

# EnviroAfrica

Environmental Planning and Impact Assessment Consultants  
Omgewingsbeplanning en Impakbeoordeling Konsultante

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30 August 2013

Ms L du Toit  
18 Simonsberg Road  
STELLENBOSCH  
7600

Dear Ms du Toit

**16/3/1/1/E2/14/2026/13: PROPOSED UPGRADE OF PIET SE BOS AND GROTTA BEACH AREA, HERMANUS**

Your letter dated 23 April 2013 and received on 30 April regarding the abovementioned project refers. We wish to confirm that you are registered as an I&AP.

With reference to the points raised in your letter we have consulted with a number of authorities and also had discussions with the Overstrand Municipality to solicit responses from them on issues that you have raised that only the municipality could answer. As a result we wish to respond as follows.

It must be noted that the Piet se Bos and Grotto Beach under jurisdiction of the Overstrand Municipality has been used as a recreational area for a very long time and is also indicated as such in the Spatial Development Framework. It is also a highly utilized area during the summer holidays, over weekends and public holidays when the weather is good and with this the associated noise, vehicular and pedestrian traffic is to be expected during such periods.

From information that we have obtained from the Overstrand Municipality, they have indicated that Hermanus has as its prime focus to be an excellent tourist destination. Thus with the increasing growth of tourism in the area, increased affluence among a large sector of the Overstrand community and a younger population who requires amenities and activities according to their needs, the public utilization of areas such as the Grotto area has increased and will continue to increase in future. It is also one of the few areas in Hermanus where visitors and patrons can access the beach and have the opportunity to enjoy the restaurant and bar facilities that go with such public places.

Our response to some of the points that you have raised and the relevant answers to some of the points that you have raised that were received from the municipality are as follows.

We note your reference to paragraph 8 and will appropriately expand it to justify as answers to Section D questions 5, 15, and 16 in the final BAR that will be made available for a final-round of written comments for which you will receive written notification. The same will happen to D11 in the BAR. Note that the initial statement was made right at the beginning of the impact assessment

process and will be altered in relation to the comments received. This response to the process as it is taken forward is exactly why the impact assessment process is followed.

With reference to paragraph 7 of the BAR we did an investigation as best we could, not having access to the house semi hidden behind the milkwood thicket in your top two photographs. Our conclusion was that there were minimal points from which the alterations in the upgrade area would be visible. However, in the final BAR we will make the necessary alteration.

With regard to the bottom photo in your letter where the whole house is exposed and visible we also did an investigation and found the following. The visibility from this property (Erf 5025) was created by the illegal removal of all the tall milkwoods in a narrow sight line to the beach area some time after 2003, but before 2005. The remnant large dried out milkwood stumps are still clearly visible. These trees that would have screened the whole amphitheatre area from the view of this residence. Our conclusions were agreed with by the environmental section of the Overstrand Municipality who also did a site inspection of the area. This area will be rehabilitated with the planting of large indigenous trees common to the milkwood thicket vegetation in the area.

Further with reference to paragraph 7 please note that the BAR requires a description of the community immediately surrounding the site, whether of relevance or not.

With reference to your additional comments and questions;

- o 1-the construction will block out some of the view of the forest, depending from where you view the forest- it would not block it from the proposed boardwalk through the rehabilitated wetland, or from the amphitheatre itself.
- o 2-noted
- o 3-the proposed alterations to the area is regarded as upgrading and the events stage truck is part of the required elements to host events at the amphitheatre.
- o 4-the area is intended by the municipality to be a multi-use area, hence the rehabilitation of part of the wetland system coupled with the construction of an amphitheatre to enhance the use of the public recreational area to a wider spectrum of the local and visitor community.
- o 5-noted, but then there would be no amphitheatre and envisaged multi-use of the public recreational area.
- o 6-noted
- o 7-noted.
- o 8-the amphitheatre will attract people-who wish to come and attend a specific event.
- o 9-specific answers supplied by the municipality are as follows

**What exactly is the idea behind the establishment of an Amphitheatre. I was under the impression that Hermanus has a site where such open air theatre functions can be held. Is that not so?**

Answer: There is an increase in the growth of tourism in Hermanus as well as a younger population who requires amenities and activities according to their needs. The Forest Theatre is situated in the Hemel-and-Aarde valley within a rural area which caters for specific events such as single performances.

**What alternative locations have been considered by the Municipality to cater for such events and what process was followed to proceed with the development in this location**

Answer: There are no suitable sites available with existing facilities. The municipality is not looking for an area where an amphitheatre can be constructed, but is looking at the upgrading and rehabilitation of the Piet se Bos area. A feasible option that the municipality has come up with is an amphitheatre that will meet the requirement under the Integrated Coastal Management Act, which requires that coastal areas be made more accessible to the general public.

