM -188 (V 41 (173 61)
Registrar of Deeds	AM -188 (3607)
	D/T No 1951 - 134 - 6658



S.G. No. 9 1 5 / 9 3
Approved
Surveyor-General
1993-01-11

SCALE = 1:1000

THE FOLLOWING DEDUCTIBLES HAVE BEEN MADE FROM THIS BLOCK:

SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. M.	TRANSFER NO.	INITIALED	REMARKS
E 970/99	2326/99	Sub. 10	992 m ²	98615/99	ME	
1483009	741209	Sub. 20		NITHAKAL		
1155209	399209	Sub. 21	3268 m ²	47639/209	ME	4619 2

SERVITUDES/LEASEHOLD AREAS

SURVEY RECORD	DIAGRAM NO.	DESCRIPTION	DEED	INITIALED
E 970/99	2326/99	The lines of L. 91 represent the eastern boundary of a servitude road		
E 1677/99	3987/99	The figure L3 represents a lease area		
E 1677/99	3988/99	The figure L3 represents a lease area		
E 1677/99	3990/99	The figure L5 represents a lease area		
E 1677/99	6008/99	The figure L6 represents a lease area		
E 1677/98	6009/99	The figure L7 represents a lease area		

APPROVED IN TERMS OF SECT. 25 OF CH. 18 1935

P.T. 14/7/2/00

DATE 22-08-24



Bitou

to be the best together

Private Bag X1002 Plettenberg Bay 6600
Tel +27 (0)44 501 3000 Fax +27(0)44 533 3485

Enquiries
Olwethu Yonke

Contact details
044 501 3311

E-mail
pzantsi@plett.gov.za

Our Ref: 18/5/296

25 May 2018

Beacon Survey
Professional Land Surveyors
PO Box 350
Plettenberg Bay
6600

ZONING CERTIFICATE: PORTION 5 OF THE FARM ARCH ROCK NO 296, PLETTENBERG BAY, BITOU LOCAL MUNICIPALITY:

Portion 5 of the Farm No. 296 Arch Rock, Keurboomstrand, Bitou Municipality is deemed to be zoned as Resort Zone I.

The above zoning is based on the information at hand at the time of issue of this zoning certificate.

Yours faithfully

David Friedman
Head: Strategic Services



munisipaliteit umasipala municipality

to be the best together

Private Bag X1002 Plettenberg Bay 6600
Tel+27 (0)44 501 3000 Fax +27(0)44 533 3485

Enquiries	Contact details	Fax Number	E-mail
Marius Buskes	044 501 3436	0864573270	mbuskes@plett.gov.za

File ref: 5/296/PB

18 March 2020

Dear Sir,

**PORTION 5 OF THE FARM ARCH ROCK NO 296, DIVISION KNYSNA, PLETTENBERG BAY,
BITOU MUNICIPALITY**

1. Our meeting that took place on 11 March 2020 has reference. A summary of the discussion points refer:
2. A zoning certificate issued by the Municipality dated 25 May 2018 confirms the property is zoned 'Resort Zone P' in terms of the Section 8 Zoning Scheme Regulations.
3. A subdivision was approved on 04 March 2019 to subdivide Portion 5 of the Farm Arch Rock No 296 into 2 Portions being, Ptn A measuring 3409m² in extent and the remainder measuring 5470m² in extent. It is reminded to take note that a section 20(6) transfer certificate has not been endorsed by the Planning Department to date and the subdivision approval is still valid for the timeframe as stipulated in the conditions of approval.
4. The existing buildings indicated on the approved Site Development Plan includes: a dwelling house, wooden store, carport, office laundry and ten (10) chalets. If additions and alterations are exercised on the existing development footprints no land development applications will be required.
5. Should any material change to the location, orientation or size of any of the building occur, an application for the amendment of an existing approval (Site Development Plan) needs to be submitted in terms of Section 15 (2) (h) of the Bitou Municipality By Law on Land Use Planning (2015).
6. The process to amend the existing approval will be exercised as per the requirements of the Bitou Municipality By Law on Land Use Planning (2015).

