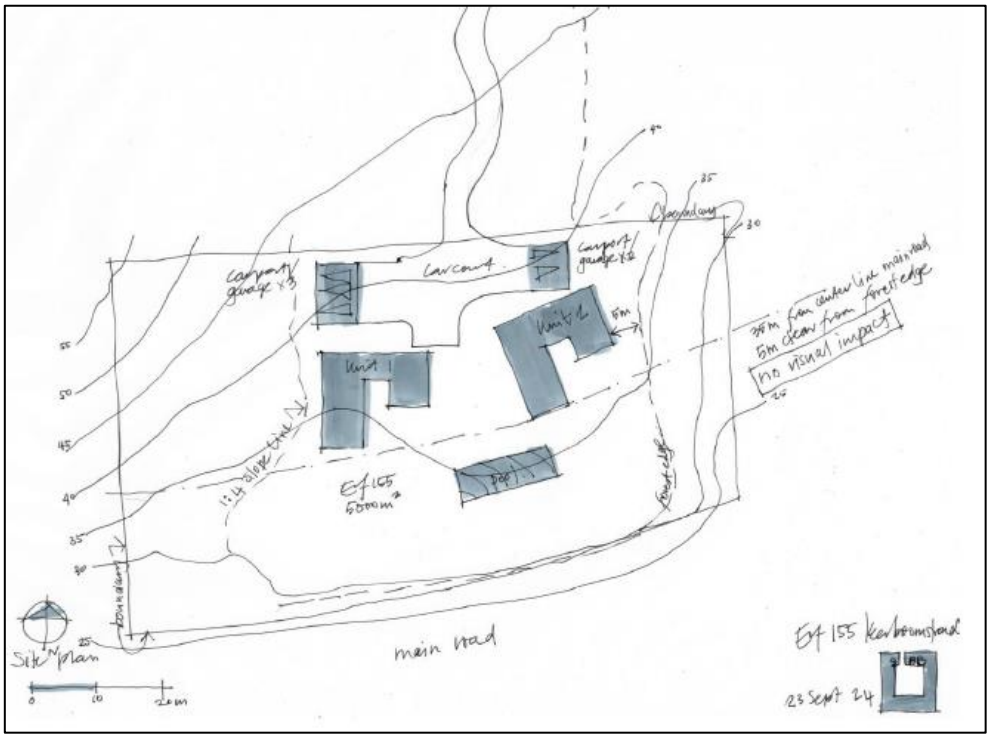
KEURBOOMSTRAND ERF 1180

(Ptn of Erf 1236)

SPECIALIST PLANNING REPORT FOR

NEMA AUTHORISATION PURPOSES



CLIENT: MARE NOSTRUM (PTY)LTD

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AUGUST 2025

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SECTION A : BACKGROUND

1. PURPOSE OF THE REPORT

Marike Vreken Urban and Environmental Planners has been appointed by **Mare Nostrum Shareblock (Pty)Ltd** to amend and take over the pending land development application that was submitted to Bitou Municipality during 2021. A land development application was submitted for the rezoning and subdivision of a portion of the unregistered Erf 1180 Keurboomstrand (a Portion of Erf 1236), and the approval of a site development plan.

The application area (Erf 1180 Keurboomstrand) is an unregistered portion of Keurboomstrand Erf 1236. Originally, the portion of the property was Erf 155. The common boundaries between Erf 155 and Erf 154 were amended during 2021. The property on which Mare Nostrum is located then became "Erf 1236" (currently registered in the Deeds Office). The houses within Mare Nostrum are subdivided, and a separate General Plan was created for these erven, and remainder of Erf 1236 (outside of the General Plan), then became Erf 1180. Erf 1180 is not registered yet, but in process of registration. A copy of a confirmatory letter from MDW Attorneys, confirming this statement is attached as ***ANNEXURE A***. A copy of the SG Diagram of the unregistered Erf 1180 (SG 2171/2021), is attached as ***ANNEXURE B***.

The proposal is to subdivide Erf 1180 into two portions: Portion A (±5001m²), and a remainder. Portion A will then be the application area. Keurboomstrand Erf 1180 is located in the Keurboomstrand proclaimed municipal area, south of Main Street, north of Main Road 394, north of Erf 595, and east of the Mare Nostrum Resort.

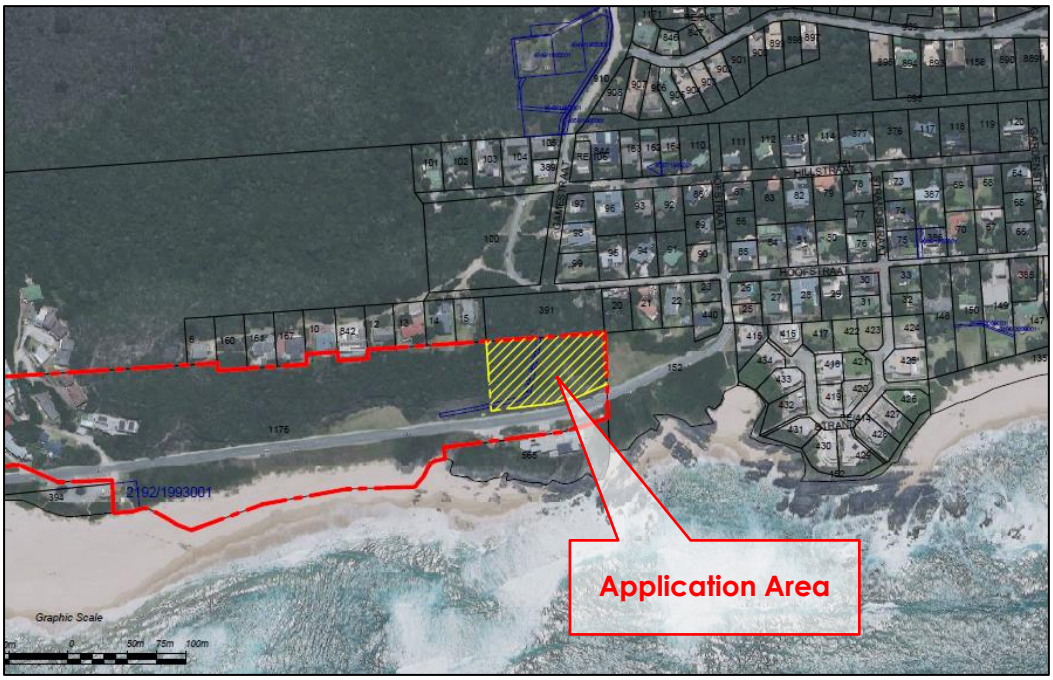


FIGURE 1: LOCALITY OF THE APPLICATION AREA

The proposed development triggers various "listed activities" in terms of the 2017 NEMA listing notices, published under GN 40772, R327 & 324, on 7 April 2017.

In parallel with the abovementioned applications; **Eco Route Environmental Consultancy** has been appointed as Environmental Assessment Practitioners (EAP) for the preparation and submission of the application for 'environmental authorisation' of the envisaged development for consideration by the 'competent authority' in terms of the provisions of the National Environmental Management Act, 1998 (Act 107 of 1998).

This Specialist Planning Report aims to provide a description of the proposed development and to "contextualise" the envisaged project within the administrative, legal and planning policy framework, as inputs into the Environmental Authorisation application process. These policies are for the most part not prescriptive legal requirements, but rather guidelines to inform detailed planning and design, and to be interpreted and applied at the level of an individual project.

The "Application Area" for the purpose of this report, is the eastern portion (± 5000m²) of Erf 1180 on which the proposal is to develop 2x group housing units.

2. BACKGROUND TO THE APPLICATION AREA

The application area was previously earmarked for "urban development" purposes in the former Knysna Wilderness Plettenberg Bay Guide Plan. The implication being that the application area's subdivision application is exempted from the provisions of Act 70 of 1970. The proposed subdivision will not require approval from the National Department of Agriculture.

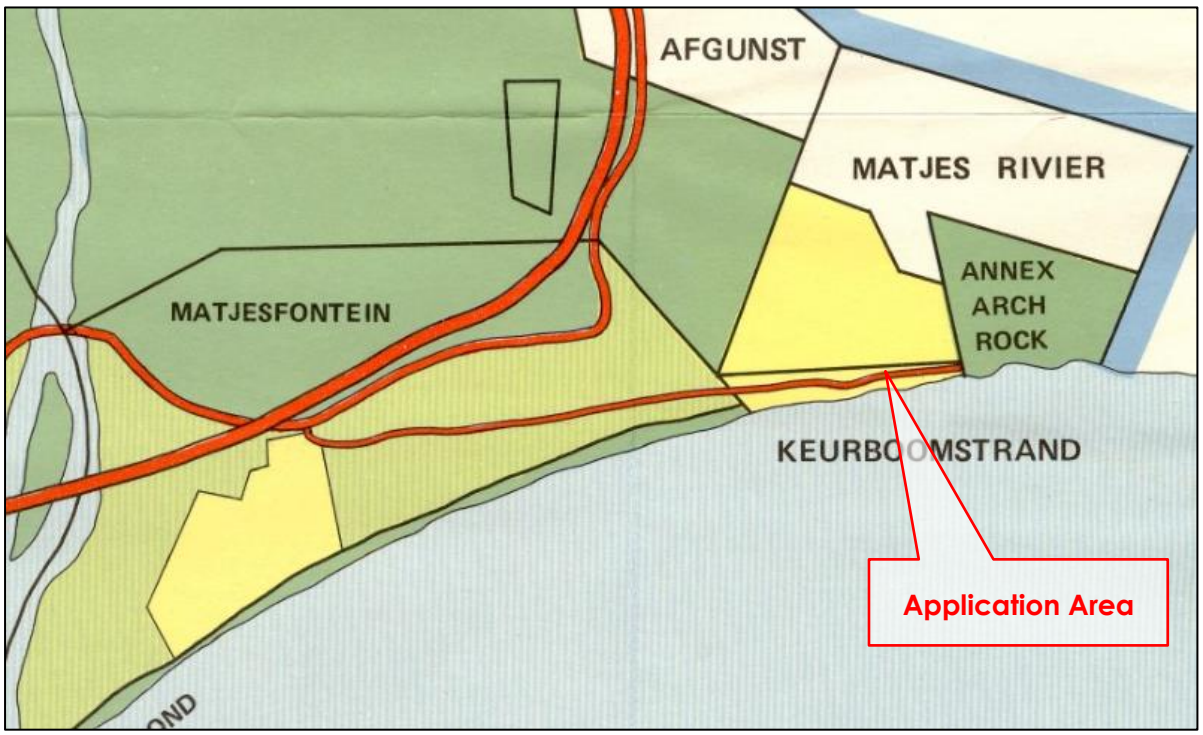


FIGURE 2: LOCALITY OF ERF 1180 KEURBOOMSTRAND – GUIDE PLAN

The history of how the current property boundaries of the application area came about, is summarised below:

- During 2011, Bitou Municipality approved the subdivision of Keurbooms Erf 155 to allow for 26 residential erven in Mare Nostrum. A copy of this approval is attached as ***ANNEXURE C***. One of the conditions of approval (Condition 2(h)) stated that *"….the remainder of the consolidated site be managed by the HOA as if it is a Private Nature Reserve….."* In order to develop 2x group housing units on the application area, one has to obtain permission to amend this condition of approval.

> *(h) That the remainder of the consolidated site be managed by the HOA as if it is a Private Nature Reserve, and that an Environmental Management Plan be submitted for approval by the Municipality, who reserves the right to impose conditions upon approval of this document.*

FIGURE 3: EXTRACT – 2011 APPROVAL

- During 2018, the Bitou Municipality approved the rezoning of Erf 155 (Mare Nostrum) to "Residential Zone II" for group housing, and the remainder of the property to "Open Space Zone II" for private open space. A copy of the approval is attached as ***ANNEXURE D***. A copy of the approved subdivision plan is shown in Figure 4 below.

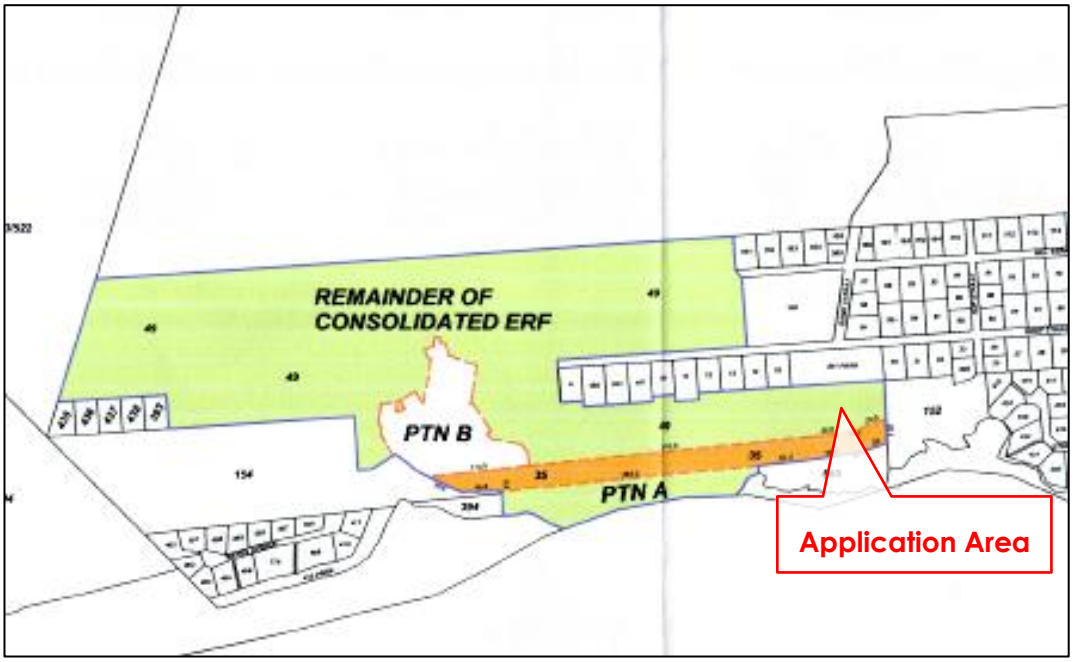


FIGURE 4: 2018 APPROVED SUBDIVISION PLAN

- During 2019, the Bitou Municipality approved an application for the amendment of the conditions of approval, and a copy of this approval is attached as ***ANNEXURE E***.
- The consolidated portions of Erven 151 & 155 were registered in the Deeds office as Erf 1236.

- A General Plan was approved for the Mare Nostrum Development, and the Mare Nostrum Development is on Erf 1181, and the remaining open space is unregistered Erf 1180. These registrations are currently in process (refer ***ANNEXURE A***).

The proposal now is to subdivide a portion (±5000m²) off from Erf 1180, and to rezone this portion to "Open Space Zone 3" for "Nature conservation area" to allow dwelling units.

3. PROPERTY DESCRIPTION SIZE & OWNERSHIP

A copy of the title deed for Keurboomstrand Erf 1236 is attached as ***ANNEXURE F***. A copy of the draft Title Deed for the unregistered Erf 1180 Keurboomstrand containing the details outlined below are contained in ***ANNEXURE G.***

The Surveyor General Diagram (SG 1743/2021) of Keurboomstrand Erf 1236 is attached as ***ANNEXURE H***, whilst a copy of the SG Diagram for the unregistered Erf 1180 is attached as ***ANNEXURE B***.

Title Deed Description:	Erf 1180 Keurboomstrand, situated in the Bitou Municipality, Division of Knysna, Province of the Western Cape
Property Size	14,5378 ha (Fourteen comma Five Three Seven Eight) Hectares
Property Owner:	Mare Nostrum Shareblock Proprietary Limited
Title Deed No:	Not yet registered in the Deeds office – Refer to ***ANNEXURE A***
Title Deed Restrictions:	The draft new title deed (ANNEXURE G) does not contain any restrictions that prevent the proposed rezoning and subdivision.
Bonds:	No Bonds
Servitudes:	Entitled to a 7m wide right of way servitude across Erf 391 (refer SG 6110/1992, attached as ***ANNEXURE I***) Subject to a 3m wide water pipeline servitude that bisects the area, as shown on SG 2171/2020 (***ANNEXURE B***).

SECTION B :	LAND DEVELOPMENT PROPOSAL

4. DEVELOPMENT DESCRIPTION: PREFERRED ALTERNATIVE

The proposal entails the subdivision of the unregistered Keurbooms Erf 1180 into two portions: Portion A = ± 5001m² and a Remainder. Portion A will then be developed with two residential dwellings, on a disturbed portion of the site. The area surrounding the dwelling units will be managed and utilised as a "Nature Conservation Area".

The proposed subdivision is shown in the figure below:

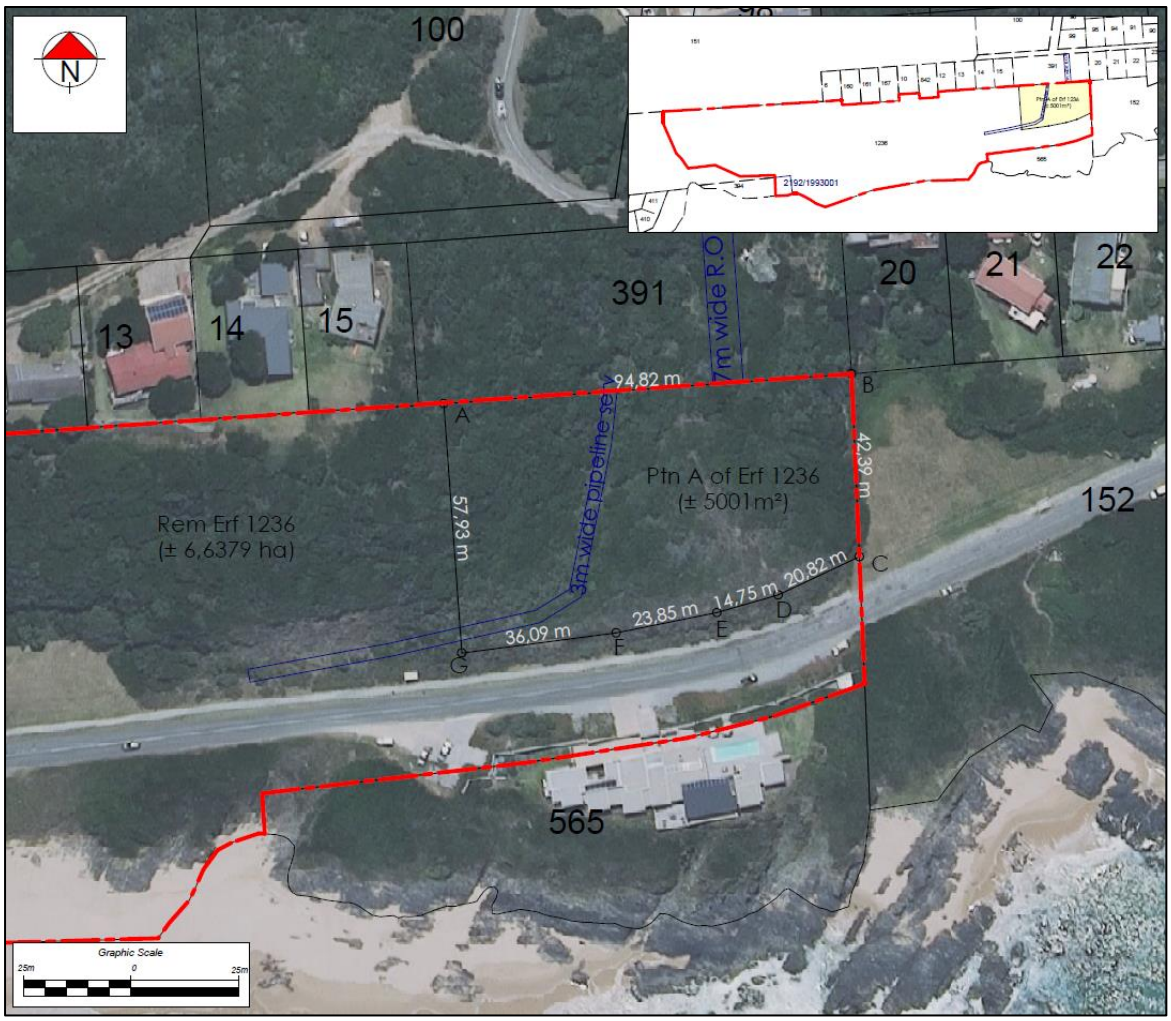


FIGURE 5: PROPOSED SUBDIVISION PLAN

The proposal is to develop 2x dwelling units on Portion A. The application area will be managed as a Nature Conservation Area. The Bitou Zoning Scheme Bylaw defines a "Nature Conservation Area" as:

"…means the use and management of land with the objective of preserving the natural biophysical characteristics of that land, including the fauna and flora…"

The prescribed development parameters for a "Nature Conservation Area" is:

(a) The Municipality may require an environmental management plan to be submitted for its approval.