- o 10- specific answers supplied by the municipality are as follows

Question:

**To what specific type of event has the Municipality in mind to be staged in this proposed Amphitheatre. This will give an idea of the additional facilities that have to be provided for such events.**

Answer: The municipality has in mind plays, classical performances or suitable musical events as per request, under strict conditions such as suitability, time limits and conditions of the temporary removable infrastructure that has to be put in place by the individual organisers

- o 11-noted.
- o 12-the kiosk will be operated by the event organizers if required for the specific event, the merchandise sold will also be contained in a condition laid down by the municipality for the specific event.
- o 13-it is understood that the buses will be associated with events
- o 14-the portable toilets will also be associated with specific events when listed as a condition by the municipality and will have to be removed by the event organizer after the event.

The design of the restaurant can be done in such a way that a double storey wooden building can blend in with the surrounding environment. To say that a double storey building would not blend in is an individual judgement value. There are other comments received that welcome the proposal for a double storey restaurant. The idea behind the double storey is for a beach- style bottom section with a more up-market top section.

Grotto beach is a "Blue Flag" beach but this designation does not qualify it as a World Heritage Site.

- o 15-the Piet se Bos area is a large area that extends from Grotto beach eastwards to the parking lot at the entrance to the Kleinrivier lagoon. The eastern portion Piet se Bos has very little to no access to it and this presents ample refuge for wildlife that would select to leave the area around the amphitheatre.

With reference to your comment that the amphitheatre area is already part of Fernkloof Nature Reserve, we have been told by the environmental section of the municipality that their intention is to incorporate the amphitheatre into the Fernkloof Nature Reserve as well. Be it as it may, the municipality is in the process of signing a stewardship agreement with Cape Nature that will include all their municipal nature reserves as well as other open space areas of conservation value.

Yours sincerely



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19 April 2013

Dear Charel

In the meantime I have been in contact with one or two neighbours and have ascertained that your letter to them enclosing the Background information Document (BID) was received. So, thank goodness it would appear that mine was an isolated letter that went missing.

Then, you explained to me that as an Interested and Affected Party, I must write to you giving comments in regard to the proposed "upgrade".

I have studied the documents you gave me and in order that I can make a balanced judgment as to how such a proposed development will affect me and other Affected Parties, can you please give me detailed answers to the following questions:

1. I have read under "Project Location & Description" what is intended in regard to the Upgrade of Wetlands. I would like to know what has motivated this Wetlands upgrade – what is wrong with what is there now and what is its budgeted cost?
2. What exactly is the idea behind the establishment of an Amphitheatre. I was under the impression that Hermanus has a site where such open air theatre functions can be held. Is that not so?
3. What were the reasons why the Municipality has decided to use this area so close to a Flue Flag Beach for use for an Amphitheatre? It seems that possibly a consideration was that it was a way to use the rubble and builders material that will be removed during the "upgrade" of the Wetland re-establishment. Is that correct?
4. What alternative locations have been considered by the Municipality to cater for such events and what process was followed to proceed with the development in this location
5. What is a cross sectional view along a N-S axis and E-W through the centre of the Amphitheatre stage, with the N-W section starting at the 10th Street and going to the beach. The Cross sections should indicate max heights of the structures above reference datum elevation. This will give us an idea of the impact of the Amphitheatre on our view of the beach and sea.
6. To what specific type of event has the Municipality in mind to be staged in this proposed Amphitheatre. This will give an idea of the additional facilities that have to be provided for such events.
7. Who is the target market to which these events will be directed. What is the proposed entrance fee for a typical event.
8. What is the budgeted cost of the Amphitheatre and what is the anticipated income that is to be generated from the staging of events.
9. How often is it intended to be put to use (no of uses per month over each month of the full year)

10. What are the proposed operating times and on which days of the week will such events be staged
11. What is the MAXIMUM no of visitors that are to be accommodated (seated and standing) in this Amphitheatre.
12. How is it proposed that such visitors will arrive, park there
13. How will such additional persons be accommodated in the existing parking areas, when such available parking as is currently there has already proven to be quite tight during the high season
14. What considerations have been given to the existing road system being able to handle the additional traffic
15. What loudspeaker and amplification system is envisaged – location, height and direction of loudspeakers and wattage
16. What lighting system is envisaged – location, height and direction of all spot lights and their type and wattage
17. How is it envisaged to attenuate the sound emanating for events being held in the amphitheatre and to what extent
18. How will the sewerage be disposed – I hope not into the sea at Grotto beach!

The answers to these questions will give me an idea of the impact that the proposed development will have on us living within 100 m of this amphitheatre in regard to:

- i. Increased sound
- ii. Light at night
- iii. Traffic and parking in high season and weekends

IMPORTANT POINT: Of particular concern is the following: I have friends who live near to Kirstenbosch Gardens in Cape Town. Many years ago Kirstenbosch decided that holding occasional classical music concerts on Sunday evenings would be a good way to collect funds for the upkeep of the gardens. That was endorsed by a majority of residents. However, as time has passed they have come to very much regret their consent given originally:

- these concerts no longer are limited to being classical, but feature such Bands as Chilli Pepper, Johnny Clegg, Goldfish, Ringo Madlingoze, Palotones, Freshly Ground, Prime Circle, Mango Groove, all of which play their music very loud
- they are held every Sunday evening in summer from 17:30 onwards, but with practice sessions being played during Sunday afternoons beginning often already at 14:30 at full blast
- in addition, when famous groups come to SA and wish to perform "open air", they offer them a venue during the week as well and often several evenings in a row
- in addition they have Christmas carol evenings for the days leading up to Christmas
- though many meetings have taken place between residents and Kirstenbosch management, there seems no easy way to control the volume of sound nor the disturbance of the peace on Sunday afternoons nor the number of performances. (The sound is so loud on our friends verandah that NO guests can be invited to their homes on Sunday afternoons, as the sound drowns out all conversation between parties that are not sitting directly next to each other!

