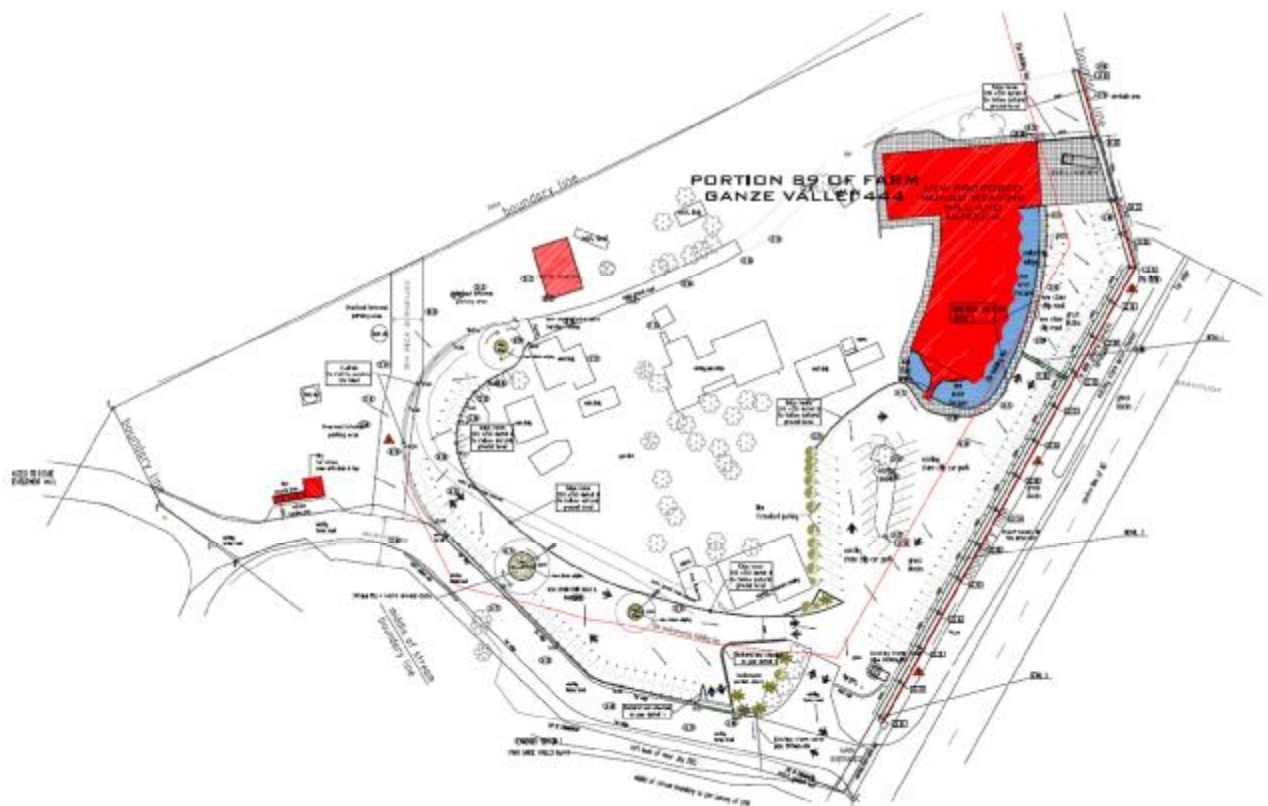


PORTION 89 OF THE FARM GANSE VALLEI NO 444

APPLICATION FOR: AMENDMENT OF SITE DEVELOPMENT PLAN



CLIENT: THE HOLDING FAMILY TRUST

PREPARED BY: MARIKE VREKEN URBAN AND ENVIRONMENTAL PLANNERS



MAY 2017

CONTENTS

(I) TABLE OF CONTENTS

SECTION A :	BACKGROUND	3
1.	BACKGROUND	3
2.	THE APPLICATION.....	3
3.	PROPERTY DESCRIPTION SIZE AND OWNERSHIP	4
SECTION B :	DEVELOPMENT PROPOSAL.....	4
4.	APPLICATION SPECIFICATIONS	4
4.1.	Approved Site Development Plan	4
4.2.	Development of Crèche	6
5.	STATUTORY SPECIFICATIONS	7
5.1.	Amendment in Respect of An Existing Approval	7
6.	SERVICES INFRASTRUCTURE.....	8
7.	ACCESS	9
SECTION C :	CONTEXTUAL INFORMANTS.....	9
8.	LOCALITY	9
9.	CURRENT LAND USE AND ZONING.....	10
9.1.	Land Use	10
9.2.	Zoning	10
10.	CHARACTER OF THE AREA	10
SECTION D :	MOTIVATION	11
11.	MOTIVATION.....	12
11.1.	Amendment of Existing Approved Site Development Plan.....	12
11.2.	Land Use Rights for Creche	12
11.3.	Traffic Impact	12
11.4.	Bitou SDF	13
11.5.	Tourism	15
12.	RIBBON ROAD DEVELOPMENT ACT, 1940 (ACT 21 OF 1940).....	16
13.	SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013).....	16
14.	CONCLUSION.....	18