Yours faithfully

Chris Schliemann
Manager: Economic Development and Planning

EXTRACTS FROM THE AGENDA & MINUTES OF THE ORDINARY
COUNCIL MEETING HELD ON 9 December 1998

C 7.4 PROPOSED SUBDIVISION: PORTION 5 OF THE FARM ARCH ROCK
NO. 296, KEURBOOMSTRAND (T/K/1/22/5/296)

MINUTE NO. 1236

PROPOSED SUBDIVISION: PORTION 5 OF THE FARM ARCH ROCK NO.
296, KEURBOOMSTRAND (T/K/1/22/5/296)

Report by the Senior Town Planner circulated with the Agenda. It was;

RESOLVED

That Council approves the subdivision of Portion 5 of the Farm Arch Rock No. 296, Keurboomstrand into two portions in terms of Section 25 of the Land Use Planning Ordinance 15 of 1985 subject to the following conditions:

- 1. That a Home Owner's Association be established in terms of Section 29(1) of the Land Use Planning Ordinance, No. 15 of 1985.
- 2. That the two new chalets be to the same architectural style as the existing chalets.
3. That a Right of Way be registered via Portion 5 for access to the new portion.
4. That a combined conservancy tank be used which is located on the inland side of the existing chalets (Portion 2).
- 5. Augmentation levies be payable by the owner for sewerage at R2 500 and R8 500 per unit or at such amount at registration of the subdivision or within 12 months of this approval, whichever is the soonest.
6. Electrical augmentation amounting to R957 / ERU (Residential unit) or R319 / kva be payable as per Clinkscales Maughan-Brown Report No. G/4106/E.
7. That the layout plan indicating the siting of the units be submitted to Council.
8. That this approval be subject to a legal opinion being obtained to the effect that the subdivision may legally be done in this manner.

STP

ITEM C 7.4

**REPORT BY THE SENIOR TOWN PLANNER FOR SUBMISSION TO
COUNCIL (PLANNING, WORKS & SERVICES) – DECEMBER 1998**

**PROPOSED SUBDIVISION: PORTION 5 OF THE FARM ARCH ROCK NO.
296, KEURBOOMSTRAND**

Applicant : P Scheepers (On behalf of Owner)
Zoning : Resort Zone II
Proposal : To subdivide a portion from Portion 5
Comments :

The relevant property is situated in Keurboomstrand and is approximately 9,3095ha in extent. Attached: Locality Plan.

The owner wishes to subdivide a portion ($\pm 2000\text{m}^2$) from Portion 5 and build two chalets for holiday housing. Access to this portion will be by means of a Right of Way via Portion 5. Attached: Site Plan

From a town planning point of view we have no objections toward this proposal. Development rights were granted on Portion 5 to erect 9 chalets and 2 dwelling houses. Only 4 were built up to this stage. The new chalets will be constructed in the same architectural style as the existing. The zoning (Resort Zone II) allows the alienation of holiday housing by means of time sharing, sectional title, the selling of block shares or the subdivision of the property on condition that a Home Owners' association be established

The application was advertised and no objections were received. Comments were received from Cape Nature Conservation. They have no objection to this proposal as the subdivision will have no detrimental effects on the environment. Attached: Copy of comments by Cape Nature Conservation.

It is therefore...

RECOMMENDED

That Council approves the subdivision of Portion 5 of the Farm Arch Rock No. 296, Keurboomstrand into two portions in terms of Section 25 of the Land Use Planning Ordinance 15 of 1985 subject to the following conditions:

1. That a Home Owner's Association be established.
2. That the two new chalets be to the same architectural style as the existing chalets.

C 7.4 P2

3. That a Right of Way be registered via Portion 5 for access to the new portion.
4. That a combined conservancy tank be used which is located on the inland side of the existing chalets (Portion 2).
5. Augmentation levies be payable by the owner for sewerage at R2500 and R8500 per unit or at such amount at registration of the subdivision.
6. Electrical augmentation amounting to R957 / ERU (Residential unit) or R319 / kva be payable as per Clinkscapes Maughan-Brown Report No. G/4106/E.

NOTE:
 THIS DRAWING IS THE COPYRIGHT OF THE ARCHITECTS. DO NOT SCALE AND
 REFER TO DIMENSIONS SHOWN ONLY. ALL LEVELS AND DIMENSIONS MUST
 BE CHECKED ON SITE PRIOR TO SETTING OUT OR MANUFACTURE. ANY
 DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT IMMEDIATELY.