What guarantees can the Municipality give us that we will not be exposed to such similar situation?

In the "Listed Activities" of your BID, there are listed a great number of activities that appear to have little to do with the "upgrade" For example, it speaks of "construction of ... jetties exceeding 50m2, slipways exceeding 50 m2, ..." but also "transformation of land bigger than 1000 m2 to residential, retails, commercial ..." etc. Please explain to me the purpose for including such "Listed Activities"?

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I respectfully request this additional information which will give me and others a proper understanding in order that I can make an informed judgment on the proposed "upgrade" and its impact on our living in our home.

As requested I herewith ask you to record that I, Kai Albrecht (male) as Trustee of Nacuca Trust, owner of Erf 3272 Voelkip, Hermanus is an Interested and Affected Party in the Matter under your Ref 16/3/1/1/E2/14/2026/13.

Kai H. Albrecht

PS. Ask you to also note that I have not recvd a reply to my fax 15th April.

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# EnviroAfrica

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25 April 2013

Mr K Albrecht  
P O Box 4750  
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Dear Mr Albrecht

**16/3/1/1/E2/14/2026/13: PROPOSED UPGRADE OF PIET SE BOS AND GROTTA BEACH AREA,  
HERMANUS**

Your fax received on 15 and your hand delivered letter on 19 April refer.

We wish to confirm that you, as Trustee of Nacuca Trust, are registered as Interested and Affected Party and have already dispatched under separate cover, a draft Basic Assessment Report as requested by registered post to your postal address.

Questions raised in your letter dated 19 April that can be answered now with corresponding numbers are as follows.

1. Overstrand Municipality have an environmental management section that oversees the conservation in the municipal area and plan which areas need to be rehabilitated to improve biodiversity. The present state of the area was compromised many years ago when the original wetland area was filled in. The upgrade is in the planning stage and once environmental authorization is obtained can the upgrade process be put out to tender and only then will the real costs be known.
2. We are not aware of an area in Hermanus where "such open air functions can be held". As stated before in the conversations that we have had, the municipality is not looking for an area where an amphitheatre can be constructed, but is looking at the upgrading and rehabilitation of the Piet se Bos area. A feasible option that the Municipality has come up with is an amphitheatre that will meet the requirement under the Integrated Coastal Management Act, which requires that coastal areas be made more accessible to the general public.
3. See 2 above. The removed material could be used for a number of applications in the area, for instance to construct a raised berm on the inside of the rehabilitated wetland area with many more braai areas on the raised berm. It could also be used to raise the "dry" area even higher than at present that would afford public users an improved view of the beach and ocean beyond, or it could be used to rehabilitate the washed away banks of the Grotto car park at the Kleinrivier Lagoon. We are sure that there are other uses for the excavated material as well, but the Municipality has decided that to use it for an amphitheatre offers an

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enhanced use of the area from which income can be generated to offset the cost of registering a Blue Flag Beach. Note that the use is in keeping with the concept of the Blue Flag Beach.

4. See 2 above
5. A cross sectional view is in the process of being prepared and will be sent to you as soon as it becomes available.
6. Points 6 -18 and the issue of municipal guarantee on the exposure to noise levels as experienced at Kirstenbosch, have been referred to the Municipality. Their response was that these issues will be addressed as soon as the comment period on the draft BAR has closed as it appears as if a list of questions were made available to a number of residents who have requested virtually *verbatim* the same information.

We always quote the whole listed activity *verbatim* as it appears in the relevant regulations under NEMA and not only part of it.

Yours sincerely



Charel Bruwer

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LATE COMMENT.

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09 May 2013

Dear Charel

I acknowledge receipt of your letter 25<sup>th</sup> and the BAR. They were received on 30 April and 2 May respectively. Due to other matters requiring my urgent attention I have not had a chance to study the BAR but will do so in the next few days and I will refer to it and any questions I have in a separate letter to you.

Notwithstanding that several of my questions contained in my letter to you dated 19<sup>th</sup> April remain unanswered pending a reply from the Municipality, I wish to respond to your detailed reply for which I thank you.

Pt 2: Re: existing area that is sued for "open air functions"  
The area in the present town that has been used for "open air functions" such as upon occasions during Easter, is at the Old Harbour area (opposite the Burgundy restaurant). That area seems perfectly good for that occasion and as I understand, it is never hardly every filled to capacity.

In addition, to that one, there is another one in the Hemel and Aarde valley. See attached link:

<http://www.hermanus-activities.co.za/forest-theatre/forest-theatretheatre-booking-form>

Having both these amphitheatres available, I cannot see a need for yet another one. This needs to be explained.