(II) ANNEXURES

ANNEXURE A.	2008 SANRAL Approval
ANNEXURE B.	2011 Bitou Municipality Rezoning Approval
ANNEXURE C.	Power of Attorney & Company Resolution
ANNEXURE D.	Application Form
ANNEXURE E.	Title Deed
ANNEXURE F.	SG Diagrams
ANNEXURE G.	2017 Pre-School Application to Bitou Municipality
ANNEXURE H.	Signed Service Level Agreement
ANNEXURE I.	Traffic Impact Assessment
ANNEXURE J.	Bond Holders Consent
ANNEXURE K.	Minutes of Pre Application Meeting

(III) PLANS

PLAN 1.	Locality Plan
PLAN 2.	Land Use Plan & Character of the Area
PLAN 3.	Site Development Plan

(IV) TABLE OF FIGURES

FIGURE 1.	Approved Site development plan by SANRAL in 2008 and 2011 by Bitou Municipality	5
FIGURE 2.	Approved Layout vs Proposed Layout on Old Nick Village.....	8
FIGURE 3.	Locality	9
FIGURE 4.	Existing land Uses on Portion 89 of The Farm Ganse Vallei No 444.....	10
FIGURE 5.	Character of Surrounding Area	11
FIGURE 6.	Extract from the Bitou SDF (2013).....	14
FIGURE 7.	Culture and tourism Significant areas in Bitou Municipality	15

SECTION A :	BACKGROUND
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1. BACKGROUND

During 2008 SANRAL approved the rezoning and Site Development Plan for Portion 89 of the Farm Ganse Vallei No 444, in accordance with layout plan 4. Condition 2 of the letter stated that any changes made to the layout plan may only be amended with the approval of SANRAL (see ANNEXURE A:2008 SANRAL Approval). Then, during 2011, the Bitou Municipality approved the rezoning of the property from "Agriculture Zone I" to "Business Zone II" with consent to construct residential dwellings (guest house) (refer ANNEXURE B:2011 Bitou Municipality Rezoning Approval).

The owner now wishes to amend the approved site development plan by changing the appearance of the milling structure which is the identity of the Mungo weaving industry. The proposed layout will be a more compact design than the approved layout of 2016 to accommodate additional retail space an additional shop, together with the weaving mill and museum (the prominent structure which identifies the *Mungo* recreational market space).

The owners envision operating a temporary crèche (with a maximum of 35 children) in the new shop, located to the north west of the site. It should be noted that the access to Baron's View will be maintained via the registered access servitude and that all the structures on the application area will still comply with the building line restrictions as stipulated in Paragraph 6 of the 2008 approval of SANRAL.

2. THE APPLICATION

Marika Vreken Urban and Environmental Planners has been appointed by the **Holding Family Trust** to prepare and submit the required application documentation (refer to **ANNEXURE C**: Power of Attorney & Company Resolution and **ANNEXURE D**: Application Form) for:

- (i) Amendment of the approved site development plan for Portion 89 of the Farm Ganse Vallei No 444, Division Knysna, in terms of Section 15(2)(h) of the Bitou By-law on Municipal Land Use Planning.
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3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed that includes the information outlined below, is contained in **ANNEXURE E**. A copy of the Surveyor General Diagram of the application area is contained in **ANNEXURE F**.