- High sensitivity trees
- Medium sensitivity trees
- Coastal zone

SK009	07.07.2020	Issued for Information
Rev	DATE	REVISION
	07/07/2020	ISSUED FOR INFORMATION

M Malherbe Rust Architects
 226 Main St, Paarl, 7646
 P.O. Box 85, Paarl, 7622
 T +27 21 872 1623
 F 81201
 mra@mlra.com
 0218560337823

CLIENT: KEURBOOMS Rock (PTY) LTD
 Farm No. 296, Remainder Portion 5
 PROJECT: Arch Rock
 New Cottages

TECHNICAL: Site Development Plan
 -Sketch Design-

DESIGNER: JLC	ENGINEER: SDK
DATE: July 2020	SCALE: 1:200@A1
PROJECT NO: 1662	ISSUE NO: 101

ISSUE NO: SK009



NOTE:
THIS DRAWING IS THE COPYRIGHT OF THE ARCHITECTS. DO NOT SCALE AND REFER TO DIMENSIONS ONLY. ALL LEGAL DIMENSIONS MUST BE CHECKED ON SITE PRIOR TO SETTING OUT OR MANUFACTURE. ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT IMMEDIATELY.



SK009	07.07.2020	Issued for information
Rev: 01	DATE: 07.07.2020	ISSUED FOR INFORMATION
Rev: 02	DATE: 07.07.2020	ISSUED FOR INFORMATION

M Malherbe Rust Architects
 225 Mah St, Paarl, 7549 P.O. Box 95, Paarl, 7522 T +27 21 872 1633 mra@malrca.com CC1956003376923 PA1001