Incidentally: what Public areas are covered by the "Coastal management Act"

Pt 3: Re: Suitability of old fill:  
I have spoken with architects, who are knowledgeable in regard to what would normally be done by an environmentally sensitive Municipality, which ours seems to be, with the old land fill. My source has categorically stated that the material used in the old fill will surely not comply with the specification that would be suitable for a "rehabilitation to improve biodiversity". In the past, any rubble would be used to fill, which may include asbestos, lead etc and other material that is now considered dangerous!

How had the Municipality intended ensuring that only safe materials would be used again?

Pt 3: Re: Income generation:  
This is to be funded by taxpayer money. Until I can see the budgeted financial Projections, I reserve my judgment. Please send me these to be able to understand the proposed viability.

I have my doubts that it can pay for itself though, given the Hermanus weather variability, the wind and rain.

Pt5: Re: Cross sectional Plans

I look forward to getting copies in due course. When will they be available? I shall be in Hermanus on Monday.

Pt 6: when does the comment period to the draft close? In my humble opinion the comments to the BAR cannot be closed until the Affected Parties have a clear understanding of what the Municipality has planned. This appears to lead us into a situation of the "chicken and the egg".

I see no valid reason why the Municipality cannot answer my and other residents questions before they get the comments BAR. We deserve to know what exactly is being planned.

I contend that I cannot be expected give clearly state my concerns until the Municipality has provided the necessary answers in regard to my questions regarding: use, which target market are they trying to attract, frequency of use, traffic implications, sewerage, parking, security etc.

In my first fax I have expressed my concern in regard to NOISE. I must add the following caution which should be a great concern to the Municipality: There can be no doubt that a development which does produce noise and light pollution will have a detrimental effect on Municipal property values in the whole surrounding area! I cannot guess what that effect would be in this case, but it will be lower, possibly MUCH lower.

This will reduce their income from collected rates. Have they factored that into their "economic justification?"

I have heard from all neighbours I have spoken to that their first concern is NOISE. That being the case and depending on the answers from the Municipality to all my previous questions, I feel that all properties that might be so affected should be participating in this process.

Accordingly I really feel that you should give thought to write to more property owners further away from the centre of the proposed amphitheatre, than just the first two plots, which is what you indicated to me when we met. Maybe nobody thought that NOISE would be such a big issue, but I can tell you that it is. Does my proposal make sense to you?

In that case, you would do well to send to more property owner the answers from the Municipality with your first letter, as that will provide them upfront with what they will need to know in order to make an informed decision.

Please ask the Municipality to let me have answers to my questions as well as their projected financial viability calculation, that they must have already prepared in support of this development.

With kind regards

  
Kai Albrecht

# EnviroAfrica

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9 May 2013

Mr K Albrecht  
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8000

Dear Mr Albrecht

**16/3/1/1/E2/14/2026/13: PROPOSED UPGRADE OF PIET SE BOS AND GROTTA BEACH AREA,  
HERMANUS**

Your fax received on 9 May 2013 refers.

The documentation that was dispatched to your postal address clearly stipulates the deadline for comments on the draft BAR as 3 May 2013. Nonetheless, we have forwarded your letter to the municipality who is concerned with answers to the majority of the questions that you have once again raised. As you may understand, the municipality has decided to wait until the closing date for comments and then deal with all of them at once. Once we have obtained their response we will communicate this to registered I&Ps.

In addition we will also take the environmental impact assessment process forward by compiling a final Basic Assessment Report as NEMA requires and make that available to registered I&APs for their written comment according to the deadlines specified in the NEMA Act. Note that the issues, concerns and impacts raised on the draft BAR will be taken into consideration, with input from the municipality, in the compilation of the final BAR.

With regard to your comment on the rubble, we may add that there is a standard procedure to screen this material and to separate it in usable and non-usable material. The disposal of the latter is governed by regulations and will be dealt with to the appropriate registered waste landfill sites.

Please note that the comment period on the draft BAR has closed and we are already in the process of dealing with the issues, concerns and impacts received. Late responses upset the timelines that we are forced to adhere to under NEMA and cause considerable delays. May we suggest that you wait and see what the contents of the final BAR contains and rather make further written inputs at that stage.

Yours sincerely



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09 May 2013

Dear Charel

Further to my letter of yesterday, I have a few preliminary questions and comments in regard to the BAR. Please bear in mind that without the answers from the Municipality to my question previously sent to you, I cannot give a fully informed response to the Draft in regard to Noise and Light Impact. I therefore reserve my final judgment until I have received these.

Also not being of your profession, I may ask questions that may seem strange. I ask you to please indulge and to please reply as best as you can:

1. I presume that this BAR document relates to the whole proposed development. Is the amphitheatre, the restaurant, the rehabilitation of the wetland and of the adjacent milkwood forest trees. Is that correct?
2. Section A:5(a): I consider the Milkwood forest to be a "critical diversity area", or would you not agree? And if you want to rehabilitate the wet land, surely it too must be a "critical diversity area", which is why you want to rehabilitate it. Why is that not stated?
3. Section C(b)(iv): please can you give me the name and Tel No and/or email of the Municipal Councillor, who you have notified
4. In the following page after section C, which I found very interesting and which is headed "The Public Participation-Process to be followed.....", it states:
  - a. As a first point: Social profiling as described ..... was employed to determine the key characteristics of potential interested parties. Please give me a copy of this determination which you have made.
  - b. In the section under "Please Note:  
A list of all I&As must be made available. I take it that when we are given the final BAR you will let me have a listing of all of these I&As.