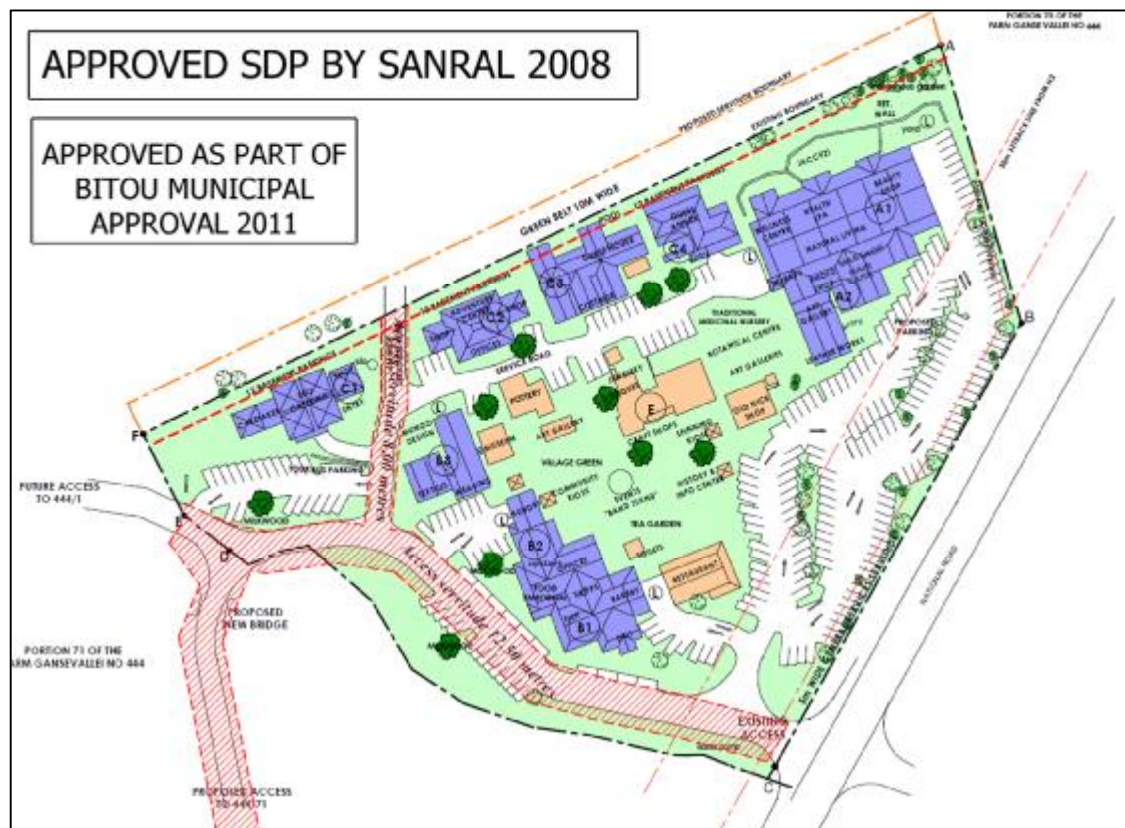
Farm Number:	Portion 89 (a portion of Portion 1) of the Farm Ganse Valleij, no 444, in the Greater Plettenberg Bay Transitional Local Council, Administrative District of Knysna, Province of the Western Cape.
Title Deed Number:	T 25857/1999
Property Owners:	The Trustees for the time being of the Holding Family Trust (No IT 2730/1996)
Property Description:	Portion 89 of the Farm No 444, Division Knysna
Property Size:	3,0076 (Three Comma Zero Zero Seven Six) Hectares
Title Deed Restrictions:	There are no Title Deed conditions that prevent the proposed amendment of a site development plan.
Servitudes:	Two road servitudes in favour of the neighbouring properties are registered over the application area. These servitudes are 8m wide and accommodated in the development proposal. Two general services servitudes exist on the application area. These servitudes are shown on the S.G. Diagram and are also accommodated in the development proposal.
Bonds:	There is a bond registered over the property. The Bond holder's consent has been applied for and is attached as ANNEXURE J .

SECTION B :	DEVELOPMENT PROPOSAL
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4. APPLICATION SPECIFICATIONS

4.1. Approved Site Development Plan

During 2011, Bitou Municipality approved the rezoning of the application area from Agriculture Zone I to Business Zone II (with consent to allow the construction of Residential Buildings). The site development plan that formed part of this application was approved by SANRAL, subject to certain conditions of approval. (ANNEXURE A). the figure below shows the site development plan that was approved by SANRAL and the Bitou Municipality.



Since the development's approval, Old Nick Village has become a prominent tourism and skills development node along the N2 National Road. The owners amended the site development plan to achieve the desired spatial vision for the property. These amendments included:

- Relocating the parking bays situated north and west of the approved SDP in a linear shape which will ultimately be located closer to the existing shops;
- Constructing a new weaving mill and museum towards the eastern boundary of the site;
- future retail and shops space.

This site development plan was submitted to Bitou Municipality during 2015 and was approved on 13 July 2016. See figures below illustrate the approved SDP below.



FIGURE 2: APPROVED SDP 2016

This amended site development plan, that was approved by Bitou Municipality, was not circulated to SANRAL for comment.

The applicant envisions constructing an **additional shop** on the property which will accommodate a temporary crèche (only for a five (5) year period). The implication being, that the site development plan once again needs to be amended to accommodate the proposed land use.

This amendment can be regarded as a minor amendment, and the SDP still complies with all the conditions of approval that were imposed by SANRAL in the approval letter dated 21 July 2008.

Further to the above, this application includes an application for the amendment of an existing approval in terms of the Bitou Land Use Planning By Law.

4.2. Land Use Application for Crèche

An application for a temporary land use departure to accommodate crèche with a maximum of 35 children in a shop, has been submitted to the Bitou Municipality for consideration, in terms of Section 15(2)(c) of the Bitou Municipality by Law on Municipal Land Use Planning.

This application was submitted, by Inge Basset on behalf of the Holding Family Trust, to Bitou Municipality on 3 April 2017. A copy of the application with annexures are attached to this report (refer **ANNEXURE G**: 2017 Pre-School Application to Bitou Municipality).

5. STATUTORY SPECIFICATIONS

The following land development applications are submitted in terms of Bitou By Law on Municipal Land Use Planning.

5.1. Amendment in Respect of An Existing Approval

(Refer to Plan 3: Site Development Plan)

The property is currently zoned Business Zone II (with Consent to Construct a residential buildings) in terms of the Section 8 Zoning Scheme Regulations.

The approved SDP of 2016 indicates the existing structures and land uses that include, amongst others:

- The parking area was amended to the north-eastern portion to promote access to the variety of shops in Old Nick Village
- The weaving mill and museum was proposed towards the eastern boundary;
- Proposed future shops and retail spaces towards the west of the property.