(b) The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property and, where applicable, in accordance with an approved environmental management plan.

*(c) **One dwelling house is allowed** if no dwelling house exists on another portion of the land unit zoned for agriculture purposes or if the full extent of the land unit is zoned Open Space III.*

(d) When a consent use in a "nature conservation area" is approved, it is subject to conditions imposed by the Municipality with regard to layout, landscaping and building design.

*(e) **A site development plan shall be submitted to the Municipality for approval**, who may impose such conditions as it deems fit; provided that the site development plan shall be approved prior to the approval of building plans and/or the use being exercised.*

(f) The site development plan as approved by the Municipality constitutes the development parameters.

The original development proposal on the application area was amended to address concerns relating to the impact and/or effects of the proposed development on the services infrastructure and the area and it reduces the demand for municipal services infrastructure.

The design ethos for the proposed development include:

- reduce the size of the footprint to fit into the developable areas on the site
- restrict the development to the flattest part of the study site;
- adhere to a 30m setback line from the Provincial Road (Main Road 394);
- Proposed swimming pool located in an east-west orientation to mitigate impact on the slope and to mitigate visual impact.
- completely avoid any direct or indirect impact on the scrub forest
- preserve the balance of the property for the conservation of fynbos and forest

The proposed site development plan is shown in Figure 6 below:

FIGURE 6: PREFERRED ALTERNATIVE - AMENDED PROPOSAL WITH ONLY TWO (2X) UNITS

Portion A of Erf 1180 will be rezoned from "Open Space Zone II" to "Open Space Zone III" for a Nature Conservation area, with two dwellings and communal swimming pool.

FIGURE 7: PREFERRED ALTERNATIVE - INVISIBLE PROPOSAL WITH ONLY TWO (2X) UNITS

4.1. Access, Roads & Parking

Access to the proposed Portion A will be via an existing access servitude from Main Street, in a southern direction, across Erf 391. There is an existing, registered right of way access, in favour of Erf 1180 (refer ***ANNEXURE I***). No new roads / access ways have to be created to provide access to the application area.

The proposed driveway width into the development is 4m, curved around mature trees of conservation value and significantly less impactful than the existing servitude right of way access.

Each dwelling house will have a double garage near the northern boundary of Portion A.

4.2. Refuse Collection

Each dwelling unit will contain its own refuse, and each week, on the day that refuse is collected, each owner will take their refuse up to Main Street for collection by the municipality.

5. DEVELOPMENT DESCRIPTION: ALTERNATIVE 1

The Alternative development proposal is to rezone the application area to "General Residential Zone I" for group housing, for three (3x) group housing units.

The sizes of the three (3x) group housing units will be:

- Unit 1 = 316m²
- Unit 2 = 385m²
- Unit 3 = 385m²

Total area = 1086m²

The proposed alternative development proposal entails the development of three sectional title group housing units, with a swimming pool in a north-south orientation, as shown in the figure below:

FIGURE 8: PORTION A OF ERF 1180 - ALTERNATIVE DEVELOPMENT PROPOSAL

6. DEVELOPMENT DESCRIPTION: ALTERNATIVE 2: NO-GO OPTION

The "no-go" development alternative will result in no group housing units, but the latent development rights of "Open Space Zone II", managed as a private nature reserve. The use of this 5000m² portion as a private nature reserve is not reasonable and feasible as it physically has no access to the Mare Nostrum Residents, and it is private open space, hence no amenity to surrounding residents in Keurboomstrand. There is no money to manage Erf 1180 as a nature reserve, hence the no go option is not reasonable or feasible.

With the subdivision and alienation of a portion of Erf 1180, much needed capital will be raised to finance the ongoing maintenance of the nature conservation area.

7. STATUTORY SPECIFICATIONS

This paragraph lists the relevant applications that has been lodged to Bitou Municipality during the Town Planning (Land Development) application process:

7.1. Proposed Subdivision

The proposal is to subdivide the unregistered Erf 1180 into two portions: Portion A = ±5001m², and a Remainder of ± 14,0377 ha.

7.2. Proposed Rezoning

The rezoning application as submitted was to rezone Portion A of Erf 1180 from "Open Space Zone II" to "Open Space Zone III" for Nature Conservation purposes, in terms of the 2023 Bitou Zoning Scheme Bylaw.

7.3. Permanent Departure

The Bitou Zoning Scheme Bylaw 2023 prescribes a development parameter that states that **One dwelling house is allowed** if no dwelling house exists on another portion of the land unit zoned for agriculture purposes or if the full extent of the land unit is zoned Open Space III.

In order to allow a second dwelling on Portion A (Nature Conservation Area), an application for a permanent departure is required.

7.4. Approval of a Site Development Plan

The new Bitou Integrated Zoning Scheme Bylaw states that the municipality must approve a Site Development Plan for a Nature Conservation Area, and that the Site Development Plan will be the prescribed development parameters for the site.

An application for a permission required in terms of the zoning scheme, in terms of Section 15(2)(g) of the Bitou Municipal Land Use Planning Bylaw to approve a Site Development Plan.

SECTION C : CONTEXTUAL INFORMANTS

8. LOCALITY

(Plan 1: Locality Plan)

Keurboomstrand Erf 1180 is located in the Keurboomstrand proclaimed municipal area, south of Main Street, north of Main Road 394, north of Erf 595, and east of the Mare Nostrum Resort.

The GPS co-ordinates for the centre of the proposed application area are at 34.003797°S 23.454693°E.

FIGURE 9: LOCALITY

9. CURRENT LAND USE & ZONING

9.1. Land Use

The application area is currently vacant.

9.2. Zoning

According to the new 2023 Bitou Zoning Scheme Bylaw the application area is zoned as "Resort Zone".

FIGURE 10: EXTRACT OF BITOU ZONING MAP

We believe that this is a bona fide error on the zoning map, and that the correct zoning of the application area is "Open Space Zone II" (Private Open Space). This zoning of Open Space Zone II originated from the 2018 rezoning approval.

10. SITE CHARACTERISTICS

Most of the property is identified as part of the critical biodiversity area of the Western Cape. Although it does contain elements of critical biodiversity, a site-specific assessment by Ken Coetzee (refer ***ANNEXURE J***) has found it to be partially degraded and partially developable, subject to the protection of specific elements of the vegetation. This report concluded that:

The primary constraint is the presence of patches of protected scrub forest on the property. These are pristine forest habitats that should not be impacted by the development. The approximate extent of the scrub forest is shown in Figure 11 below.

It is a fact however that the vegetation on the study site can no longer be described as Garden Route Shale Fynbos because it has become forest/thicket due to the long exclusion of fires. The original fynbos has mostly been shaded-out. It does, however, still contain a few of the larger elements of the original Fynbos vegetation such as *Polygala myrtifolia, Passerina falcifolia, Osyris compressum and Osteospermum moniliferum*.

The areas of scrub forest are sensitive in terms of the steeper slopes and vegetation type and they should definitely not be directly or indirectly disturbed by the proposed development. Construction on the steeper slopes in forested areas requires innovative attention to the possibility of soil erosion and even land-slipping. This possibility must be clearly mitigated in the planning of the development.

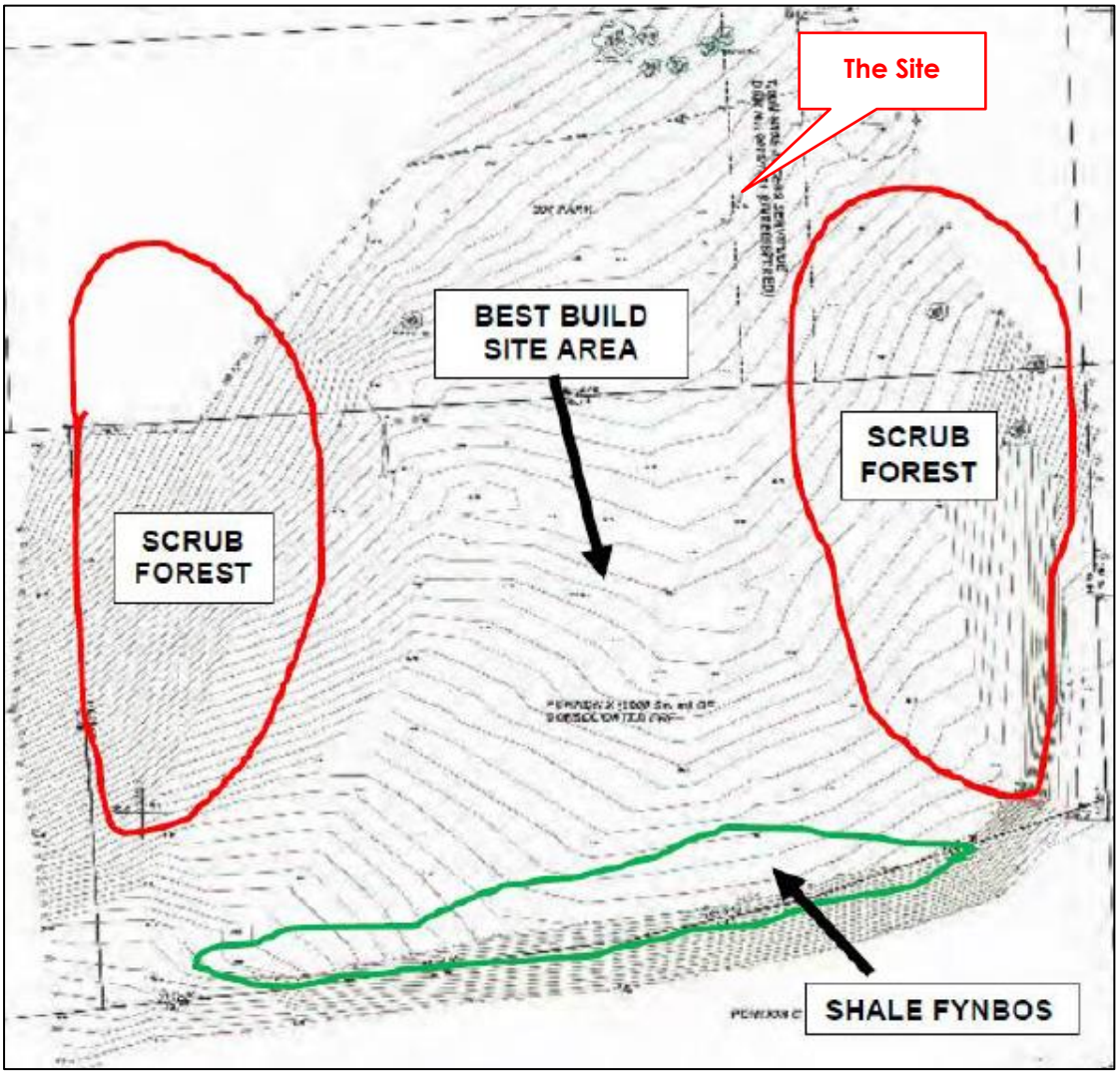


FIGURE 11: DEVELOPABLE AREA ON SITE

FIGURE 12: EXISTING VEGETATION ON THE SITE

10.1. Topography

The application area slopes in a southeastern direction, towards the ocean. The application has a moderate slope, with a knoll with a topography of ± 1:10. This slope is suitable for the intended development. The application area is at a height of ± 30m – 35m above MSL.

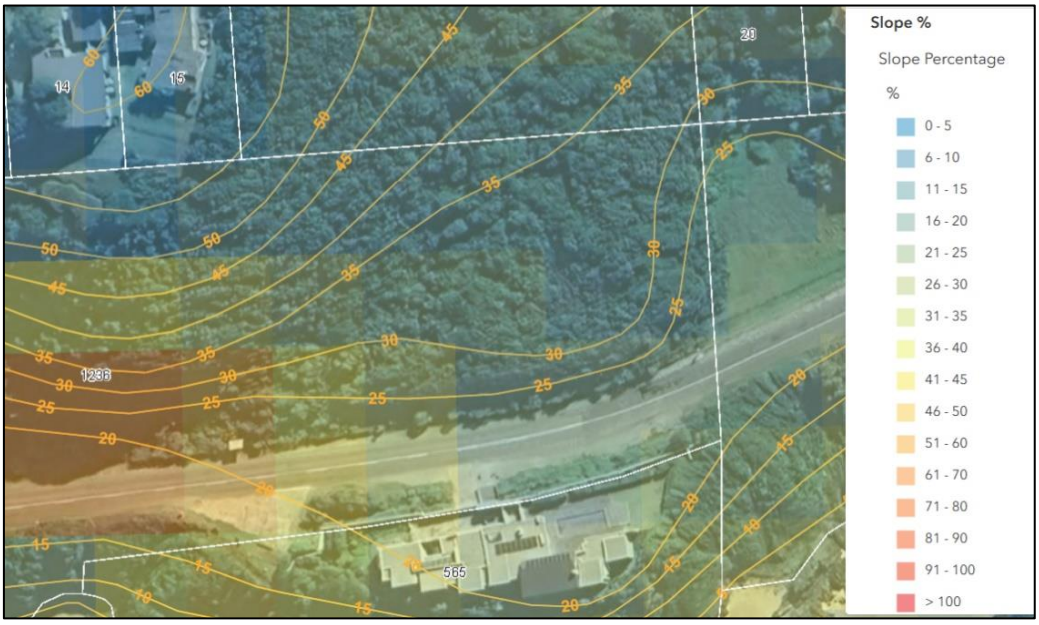


FIGURE 13: SLOPE ANALYSIS

10.2. Drainage

No water courses are located on the application area.

10.3. Heritage

The proposed development does not trigger any of the listed activities in the National Heritage Resources Act, 1999, Act 25 of 1999 (NHRA) as set out in Section 38 of the said Act, because the development area will be less than 5000m², and the rezoning is on an area less than 1 ha. No heritage elements exist on the application area.

11. CHARACTER OF THE AREA

The area where the application area is located, is characterised by the urban village of Keurboomstrand, with mostly single residential homes. The property directly south of the application area contains a large dwelling house, and then northeast as well as north west of the application area, there are existing single residential dwellings. The proposed two residential dwellings on an area of ± 2000m², is not out of character of the area.

The proposed development is in a shape and form in character with the surrounding development in Keurboomstrand. Erven and houses in the immediate surrounding area are representative of various time periods, mostly from the period 1960 – 1975, with a modern house to its south, dating from around 2010. Many of the adjacent properties have encroached onto Erf 155 and owners have acquired portions of the property for extensions to their erven (Lombard 2021:15).

12. EXISTING POLICY FRAMEWORKS

Section 19(1) and (2) of LUPA states that the following:

> *"(1) If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or a land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan;*
>
> *(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development does not conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structured plan."*

12.1. Western Cape Provincial SDF (2014)

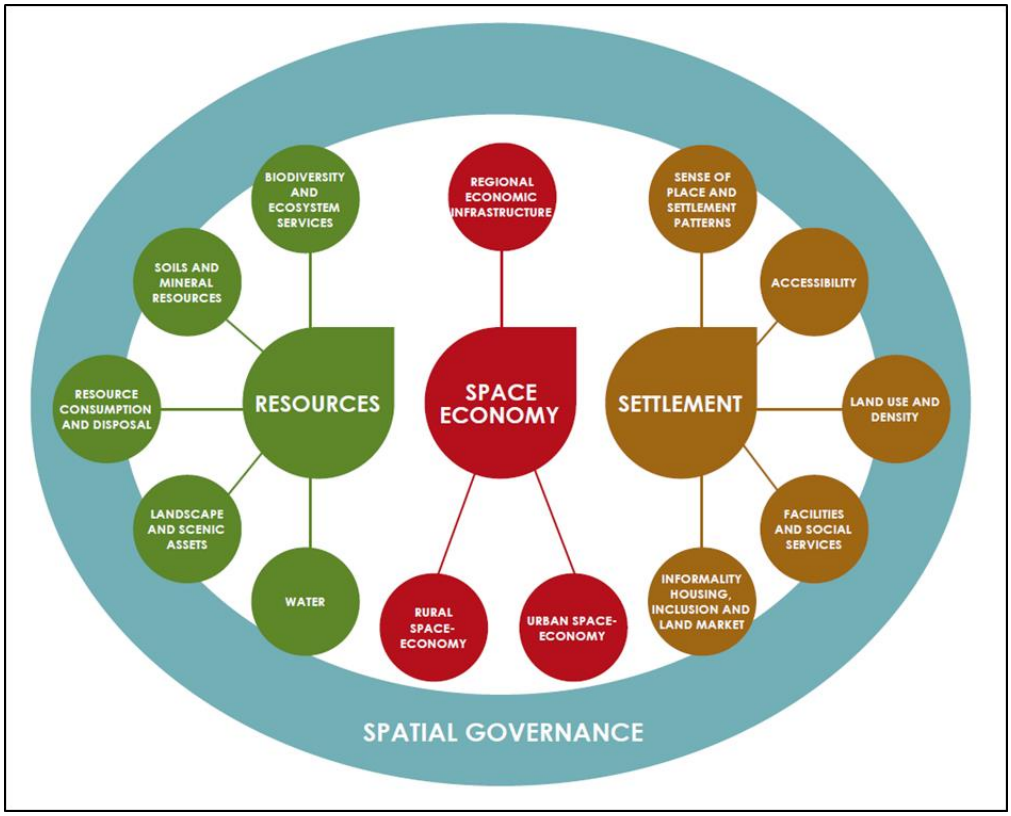
The Western Cape Provincial SDF was approved in 2014 by the Western Cape parliament and serves as strategic spatial planning policy that "communicates the provinces spatial planning agenda".

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning.

The proposed development compliments the SDF spatial goals that aim to take the Western Cape on a path towards:

- Greater productivity, competitiveness and opportunities within the spatial economy;
- More inclusive development in the urban areas;
- Strengthening resilience and sustainable development.

However, it is important to note some of the key policies laid down by the PSDF have a bearing on the application.