Also please note that it states that this "must be made available for at least 21 days" to all registered APs. As it takes at least five days to get anything my post to me (yr letter dated 25<sup>th</sup> arrived here 30<sup>th</sup>) and probably to anyone else living not in Hermanus, I would appreciate it if you would give all I&As at least 30 days to study the final BAR.

5. Section D:4. Yr explanation states what will be done but does not explain why the development of the amphitheatre should take place at this point in time.
6. Section D:5. Yr explanation states "enhance the use to the community". But it asks whether it is a "societal priority". Surely that is not the case, if there are other facilities available to provide an amphitheatre?
7. Section D:6. You have YESX that necessary services with adequate capacity are available – I refer to services such as electricity, sewerage, traffic control and parking for the amphitheatre and the restaurant – for that you at least would have had to have the answers you some of my questions. As far as I was informed by council the supply of electr and demand for sewerage in our area are under pressure.

For you to be able to answer YESX, I presume that you will have had to make a calculation of what these values are and then it would be necessary to ask the Municipality to formally confirm that they are available. It is this that I would like and am looking for in essence.

8. Section D:9. You have replied YESX to explain that location factors favour this land use – note it refers to the broader context of the proposed land use. Why would an amphitheatre located right next to one of the most sought-after residential areas in Hermanus be the most favoured location? I can concur that the upgrade of the wetland is good, but not of the amphitheatre. Would you explain this to me please.
9. Section D:10. You have not indicated your response to the question on how activity or land use (of an amphitheatre) ... will impact on ... the cultural areas (built and rural/natural environment). I accept that the rehabilitation of the wetland will have a positive impact but not the development of an amphitheatre. Your answer is missing.
10. Section D:11. Again your answer to this most important question is missing: How will "noise and visual character" will impact on people. Pls let me have yr explanation asked for in the question. Maybe as a result of the residents who have written to you, you will be better informed as to how to answer this question.
11. Section D:12. You have replied "NOX" reply to the question: will the proposed activity .... have an unacceptable opportunity cost . In my opinion it may well have a very big Opportunity Cost in the form of a devaluation of property prices (and in-consequence rates income to the Overberg Council) of all affected properties by the sound coming from the amphitheatre. BUT this does depend on the sound level, its frequency of happening, where its directed, how its controlled and what guarantees the Municipality will give residents that it will not become a nuisance over time. These must be answered by the municipality.
12. Section D:13: pls let me know what you positive and negative reply-is to this question.
13. Section F: I do not see any mention about the work that will be done in regard to the area that is covered to the Milkwood trees. Have I missed that or is there nothing-going to be done on that area of the public open space:
14. Section F: Under what subsection would the Visual impact be addressed ie the height of the structure and the way the area is lit up at night and when there is an event? Maybe section 6 – physical aspects?

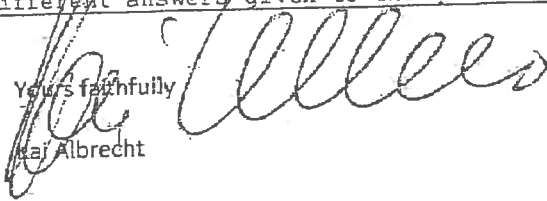
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15. Section F: 1. C. Capital Value: How is this figure arrived at – elsewhere u have indicated an “picnic area” development area of 6400 m2. I would seriously question a cost estimate of just R1,0 mill to build all of the following:
- an amphitheatre with a raised platform
  - rehabilitation of a portion of the wetland
  - an elevated picnic promenade
  - a raised boardwalk at periphery providing access to wetland and milkwood forrest with two raised access points
  - construction of kiosks
  - building a double story building with bar area for a restaurant
  - removal of current drainage channel and containment to run into wetland
  - construction of a drain channel with weir control with cladding of outlet structure and head wall
  - maintenance of road infrastructure
- Also I would like to see the basis for the R70,000 per annum income projection.
16. Section F: 2. a: You have stated that the restaurant will generate ordinary household waste. The question asked specifically: “estimate quantity per type”. Please note that most every restaurant also produces waste oil, which is hazardous. (I have been involved in collecting oil from restaurants many years ago) . Please provide yr answer.
17. Section F: 2. a: You state that no waste will be produced that will not be disposed of into a facility other than a Municipal facility. Am I to understand from that the sewerage from both the restaurant and the amphitheatre will be pumped up to the existing sewerage line on 10<sup>th</sup> Street?
18. Section F. 6: I do not understand your answers preceded by NG, A1 and A2. Can you please explain these letters
19. Section F. 6: Potential Noise Impacts and Potential Visual Impacts. I cannot comment properly until I have received the replies from you or the Municipality to all my questions relating to Noise and the Light.

Pls note that your answers to questions in section F6 are duplicated with two different answers given to the questions concerned!!!!