On this amended SDP, the owner decided to omit the use of guest houses, self-catering units and the wellness centre as approved in the original plan. The main reason for this is to establish a tourist and manufacturing node that excludes any form of tourist accommodation.

The new site development plan includes the following amendments:

- A crèche measuring approximately 150m² located at the northern boundary of the property

The figure below indicates that the locality of the additional shop. It should be noted that the minor extensions to the site development plan complies with the prescribed development parameters of Business Zone II as stipulated in the Section 8 Zoning Scheme Regulations.

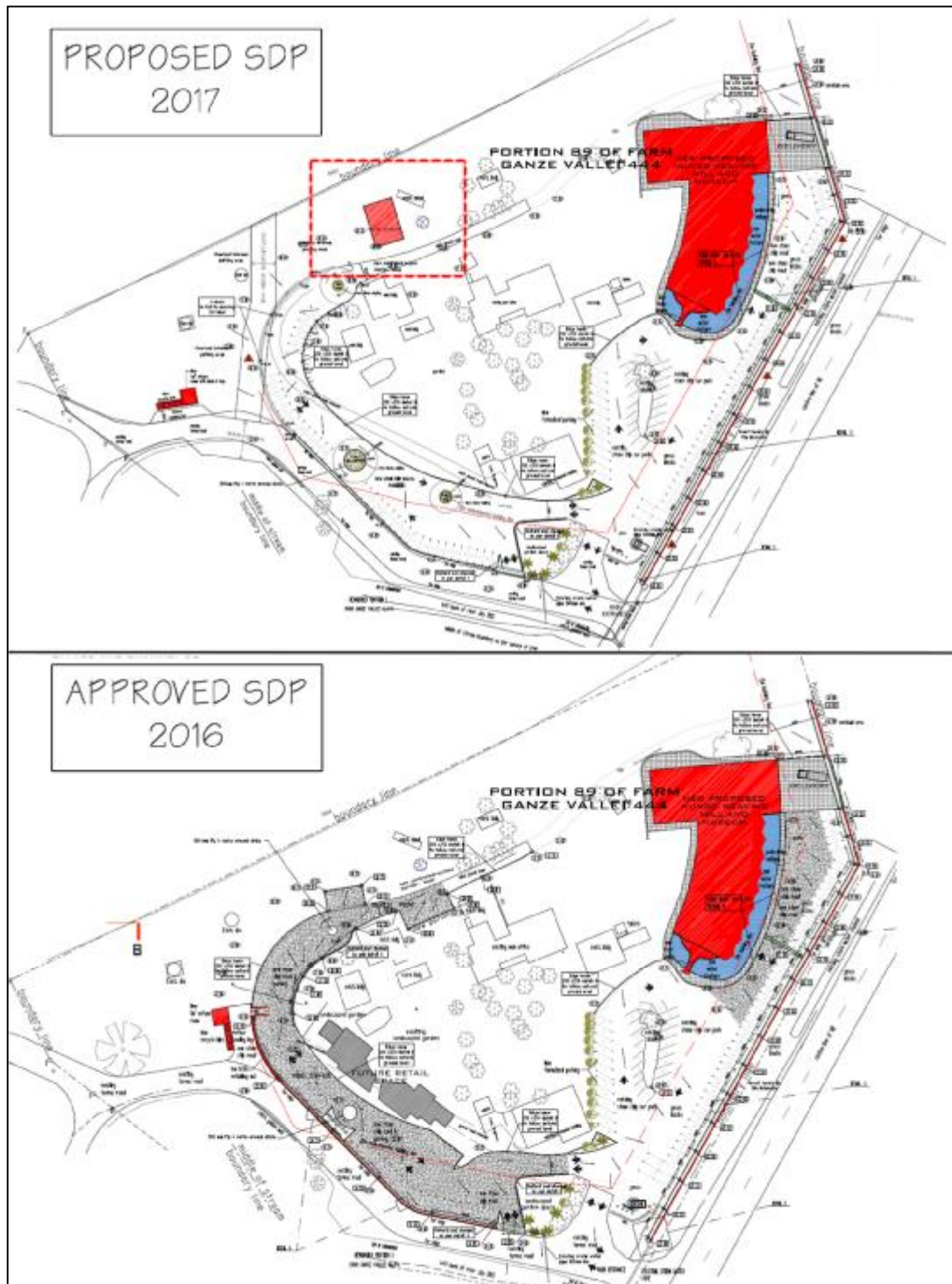


FIGURE 3: APPROVED LAYOUT VS PROPOSED LAYOUT ON OLD NICK VILLAGE

To amend the approved site development plan, an application for the amendment in respect of existing approval in terms of the Bitou Land Use Planning By-Law is applied for.

6. SERVICES INFRASTRUCTURE

The rezoning application was approved during 2011 by Bitou Municipality. The amended service level agreement that includes the approved amendments of 2016 have been incorporated in the

Services Agreement and signed by the owner and Bitou Municipality during 2016 (see attached ANNEXURE H:Signed Service Level Agreement). There is sufficient services capacity available and the owner have paid the required capital contributions in full.