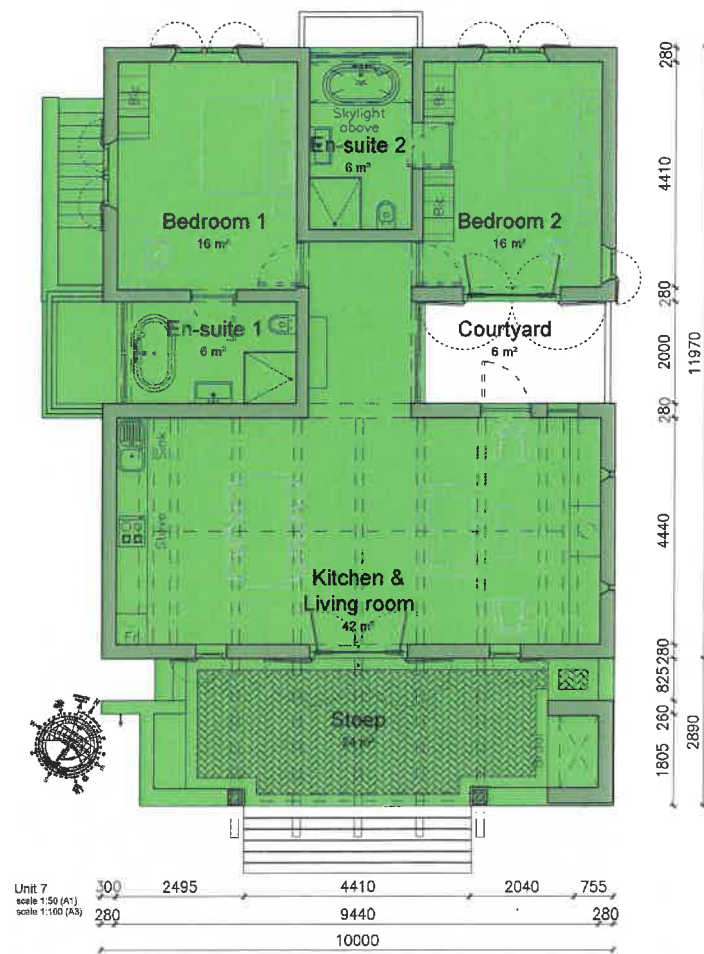
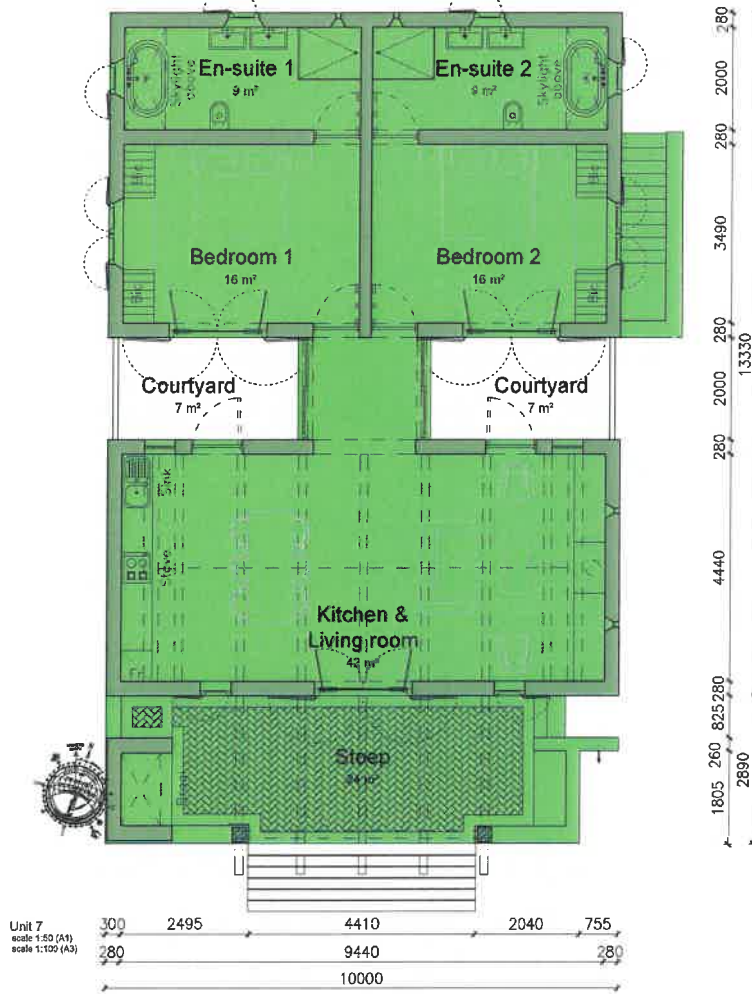
CLIENT:	KEURBOOMS Rock (PTY) LTD
ADDRESS:	Farm No. 286, Remainder Portion 5
PROJECT:	Arch Rock New Cottages
ISSUED FOR:	Ground Floor Plans -Sketch Design-
DESIGNER:	JLC
CHECKED BY:	SDK
DATE:	July 2020
SCALE:	as shown
PROJECT NO.:	1662
ISSUED FOR NO.:	202
ISSUED FOR NO.:	SK009

NOTE:
 THIS DRAWING IS THE COPYRIGHT OF THE ARCHITECTS. ED NOT SCALE AND REFER TO DIMENSIONS ONLY. ALL LEVELS AND ENGINEERING MUST BE CHECKED ON SITE PRIOR TO SETTING OUT OR MANUFACTURE. ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT IMMEDIATELY.



SK009	07.03.2020	Based for Information
Rev. No.	Date	Issued by/Checked by/Drawn by/Author
Malherbe Rust Architects 228 Main St, Paarl, 7646 P.O. Box 85, Paarl, 7646 T: +27 21 872 1823 F: +27 21 872 1823 www.mra.co.za CC1283002378/2019		
CLIENT:	KEURBOOMS Rock (PTY) LTD Farm No. 296, Remielunder Portion 5	
PROJECT:	Arch Rock New Cottages	
DESIGNING:	Ground Floor Plans -Sketch Design-	
DESIGNER:	JLC	CHECKER: SDK
DATE:	July 2020	SCALE: as shown
PROJECT NO.:	1662	ISSUE NO.:
	203	SK009

NOTE:
 THIS DRAWING IS THE COPYRIGHT OF THE ARCHITECTS. DO NOT SCALE AND REFER TO DIMENSIONS ONLY. ALL LEVELS AND DIMENSIONS MUST BE CHECKED ON SITE PRIOR TO SETTING OUT OR MANUFACTURE. ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT IMMEDIATELY.