Yours faithfully

KF Albrecht



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R'cid 14/5  
hate response

Enviro Africa Overberg  
EP & I Consultant  
Charel Bruwer  
PO Box 4  
Onrus River 7201  
Fax no 086 513 2141

**Kai Albrecht**  
Physical Address of Holiday home  
209 9th Street, Voelklip  
Postal Address  
PO Box 4750  
Cape Town 8000

Email - kha@kfa.co.za  
Tel (Bus): 021-469 3660  
Fax (Bus): 021-461 1811  
Cell: 082 375 1111

14 May 2013

Dear Charel

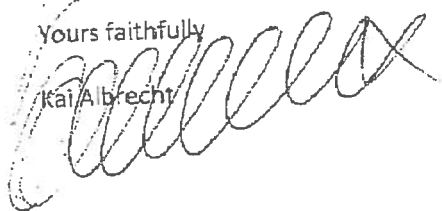
I have recvd yr letter 9<sup>th</sup> May and note that you make no mention of receipt of my letter 8<sup>th</sup> May.

It should have been apparent from previous correspondence directed to you, that in my humble opinion Interested & Affected Parties (I&AP) cannot be expected to comment on the Draft BAR unless the Municipality provides feedback to the questions asked.

It is also quite premature to draft a Final BAR report before answers to these questions are forthcoming and we have had time to apply our mind to the situation so presented and we have had time to prepare and submit our replies.

I ask you to acknowledge this, failing which I must take such steps as are open to me to ensure my rights are not infringed.

Yours faithfully

  
Kai Albrecht

12 f R'ceid 28/5

Enviro Africa Overberg  
EP & I Consultant  
Charel Bruwer  
PO Box 4  
Onrus River 7201  
Fax no 086 513 2141

By fax

**Kaï Albrecht**  
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27 May 2013

Dear Charel,

I refer to my faxed letter to you 14<sup>th</sup> May and note that you have not acknowledged its receipt. Can you please do that?

May I enquire when you intend to reply to my various questions in that and previous email and in particular, how you and the Municipality feel about the following important paragraph it contained:

*It should have been apparent from previous correspondence directed to you, that in my humble opinion Interested & Affected Parties (I&AP) cannot be expected to comment on the Draft BAR unless the Municipality provides feedback to the questions asked.*

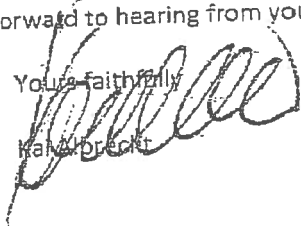
*It is also quite premature to draft a Final BAR report before answers to these questions are forthcoming and we have had time to apply our mind to the situation so presented and we have had time to prepare and submit our replies.*

At the same time I would very much like to hear from how many "Interested and Affected Parties" you have received letters and whether their receipt have all be acknowledged. I ask because having no email the communication between them and you is not made easier to the time delays between sending and receiving correspondence.

I look forward to hearing from you.

Yours faithfully

Kaï Albrecht





# EnviroAfrica

Environmental Planning and Impact Assessment Consultants  
Omgewingsbeplanning en Impakbeoordeling Konsultante

30 May 2013

Mr K Albrecht  
P O Box 4750  
CAPE TOWN  
8000

Dear Mr Albrecht

**16/3/1/1/E2/14/2026/13: PROPOSED UPGRADE OF PIET SE BOS AND GROTTO BEACH AREA, HERMANUS**

Your faxes received on 14 and 24 May 2013 refer.

Please note that we have not received any correspondence dated 8 May 2013 as you mention in your letter dated 14 May. Please submit a copy to us soonest.

With regard to all the questions that are contained in your letters, we wish to refer you to our letter dated 9 May that explains the process forward. We are still in discussion with the Overstrand Municipality regarding some of the questions that you have posed and are in a process of discussion on how to address them. Once this information is available we will include it in future correspondence with you.

We wish to reiterate the contents of our letter dated 9 May 2013 that states "note that the issues, concerns and impacts raised on the draft BAR will be taken into consideration, with input from the municipality, in the compilation of the final BAR". The final BAR will also contain all the correspondence as well as a list of registered Interested and Affected Parties that participated in the impact assessment process. You will also have opportunity as required under the National Environmental Management Act (Act 107 of 1998), within the timeframes stipulated under NEMA, to provide written comment on the final BAR, the correspondence which will be included with the final BAR to be submitted to Dept of Environmental Affairs & Development Planning. We trust that this explanation about the process provides the necessary clarity.

Yours sincerely



Charel Bruwer

126

Page 1 of 1

Enviro Africa Overberg  
EP & I Consultant  
Charel Bruwer  
PO Box 4  
Onrus River 7201  
Fax no 086 513 2141

**Kai Albrecht**  
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Cape Town 8000

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Fax (Bus): 021-461 1811  
Cell: 082 375 1111

30 May 2013

Dear Charel,

Re: My letters to you

I attach copies of the letters I have sent to you earlier in May apart from my fax to you on 27th:

1. dated 14<sup>th</sup> May
2. dated 9<sup>th</sup> May
3. another one dated 9<sup>th</sup> May (my error – is said it was dated 8<sup>th</sup> in error)

I think u may have recvd all of these.