The proposed amended development has a significantly smaller development footprint as what was approved initially during 2011, and for which services capacity were planned. Therefore, the proposed amendment of the site development plan will not have significant impact on the existing services capacity to accommodate the proposed amendments.

7. ACCESS

Access to the application area is directly off the N2 National Road, via a servitude road that also provides access to other properties in the area.

SECTION C :	CONTEXTUAL INFORMANTS
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8. LOCALITY

(Plan 1: Locality Plan)

The application area is located 1 km north east of Plettenberg Bay, directly abutting the National N2 Road. It is important to note that the application area is already developed and forms an integral part of the tourist facilities within the Plettenberg Bay area.

Access to the proposed development is directly from the N2 route near the 62 Km mark towards Kurland. Portion 1 of the Farm Ganse Valleï no 444, the abutting property directly to the west, gains access via a servitude right of way that is registered over Portion 89. The coordinates for the application area is 34° 2'3.69"S and 23°22'21.81"E.



FIGURE 4: LOCALITY

9. CURRENT LAND USE AND ZONING

9.1. Land Use

(Plan 2: Land Use Plan & Character of Area)

The current land uses on the application area are aimed at the tourism industry and includes, amongst others, a restaurant, art galleries, craft shops, indigenous botanical centre, museum and pottery. The figures below show some of the existing tourist activities that occur on the site.



FIGURE 5: EXISTING LAND USES ON PORTION 89 OF THE FARM GANSE VALLEI NO 444

9.2. Zoning

The application area is currently zoned as Business Zone II in terms of the Section 8 Zoning Scheme Regulations (see attached ANNEXURE B 2011 Approval granted by Bitou Municipality).

10. CHARACTER OF THE AREA

The areas located to the southwest and north east of the application are characterised by medium to high income residential development and tourist facilities. The figure below illustrates the locality of the land uses in relation to the application are:

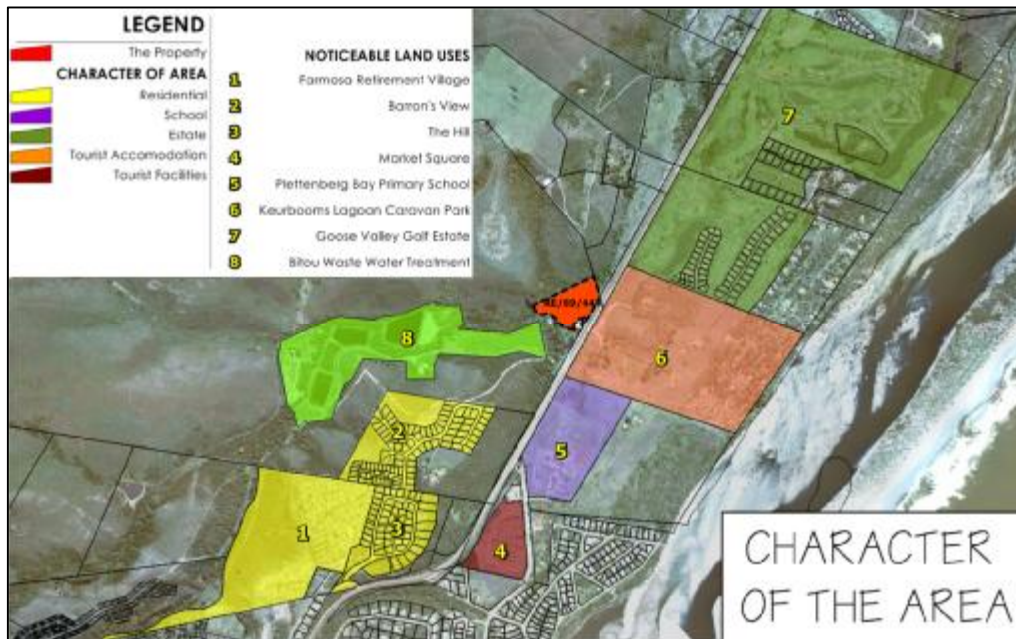


FIGURE 6: CHARACTER OF SURROUNDING AREA

The residential developments located in close proximity of the application area, include Baron's View, Formosa Retirement Village. Tourist associated facilities in close proximity located south of the N2 National Road include Goose Valley Golf Estate (golf club only), Keurbooms Lagoon Caravan Park; and The Hill. Plettenberg Bay Primary School opposite Beacon Way from the Market Square shopping centre is situated less than 1 kilometre Southwest of the application area.

SECTION D : MOTIVATION

Bitou By-Law on Municipal Land Use Planning as promulgated by G.N 7467 dated 12 August 2015 states in Section 65 the general criteria necessary for considering an application by the municipality.

It must be noted that the application has not undergone the notice phase of the application process and that the information below is the necessary information required by the municipality to process the application.

The following criteria must be taken into account when evaluating the desirability amendment of and existing approval application:

- The integrated development plan, including the municipal spatial development framework;
- The applicable local spatial development frameworks adopted by the Municipality;
- The applicable structure plans (No Structure Plans for Upper Old Place);
- The applicable policies of the Municipality that guide decision-making;
- The provincial spatial development framework;

-
- The policies, principles and the planning and development norms and criteria set by the national and provincial government;
 - The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act;
 - Principles referred to in Chapter VI (6) of the Western Cape Land Use Planning Act; and
 - The applicable provisions of the zoning scheme.