POLICY R1: PROTECT BIODIVERSITY & ECO-SYSTEM SERVICES

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
This policy reflects on securing fragmental natural habitats, it is necessary to prevent further intrusion of agricultural activity or urban expansion into key Critical Biodiversity Areas and ecological support areas. This policy helps to prevent any development in these unique environments, to preserve and protect the natural habitat.	• *This proposal realises the importance of the environment and did take into account the CBA areas and all other sensitive areas, the proposed development strives to be as sustainable and eco-sensitive as possible. The proposed layout of the two dwellings, stayed clear of the protected areas, thus indicating the commitment of the development to comply with any environmental constraints.*

POLICY R5: SAFEGUARD CULTURAL AND SCENIC ASSETS

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
2. Protect heritage and scenic assets from inappropriate development and land use change.	• *The rezoning to a nature conservation area, and the development of two dwellings on the proposed subdivided portion, will safeguard the application area form further development in future, whilst raising capital for ongoing maintenance of the remaining portion on natural area.*
4. Strategies towards achieving adequate legislation to *protect scenic resource*s, as well as towards establishing more detailed classification of landscape and scenic typologies are required. Conservation strategies and guidelines are also particularly important in the effective management of scenic landscape quality and form. They must *describe the qualities of an area and the nature of development that is likely to be permitted*, thus preventing wasteful expenditure, misunderstanding and conflict on the part of owners, developers, architects and the local authority. They can also ensure that the local authority is consistent in its management of the area in terms of the maintenance and enhancement of the public realm and in terms of development control.	• *A Visual Impact Assessment is being undertaken, and the VIA will assess the new preferred development proposal. The image as shown in Figure 7:* Preferred Alternative - Invisible Proposal with only Two (2x) Units*shows insignificant visual impact.*

POLICY S1: PROTECT, MANAGE AND ENHANCE SENSE OF PLACE, CULTURAL AND SCENIC LANDSCAPES

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
1. Prevent settlement encroachment into agricultural areas, scenic landscapes and biodiversity priority areas, especially between settlements, and along coastal edges and river corridors.	• *A Visual Impact Assessment is being undertaken, and the VIA will assess the new preferred development proposal. The image as shown in Figure 7:* Preferred Alternative - Invisible Proposal with only Two (2x) Units*shows insignificant visual impact.* • *The proposed layout of the two dwellings, stayed clear of the protected areas, thus indicating the commitment of the development to comply with any environmental constraints.* • *The given the sensitive argitectural design, the proposal will not ipact negatively on any scenic assets.*

POLICY S4: ENSURE BALANCED & COORDINATED DELIVERY OF FACILITIES AND SOCIAL SERVICES

1. Balance sustainable service delivery and equitable access to education and health services to improve equitable access to social services such as health and education across the Province.

4. Rationalise and balance the regional distribution of health and educational service centres around a coherent hierarchy of services and only invest in places where people can easily access these services.

Development response: *The proposed two residential dwellings on the proposed nature conservation area will not require any additional health or educational facilities.*

Planning Implication:

The Western Cape Spatial Development framework has a strong emphasis on revitalising urban spaces creating an urban living environment which is more convenient, efficient and aesthetically pleasing to residents. The proposal is consistent with strategic objectives as set out by the Western Cape Spatial Development Framework, for the following reasons:

- *The proposal will not have any negative visual impact on the scenic Keurboomstrand Road;*
- *The proposed two dwellings will be constructed on disturbed areas.*
- *The proposed rezoning to conservationa area and the protection of the identfied sensitive natural environment will be consistent with the WCPSDF.*

- *The layout design was informed by the biophysical informants of the site: slopes, vegetation, orientation, etc.*

12.2. Garden Route (Southern Cape) Regional Spatial Development Implementation Framework

To give effect to the PSDF, regional-scale spatial plans have been created for these urban priority areas, which include this Regional Spatial Implementation Framework for the Southern Cape ('SC RSIF'). This plan has as its core objectives, the stimulation of inter-municipal growth and development opportunities, and to better support an integrated, regional approach to sustainable development, and urban and rural area management practices.

The economically defined Southern Cape region, covers the coastal corridor stretching between Mossel Bay, George, Knysna and Plettenberg Bay, and includes the greater Oudtshoorn area. It is predicted that this area will contain 85% of the population and 90% of the economy of the Eden municipal area by 2040 (MERO, 2016). The Southern Cape region is identified as being a provincial leisure and tourism coastal belt and priority urban functional region, with the abovementioned towns as regional centres (of different function and hierarchy) providing clustered facilities and services.

The purpose of the Southern Cape Regional Plan is to:

- Provide a **coherent spatial vision** for the Southern Cape functional region taking into account the environmental, social and economic opportunities and constraints.
- Provide guidance on the promotion of a rational and predictable **infrastructure, economic** and **land use planning** within the region.
- Coordinate, integrate and align provincial and municipal land use planning, infrastructure and economic development policy, specifically taking a regional approach to address regional **environmental management**, regional **human settlement** provision, **economic development**, regional **infrastructure**, regional **transport**, **landscape character, sense of place preservation,** and **heritage**.
- Elaborate what it means for the Wilderness to Plettenberg Bay corridor being **a leisure corridor** of Provincial significance.

The following sets out the shared regional aspirations and values that are used to underpin the Southern Cape Regional Spatial Development Framework going forward:

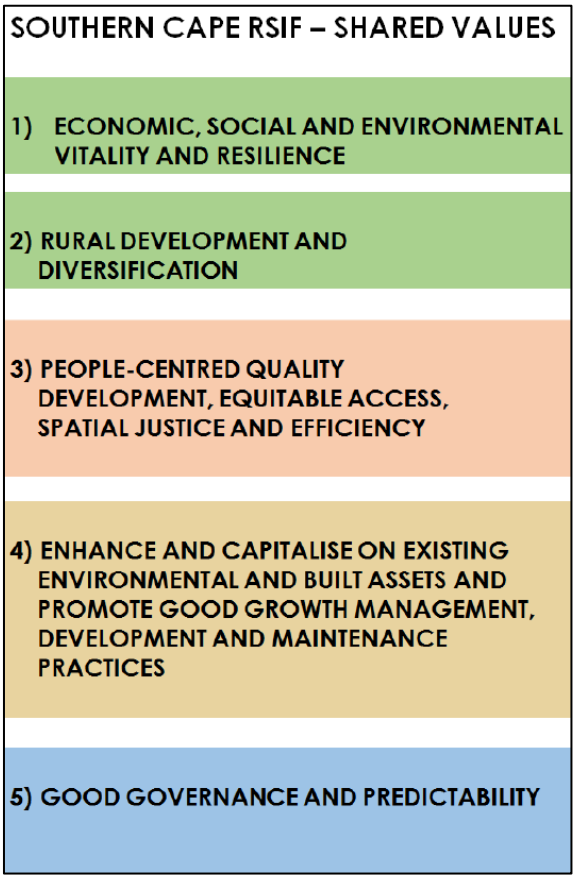


FIGURE 14: SOUTHERN CAPE RISDF – SHARED VALUES

The RISDF has no specific spatial proposals for the application area, other than that the Plettenberg Bay area is identified as a tourism area. The RISDF also focuses on the protection of the environment, and the fact that the environment is the economy.

The proposal will enhance environmental protection of the area, whilst obtaining development rights to develop two dwellings.

12.3. Bitou Municipal Spatial Development Framework

The updated Bitou Spatial Development Framework (SDF) was approved by the Bitou Municipal Council during 2021. The SDF is, therefore, the primary spatial tool for guiding development within the municipal area.

The SDF is the primary spatial tool for guiding development within the municipal area. The SDF echoes the principles laid down by the provincial SDF including densification, the importance of compact settlements and walkability and the promotion of a mixture of uses in close proximity to one another.

The figure below shows an extract of the Bitou Municipal SDF for this area, and the figure shows the application area as being included inside the urban edge for Plettenberg Bay.

The Bitou SDF lists the following spatial objectives in the SDF:

- **Expansion** of the urban footprint should be **directed to strategically located priority** development areas which will contribute towards the overall consolidation of the currently fragmented urban footprint of the municipality.
- The development of a **diverse range of housing typologies** for all income groups, at low, medium and higher densities and offering a variety of tenure alternatives should be a priority. This applies to housing for permanent residents and for holiday accommodation.
- Protect and enhance agricultural lands and secure these as a productive land base for food security, employment, etc.

The SDF makes the following statements for the Keurboomstrand Area:

> *A strong holiday/resort character predominates the area. It is fairly homogenously developed with residential and resort uses, wedged between sea and the coastal plateau slopes. Altering its character by permitting commercial and other non-residential development could detract from the area's attraction. The theme should thus be a low density residential one.*

- The fringes of the river and the coast should be protected as Core 2SPCs. The alignment of this SPC can be determined by a fresh water ecologist;
- The road to Keurboomstrand, the first section of the road to Keurboom beach as well as the old N2, should be declared as scenic routes;
- This does not necessarily mean that they are converted to treed avenues but rather that their view and scenic quality is protected from inappropriate urban development. This can be achieved by preparing a visual resource management corridor along the routes for which guidelines are prepared for development within this corridor
- No development on slopes steeper than 1:4
- Development can only be allowed

  - Extensions of existing urban development where development is contiguous (i.e. abutting) to existing municipal infrastructure services;
  - Low density Resort Zone (Resort Zone 1 and 2) developments in proximity (within 1 kilometre) of urban areas; and, specific resort and industrial developments outside of the Urban Edge where, by prior arrangement, such service provision can be feasibly provided.
  - It is accepted that any new developments cannot be implemented if the necessary services infrastructure and capacities are not in place

or cannot be duly provided. The greener, more environmentally friendly services methods are promoted.

FIGURE 15: EXTRACT OF BITOU SDF KEURBOOMSTRAND AREA

The application area is earmarked as conservation management area, and located inside the demarcated urban edge for Keurboomstrand. The proposal to rezone the land to a nature conservation area, is consistent with the conservation designation of the application area, and the fact that the application area is located inside the urban edge, confirms the consistency of the proposed two dwellings that will be located on disturbed areas inside the urban edge.

12.4. Keurbooms Local Area Spatial Plan

The Keurbooms Local Area Spatial Plan (KLASP) makes the following spatial policy statements regarding development within the KLASP Area:

- No development below the 1:50 and 100: year floodlines;
- No development on any slopes with a gradient steeper than 1:4;
- No development below the 4,5m coastal setback line;
- No development within the 100m high water mark setback; and
- No development within the Tshokwane Wetland system.

For the purposes of the conceptual siting of nodes as depicted on the proposals plan consideration was given to criteria such as, but not limited to:

- The location of any other existing development on the property so as to enhance the principle of clustering of development;
- Proximity of existing roads both from an access as well potential visual impact consideration;
- Features such as dams and natural drainage systems

With regard to the proposal to rezone the application area to a nature conservation area, and the development of two dwellings on the disturbed areas on the site, it is the considered opinion that the proposal is consistent with the KLASP policy statements, for the following reasons:

- The proposed dwellings are not on steep slopes;
- The proposed dwellings are setback by 30m from the cliff edge
- The proposed dwellings are not below the 4,5m contour coastal setback line;
- The proposed dwellings are not within 100m of the HWM.

The proposal is therefore considered to be consistent with the KLASP policy statements, and not inconsistent with the KLASP.

12.5. Bitou Integrated Development Plan (2022-2027)

The IDP is a municipal planning instrument that drives the process to address the socio-economic challenges as well as the service delivery and infrastructure backlogs experienced by communities in the municipality's area of jurisdiction.

Bitou Municipality approved the 5th generation IDP during June 2022 Council Resolution Number: C/6/23/05/17. According to this IDP, the municipality's vision is "…To be the best together…"

Bitou Municipality has adopted seven strategic objectives to deliver on its vision and to help realize the objectives of the district economic development, provincial strategic goals and national development plan which eventually will contribute to the globally sustainable development goals. Strategic objectives relevant to the proposal are:

STRATEGIC OBJECTIVE	
SO1	Provide Excellent Service Delivery to the residents of Bitou Municipality.
SO2	Re-establish, grow and expand tourism within the municipality.
SO3	Put relevant control measures in place to ensure efficiency and excellence.
SO4	Provide basic service delivery to informal settlements and the poor.
SO5	Facilitate growth, jobs and empowerment of the people of Bitou.
SO6	To ensure the safety of residents and visitors of Bitou municipality
SO7	To build institutional and financial sustainability.

FIGURE 16: BITOU MUNICIPALITY – STRATEGIC OBJECTIVES

The application area is located in Ward 1 of the Bitou Municipality. No detailed development proposals have been made for this area. The Ward 1 priorities for Keurboomstrand relate to infrastructure services:

Water and sanitation	• Water security at Game St reservoir • Sewerage reticulation
Roads and stormwater	• Storm water outlet onto main beach • Upgrade boardwalk at main beach
Electricity	• Electricity feed upgrade for greater Keurbooms • Soft street lightning in village

FIGURE 17: BITOU MUNICIPALITY – WARD 1 PRIORITIES

Planning Implication:

The IDP is a municipal planning tool to integrate municipal planning and allocate municipal funding to achieve strategic objectives that will contribute to the overall municipal vision. Although this application is not considered to be an important strategic objective it can be motivated that the development of the land supports important municipal interventions amongst others creating economic jobs within the ward. Further to the above the proposed development will contribute to the economic expenditure in the area, providing housing opportunities, create employment and the make use of existing services network.

SECTION D : STATUTORY REQUIREMENTS

13. THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (107 OF 1998)

The National Environmental Management Act (NEMA) requires that all aspects of potential impacts of a proposed development are assessed within an Environmental Impact Assessment (EIA), with many specialists involved to investigate these potential impacts. From a Town Planning perspective, one of the most important considerations when providing input into the wider EIA process is the Need and Desirability' of a potential project.

The Guideline on Need and Desirability published by the Department of Environmental Affairs and Development Planning (DEADP) goes to great lengths to explain that the 'Need' for a project relates to its 'timing', where the 'Desirability' related to the 'placing' of the proposed development; i.e. is this the right time and is it the right place for locating the type of land-use/activity being proposed.

13.1. Need

Need, as defined by DEADP refers to the timing of the proposal, as such the question 'do we need this development now?'. In answering this question, the planning and land use policy of the area must be examined. Therefore, the consistency with the existing approved Spatial Development Framework (SDF), the current Integrated Development Plan (IDP) and other municipal planning policies are important in the consideration of need.

Further considerations of need include the need of the community/area of the activity & land use – is the development "a societal priority". The need for a project also relates to the services capacity and consistency with infrastructure planning.

According to the current Bitou SDF, the application area is inside the demarcated urban edge and highlights the importance to balance the attention between the urban and rural areas, to protect the rural areas from unwanted development and urbanisation into the rural areas that would impact the character of the area.

There is a need for housing and more affordable, long term residential accommodation near community facilities such as the Plettenberg Bay Primary School. It is the considered opinion that there is indeed a need now for this type of development.

The Western Cape SDF requires compliance with the guidelines namely Rural Development Guidelines that categories areas and appropriate land uses within these areas and guidelines for implementation. The intended land use on the application area is consistent with the spatial planning policies and proposals of the Bitou, Eden and Provincial SDF.

The Eden SDF emphasises sustainable development and protecting the environment which is the economy of the unique Eden area.

13.2. Desirability

The desirability of a proposed development also relies heavily on consistency with policy documentation but has a distinctly spatial focus. The guideline on Need and Desirability specifically poses the question *"Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?"*

NEMA also links the desirability of development to the concept of the *"best practicable environmental option"*; this refers to the option that provides the most benefit and *causes the least damage to the environment, at a cost acceptable to society, in the long term as well as in the short term*. The consideration of alternatives is therefore closely related to this concept.

The proposal is in line with the applicable policy documentation (Western Cape Provincial SDF, Western Cape Rural Development Guidelines, Eden SDF; Bitou Municipal SDF & IDP), meaning that it is in line with the spatial proposal and vision for the area whilst complying to the development guidelines for the current proposal. Therefore, the approval of this application would not compromise the integrity of the applicable policy documents agreed to by the relevant authorities.

Another defining factor when considering the desirability specifically for the proposal is in the public interest. The criteria as set out in the Relevant Considerations: Provincial Support Document covers the aspects to consider when determining whether a proposal is in the public interest or not.

CRITERIA	COMPLIANCE
The degree to which development principles & norms and standards will be promoted or prejudiced	▪ *The proposal to rezone the application area to a Nature Conservation Area is consistent with the spatial policies relating to the conservation of natural areas.*
Degree of risk / potential risk	▪ *The applicant does not foresee any potential risk by allowing the proposal from a planning perspective. This unique portion of land with its unique locational factors can be utilised for conservation and residential development (2x dwellings) as proposed.*
Impact on existing and surrounding land uses	▪ *Land to the north, south and east of the application area is used for residential purposes. The proposal is therefore consistent with the existing land uses in the area.*
Long term benefits (rather than short terms gains)	▪ *The long term conservation benefits that will be achieved by this proposal, outweights the potential small impacts of the development of two residential dwellings.*

It can, therefore, be concluded that the proposal is regarded as desirable.

13.3. Planning Evaluation

The above boxes for need and desirability can be ticked. The proposal will have an insignificant impact as it is in line with all planning legislation and consistent with the applicable spatial planning policies.

It is clear that the proposal is in line with the applicable spatial planning policies, will not prevent any surrounding landowner to lawfully exercise his/her existing land use rights or detract from the character of the area and can, therefore, be considered to be desirable and suitable for the area that it is to be situated in.

Further to the above, the following key considerations are considered to determine the desirability of the proposed development:

Elements for Consideration	Key Questions to Ask	Proposal (Desirability)
Economic impact	Positive or Negative impact on neighbourhood / settlement?	▪ *Positive economic impact. No negative impact on surrounding property owners or their rights.* ▪ *Additional Rates & Taxes and employment opportunities.* ▪ *Significant employment opportunities for skilled and unskilled staff.* ▪ *Additional residents in the area will contribute to additional spending and economic activities in the existing businesses in the area.*
Social impact	Greater social justice, equity of access to opportunity	▪ *Not applicable*
Scale of capital investment	> capital investment - > positive impact	▪ *Private investment. No Municipal funding is required.* ▪ *Additional rates and taxes =income for the municipality.*
Compatibility with surrounding land uses		▪ *Proposal is consistent with the surrounding residential uses in the Keurboomstrand area.*
Impact on external engineering services	How much must the developer contribute to municipal costs incurred?	▪ *The Bitou Municipality's Infrastructure Servives Department has, in the past confirmed the availabilty of bulk engineering services.*

Elements for Consideration	Key Questions to Ask	Proposal (Desirability)
Impact on safety, health & well-being of the surrounding community		▪ *Increased movement in the area increases security in the area.* ▪ *No impact on safety;* ▪ *No impact on Health* ▪ *Consistent with the existing, surrounding land use patterns.*
Impact on heritage		▪ *No Heritage Impact*
Impact on the biophysical environment	Are there negative impacts? Are they adequately mitigated?	▪ *Residential development on the disturbed areas on the site, will mitigate environmental impacts.* ▪ *The formalisation of the proposed nature conservation area will ensure ongoing protection of the environment.*
Traffic impacts, parking access, other transport considerations	Support for densification & functional public transport system?	▪ *No impact*
Impact on quality of life (incl. views, sunlight, privacy, visual impact, character)		▪ *No views will be obscured.* ▪ *Fits within the character of the area.* ▪ *Proposal is consistent with the character of the area.*
Timing – need to densify or protect urban edges	The best option for the site at this point?	▪ *Within urban edge.* ▪ *Suitable area for proposal.* ▪ *Encouraged by all relevant spatial planning policies.*
Cumulative impacts	Unacceptable cumulative impacts?	▪ *Only positive impacts.* ▪ *No negative impact on any of the surrounding property owners.*
Opportunity costs	Any unacceptable opportunity costs?	▪ *Private investment* ▪ *No municipal funding required*
Alignment with SDF's		▪ *Refer to Par. 12 – proposal consistent with all applicable spatial planning policies.*

***Note**: LUPA (Land Use Planning Act) does not refer to a lack of desirability, nor does it require there to be a positive advantage (i.e. the absence of a positive advantage should not automatically lead to a decision to refuse).*

From the table above, it is clear that the proposed development is desirable on the subject property.

14. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)

Section 42 of SPLUMA prescribe certain aspects that must be taken into consideration when deciding on a land development application. These are:

(1). Development principles set out in Chapter 2 of SPLUMA

(2). Protect and promote the sustainable use of agricultural land

(3). National and provincial government policies the municipal spatial development framework; and take into account: —

- (i) the public interest;
- (ii) the constitutional transformation imperatives and the related duties of the State;
- (iii) the facts and circumstances relevant to the application;
- (iv) the respective rights and obligations of all those affected;
- (v) the state and impact of engineering services, social infrastructure and open space requirements; and
- (vi) any factors that may be prescribed, including timeframes for making decisions.

15. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws; and to provide for matters incidental thereto.

Section 59 of this Act prescribe the Land Use Planning Principles that are applicable to all land development in the Province. These are summarised in the tables below.

The tables below aim to summarise how the proposed development on the application area complies with these planning principles.

15.1. Spatial Justice

Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	Not applicable	This policy is not applicable to the application area.
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	Not applicable	This policy is not applicable to the application area. Not a Spatial Development Framework or Policy.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Not applicable	This policy is not applicable to the application area.
Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.	Not applicable	This policy is not applicable to the application area.
Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.	Not applicable	The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Bitou Municipality, 2015.
A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.	**COMPLY**	The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Bitou Municipality, 2015.

Criteria	Compliance	Planning Implication
The right of owners to develop land in accordance with current use rights should be recognised.	Not applicable	This policy is not applicable to the application area, as the proposal is not to implement the existing rights.

15.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;	**COMPLY**	▪ The proposed development can be regarded as infill development, as well as normal urban expansion, as the application area is located inside the demarcated urban edge. ▪ The proposal will contribute to additional capital income for the municipality. ▪ The proposed density of 4 units per ha for development on the urban periphery, is considered to be consistent with the spatial planning policy applicable to the area.
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	**COMPLY**	▪ The property is not zoned for agricultural purposes, it is not regarded as high potential agricultural land. ▪ The proposal is exempted from the provisions of Act 70 of 1970.
Uphold consistency of land use measures in accordance with environmental management instruments.	**COMPLY**	▪ An Environmental Authorisation process is currently underway. ▪ The design of the proposal has taken all sensitive environmental informants on the site into consideration.
Promote and stimulate the effective and equitable functioning of land markets.	**COMPLY**	▪ The properties in the surrounding area which consist of residential land uses. ▪ Development is occurring in the area and change of land use is not an irregular occurrence. ▪ The proposal will provide in a range of housing opportunities, thereby addressing the housing need over several different housing markets. ▪ The proposal to rezone will not influence the functioning of the land markets in the area. ▪ The value of the surrounding properties will increase.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	**COMPLY**	▪ Any service upgrades at the cost of the applicant. Civil and electrical services report is to be provided with the land use application. ▪ Additional residential uses inside the urban edge, will support the existing public services and businesses.

Criteria	Compliance	Planning Implication
Promote land development in locations that are sustainable and limit urban sprawl.	**COMPLY**	▪ The application area is located within the urban edge of Keurboomstrand, and accessibile to community uses and business opportunities.
Result in communities that are viable.	**COMPLY**	▪ The proposed development will result in additional rate payers that will support the existing retail businesses in town. ▪ The proposed development will create additional temporary and permanent employment opportunities for the area.
Strive to ensure that the basic needs of all citizens are met in an affordable way.	Not Applicable	This principle is not applicable to the applicant or this development.
The sustained protection of the environment should be ensured.	**COMPLY**	▪ The layout design was undertaken, taking all environmental informants into consideration (i.e. topography, drainage, botanical, faunal, etc.).

15.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities.	**COMPLY**	▪ Given the strategic location of the application area, the proposed development will support the existing community uses and business activities in the area.
Integrated cities and towns should be developed.	Not Applicable	▪ N/A to application area.
Policy, administrative practice and legislation should promote speedy land development.	Not Applicable	The municipality should process this application within the prescribed time frames of the Land Use Planning By-Law for Bitou Municipality, 2015.

15.4. Spatial Resilience

Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.	**COMPLY**	▪ The proposal is in line with all the various spatial plans, zoning scheme and policies, as motivated by the report. ▪ The proposed application complies with the requirements of the Land Use Planning By-Law for Bitou Municipality, 2015.

15.5. Good Administration

Criteria	Compliance	Planning Implication
All spheres of government should ensure an integrated approach to land use planning.	**Applicable to Bitou Municipality**	This principle has no direct bearing on the application; however, the Bitou Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw. What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.
All government departments must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks.		
The requirements of any law relating to land development and land use must be met timeously.		
The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
The legislation, procedures and administrative practice relating to land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public.		
A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.		
Decision-making procedures should be designed to		

Criteria	Compliance	Planning Implication
minimise negative financial, social, economic or environmental impacts.		
Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.		
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

16. CONCLUSION

The purpose of this specialist report was to identify the administrative process, legal requirements and policies that are directly applicable to the proposed development and to ensure compliance with the principles contained therein as for as reasonably possible.

In summary, the proposed development as envisaged:

1. The proposed development is consistent with all applicable spatial planning policies: the local Bitou Municipal SDF; District SDF and Provincial SDF.
2. The biophysical informants on the site were taken into consideration in the layout design of the development proposal.
3. The proposal will have no negative impact on the character of the area.
4. The proposal is consistent with the SPLUMA Planning principles.
5. The preferred alternative provides for better accessibility with lower impact on the surrounding neighbours.
6. Adequate access to the application area is obtained from the existing public streets in Keurrboomstrand.
7. There is a great need for a proposal; it is highly desirable and suitable for the area.

It is the considered opinion that the proposed development will achieve a sensitive balance between the natural environment, the built environment, and the social-economic environment, that is imperative to ensure sustainable development.

Marike Vreken Urban and Environmental Planners
August 2025

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CPT MO BOX 139
CPT DEEDS OFFICE BOX 224

Your Ref: Pr24/63: MARE NOSTRUM - Keurboomstrand Erf 155 / 1236 / 1

Our Ref: DE8214

Date: 19 March 2025

ATTENTION: MARIKE VREKEN
MARIKE VREKEN TOWN PLANNERS CC
VIA EMAIL: marike@vreken.co.za

Dear Ms Vreken,

RE: ERVEN 151 & 155, KEURBOOMSTRAND: 'MARE NOSTRUM': PROPOSED SUBDIVISION & CONSOLIDATION TO FORM ERF 1180 KEURBOOMSTRAND

1. We refer to your email dated 12 March 2025, and herewith confirm we are attending to the registration of Er 1180 Keurboomstrand, and that the registration is imminent.
2. We further confirm the name of Mare Nostrum (Pty) Ltd has been changed to Mare Nostrum Shareblock (Pty) Ltd.
3. Kindly see hereto a copy of the draft title deed of the proposed Erf 1180.
4. Please do not hesitate to contact our offices for further information.

Yours Faithfully,

MDW CAPE TOWN INC

Per: B Geyser

Directors: Meyer De Waal (B Proc – UOVS) | Assisted by Bevan Geyser (LLB) and Daniela Papa (Bcom LLB) |
Practice Manager: Heila Du Toit |

MDW Cape Town Inc | Registration Number: 1998/023947/21 | VAT Registration Number: 4160182566 |
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Gauteng: Menlyn Boutique Hotel, Office Suite 209 Tugela Road, Ashlea Gardens, Pretoria, South Africa, 0081 |

OFFICE COPY

Beacon Survey

Version 2

SIDES metres		ANGLES OF DIRECTION	CO-ORDINATES System: WG23	y	x
			Constants -	0,00	+3 760 000,00
A B	693,04	265.50.10	A	-41 183,26	+ 4 046,99
B C	37,78	355.50.10	B	-41 874,46	+ 3 996,67
C D	11,77	319.13.20	C	-41 877,21	+ 4 034,35
D E	76,59	355.50.10	D	-41 884,89	+ 4 043,26
E F	209,10	85.50.10	E	-41 890,46	+ 4 119,65
F G	45,96	355.50.10	F	-41 681,90	+ 4 134,83
G H	25,19	265.50.10	G	-41 685,24	+ 4 180,67
H J	6,30	355.50.10	H	-41 710,36	+ 4 178,84
J K	75,56	265.50.10	J	-41 710,82	+ 4 185,12
K L	6,30	175.50.10	K	-41 786,18	+ 4 179,64
L M	25,19	265.50.10	L	-41 785,73	+ 4 173,35
M N	7,50	355.50.10	M	-41 810,85	+ 4 171,52
N P	25,19	265.50.10	N	-41 811,39	+ 4 179,00
P Q	7,50	175.50.10	P	-41 836,52	+ 4 177,18
Q R	202,37	265.50.10	Q	-41 835,97	+ 4 169,70
R S	42,94	356.28.00	R	-42 037,81	+ 4 155,00
S T	29,01	70.11.50	S	-42 040,46	+ 4 197,85
T U	18,07	75.50.50	T	-42 013,16	+ 4 207,68
U V	37,08	81.04.40	U	-41 995,63	+ 4 212,10
V W	456,79	83.15.30	V	-41 959,01	+ 4 217,85
W X	82,22	156.21.20	W	-41 505,38	+ 4 271,48
X Y	214,68	85.50.10	X	-41 472,40	+ 4 196,17
Y Z	37,87	175.51.00	Y	-41 258,30	+ 4 211,76
Z 1A	116,79	85.50.10	Z	-41 255,56	+ 4 173,99
1AA	142,50	198.03.50	1A	-41 139,07	+ 4 182,47
	(112)	KNYS 56	△	-32 280,94	+73 666,98
	(113)	KNYS 57	△	-36 858,07	+75 311,70

S-G No.

2171/2020

Approved

for SURVEYOR-GENERAL

29.10.2021

SHEET 1 OF 3 SHEETS

The figure A B C D E F G H J K L M N P Q R S T U V w middle of river x Y Z 1A represents 14,5378 hectares of land being

ERF 1180 KEURBOOMSTRAND

comprising components 1) and 2) as listed on Sheet 3
Situate in the Bitou Municipality,
Administrative District of Knysna, Province of the Western Cape
Surveyed in April - June 2012, July 2020 and March 2021

by me Professional Land Surveyor (P.G. TEGGIN - PLS 1118)

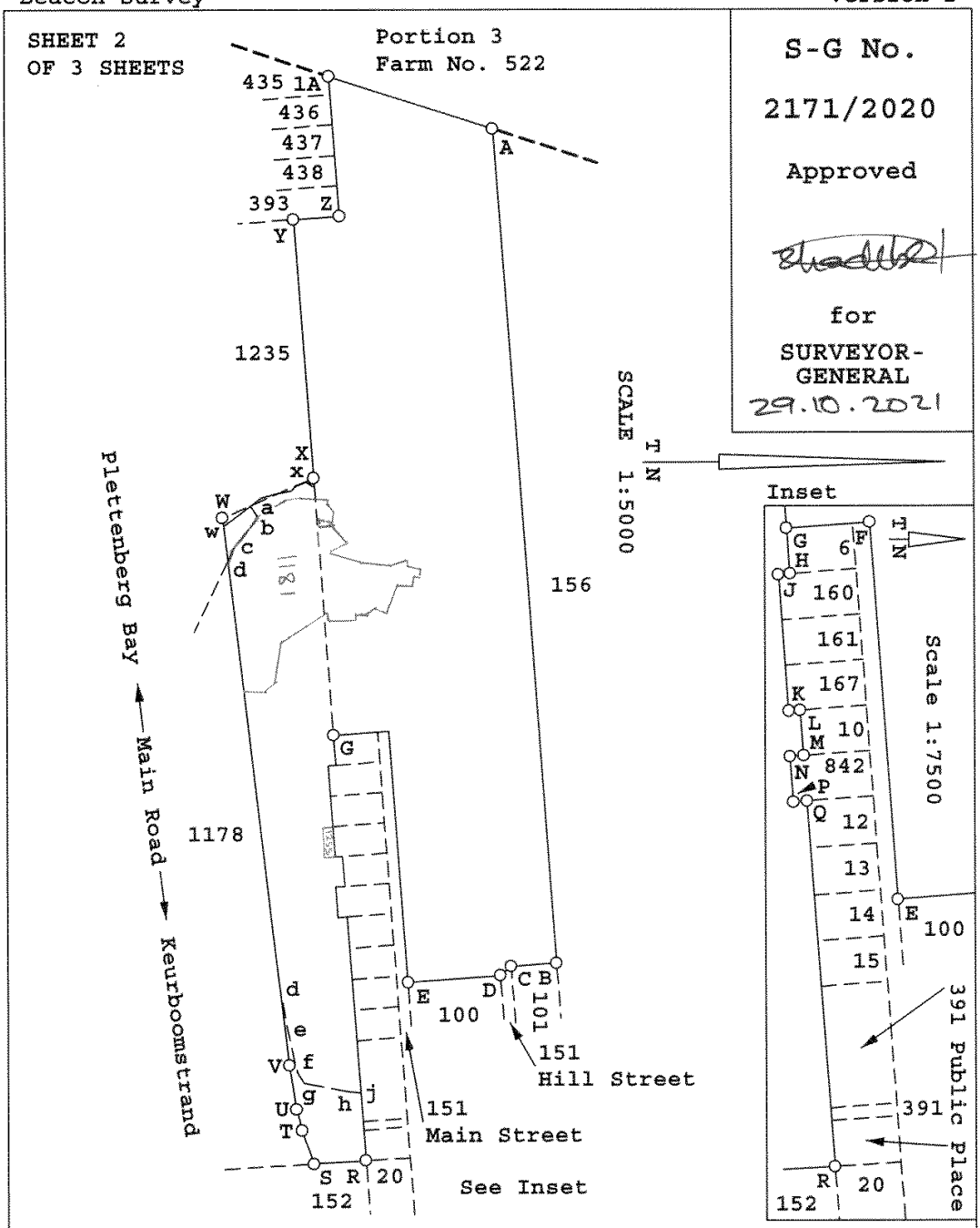
This diagram is annexed to No. d.d. i.f.o. Registrar of deeds	The original diagrams are as quoted on Sheet 3.	File Knys S/11270/3 V.1 S.R. No. 1276/2020 LPI C0390004 Comp. AM-1BB/V32 (735) AM-1BB/V41 (736)

ENDORSEMENTS SEE BACK OF DIAGRAM

OFFICE COPY

Beacon Survey Version 2

SHEET 2
OF 3 SHEETS



S-G No.
2171/2020
Approved
for
SURVEYOR-GENERAL
29.10.2021

The figure A B C D E F G H J K L M N P Q
R S T U V w middle of river x Y Z 1A
represents 14,5378 hectares of land being

ERF 1180 KEURBOOMSTRAND

comprising components 1) and 2) as listed on Sheet 3
Situate in the Bitou Municipality,
Administrative District of Knysna, Province of the Western Cape
Surveyed in April - June 2012, July 2020 and March 2021

by me Professional Land Surveyor (P.G. TEGGIN - PLS 1118)

SHEET 3
OF 3 SHEETS

S-G No.
2171/2020
Approved
for
SURVEYOR-GENERAL
29.10.2021

Components :
1) The figure A B C D E F G Y Z 1A represents Erf 1179 Keurboomstrand vide Diagram No. 2170/2020 Deed of transfer No.
2) The figure x H J K L M N P Q R S T U V w middle of river X Y Z represents Remainder Erf 1230 Keurboomstrand vide Diagram S-G No. 1743/2021 Deed of transfer No.

Servitude Note:
The line d e f g h j represents the centre line of a 3,00 metre wide water pipeline servitude vide Diagram No. 890/1988; D/S

Description of Beacons:
A,C,D,E,F,G,H,K,L,
M,N,P,Q,S,T,U,V,W,
X,Y,Z,1A ..... 12mm iron peg
B,R ..... Iron standard
J ..... 20mm iron peg

The figure A B C D E F G H J K L M N P Q R S T U V w middle of river x Y Z 1A
represents 14,5378 hectares of land being
ERF 1180 KEURBOOMSTRAND
comprising components 1) and 2) as listed above
Situate in the Bitou Municipality,
Administrative District of Knysna, Province of the Western Cape
Surveyed in April - June 2012, July 2020 and March 2021

by me Professional Land Surveyor (P.G. TEGGIN - PLS 1118)

Bitou

munisipaliteit umasipala municipality

to be the best together

Private Bag X 1002 Plettenberg Bay 6600
Tel+27 (0)44 501 3000 Fax +27 (0)44 533 3485

Our ref: 18/151 & 155/KB

Enquiries: L. Gericke: Manager -Town Planning & Development (044- 533 6881)

21 September 2011

Messrs. W.M. de Kock Associates
P O Box 9934
GEORGE
6530

REGISTERED POST

Dear Sirs

ERVEN 151 & 155, KEURBOOMSTRAND: 'MARE NOSTRUM': PROPOSED SUBDIVISION

Your letter regarding the above dated 22 September 2010 refers.

It is hereby confirmed that the matter was considered by the Mayoral Committee of the Municipal Council during a meeting that was held on 31 August 2011, and that it was resolved as follows:

1. *That in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the proposed subdivision of Erf 151, Keurboomstrand into Portion A and a Remainder as indicated on Plan No. KB151&155-SUB1 to allow the streets in Keurboomstrand to be excised from this property be not approved, inter alia as some of these streets represent unmade roads in respect of which the Municipality has no obligation.*

2. *That in terms of Section 25 of Ordinance 15 of 1985 approval be granted for the consolidation of Erven 151 and 155, Keurboomstrand, for the subdivision of the consolidated site to create Portion C and a Remainder (consisting of Portion A and Portion B), and for the subdivision of Portion C to create 26 residential erven, roads and other communal erven, all as indicated on Plan No. KB151&155-SUB1, subject to the following conditions:*

   (a) *That a Home Owners Association (HOA) be established, with compulsory membership for all owners of individual erven within the development, and that this body assumes responsibility (including costs) for the provision, maintenance, management, etc. of all internal facilities, services, etc.*

   (b) *That the Constitution of the HOA be submitted for consideration and approval by the Municipality (who reserves the right to impose conditions in this regard), and that the following aspects (inter alia) be addressed in this document:*

      (i) *the approval of building plans by the 'estate architect' prior to submission thereof to the Municipality.*

(ii) *that the Constitution clarifies at what stage the responsibility for the provision/maintenance of internal service/facilities would be transferred from the land owner/developer to the HOA, and also what the standard of completion of such internal services/facilities would be at that time.*

(c) *That the Private Open Space, Private Roads, Private Parking and Private Administrative erf within Portion C as well as the Remainder of the consolidated site areas be transferred to the HOA simultaneously with or prior to the registration of the first residential erf.*

(d) *That a Design Manual be submitted for consideration by the Municipality, and that the Municipality reserves the right to impose conditions upon approval of this document.*

(e) *That prior to the transfer of the first residential erf a refuse area be provided to the satisfaction of the Municipality, and that this refuse area be indicated on the Subdivision Plan.*

(f) *That a separate erf be created to accommodate the Provincial Road, and that this erf be transferred to the Roads Authority at the cost of the land owner and or Home Owners Association as and when required by that Authority.*

(g) *That services to the subdivided erven be provided at the cost of the land owner / developer to the satisfaction of the Municipality, who may impose conditions in this regard, inclusive of a requirement that 'as built' plans be submitted.*

(h) *That the remainder of the consolidated site be managed by the HOA as if it is a Private Nature Reserve, and that an Environmental Management Plan be submitted for approval by the Municipality, who reserves the right to impose conditions upon approval of this document.*

(i) *That the requirements of the Provincial Roads Engineer as outlined in his letter dated 31 May 2011 be complied with.*

(j) *That this approval does not absolve the land owner from compliance with any other relevant legislation.*