Yr comments are noted in regard to the process. However, as I tried to explain, I think that it would be appropriate and indeed necessary to have followed "due process" procedures for you to address your invitation for comments to a wider number of residents, as Noise in particular emanating from the proposed Amphitheatre could well affect many more residents that just the first two rows of homeowners around Grotto Beach. You make no mention of yr nor the Municipality's feelings on this point.

Also I have asked you to take note that it is in my opinion not fair for you to base a Final BAR on comments received from I&AP, if we have to base these comments on information which does not include the answers to the questions we have posed. Do you agree?

You also do not refer to my other question in regard to the reaction to you letter as to how many I&AP you have registered. Can you tell me these numbers please.

I look forward to hearing from you.

Yours faithfully

Kai Albrecht



12(i)

Enviro Africa Overberg  
EP & I Consultant  
Charel Bruwer  
PO Box 4  
Onrus River 7201  
Fax no 086 513 2141

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Cell: 082 375 1111

By Fax 4/7/13 at 3:20pm

4<sup>th</sup> July 2013

Dear Charel,

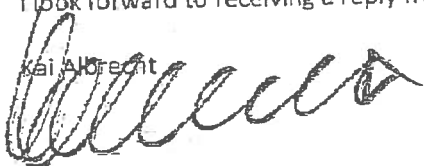
Re: Amphitheatre in Grotto

My previous letters to you refer and in particular my letter dated 30 May.

In this last letter I asked you to note:

1. That I think it would be appropriate for you to address your invitation for comments to a wider number of residents for reasons which I have explained. I cannot find any response from you and in particular whether you have discussed this issue with the Municipality!
2. That I think the process to prepare a Final BAR must take into account our further responses and comments, which we can only let you have after we have received the comments to our various questions which you have referred to the Municipality for reply. When will this reply be forthcoming and will our responses be so taken into account in the Final BAR?
3. How many I&AP have you registered to date? Surely you can let me have a reply to that as well?

I look forward to receiving a reply from you

Kai Albrecht  


cc. copy of letter 30/5

Page 1 of 1

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30 May 2013

Dear Charel,

Re: My letters to you

I attach copies of the letters I have sent to you earlier in May apart from my fax to you on 27th:

1. dated 14<sup>th</sup> May
2. dated 9<sup>th</sup> May
3. another one dated 9<sup>th</sup> May (my error – is said it was dated 8<sup>th</sup> in error)

I think u may have recvd all of these.

Yr comments are noted in regard to the process. However, as I tried to explain, I think that it would be appropriate and indeed necessary to have followed "due process" procedures for you to address your invitation for comments to a wider number of residents, as Noise in particular emanating from the proposed Amphitheatre could well affect many more residents that just the first two rows of homeowners around Grotto Beach. You make no mention of yr nor the Municipality's feelings on this point.

Also I have asked you to take note that it is in my opinion not fair for you to base a Final BAR on comments received from I&AP, if we have to base these comments on information which does not include the answers to the questions we have posed. Do you agree?

You also do not refer to my other question in regard to the reaction to you letter as to how many I&AP you have registered. Can you tell me these numbers please.

I look forward to hearing from you.

Yours faithfully

Kai Albrecht



Fax Out  
Time: 1:00pm

# EnviroAfrica

Environmental Planning and Impact Assessment Consultants  
Omgewingsbeplanning en Impakbeoordeling Konsultante

12j

5 July 2013

Mr K Albrecht  
P O Box 4750  
CAPE TOWN  
8000

Dear Mr Albrecht

**16/3/1/1/E2/14/2026/13: PROPOSED UPGRADE OF PIET SE BOS AND GROTTO BEACH AREA, HERMANUS**

Your faxes received on 30 May and 4 July 2013 refer.

With regard to all the questions that are contained in your letters, we once again wish to refer you to our letter dated 9 May that explained the process forward. We are still in discussion with the Overstrand Municipality regarding some of the questions that have been raised by I&APs and are in a process of assessment of the decisions that are to be taken regarding these questions. Until this process is complete it is impossible to supply you with answers.

We also wish to reiterate the contents of our letter dated 9 May 2013 that states "note that the issues, concerns and impacts raised on the draft BAR will be taken into consideration, with input from the municipality, in the compilation of the final BAR". The final BAR will also contain all the correspondence as well as a list of registered Interested and Affected Parties that participated in the impact assessment process. *You will also have opportunity as required under the National Environmental Management Act (Act 107 of 1998), within the timeframes stipulated under NEMA, to provide written comment on the final BAR, the correspondence which will be included with the final BAR to be submitted to Dept of Environmental Affairs & Development Planning.* What the sentence in italics means is that your responses will be taken into account in the final BAR.