SK009	07.07.2020	Issued for Information
Rev.	Date	BY: JMC CHECKED: JMC

M Malherbe Rust Architects
 226 Main St, Paarl, 7540 P.O. Box 85, Paarl, 7522 +27 21 872 1623 info@malherberust.com CC1661990371923

CLIENT:	KEURBOOMS Rock (PTY) LTD
PROJECT:	Farm No. 296, Remainder Portion 5
PROJECT:	Arch Rock New Cottages
DESIGN:	Ground Floor Plans -Sketch Design-
DESIGNER:	JLC
DATE:	July 2020
PROJECT NO.:	1662
SCALE:	as shown
DATE:	204
PROJECT NO.:	SK009

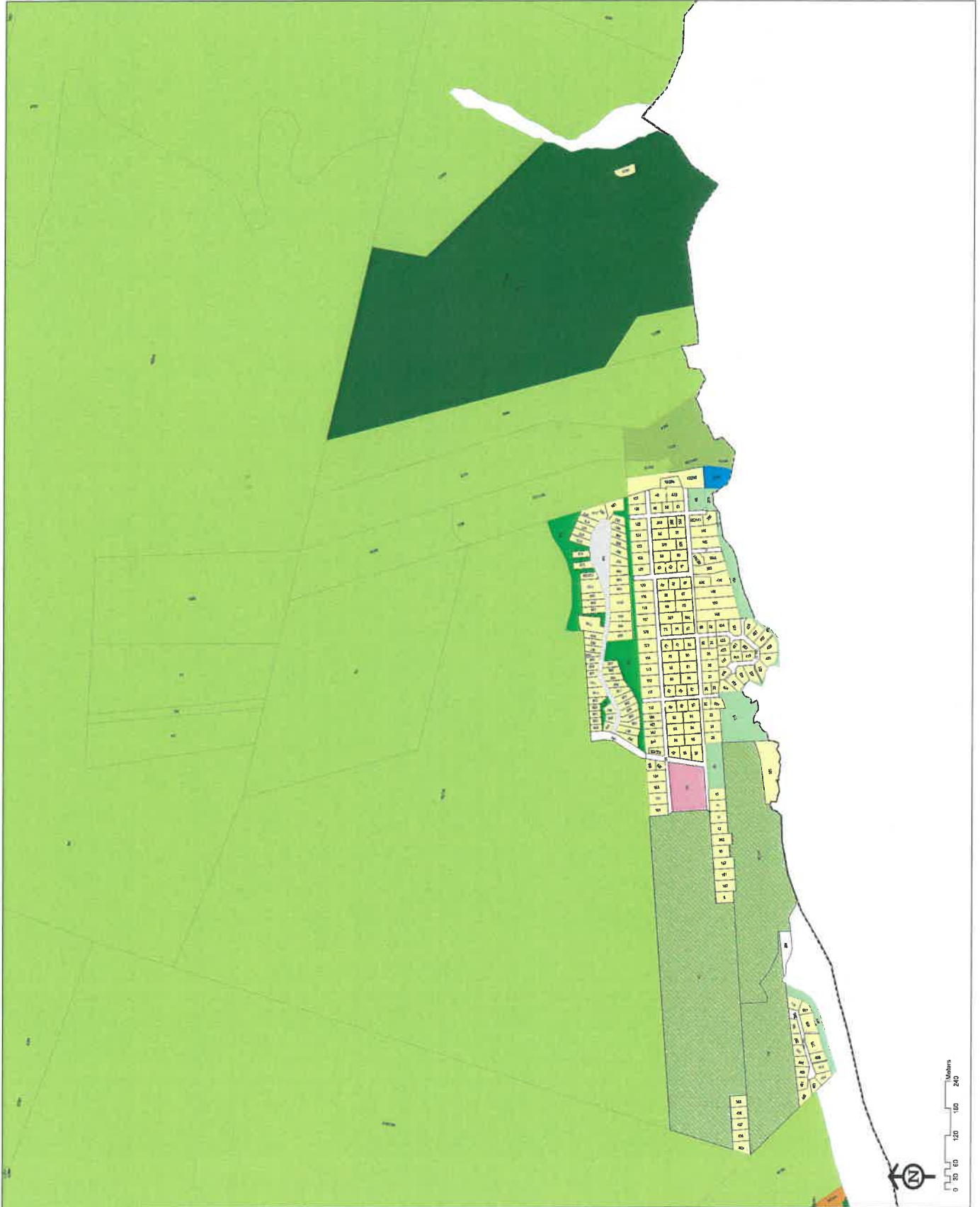
BITOU ZONING MAP



KEURBOOMSTRAND

Legend

Zoning	Description
[White box]	Undetermined Zone
[Red box]	Utility Zone
[Red box with diagonal lines]	Authority Use
[Green box]	Resort Zone
[Red box with diagonal lines]	Non conforming use
[Light green box]	Agricultural Zone I
[Medium green box]	Agricultural Zone II
[Dark green box]	Agriculture Zone III
[Blue box]	Business Zone I
[Light blue box]	Business Zone II
[Teal box]	Business Zone III
[Pink box]	Community Zone I
[Light pink box]	Community Zone II
[Dark pink box]	Community Zone III
[Orange box]	General Residential Zone I
[Red box]	General Residential Zone II
[Dark red box]	General Residential Zone III
[Purple box]	Industrial Zone I
[Light purple box]	Industrial Zone II
[Dark purple box]	Industrial Zone III
[Light green box]	Open Space Zone I
[Medium green box]	Open Space Zone II
[Dark green box]	Open Space Zone III
[Lightest green box]	Open Space Zone IV
[Yellow box]	Single Residential Zone I
[Light yellow box]	Single Residential Zone II
[Dark yellow box]	Special Planning Area Overlay Zone
[Red box with diagonal lines]	Subdivisional Area Overlay Zone
[White box with vertical lines]	Transport Zone I
[White box with horizontal lines]	Transport Zone II
[White box with diagonal lines]	Transport Zone III



**DRAFT FOR
PUBLIC PARTICIPATION
PURPOSES**

munisipaliteit umaxipala municipality

to be the best together



Private Bag X1002 Plettenberg Bay 6600
Tel +27 (0)44 501 3000 Fax +27(0)44 533 3485

LAND USE PLANNING APPLICATION FORM