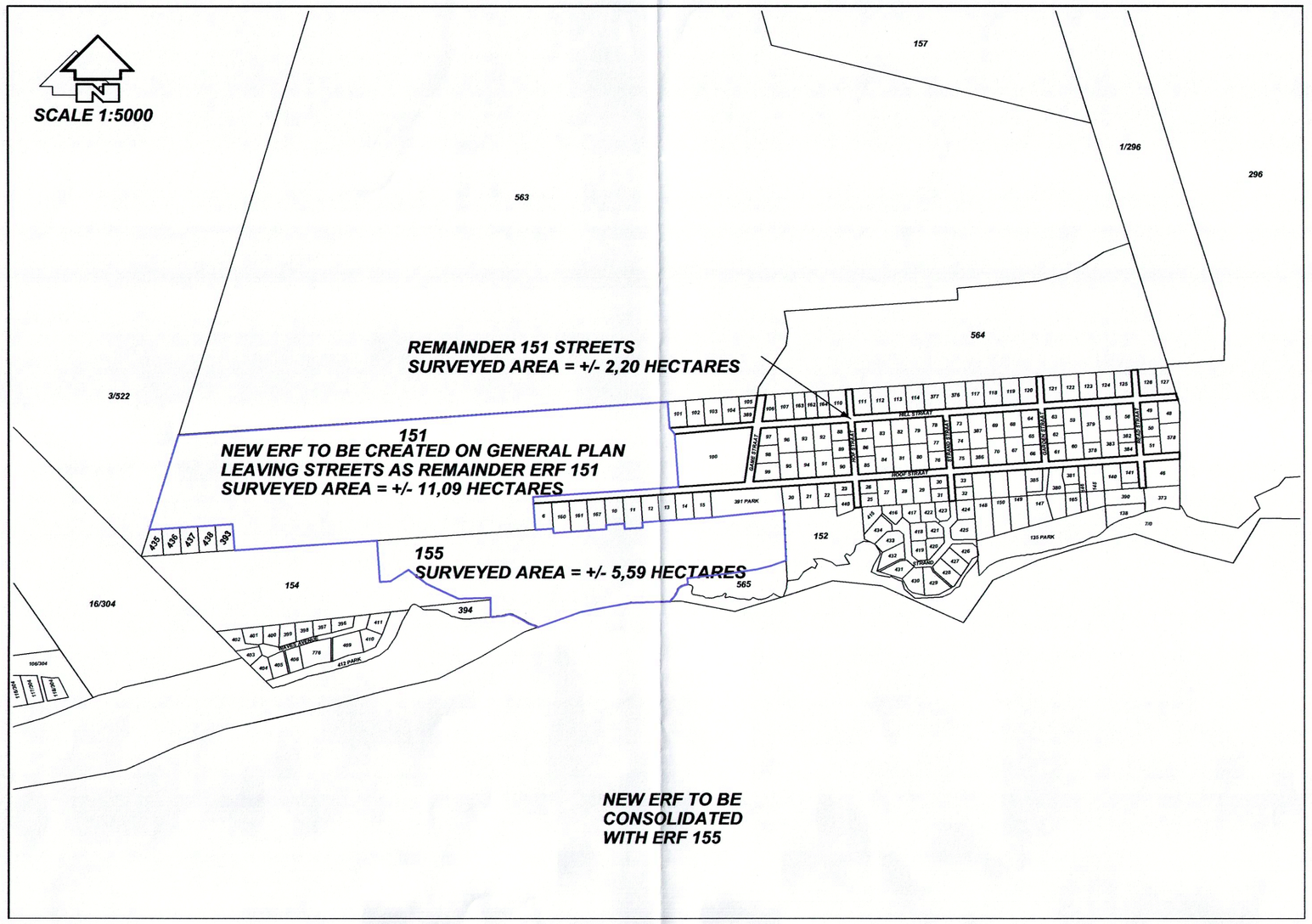
Should your client not agree with the abovementioned decision, your attention is invited to your right of appeal to the Municipal 'Appeal Committee' and/or to the Provincial Government. An appeal to the 'Appeal Committee' should be submitted in writing to the Municipal Manager within 30 days, while an appeal to the Provincial Government should be lodged in writing with the Director: Environmental Management (Private Bag X9086, Cape Town, 8000) within 3 weeks of date of registration of this letter (a copy of any appeal to the Provincial Government should simultaneously be lodged with the Municipality).

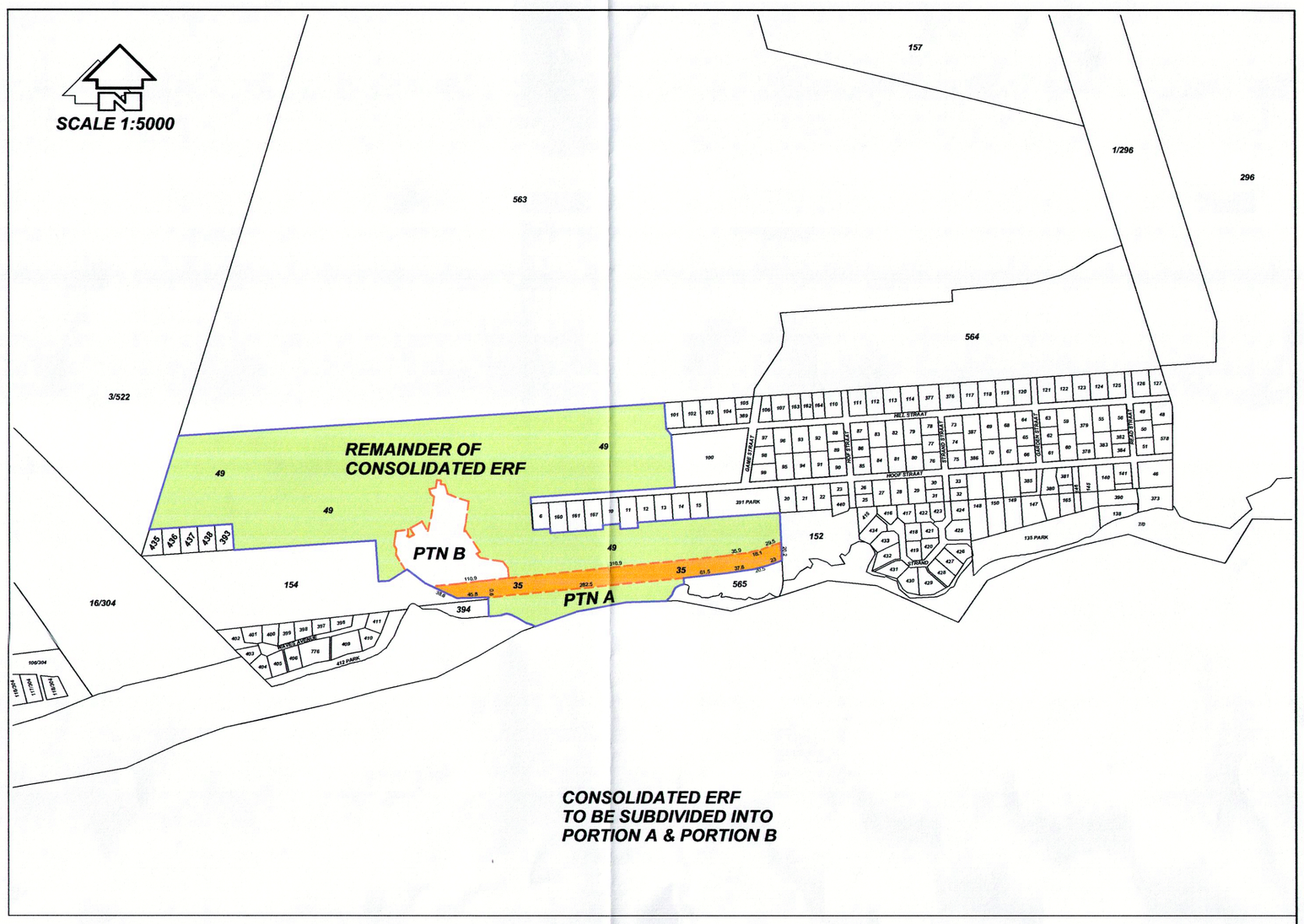
Kindly note that the objectors have a similar right of appeal, and you are therefore requested not to act in accordance with this approval until such time that you have been informed in writing by this office that no such appeal has been received.

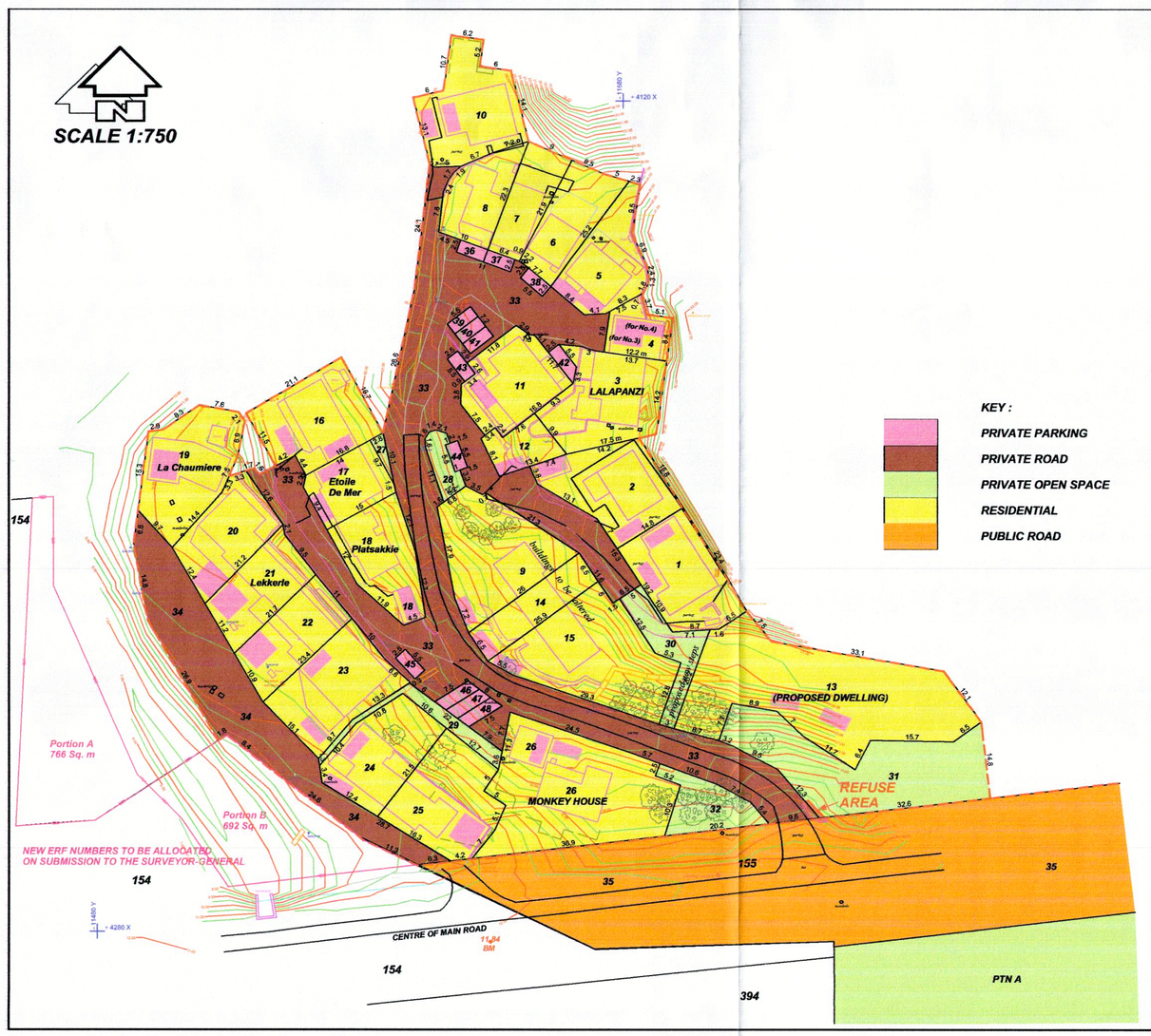
Lastly, should you wish to be provided with reasons for the decision that was adopted, a formal request in this regard should be made in writing to the Municipal Manager.

Yours faithfully

R. LINKS
HEAD: STRATEGIC SERVICES







TOTAL ERF SIZES	
3 + 42	= 363
6 + 41 + 38	= 247
7 + 40 + 37	= 197
8 + 39 + 36	= 225
9 + 46	= 419
11 + 43	= 283
12 + 44	= 117
14 + 47	= 189
15 + 48	= 518
18 + 45	= 279

PROPOSED REZONING AND SUBDIVISION OF ERVEN 151 & 155 KEURBOOMSTRAND (MARE NOSTRUM) FROM RESORT ZONE II TO RESIDENTIAL ZONE II

APPLICATION IS BEING MADE FOR THE FOLLOWING :

1. Rezoning of Consolidated Erf from Resort Zone II to Residential Zone II.

2. Subdivision of the Consolidated Erf as follows :

PORTION	AREA (Hectares)	ZONING
PORTION A	0,89	Private Open Space (as previously zoned)
PORTION B	2,45	Residential Zone II with uses as below

3. The further subdivision of Portion B as follows :

PORTION	AREA (Square metres)	USES
1	322	RESIDENTIAL
2	331	RESIDENTIAL
3	347	RESIDENTIAL
4	114	RESIDENTIAL
5	255	RESIDENTIAL
6	220	RESIDENTIAL
7	170	RESIDENTIAL
8	198	RESIDENTIAL
9	400	RESIDENTIAL
10	345	RESIDENTIAL
11	270	RESIDENTIAL
12	103	RESIDENTIAL
13	871	RESIDENTIAL
14	170	RESIDENTIAL
15	499	RESIDENTIAL
16	324	RESIDENTIAL
17	171	RESIDENTIAL
18	265	RESIDENTIAL
19	351	RESIDENTIAL
20	261	RESIDENTIAL
21	232	RESIDENTIAL
22	242	RESIDENTIAL
23	343	RESIDENTIAL
24	301	RESIDENTIAL
25	354	RESIDENTIAL
26	684	RESIDENTIAL
27	14	PRIVATE OPEN SPACE
28	54	PRIVATE OPEN SPACE
29	85	PRIVATE OPEN SPACE
30	142	PRIVATE OPEN SPACE
31	584	PRIVATE OPEN SPACE
32	150	PRIVATE OPEN SPACE
33	2284	TRANSPORT (PARKING)
34	682	TRANSPORT (PARKING)
35	12137	PUBLIC ROAD
36	14	TRANSPORT (PARKING)
37	14	TRANSPORT (PARKING)
38	14	TRANSPORT (PARKING)
39	13	TRANSPORT (PARKING)
40	13	TRANSPORT (PARKING)
41	13	TRANSPORT (PARKING)
42	16	TRANSPORT (PARKING)
43	13	TRANSPORT (PARKING)
44	14	TRANSPORT (PARKING)
45	14	TRANSPORT (PARKING)
46	19	TRANSPORT (PARKING)
47	19	TRANSPORT (PARKING)
48	19	TRANSPORT (PARKING)
49	+/- 14,09 Ha	PRIVATE OPEN SPACE

MUNISIPALITEIT BITOU MUNICIPALITY
Subdivision and/or consolidation approved in terms of Sections 60 of the Bitou Municipality : Land Use Planning By-Law
24/4/18
DATE — MUNICIPAL MANAGER
DATUM — MUNISIPALE BESTUURDER

NOTES :
1) ERVEN 151 & 152 KEURBOOMSTRAND ARE ZONED RESORT ZONE II.
2) CONSENT HAS BEEN GIVEN FOR AMENDMENT OF GENERAL PLAN TO CREATE NEW ERF LEAVING STREETS AS REMAINDER. SEE BITOU MUNICIPALITY LETTER DATED 12 MARCH 2012 REFERENCE 18/151/155/KB.
3) SERVITUDE TO BE REGISTERED OVER GARAGE IN No. 4 FOR No. 3.
4) EXISTING DEVELOPMENTS ARE DEEMED TO COMPLY WITH THE BUILDING LINES AND EXTENSIONS/FUTURE DEVELOPMENTS TO COMPLY WITH ARCHITECTURAL GUIDELINES AND ZONING SCHEME PARAMETERS.

A		
B		
C		
D		
E		
REVISIONS		
DATE: NOVEMBER 2011	DRAWN: CRD	
SURVEYOR: C.C. BOTHA	SCALE(S):	

Beacon Survey
Professional Land Surveyors and Sectional Title Practitioners
1555 Langkloof Drive P.O.Box 392 Plettenberg Bay
Tel: (044) 533 2230 Fax (044) 533 2204
e-mail: beaconmare@mweb.co.za

MARE NOSTRUM (PTY) LTD

ERVEN 151 & 155 KEURBOOMSTRAND

PROPOSED SUBDIVISION PLAN

KB151&155-SUB3

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	Contact details	Fax Number	E-mail
Adél Stander	044 501 3321	0864573270	astander@plett.gov.za

File ref: 18/151&155/KB

3 April 2019

Willem de Kock
P.O Box 9934
GEORGE
6530

By Registered Mail

Dear Sir

PROPOSED AMENDMENT OF CONDITIONS: ERF 151 AND ERF 155, KEURBOOMSTRAND, BITOU MUNICIPALITY

The Manager: Land Use Planning made the following decision on 3 April 2019:

That **approval be granted** in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for:

1. The amendment of condition 3(c) of the approval dated 19 March 2018 to read as follows: That a servitude area in favour of the general public be registered over the area consisting of the ablution facility and parking and that Portion A (as indicated on Plan A dated 12 September 2018) remains Open Space II.