11. MOTIVATION

The following points must be taken into account when evaluating the desirability of this application:

11.1. Amendment of Existing Approved Site Development Plan

The existing approved site development plan was approved by Bitou Municipality during 2016. The approved site development plan indicated the existing structures and proposed locality for the weaving mill and museum. The owners envision constructing additional retail space to sell locally produced products. Additional parking bays were provided to accommodate for the additional shops, weaving Mill and Museum.

The new Mungo Weaving Mill is expected to be completed in August 2017. It will be a space for production, public appreciation and will provide a first-hand experience of the quality of material products produced at Old Nick Village.

The owners decided to construct an additional shop to accommodate a creche (that requires approval for temporary land use departure from Bitou Municipality). The amended site development plan illustrates inclusion of a shop which is currently used as creche.

The inclusion of Creche (located in a shop) blends perfectly with variety of land uses and shops already located on the property, resulting in integration and mixed land uses on the property.

11.2. Pending Land Use Rights for Crèche

A temporary land use departure application was submitted by the Land Owner to Bitou Municipality on 3 of April 2017 for consideration to allow for the operation of a Crèche on a Business Zone II property in terms of the Section 8 Zoning Scheme Regulations (see attached ANNEXURE G:2017 Pre-School Application to Bitou Municipality).

11.3. Traffic Impact

Peter John Gray, a Registered Professional Traffic Engineer, has been appointed to conduct A Traffic Impact Statement of the proposed crèche in accordance with the requirements of the South African Traffic Impact and Site Traffic Assessment Manual (TMH 16). (See attached ANNEXURE I:Traffic Impact Assessment).

The study concluded that:

- The proposed development of a pre-school on portion 444/89 will have an insignificant impact on the existing transportation infrastructure in the area and it is therefore concluded and recommended that:
- No TIA is required for the proposed departure; firstly, in terms of the NLTA, 2009 (not a substantial change in land use) and secondly, TMH 16 (less than 50 additional peak hour trips will be generated
- The proposed departure be approved without any mitigating measures.
- The existing access to portion 444/89 is adequate to serve the existing land uses and the proposed development.

11.4. Bitou SDF

The Bitou SDF was approved by the Bitou Council in May 2013. The application area is located in the Bio-Region of the "Keurbooms Estuary and Floodplain¹". The following policies are associated with this specific bio region to ensure that proposed developments comply with the objective of the specific region:

- Urban development shall be promoted within urban settlements according to the settlement planning principles, see Section 5.1.5 Ensure all necessary human and financial resources are available to implement the Coming Together Project.

According to the Bitou SDF the application area is located outside the urban edge however the Bitou SDF acknowledges that the Old Nick Village serves as an existing mobility spine along the N2. An extract of the Bitou SDF is shown in Figure 7 below.

¹ CndV Africa,2013. Bitou Spatial Development Framework 2013 Pg. 215

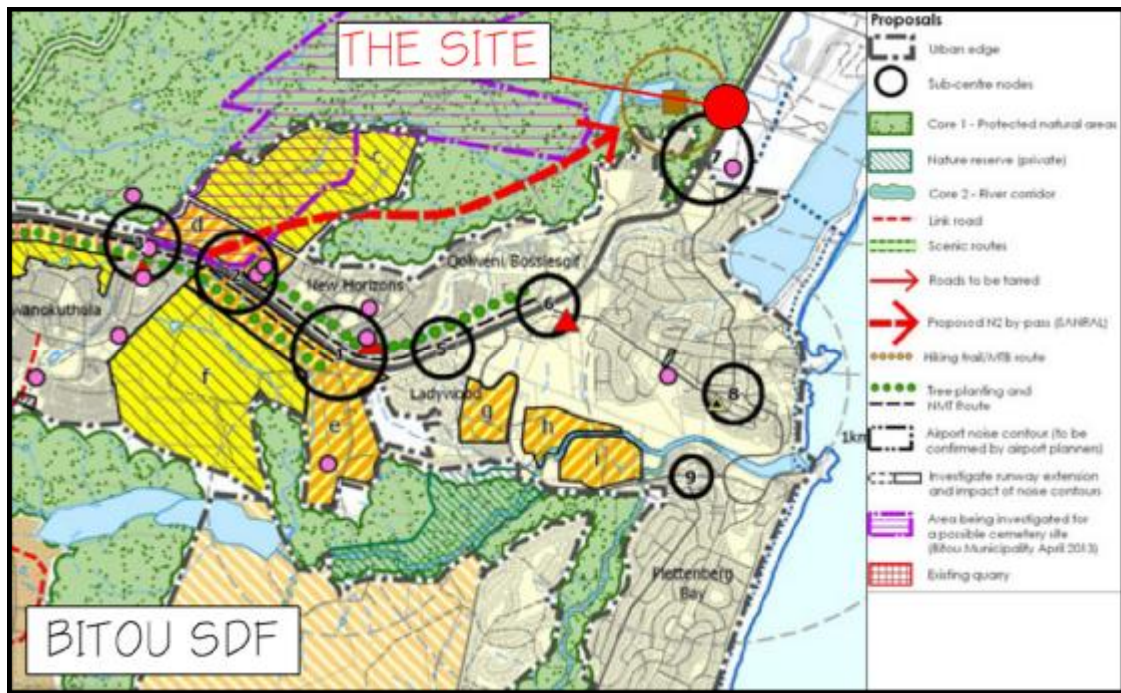


FIGURE 7: EXTRACT FROM THE BITOU SDF (2013)