BITOU MUNICIPALITY: LAND USE PLANNING BY-LAW

KINDLY NOTE: Please complete this form using BLOCK capitals and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	Emile		
Surname	van der Merwe		
South African Council for Planners (SACPLAN) registration number (if applicable)	A1149/1996		
Company name (if applicable)	Emile van der Merwe Town Planning Consultants		
Postal Address	PO Box 204		
		Postal Code	7599
Email	emilevdm@adept.co.za		
Tel	021 886 5050	Fax	021 8838965
		Cell	0845566461

PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)

Registered owner(s)	Keurboomsrock (Pty) Ltd		
Physical address	PO Box 1934		
	Durbanville	Postal code	7551
E-mail	terry@babylonstoren.com		
Tel		Fax	
		Cell	0825788977

PART C: PROPERTY DETAILS (in accordance with title deed)

Property description- Erf No / Farm No:	Portion 5 of Farm 296
Physical Address	Arch Rock Resort, Keurboomstrand

GPS Coordinates	-34.003024/23.461774		Town/City	Keurboomstrand		
Current Zoning	Resort Zone II	Extent	4619m ² / ha	Are there existing buildings?	Y	N
Applicable Zoning Scheme	Plettenberg Bay Zoning Scheme Section 7		LUPO Scheme Regulations : Section 8	Section 8		
Current Land Use	Resort /holiday units					
Title Deed number and date	T	47460/2019				
Any restrictive conditions?	Y	N	If Yes, list condition(s)			
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies)			
Have you informed the Bondholder of the application?	Y	N				
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalize the building / land use?	Y	N	
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	N	Are there any land claim(s) registered on the subject property(ies)?	Y	N	

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	Y	N	If Yes, complete the information below and attach the minutes of the pre-application consultation.			
Official's name	M. Buskes	Reference Number	5/296PB	Date of consultation 11/03/2020		

PART E: LAND USE PLANNING APPLICATIONS IN TERMS OF SECTION 15 (2) OF THE BITOU MUNICIPALITY : LAND USE PLANNING BY-LAW AND APPLICATION FEES PAYABLE