Conditions in terms of Section 66 of the Bitou Municipality Land Use Planning Bylaw (2015)

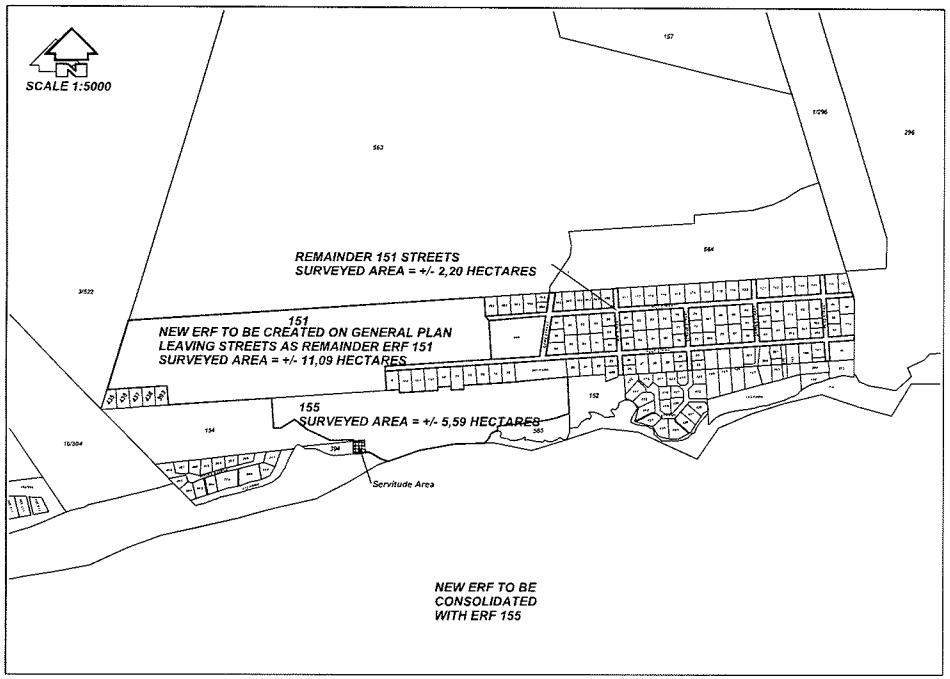
1. *That the approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from council;*
2. *That the registration of the servitude area incurs at no cost to the Municipality. All costs will be covered by Mare Nostrum HOA.*
3. *That a draft use-agreeement be prepared by the Mare Nostrum HOA and be submitted for perusal and approval to the Legal Manager of the Municipality.*

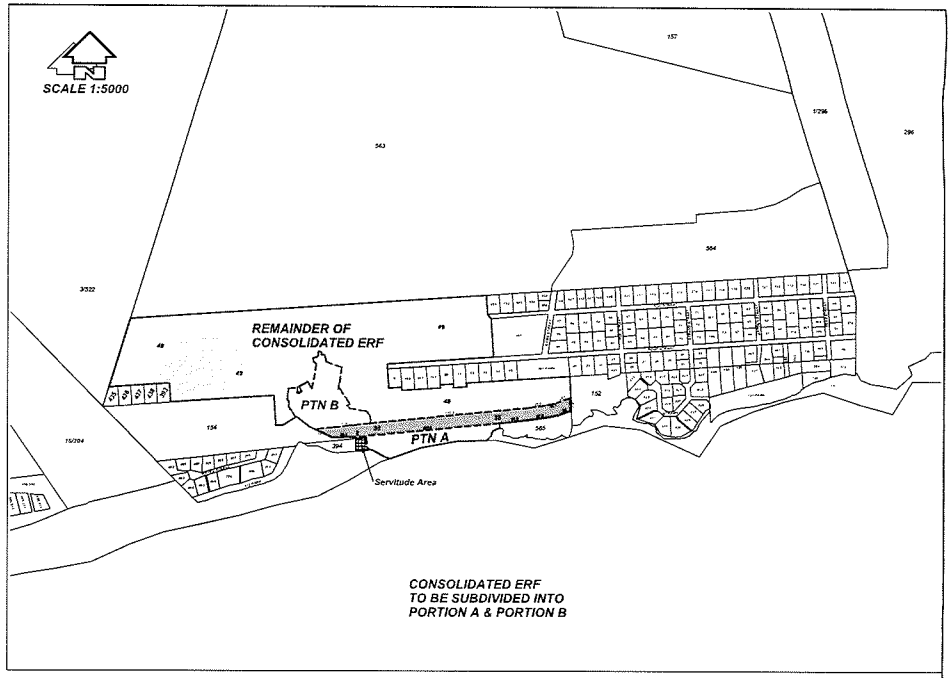
Reasons for decision:

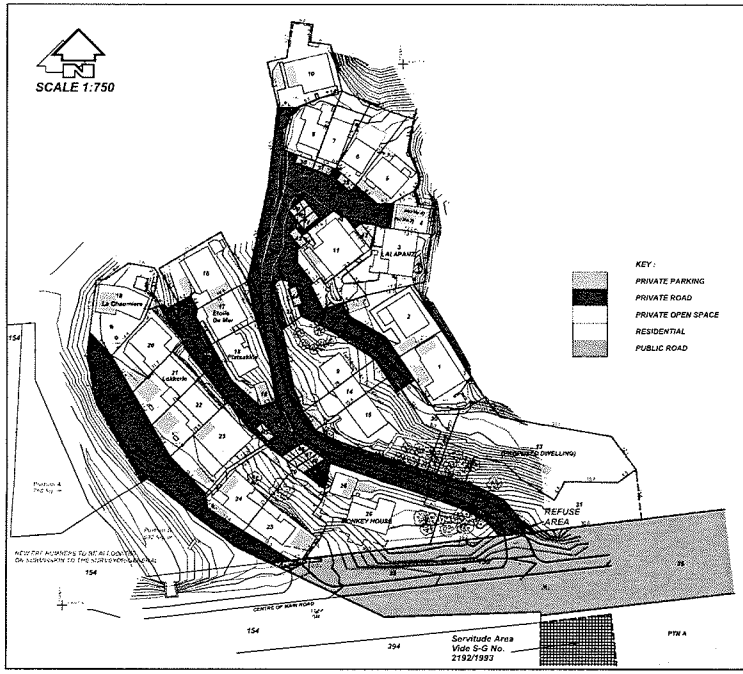
- The proposal will not affect any surrounding property owners.
- The current ablution facilities and parking area will be formalised with the registration of the appropriate servitude.

Yours faithfully

D Friedman
Director: Economic Development and Planning







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PROPOSED REZONING AND SUBDIVISION OF ERVEN 151 & 155 KEURBOOMSTRAND (MARE NOSTRUM) FROM RESORT ZONE II TO RESIDENTIAL ZONE II

APPLICATION IS BEING MADE FOR THE FOLLOWING :

1. Rezoning of Consolidated Erf from Resort Zone II to Residential Zone II.

2. Subdivision of the Consolidated Erf as follows :

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48	19	TRANSPORT (PARKING)
49	+/- 14,09 Ha	PRIVATE OPEN SPACE

NOTES:
1) ERVEN 151 & 155 KEURBOOMSTRAND ARE ZONED RESORT ZONE II.
2) CONSENT HAS BEEN GIVEN FOR AMENDMENT OF GENERAL PLAN TO CREATE NEW ERF LEAVING STREETS AS REMAINDER. (SEE BCCU MUNICIPAL LETTER DATED 19 MARCH 2012 REFERENCE 18/3/1/155/KB).
3) SERVITUDE TO BE REGISTERED OVER GRAVEL ROAD IN ERF No. 3
4) EXISTING DEVELOPMENTS ARE DEEMED TO COMPLY WITH THE BUILDING LINES AND EXTERIOR/FUTURE DEVELOPMENTS TO COMPLY WITH ARCHITECTURAL GUIDELINES AND ZONING SCHEME PARAMETERS.
5) SERVITUDE AREA VIDE S-G No. 2192/93 TO BE REGISTERED IF & THE GENERAL PUBLIC OVER PORTION A

Beacon Survey

MARE NOSTRUM (PTY) LTD

ERVEN 151 & 155
KEURBOOMSTRAND

PROPOSED
SUBDIVISION PLAN

KB1516155-SUB4

Prepared by me

CONVEYANCER
JOHAN SALOMON LUBBE
(LPCM 82123)

FEE
R 149-00

DATA / CAPTURE
01 MAR 2024
Anitha Manyisana

DATA / VERIFY
07 MAR 2024
Sinazo Xhiphu

T 000012713 / 2024

CERTIFICATE OF CONSOLIDATED TITLE ISSUED UNDER THE PROVISIONS OF SECTION 40 OF THE DEEDS REGISTRIES ACT 47 OF 1937

WHEREAS

MARE NOSTRUM PROPRIETARY LIMITED
REGISTRATION NUMBER: 1977/003530/07

has applied for the issue to the Company for a Certificate of Consolidated Title under the provisions of Section 40 of the Deeds Registries Act, 1937;

AND WHEREAS the said

MARE NOSTRUM PROPRIETARY LIMITED
REGISTRATION NUMBER: 1977/003530/07

is the registered owner of

1. THE REMAINDER OF ERF 155 KEURBOOMSTRAND
In the Bitou Municipality, Division of Knysna, Province of the Western Cape

HELD by Deed of Transfer Number T597/1978

and

2. ERF 1234 (a portion of ERF 154) KEURBOOMSTRAND
In the Bitou Municipality, Division of Knysna, Province of the Western Cape

HELD by Deed of Transfer Number T 12710/2024

which have been consolidated into the land hereinafter described.

NOW, THEREFORE, in pursuance of the provisions of the said Act, I, the said REGISTRAR OF DEEDS at Cape Town do hereby certify that the said

MARE NOSTRUM PROPRIETARY LIMITED
REGISTRATION NUMBER: 1977/003530/07

Its heirs, executors, administrators, or assigns, is the registered owner of

To be known as

ERF 1236 KEURBOOMSTRAND
In the Bitou Municipality, Division of Knysna, Province of the Western Cape

In Extent: 7,1379 (Seven comma One Three Seven Nine) Hectares;

AS indicated on Diagram SG Number 1743/2021 annexed hereto.

1. **WITH REGARD** to the figure A B C D E F G H J K L M N P Q q high water mark Indian Ocean r R S k 1 v middle of river vide Diagram SG Number 1743/2021.

A. **SUBJECT** to the conditions referred to in Deeds of Transfer Numbers T5770 dated 22 April 1954;

B. .....

2. **WITH REGARD** to the figure V L k T u middle of river vide Diagram SG Number 1743/2021:

   A. **SUBJECT** to the conditions referred to in Deed of Transfer Number T2439/1948

   B. .....

3. AS REGARDS the whole Property

   A. In terms of Notarial Deed of Servitude Number K 2066|2024 the withinmentioned property is subject to a water pipeline servitude three metre wide in favour of Bitou Municipality, the centreline of the servitude indicated by the line ABCDEF on Diagram Number 890/1988
   (Now indicated by the line d e f g h j on Diagram SG Number 1743/2021).

   B. In terms of Notarial Deed of Servitude Number K 2067|2024 the withinmentioned property is subject to a perpetual ablution and recreation servitude in favour of Bitou Municipality which servitude area 602 square metres of land indicated by the figure A B C high water mark Indian Ocean d on Diagram SG Number 2192/1993.
   (Now indicated by the figure abc high water mark Indian Ocean r on Diagram SG Number 1743/2021)

AND THAT BY VIRTUE OF THESE PRESENTS THE SAID

MARE NOSTRUM PROPRIETARY LIMITED
REGISTRATION NUMBER: 1977/003530/07

Its heirs, executors, administrators, or assigns, now are and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

IN WITNESS WHEREOF I, the said Registrar, 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 4 March 2024.

In my presence

REGISTRAR OF DEEDS

10-378

Prepared by me

CONVEYANCER
RAUL JORDAAN
(78728)

APPLICATION IN TERMS OF SECTION 40 OF THE DEEDS REGISTRIES ACT 47 OF 1937

I/we, the undersigned,

EUGENE SCHOEMAN, duly authorized hereto by virtue of a Resolution by the Directors of

MARE NOSTRUM PROPRIETARY LIMITED
REGISTRATION NUMBER: 1977/003530/07

hereby apply to the REGISTRAR OF DEEDS at CAPE TOWN for the issue of a Certificate of Consolidated Title in terms of Section 40 of the Deeds Registries Act 47 of 1937 in respect of the following properties:

1. THE REMAINDER OF ERF 155 KEURBOOMSTRAND
In the Bitou Municipality, Division of Knysna, Province of the Western Cape
Measuring 7,0845 (Seven Comma Zero Eight Four Five) Hectares

HELD by Deed of Transfer Number T597/1978

and

2. ERF 1234 (a portion of ERF 154) KEURBOOMSTRAND
In the Bitou Municipality, Division of Knysna, Province of the Western Cape

Measuring 534 (Five Hundred and Thirty Four) Square Metres

AS indicated on Diagram S.G. Number 1741/2021, and HELD by Deed of Transfer Number T

To be known as

ERF 1236 KEURBOOMSTRAND
In the Bitou Municipality, Division of Knysna, Province of the Western Cape

In Extent: 7,1379 (Seven comma One Three Seven Nine) Hectares;

AS indicated on Diagram SG Number 1743/2021 annexed hereto.

SIGNED AT BELLVILLE on 28 FEBRUARY 2023 ~~JANUARY 2023~~

EUGENE SCHOEMAN
duly authorized Director

GhostConvey 15.9.0.320

224

MDW Inc
Block C, 2nd Floor, The Boulevard
Business Park
Searle Street
Woodstock
Cape Town
Tel: (021) 461 0065

Prepared by me

_____
CONVEYANCER
MEYER DE WAAL
(M79933)

Certificate of Consolidated Title
Issued under the provisions of Section 40 of the Deeds Registries Act 47 of 1937

Whereas

MARE NOSTRUM SHAREBLOCK PROPRIETARY LIMITED
Registration Number 1977/003530/07

has applied for the issue to the Company for a Certificate of Consolidated Title under the provisions of Section 40 of the Deeds Registries Act, 1937; and

Whereas the Company is the registered owner of

1. ERF 1179 KEURBOOMSTRAND, SITUATE IN THE BITOU MUNICIPALITY, DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE

   HELD BY CERTIFICATE OF REGISTERED TITLE ABOUT TO BE REGISTERED

   AND

2. REMAINDER OF ERF 1236 KEURBOOMSTRAND, SITUATE IN THE BITOU MUNICIPALITY, DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE

   HELD BY CERTIFICATE OF CONSOLIDATED TITLE T12713/2024

which have been consolidated into the land hereinafter described.

Now, therefore, in pursuance of the provisions of the said Act, I, the said Registrar of Deeds at Cape Town do hereby certify that the said

MARE NOSTRUM SHAREBLOCK PROPRIETARY LIMITED
Registration Number 1977/003530/07

and its, administrators, or assigns, is the registered owner of

ERF 1180 KEURBOOMSTRAND, SITUATE IN THE BITOU MUNICIPALITY, DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE

IN EXTENT 14,5378 (FOURTEEN COMMA FIVE THREE SEVEN EIGHT) HECTARES

As will appear from annexed Diagram S.G. Diagram No. 2171/2020

I. **INSOFAR** as concerns the figure A B C D E F G Y Z 1A on Diagram S.G. No. 2171/2020:-

   A. ONDERHEWIG aan die voorwaardes waarna verwys word in genoemde transportakte gedateer 16 November 1927 nr. 11496.

   B. GEREGTIG op die voordeel van die serwituut waarna verwys word in die endossement gedateer 30 Oktober 1928 aangebring op genoemde transportakte gedateer 16 November 1927 nr. 11496 welke endossement soos volg lees :-

"By Notarial Deed dd 17 October 1928, the right to deposit night soil & General rubbish on the remainder of the property held hereunder, which is not subject to the provisions of Section 17b, Ordinance 13 of 1927, is granted to the Provincial Administrator in Trust for any future local authority as defined under Section 1 of Townships Ordinance, such right being for the benefit of the Keurboomstrand Township with right of ingress to and egress from the said property as will more fully appear on reference to the copy annexed thereo."

C. DIE bogemelde eiendom wat as dorp uitgelê is bly onderhewig aan die wetsbepalings op dorpe en op die regte van eienaars van erwe en vir ander persone op strate en openbare plekke word geen inbreuk gemaak deur hierdie transport nie.

II. **INSOFAR** as concerns the figure x G H J K L M N P Q R S T U V W middle of river a b c d on said Diagram No 2171/2020 –

1.

A. SUBJECT to the conditions referred to in Deeds of Transfer Numbers T5770 dated 22 April 1954;

B. .....

2. WITH REGARD to the figure a b c d middle of river vide diagram SG Number 2171/2020:

A. SUBJECT to the conditions referred to in Deed of Transfer Number T2439/1948

B. .....

3. AS REGARDS the whole property

A. In terms of Notarial Deed of Servitude Number K2066/2024 the withinmentioned property is subject to a water pipeline servitude three metre wide in favour of Bitou Municipality, the centreline of the servitude indicated by the line ABCDEF on Diagram Number 890/1988
(The line d e f g h j represents the centre line of a 3,00 metre wide water pipeline servitude vide Diagram No. 890/1988)

And that by virtue of these presents the said MARE NOSTRUM SHAREBLOCK PROPRIETARY LIMITED, and its heirs, executors, administrators, or assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

In witness whereof I, the said Registrar, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

REGISTRAR OF DEEDS at Cape Town on

_____

q.q.

In my presence

_____

REGISTRAR OF DEEDS

OFFICE COPY

Beacon Survey

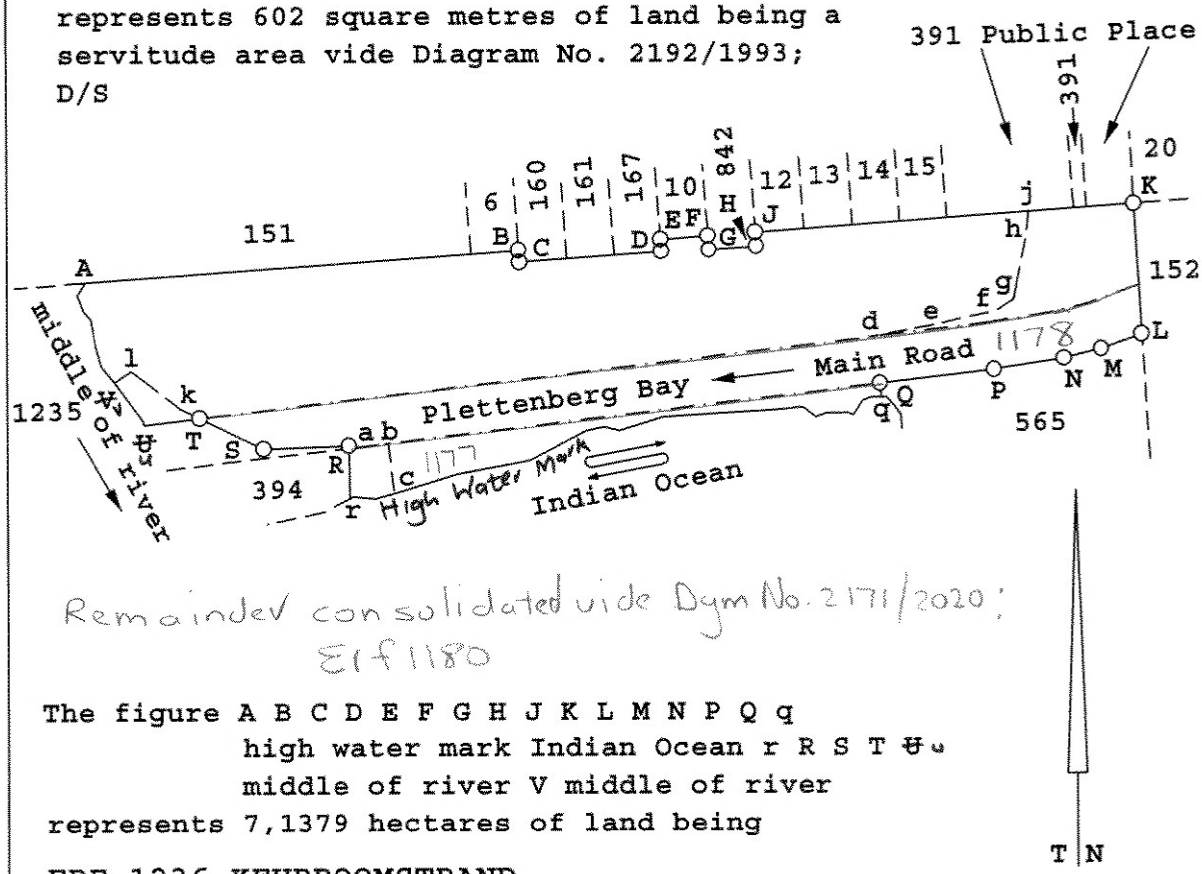
Version 2

Components:
1) The figure A B C D E F G H J K L M N P Q q high water mark Indian Ocean r R S k l ~~V~~ middle of river represents Remainder Erf 155 Keurboomstrand vide Diagram No. 3201/1953; Deed of transfer No. 1954.116.5770.
2) The figure V l k T ~~U~~ u middle of river represents Erf 1234 Keurboomstrand vide Diagram S-G No. 1741/2021 Deed of transfer No.