Given the fact that construction currently takes place on the application area, the Bitou SDF recommends the following urban design guidelines should adhere to **all** developments in the Bitou Municipality. The following urban design guidelines are consistent with the existing development on the property:

Principle	Action
UD 4	Create visual recognition and surveillance along open spaces and public routes. This can be achieved through: Locating buildings around open spaces and streets so that sufficient enclosure is created; The appropriate height of buildings; locating the highest buildings to the southern side of the open space, with lower buildings or trees on the northern side.
UD 5	Markets should be permitted at highly accessible locations in terms of the movement network and urban structure to ensure the greatest viability possible. These locations could be modal interchanges and intersections.
UD8	Create appropriate road cross-section widths that can provide for vehicle traffic, parking, pedestrian movement, cycling and landscaping
UD12	The use of local materials should be encouraged in the construction of new buildings.

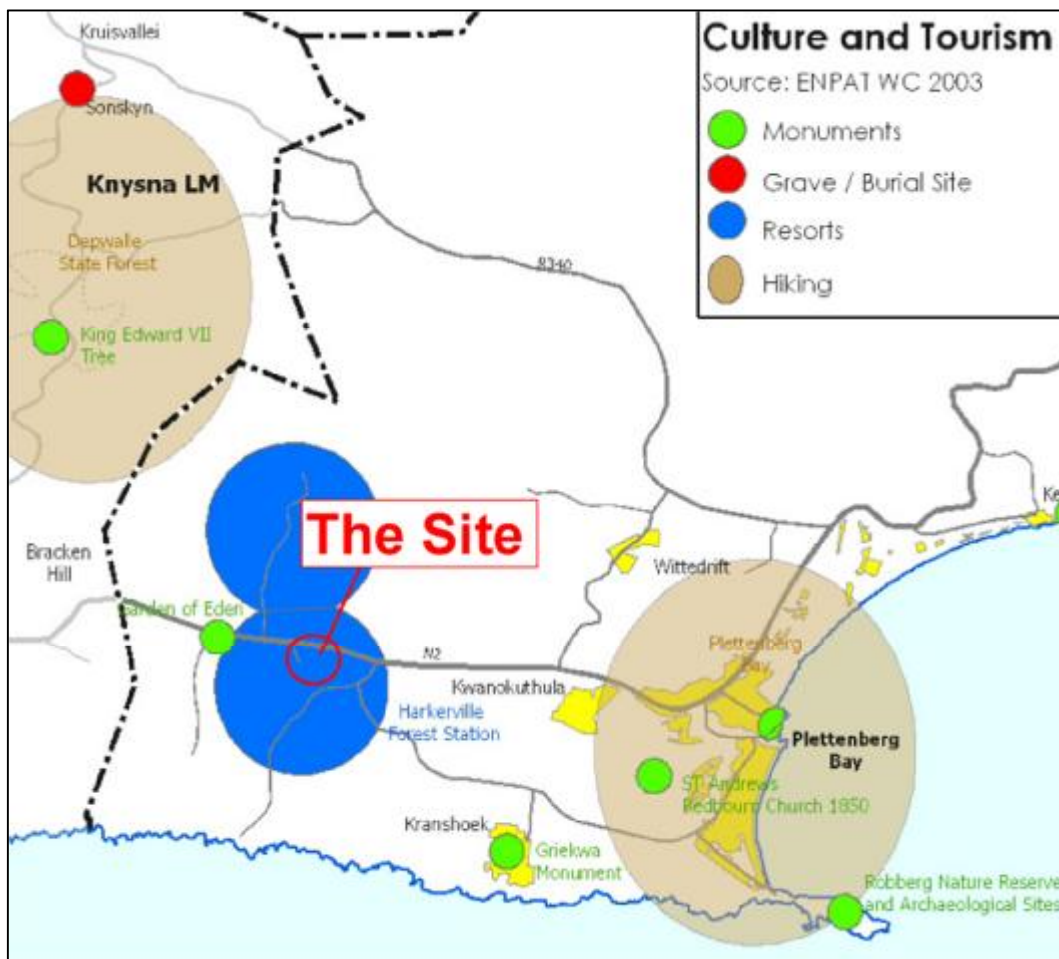


FIGURE 8: CULTURE AND TOURISM SIGNIFICANT AREAS IN BITOU MUNICIPALITY

11.5. Tourism

According to the Bitou SDF, tourism was identified as the key driver in the economy of Bitou and an emphasis was placed on the importance of providing growth in this sector in order to grow the economy and for employment creation². Those elements which are unique in the Bitou Municipality and which could increase tourism should be facilitated and encouraged this will result in positive “spinoffs” generated by tourism opportunities also need to benefit the larger municipal area and not just a small sector of the population. Tourism is seen as an important employment alleviator and can improve the lives of several families not only in the urban area but rural area as well³.