Tick	Section	Type of application
✓	2(a)	a rezoning of land;
✓	2(b)	a permanent departure from the development parameters of the zoning scheme;
✓	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;
✓	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;
✓	2(e)	a consolidation of land that is not exempted in terms of section 24;
✓	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;
✓	2(g)	a permission required in terms of the zoning scheme;
✓	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;
✓	2(i)	an extension of the validity period of an approval;
✓	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;
✓	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;

✓	2(l)	a permission required in terms of a condition of approval;
✓	2(m)	a determination of a zoning;
✓	2(n)	a closure of a public place or part thereof;
✓	2(o)	a consent use contemplated in the zoning scheme;
✓	2(p)	an occasional use of land;
✓	2(q)	to disestablish a home owner's association;
✓	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
✓	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.

Will you want to advertise upon Municipal Consent?	<u>Y</u>	N
---	----------	---

APPLICATION FEES ** (please note the following)

*** Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.**

**** The applicant is liable for the cost of publishing and serving notice of an application.**

***** Relevant fees will be determined by Council, and an invoice will be sent to the applicant accordingly.**

PART F: DETAILS OF PROPOSAL

Complete description of proposed development / intent of application:

Please refer to attached motivation document

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION [section 15(2)(a) to (s) of the Bitou Municipality Land Use Planning By- Law]

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete. It will not be considered complete until all required information and documentation have been submitted.

Required minimum documentation required in terms of section 38(1) of said legislation

Y	N/A	Written motivation	Y	N/A	S.G. diagram / General plan extract
Y	N/A	Locality plan	Y	N/A	Site development plan or conceptual layout plan
Y	N/A	Proposed subdivision plan	Y	N/A	Proof of agreement or permission for required servitude
Y	N/A	Conveyancer's certificate	Y	N/A	Minutes of pre-application consultation meeting (if applicable)

Supporting information and documentation:								
Y	N	N/A	Consolidation plan		Y	N	N/A	Land use plan / Zoning plan
Y	N	N/A	Street name and numbering plan		Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	N/A	Landscaping (if applicable)		Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Abutting owner's comment		Y	N	N/A	Services Report or indication of all municipal services / registered servitudes
Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)		Y	N	N/A	Proof of failure of Home owner's association
Y	N	N/A	Copy of any previous approval		Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	N/A	Proof of lawful use right		Y	N	N/A	Other (specify)
Y	N	N/A	Required number of documentation copies (2 Hard Copies, 8 CD's, additional digital copies could be required)		Y	N	N/A	
PART H: AUTHORISATION(S) OBTAINED IN TERMS OF OTHER LEGISLATION								
Y	N		National Heritage Resources Act, 1999 (Act 25 of 1999)		Y	N		Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)
Y	N		National Environmental Management Act, 1998 (Act 107 of 1998)		Y	N		
Y	N		Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		Y	N		
Y	N		Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)		Y	N		
Y	N		Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		Y	N		
Y	N		Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		Y	N		Other (specify)
Y	N		If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.		Y	N		

Y	N	If required, do you want to follow an integrated application procedure in terms of section 44(1) of Bitou Municipality : Land Use Planning By-Law ? If yes, please attach motivation.
---	---	---

SECTION I: DECLARATION

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 86(1) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and (where applicable) that a copy of the relevant power of attorney or consent are 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. That this submission includes all necessary land use planning applications required, by Bitou Municipality: Land Use Planning By-Law to enable the development proposed herein.
6. 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.
7. I am aware that development charges to the Municipality in respect of the provision and installation of external engineering services are payable by the applicant as a result of the proposed development.

Applicant's signature:



Date:

2020/08/07

Full name:

Emile van der Merwe

Professional capacity:

TOWN PLANNER

SACPLAN registration number:

1149/1996

FOR OFFICE USE ONLY

Date received:

Received by:

Municipal Stamp

Municipal Stamp

ANNEXURES

The following Annexures are attached for the applicants information.

Please do not submit these Annexures with the application form.

Annexure A: Minimum requirements matrix

Annexure B: Land use planning application submission and protocol

Annexure C: Land use planning application workflow