S-G No.
1743/2021
Approved
for
SURVEYOR-GENERAL
29.10.2021

Servitude Notes :
(1) The line d e f g h j represents the centre line of a 3,00 metre wide water pipeline servitude vide Diagram No. 890/1988; D/S
(2) The figure a b c high water mark Indian Ocean r represents 602 square metres of land being a servitude area vide Diagram No. 2192/1993; D/S

SCALE 1:4000



Remainder consolidated vide Dgm No. 2171/2020; Erf 1180

The figure A B C D E F G H J K L M N P Q q high water mark Indian Ocean r R S T ~~U~~ u middle of river V middle of river represents 7,1379 hectares of land being

ERF 1236 KEURBOOMSTRAND

comprising components 1) and 2) as listed above

Situate in the Bitou Municipality,
Administrative District of Knysna, Province of the Western Cape
Compiled in August 2021

by me Professional Land Surveyor (P.G. TEGGIN - PLS 1118)

This diagram is annexed to No. CCT. 12713/2024 d.d. i.f.o. Registrar of deeds	The original diagrams are as quoted above.	File Knys S11270/3 V.1 S.R. No. Compiled Comp. AM-1BB/V41 (735) LPI C0390004

Erf 1236 Keurboomstrand

FOR ENDORSEMENTS SEE BACK OF DIAGRAM

ALGEMENE PLAN No TP 5ª (4371)

OFFICE COPY

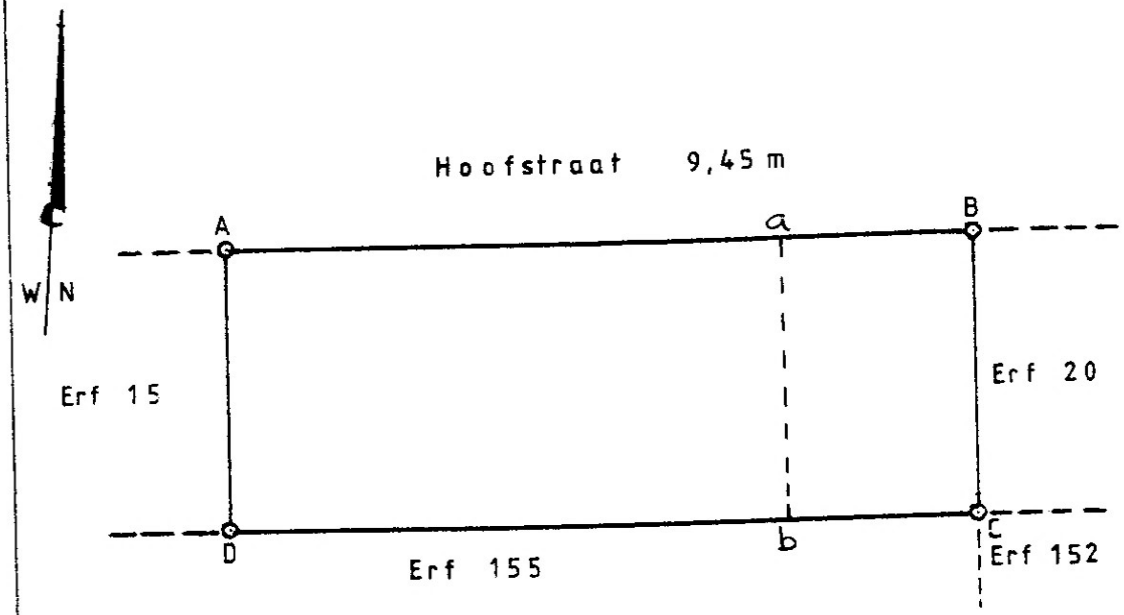
SYE Meter		RIGTINGS -HOEKE	KOORDINATE Y Stelsel	Lo 23° X
		Konstante	-30 000,00	+3760 000,00
A B	100,74	265 50 20	A -11 982,49	+ 3 831,04
B C	37,78	355 54 00	B -12 082,97	+ 3 823,73
C D	100,70	85 50 20	C -12 085,67	+ 3 861,42
D A	37,78	175 50 20	D -11 985,23	+ 3 868,73
	(117)	Knys 61	△ - 4 446,61	+ 6 373,56
	(118)	Knys 62	△ - 8 252,16	+ 5 299,25

L.G. No.
~~862 - 93~~
6110/92
Goedgekeur
R.A.F.
Nms
Landmeter-generaal
1994.01.13

H.v.W.

Bakens.

A, B, D = 20mm ysterpen in klippe.
C = Stuk ysterpaal in klippe.



Skaal = 1 : 1000

Die figuur A B C D
stel voor 3 8 0 5 vierkante meter grond, synde
Erf 391 Keurboomstrand (Publieke Plek)
geleë in die Dorp Keurboomstrand, Keurboomstrand Plaaslike Raad Gebied
Administratiewe Distrik Knysna
Provinsie Kaap die Goeie Hoop.
Opgemeet in September 1991 en Oktober 1993
deur my.
H. van Waart
H van Waart Landmeter

Hierdie kaart is geheg aan	Die oorspronklike kaart is	Leer No. S/11270/2
No. gedateer	No. geheg aan	M.S. No. E 2582/91 en E 2918/93.
t.g.v.	Transport/Grondbrief No.	Komp. AM-1BB/V41 (736)
Registrateur van Aktes		Alg Plan T.P 5ª (4371)

B

VIR ENDOSSEMENTE
SIEN KEERSY VAN KAART
Co.

391

PLAN 1

LOCALITY PLAN

KEURBOOMSTRAND ERF 1236
(PREVIOUSLY ERVEN 155 & 1234)

Marike Vreken
STADS & OMGEWINGSBEPLANNERS
URBAN & ENVIRONMENTAL PLANNERS
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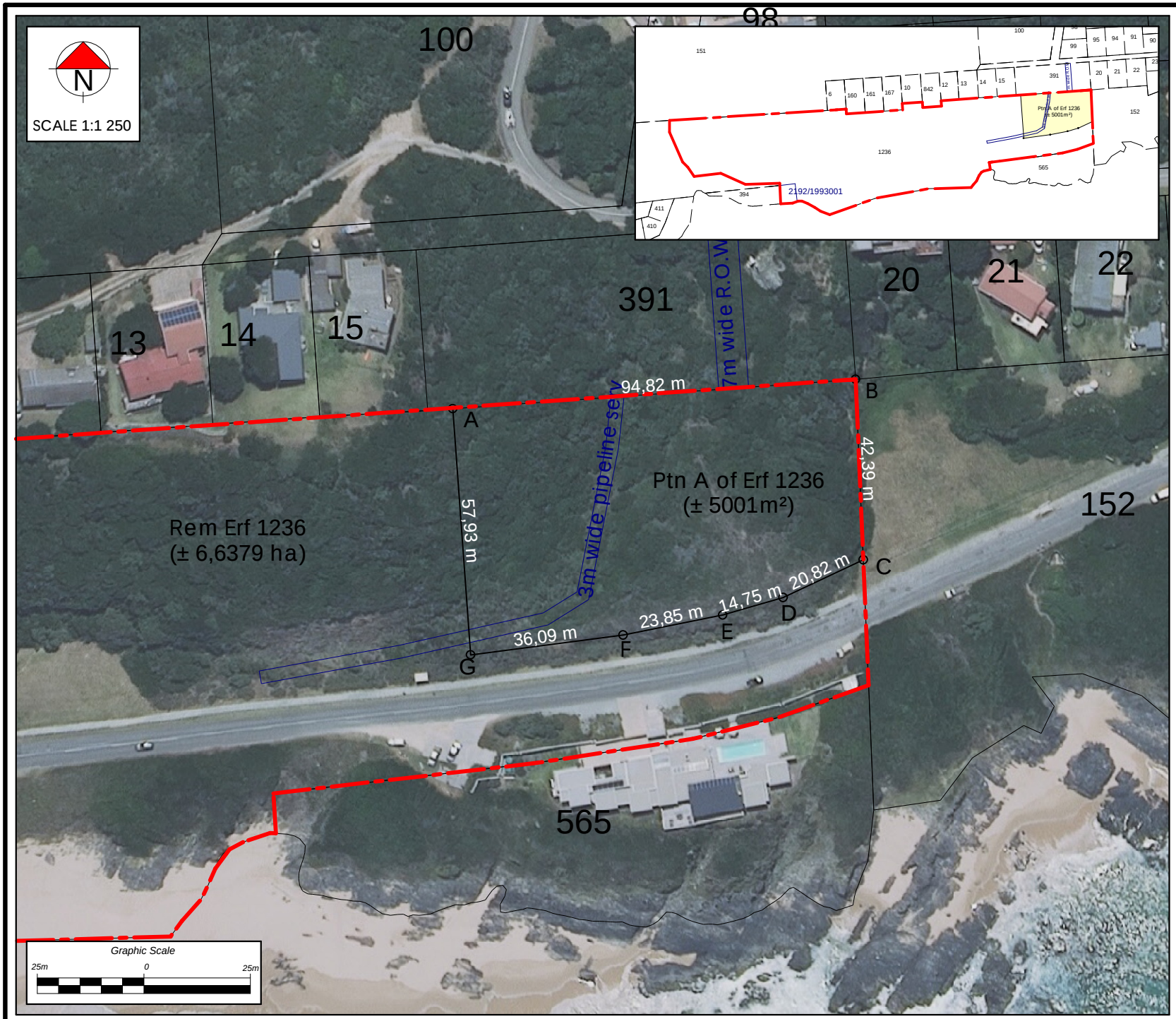

PLAN 2

KEURBOOMSTRAND
ERF 1180
(PORTION OF ERF 1236)

SUBDIVISION PLAN

NOTES

1. Sizes and dimensions are approximate and subject to final survey
2. For Erf data, refer SG 1743/2021
3. The Figure ABCDEFG represents Portion A of Erf 1236 (± 5001m²).
4. The 3m wide water pipeline servitude as indicated by the line defghj on SG 2171/2020 to be cancelled.

DRAWN:	MV	CHECKED:	MV
PLAN NO:	Pr24/63 - KB 1180 Sub 01		
PLAN DATE:	8 September 2024		
STORED:	z:\drawings\App\Pr24/63 - KB 1180Sub 01.drg		

COPY RIGHT:

This Plan may not be copied or amended without the written consent of M Vreken

BITOU MUNICIPALITY

File reference: _____

MUNICIPAL MANAGER DATE

Marike Vreken
STADS & OMGEWINGSBEPLANNERS
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Bitou

to be the best together

Private Bag X1002 Plettenberg Bay 6600
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Enquiries	Contact details	Fax Number	E-mail
Adél Stander	044 501 3321	0864573270	astander@plett.gov.za

File ref: 18/151&155/KB

19 March 2018

Willem de Kock
P.O Box 9934
GEORGE
6530

By Registered Mail

Dear Sir

PROPOSED REZONING: ERF 151 AND ERF 155, KEURBOOMSTRAND, BITOU MUNICIPALITY

The Mayoral Committee made the following decision on 26 February 2018 (Resolution M/6/38/01/18):

That, in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the following be approved, subject to the conditions of approval in terms of Section 42 of the Land Use Planning Ordinance (Ordinance 15 of 1985), as contained in clause (a), (b), (c) (d), & (e) below:

1. Consolidation of Erf 151 & 155 and subdivision of the Consolidated Erf into a Portion A (0,89ha Open Space Zone I), Portion B (2,45ha, and further subdivision of Portion B into erven to be used for residential, open space and parking as shown on plan Nr.KB151&KB155-SUB3) & Remainder (14,09ha Open Space Zone II) and a Portion C (Provincial Main Road 394 - 2,2 ha Transport Zone II).
2. The rezoning of the subdivided Portion B from Resort Zone II to Residential Zone II.
3. Departure from the Section 8 Zoning Scheme to allow the internal private road network to be less than 10m wide & to allow for a Group Housing Site larger than 2ha.

(a) That servitudes be registered for the services along RM 394 within 12 months from the date of this approval and that proof thereof be submitted to the Municipality.
(b) The two existing access to Portion C will be the only accesses of MR 394 to north (condition from WC Transport and Public Works).
(c) That the road reserve indicated on the plans that were submitted (Annexure A) be omitted for erven 6, 10-15,160-161 & 167, the existing access road can remain.
(d) The Status Quo in terms of land use rights shall be maintained.
(e) That Portion A be transferred to Bitou Municipality **at no cost to the Bitou municipality**.

Reasons for Approval:

i. Effect is given to the 2011 Council Resolution to "legalize" all Resorts that do not function and operate as resorts.
ii. The status quo in terms of land use rights are maintained and not additional rights are given or implied with this approval.
iii. Current Municipal services that are currently on private land shall be formalized with the registration of appropriate servitudes.

Yours faithfully

Creswell Basson
Acting HOD: Strategic Services

KEURBOOMS RIVER
ERF 155: VEGETATION SENSITIVITY ANALYSIS

PREPARED FOR FERPA (PTY) LTD

OCTOBER 2018

CONSERVATION MANAGEMENT SERVICES – KEN COETZEE
4 CHESTNUT STREET, HEATHER PARK
GEORGE, 6529
TEL / FAX: 044 - 8708472
www.conservationmanagementservices.co.za

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1. INTRODUCTION

1.1 Terms of reference

Ken Coetzee of Conservation Management Services was contracted by Mr Andre Swart on behalf of his client to carry out a site sensitivity analysis of Erf 155 Keurbooms River in terms of a proposal by the landowner to develop the property for residential purposes.

The site was visited on Wednesday 3 October by Ken Coetzee and Bruce Taplin of Conservation Management Services to collect biophysical and landscape information for the study.

1.2 Credentials of the author

The author of this report, Mr Ken Coetzee, is registered with the South African Council for Natural Scientific Professions (Reg No 400099/08) as a “Professional Natural Scientist”, in the field of Ecological Science.

Mr Coetzee is a Master of Technology graduate of the School of Forestry and Nature Conservation of the Nelson Mandela Metropolitan University (Saasveld Campus) in the field of Ecological Science.

Mr Coetzee has over 40 years of relevant experience in the field of nature conservation and management, the most recent 20 years of which were self-employed as a biodiversity specialist consultant, involved in a wide variety of nature conservation, landscape planning, habitat evaluation, commercial game ranch and other development projects.

1.3 Methodology used for the survey

The method used was to traverse the study site from north to south and from west to east and to explore off each of these lines along animal and human footpaths wherever possible. Much of this exploration was done on hands and knees. It is very difficult to accurately survey a site on which visibility is poor or screened by bush and trees but we are confident that we have done so well enough for the requirement.

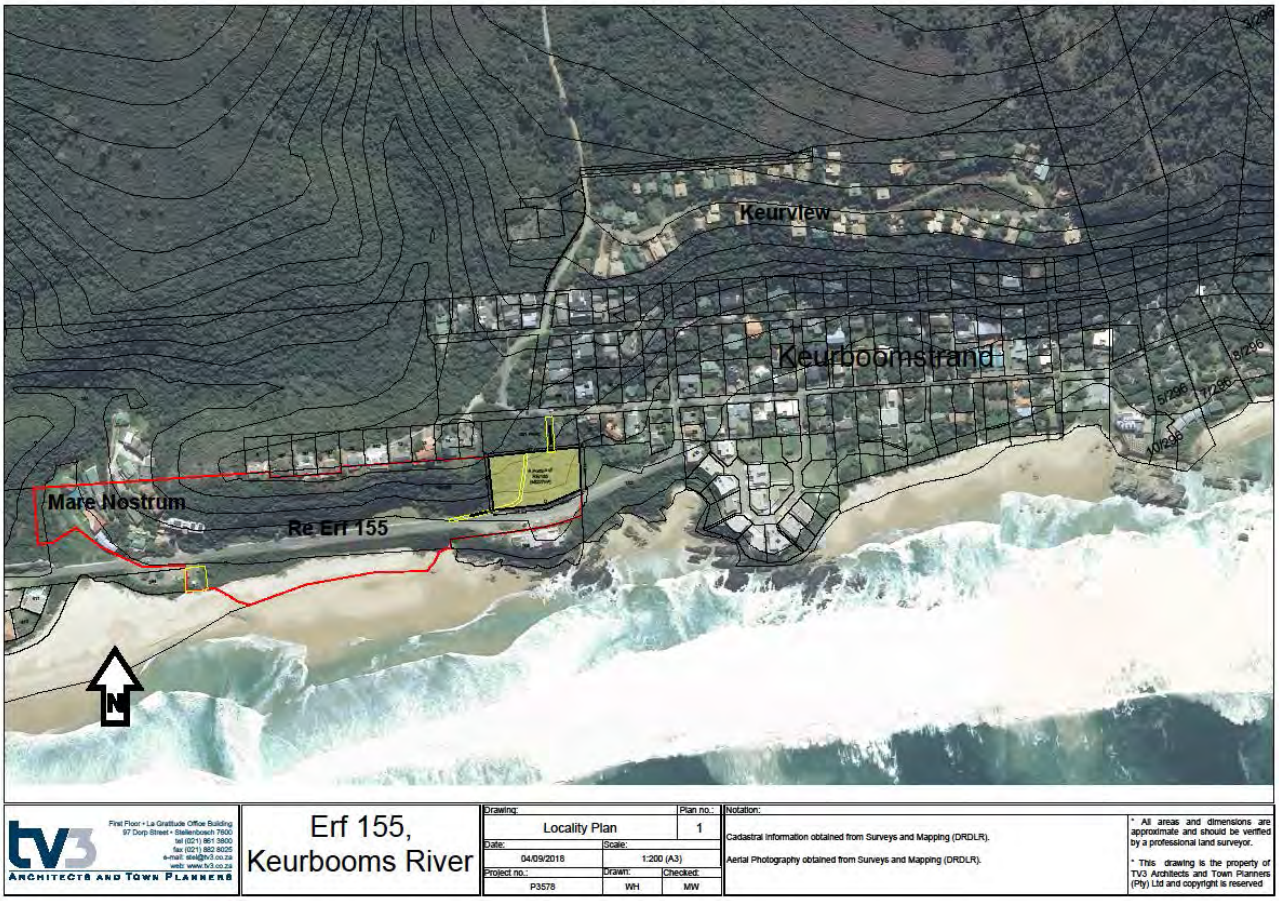
GPS co-ordinate readings were taken at sites of importance for the marking of the edges of the sensitive scrub forest patches (see Appendix 1).

A checklist was made of all the plants encountered along the exploration pathways as well as along the outer edges of the study site.

2. DESCRIPTION OF THE STUDY SITE

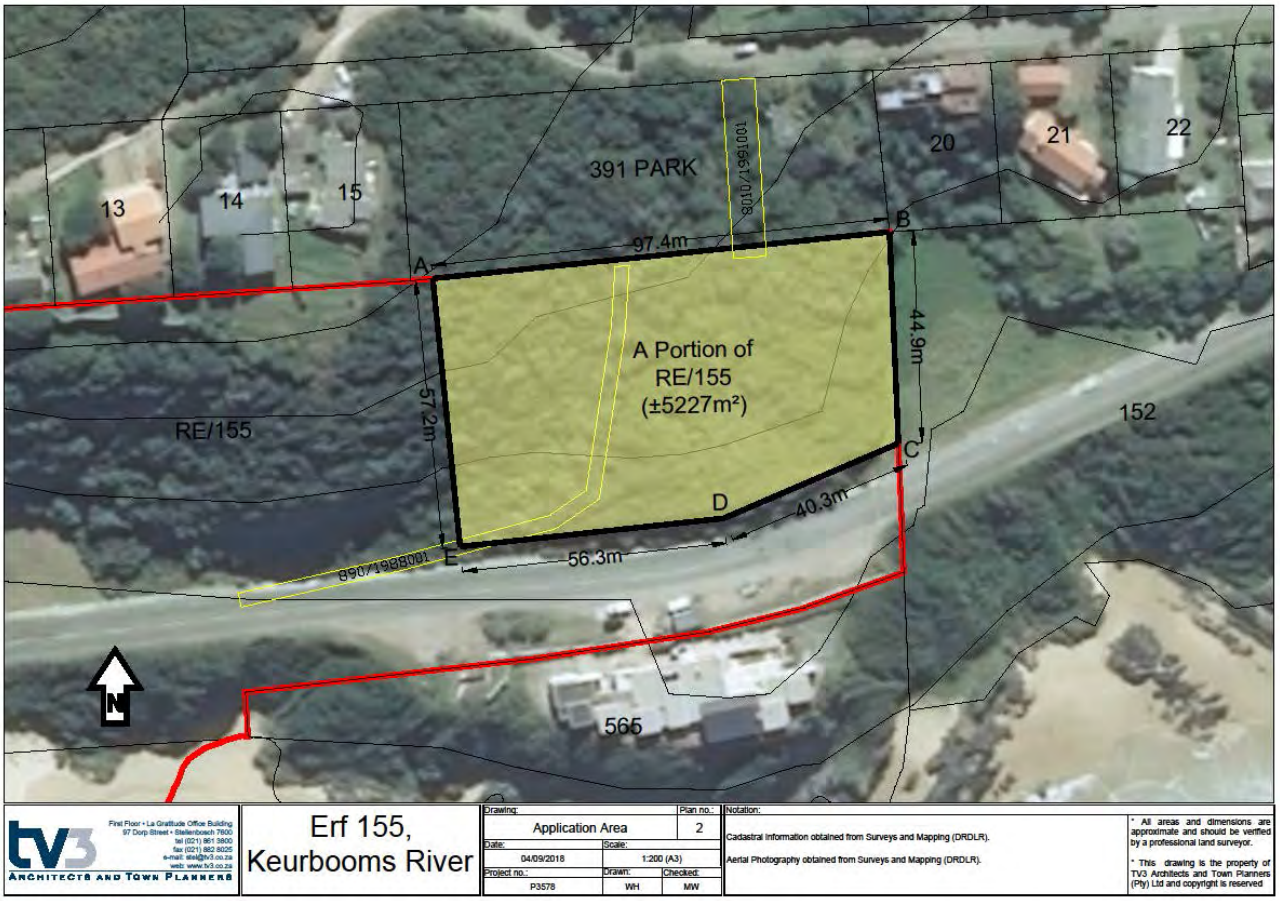
2.1 Locality and layou6t of the study site

Figure 1 shows the locality of the study site on the South Cape coast near to Plettenberg Bay.