Old Nick Village is a significant tourist destination along the N2 National Road. What makes this tourist destination unique is that it provides a spectrum of different shops and tourist facilities selling locally produced art and woven materials. The continuation of the establishment is an important contributor to the Bitou Municipality tourist industry and contributes to positive economic spins-offs as the subject property is located in

² CndV Africa, 2013. Bitou Spatial Development Framework 2013 Pg. 142

³ CndV Africa, 2013. Bitou Spatial Development Framework 2013 Pg. 143

agglomeration of tourist facilities and accommodation uses within close proximity of the surrounding areas.

12. RIBBON ROAD DEVELOPMENT ACT, 1940 (ACT 21 OF 1940)

In terms of Title Deed T 25857/1999, written consent has to be obtained from the relevant "controlling authority" in terms of Act 21 of 1940 for the operation of any store, business or industry.

It should be noted that the formal Town Planning application documentation will be circulated to the "controlling authority" (being the District Roads Engineer) for comment and written approval.

Further to the above Condition 2 of the letter approval latter by SANRAL stated that any changes made to the layout plan may only be amended with the approval of SANRAL. It should be noted that this application needs to be forwarded to the "controlling authority" (being the SANRAL) for comment and written approval.

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

One of the main objectives of SPLUMA is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances. This section illustrates how the application is consistent with the 5 main development principles applicable to spatial planning, land use management as set out in Section 42 of SPLUMA:

Spatial sustainability		
Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land;	Comply	The property currently receives direct access of the N2 National Road. Therefore, an existing access promotes access to the land uses directly from the N2 National Road. The application is consistent with this principle
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded;	Comply	No extension of development rights are proposed. The <u>existing</u> development is consistent with the Western Cape Provincial Spatial Development Framework (2014) and contributes to Policy E2 diversifying and strengthening of the rural economy. The Application is consistent with the development policies for the Keurbooms Estuary and Floodplain as contained in the Bitou SDF
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land;	Comply	The development is currently zoned Business Zoned II with a consent use for Residential Buildings in terms of The Section 8 Zoning Scheme Regulations. The existing development and location of the amended structures comply with the parameters of the approved zoning.

Spatial justice		
Criteria	Compliance	Planning Implication
Promote land development that is within the fiscal, institutional and administrative means of the Republic	Comply	The development on site conforms to the parameters of the approved Business Zone II I terms of the Section 8 Zoning Scheme Regulations

Ensure that special consideration is given to the protection of prime and unique agricultural land;	Not applicable	This policy is not applicable to the application area
Uphold consistency of land use measures in accordance with environmental management instruments	Comply	The application is an approved land use application in 2011 and does not trigger any environmental listed activities according to the National Environmental Management Act (1998).
Promote and stimulate the effective and equitable functioning of land markets	Comply	The proposed development is consistent with the character of the surrounding area The existing development stimulates local economic development which is considered a national development priority
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments	Comply	The property has an approved amended service level agreement with the Bitou Municipality dated 2016. Capital contributions have been paid to accommodate the required services for approved SDP in 2016.
Promote land development in locations that are sustainable and limit urban sprawl; and result in communities that are viable	Comply	This existing development has been in operation since 2012. Development is promoted on site therefore no urban sprawl will be created as a result of the development extensions on site.

Spatial Efficiency		
Criteria	Compliance	Planning Implication
Land development optimises the use of existing resources and infrastructure	Comply	The development currently makes use of existing local resources and contribute to specialised skills development within the local municipality.
Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and	Comply	The proposed development is located in close proximity to a major movement corridor with a mixture of rural residential, tourist accommodation and tourist related facilities.
Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.	Comply	The proposed development will contribute to the functional land pattern in the surrounding area

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 development complies with the policies related to the following spatial development frameworks. - Western Cape Provincial Development Framework 2014 - Plettenberg Bay Spatial Development Framework 2013

Good Administration		
Criteria	Compliance	Planning Implication
All spheres of government ensure an integrated approach to land use and land development that is guided by	Applicable to Bitou Municipality	This principle has no direct bearing on the application, however, the Plettenberg Bay municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.

the spatial planning and land use management systems as embodied in this Act		
All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks		
The requirements of any law relating to land development and land use are met timeously;		
The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them		
Policies, legislation and procedures must be clearly set in order to inform and empower members of the public		

14. CONCLUSION

In light of this motivation, and the information contained within the foregoing report, it is clear that the application for:

- (i) Approval of an amended site development plan for Portion 89 of the farm Ganse Valleï No 444, in terms of Section 15(2)(h) of the Bitou By-law on Municipal Land Use Planning.

Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Bitou Land Use Planning Bylaw, is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by Knysna Municipality.

Marika Vreken Urban and Environmental Planners

May 2017