<u>FIGURE 1</u>: Locality of the Keurbooms River Erf 155 study site.

Figure 2 shows the layout of the Erf 155 study site in relation to the other nodes of residential development in the area. Figure 2 does not clearly show that developed plots 13, 14, 15, 20 & 21 are all on top of a coastal escarpment and that Erf 155 is actually on a descending slope, from the top of the escarpment down to sea level.



<u>FIGURE 2</u>: The layout of the study site. The potential access to the property is also shown.

2.2 Vegetation description

According to Mucina & Rutherford (2006) the study site lies within the Garden Route Shale Fynbos vegetation type, a feature of which is Afrotemperate scrub forest in the more fire protected areas and on the shale substrates. On the study site the fynbos and forest overlap somewhat and in the absence of fire the fynbos is changing into forest (see Plate 1). The site can be described as pristine coastal scrub forest and disturbed scrub forest/former fynbos. This description is similar to that of Vlok et al (2008) who at a fine scale, describe the vegetation of most of the study site as Keurbooms Thicket/Forest. A narrow band of fynbos still occurs along the Southern boundary.

2.2.1 Disturbed scrub forest/former fynbos: The disturbed part lies along a north/south central line of overgrown paths which are open and vegetated with large shrubs and fynbos plants. An old pipeline lies on an east/west axis roughly at the northern edge of the study site. The pipeline lies under a narrow terrace cut through the forest at about 4m wide (see plate 2). This “cutline” provided enough disturbance to encourage alien *Acacia cyclops* and *Acacia mearnsii* to invade the area as well as a number of other alien plants such as Crassula sp. and Yucca sp., presumably originating in dumped garden refuse. Because of the access paths there has been some dumping of rubble, rubbish and bits of pipe along the northern edge of the study site.

<u>PLATE 1</u>: Shale Fynbos at the extreme Southern edge of the study site.

<u>PLATE 2</u>: The narrow pipeline route through the upper part of the study site.

Within the disturbed Scrub-forest we found evidence that bark had been removed from the trunk of an indigenous tree, as is done for the indigenous healer Muthi-trade (see Plate 3).

PLATE 3: Bark removed from a tree, the stem is ringbarked and cut marks are visible above the removed section of bark.

The disturbed scrub forest was probably originally shale fynbos that has advanced closer towards a forest state due to a long-term lack of fire on the site. This vegetation type therefore represents a pioneer scrub forest phase and, in terms of forest vegetation, is less sensitive than the pristine scrub forest (see plate 4).

Typical plant species in this vegetation type are *Diospyros dichrophylla, Passerina falcifolia, Grewia occidentalis, Osyris compressum, Polygala myrtifolia, Pelargonium peltatum, Searsia lucida, Searsia crenata, Rhoicissus digitata, Osteospermum monilifera* and *Asparagus densiflorus.*

2.2.2 Pristine scrub forest: The pristine scrub forest consists of closed canopy forest with a leaf mould cover on the forest floor (see plate 5). This scrub forest has no undergrowth or growing plant ground cover on the shaded forest floor which indicates that it is undisturbed and therefore pristine. This scrub forest occurs on the steeper shale slopes (see Plate 6) of the general area and can thus be considered as very sensitive to disturbance from both a slope and vegetation point of view.

Typical plant species in this vegetation type are *Scolopia zeyheri, Sideroxylon inerme, Tarchonanthus camphoratus, Cassine peragua, Gymnosporia heterophylla, Scutia myrtina, Rapanea melanophloeos* and *Buddleja saligna.*

<u>PLATE 4</u>: An example of the disturbed pioneer scrub-forest.

<u>PLATE 5</u>: An example of the Pristine scrub-forest.

<u>PLATE 6</u>: The Pristine Scrub-forest on a steep slope as seen from the "outside".

2.2.3 Plant checklist

The following checklist is by no means a complete list of all the plants that occur on the study site. It contains the common and most plentiful plants and it provides a broad idea of what the vegetation consists of.

The pristine forest/thicket is probably most poorly represented in the checklist due to the density and height of the canopy (±4-5m). The disturbed forest/thicket is better represented as it is more open and the plants are more accessible.

Acacia cyclops
Acacia mearnsii
Buddleja saligna
Carissa bispinosa
Cassine peragua
Cassine tetragona
Chrysanthemoides monilifera
Diospyros dichrophylla
Ekebergia capensis
Grewia occidentalis
Gymnosporia heterophylla
Mystroxylon aethiopicum
Osyris compressum
Passerina falcifolia

Pelargonium peltatum
Pennisetum clandestinum
Polygala myrtifolia
Pterocelastrus tricuspidatus
Putterlickia pyracantha
Rapanea melanophloeos
Rhoicissus digitata
Scolopia zeyheri
Scutia myrtina
Searsia crenata
Searsia lucida
Searsia undulata
Senecio angularis
Sideroxylon inerme
Stenotaphrum secundatum
Tarchonanthus camphoratus
Tetragonia decumbens

2.3 Landscape connectivity

Figure 1 shows that Erf 155 is largely isolated in terms of landscape connectivity. There is thus no natural or important corridor on a north/south axis or on an east/west axis. East of the study site is completely developed, South of the study site is the coastal road and the sea.

West of the study site is an area of natural vegetation but it is cut off by residential development further to the West. To the north the area is relatively sparsely developed but roads and a line of houses prevents any useful corridor movement northwards.

In terms of landscape-connectivity the study site is not an important corridor, nor will a sensitively placed residence on it cut off any important existing landscape linkages. Micro-corridor movement onto and off the study site will continue as it has always done via the undisturbed scrub forest patches. The most important fauna in the forested area is the birds which will not be significantly affected by the proposed development. The proposed development footprint will, however, result in a small loss of avifaunal habitat.

The spoor and droppings of the ubiquitous bushbuck *(Tragelaphus scriptus)* was found on the paths on the study site. These animals probably use the site as part of a larger range within the relatively built up area. There is no danger of disadvantaging the local bushbuck population by means of the proposed development. A small area of habitat will be lost but bushbuck appear to adapt well to development and there will be more than enough space in the general area to accommodate the occasional bushbuck on Erf 155.

2.4 Site sensitivity

The entire study site lies within a Critical Biodiversity Area (CBA), so zoned in the hope of protecting what is left of the natural vegetation along the coast from ill-advised residential expansion and agricultural transformation.

The Garden Route Shale Fynbos is an endangered vegetation type, more than half of it has already been transformed for cultivation and pine plantations and much of the remaining natural veld has been converted into pastures (Mucina & Rutherford, 2006).

In the Garden Route Biodiversity Sector Plan for George, Knysna and Bietou Municipalities Vromans et al (2010) recommend that the desired management objective for a CBA is to maintain natural land, rehabilitate degraded land to natural or near natural and to manage for no further degradation. They state that land-use should not be approved.

This is somewhat of a problem in terms of the development of the study site as it lies within such a CBA area and the objective of proposed residential development is thus contrary to the Biodiversity Sector Plan.

It is a fact however that the vegetation on the study site can no longer be described as Garden Route Shale Fynbos because it has become forest/thicket due to the long exclusion of fires. The original fynbos has mostly been shaded-out. It does, however, still contain a few of the larger elements of the original Fynbos vegetation such as *Polygala myrtifolia, Passerina falcifolia, Osyris compressum* and *Osteospermum moniliferum.*

Forest vegetation in the area is also protected in terms of the Forest Act and the Directorate of Forestry and Water Affairs will certainly express an opinion about the proposed development of the site. The areas of scrub forest are sensitive in terms of the steeper slopes and vegetation type and they should definitely not be directly or indirectly disturbed by the proposed development. Construction on the steeper slopes in forested areas requires innovative attention to the possibility of soil erosion and even land-slipping. This possibility must be clearly mitigated in the planning of the development.

The proposed development layout will not fit into the less sensitive part of the vegetation on the site. The development footprint will thus have to be considerably reduced for it to avoid the more sensitive scrub forest areas (see Figure 3).

3. PROPOSED DEVELOPMENT AND THE SUGGESTED ALTERNATIVE

The development that has been proposed is illustrated in Figure 3.

In the proposed development layout, the portion on the right of the Figure (Eastern end indicated with a red arrow) encroaches on the area of pristine scrub forest. This forest area has been shown to be sensitive and should thus be avoided in the development layout.

3.1 Constraints of the site

The primary constraint is the presence of patches of protected scrub forest on the property. These are pristine forest habitats that should not be impacted by the development. The approximate extent of the scrub forest is shown in Figure 4.

Another constraint is the degree of slope, the steeper slopes presumably being less desirable for development. The scrub forest is associated with steeper slopes so both these sensitivities can be avoided by restricting development to the flattest part of the property. The location of this feature is also shown in Figure 4.

3.2 The most sensible development option (alternative)

The most sensible development option would thus be to:

a) reduce the size of the footprint to fit into the available site
b) restrict the development to the flattest part of the study site
c) completely avoid any direct or indirect impact on the scrub forest
d) preserve the balance of the property for the conservation of fynbos and forest

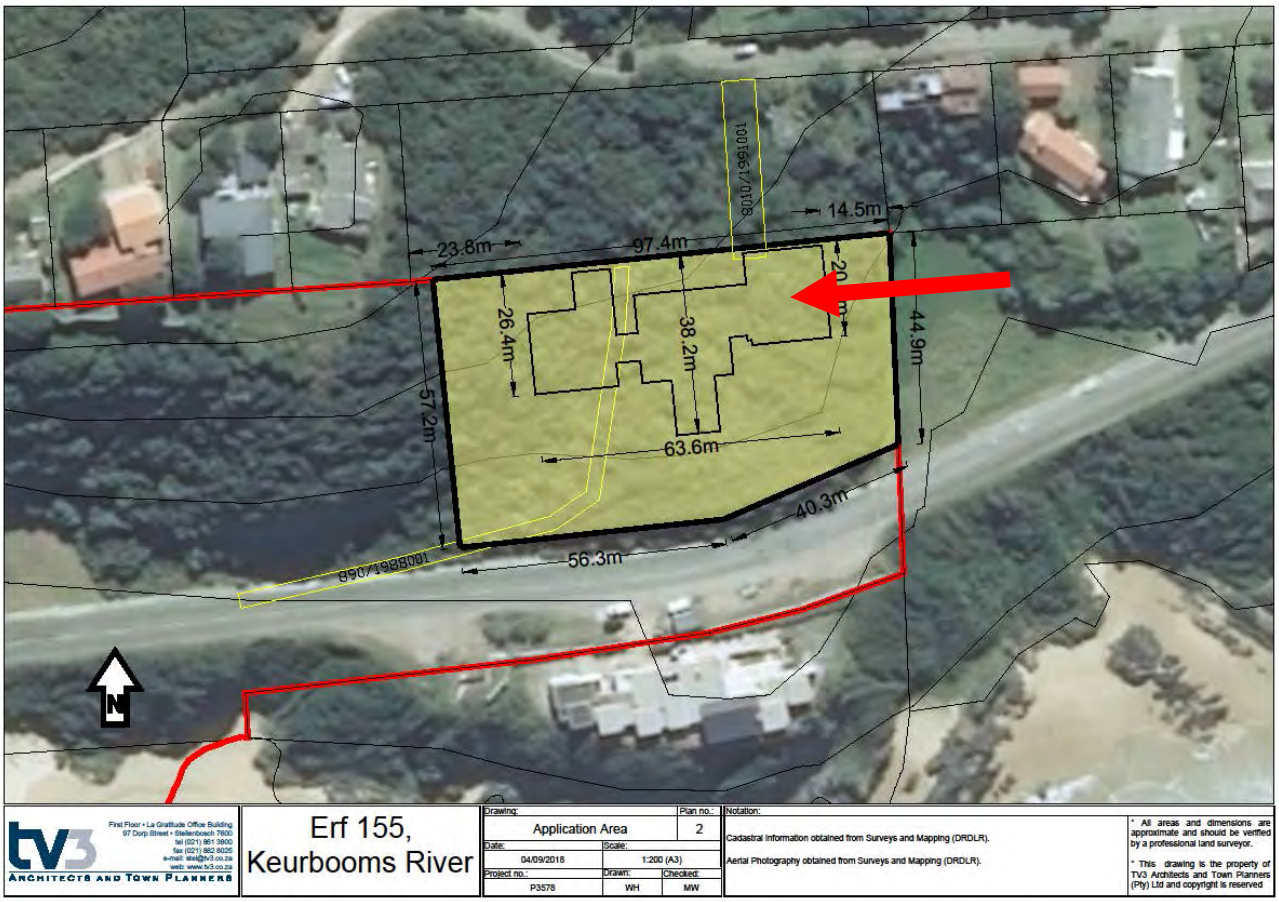


FIGURE 3: Proposed development layout

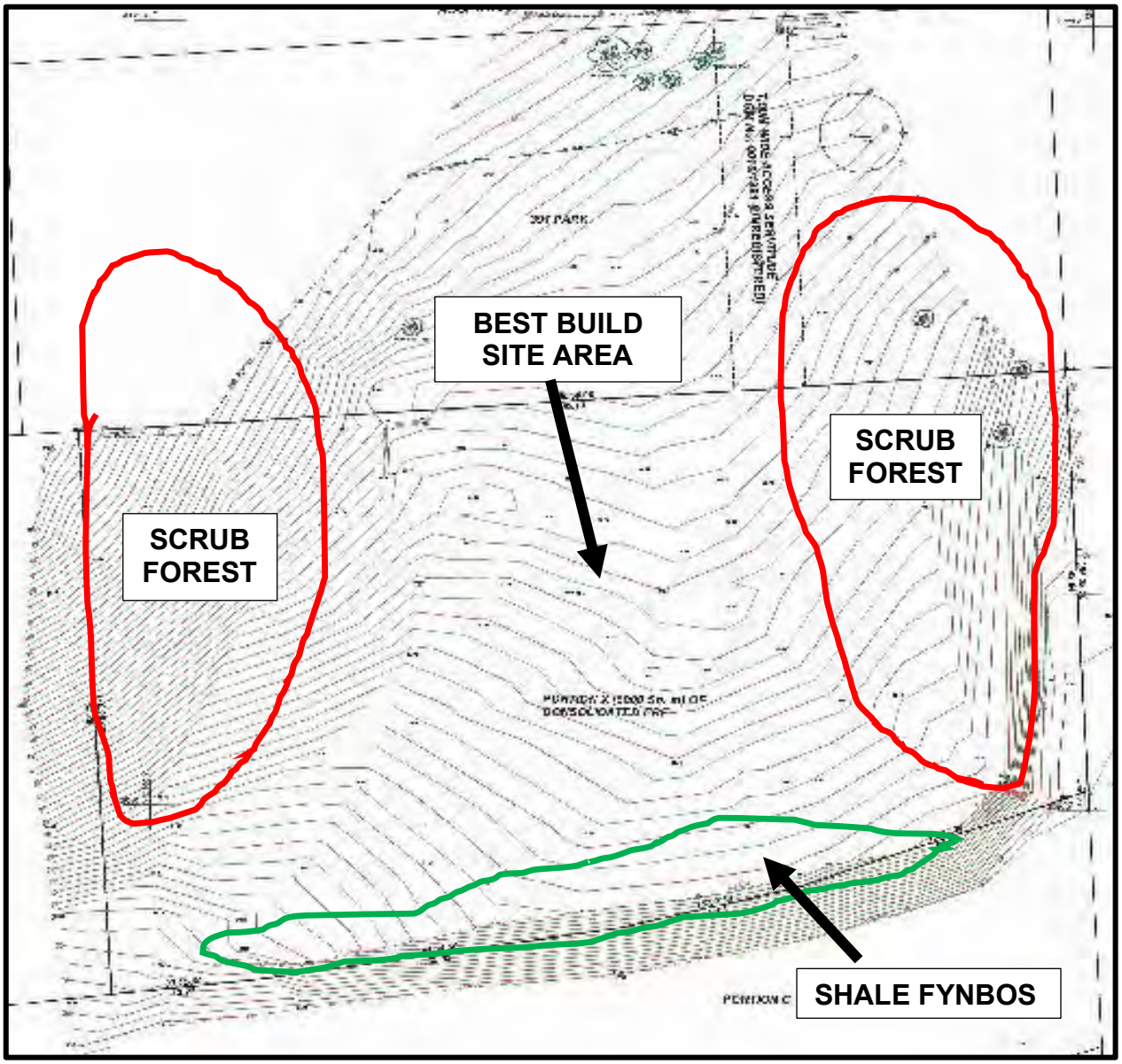
4. CONCLUSION

The study site contains vegetation that can be described as highly sensitive. Both the former Shale fynbos and the scrub forest are threatened vegetation types and the entire area is classified as a Critical Biodiversity Area. This means that any proposal to develop the site must be done in the most sensitive manner possible.

The originally proposed development layout will have to be reconsidered in terms of the size of the footprint and its positioning, which must be on the flattest part of the property and well clear of the scrub forest areas which should remain completely unaffected by the development, services included.

A fine scale contour map should be used to inform the final placement of the development and the access to it. The scrub forest patches should be clearly demarcated physically and then treated as no go areas. This can be done by fencing it off at two heights with highly visible plastic “danger” tape attached to the trees.

The construction phase must be strictly limited to a demarcated footprint area to ensure that no indigenous vegetation is unnecessarily removed or damaged.



<u>FIGURE 4</u>: Locality of the scrub forest patches and the best locality for development being the flattest area.

5. REFERENCES

Mucina, L & Rutherford, M C. (eds) 2006. The Vegetation of South Africa, Lesotho and Swaziland. Strelitzia 19. South African National Biodiversity Institute, Pretoria.

Vlok, JHJ, Euston-Brown DIW, & Wolf T. 2008. A Vegetation Map for the Garden Route Initiative. Unpublished 1:50 000 scale mapping.

Vromans,DC, Maree, KS, Holness S, Job N & Brown AE. 2010. Garden Route Biodiversity Sector Plan for George, Knysna and Bietou Municipalities. Unpublished Garden Route Initiative guideline document.

<u>APPENDIX 1</u>: Location of GPS points recorded during the field survey. Canopy Forest 1,1, Canopy Forest 1,2 and DS3, DS4, DS10 and DS11 are all relevant to the study site.