The number of registered I&APs to date are 42

Yours sincerely



Charel Bruwer

# EnviroAfrica

Environmental Planning and Impact Assessment Consultants  
Omgewingsbeplanning en Impakbeoordeling Konsultante

---

5 September 2013

Mr K Albrecht  
P O Box 4750  
CAPE TOWN  
8000

Dear Mr Albrecht

**16/3/1/1/E2/14/2026/13: PROPOSED UPGRADE OF PIET SE BOS AND GROTTA BEACH AREA, HERMANUS**

Your faxes received on 19 April, 9 May (x2), 14, 27, 30 May and 4 July 2013 refer.

With regard to all the questions that are contained in your letters, we wish to inform you that we have had discussions with the Overstrand Municipality who have responded in a question and answer format which are contained in this letter.

As background as was explained to us by the municipality that it must be noted that the Piet se Bos and Grotto Beach under jurisdiction of the Overstrand Municipality has been used as a recreational area for a very long time and is also indicated as such in the Spatial Development Framework. It is also a highly utilized area during the summer holidays, over weekends and public holidays when the weather is good and with this the associated noise, vehicular and pedestrian traffic is to be expected during such periods.

From information that we have obtained from the Overstrand Municipality, they have indicated that Hermanus has as its prime focus to be an excellent tourist destination. Thus with the increasing growth of tourism in the area, increased affluence among a large sector of the Overstrand community and a younger population who requires amenities and activities according to their needs, the public utilization of areas such as the Grotto area has increased and will continue to increase in future. It is also one of the few areas in Hermanus where visitors and patrons can access the beach and have the opportunity to enjoy the restaurant and bar facilities that go with such public places.

With regard to your questions in your letter dated 19 April 2013 the municipal response was as follows.

Question 1:

**I have read under "Project Location & Description" what is intended in regard to the Upgrade of Wetlands. I would like to know what has motivated this Wetlands upgrade – what is wrong with what is there now and what is its budgeted cost?**

Answer: Overstrand Municipality have an environmental management section that oversees the conservation in the municipal area and plan which areas need to be

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Charel Bruwer Snr  
Jerry Avis  
Charel Bruwer Jnr  
Bernard de Witt

rehabilitated to improve biodiversity. The present state of the area was compromised many years ago when the original wetland area was filled in. The current system is dysfunctional and does not ensure proper filtering of the river that enters the Blue Flag beach, which is one of the requirements for the implementation and retention of a Blue Flag Programme. The Overstrand Municipality is currently busy with an Environmental Management Plan for Fernkloof Nature Reserve and the municipality is of the intention to include this area into the management plan and Environmental Framework for the municipality.

The upgrade is in the planning stage and once environmental authorization is obtained can the upgrade process be put out to tender and only then will the costs be known.

Question 2:

**What exactly is the idea behind the establishment of an Amphitheatre. I was under the impression that Hermanus has a site where such open air theatre functions can be held. Is that not so?**

Answer: There is an increase in the growth of tourism in Hermanus as well as a younger population who requires amenities and activities according to their needs. The Forest Theatre is situated in the Hemel-and-Aarde valley within a rural area which caters for specific events such as single performances.

Question 3:

**What were the reasons why the Municipality has decided to use this area so close to a Blue Flag Beach for use for an Amphitheatre? It seems that possibly a consideration was that it was a way to use the rubble and builders material that will be removed during the "upgrade" of the Wetland re-establishment. Is that correct?**

Answer: The existing rubble that was used to fill in the original wetland will be removed to restore the current function of the system and only suitable rubble will be used, where necessary, with the development of the amphitheatre. Unsuitable rubble will be removed to the most suitable landfill site. The removed material could also be used for a number of other fill applications in the area, for instance to rehabilitate the washed away banks of the Grotto car park at the Kleinrivier Lagoon. We are sure that there are other uses for the excavated material as well, but the Municipality has decided that to use it for an amphitheatre offers an enhanced use of the area from which income can be generated to offset the cost of registering a Blue Flag Beach. Note that the use is in keeping with the concept of the Blue Flag Beach.

Question 4:

**What alternative locations have been considered by the Municipality to cater for such events and what process was followed to proceed with the development in this location**

Answer: There are no suitable sites available with existing facilities. The municipality is not looking for an area where an amphitheatre can be constructed, but is looking at the upgrading and rehabilitation of the Piet se Bos area. A feasible option that the municipality has come up with is an amphitheatre that will meet the requirement under the Integrated Coastal Management Act, which requires that coastal areas be made more accessible to the general public.

Question 5:-Cross section view will be included in final BAR for comment.

Question 6:

**To what specific type of event has the Municipality in mind to be staged in this proposed Amphitheatre. This will give an idea of the additional facilities that have to be provided for such events.**

Answer: The municipality has in mind plays, classical performances or suitable musical events as per request, under strict conditions such as suitability, time limits and conditions of the temporary removable infrastructure that has to be put in place by the individual organisers

Question 7:

**Who is the target market to which these events will be directed. What is the proposed entrance fee for a typical event.**

Answer: The broader community spectrum. The entrance fee will be determined by the individual organisers and dependent on the event.

Question 8:

**What is the budgeted cost of the Amphitheatre and what is the anticipated income that is to be generated from the staging of events.**

Answer: The cost of the amphitheatre can only be determined when the tenders for the upgrading of the area have been finalised. The anticipated income to be generated will be dependent on the type of event and agreements reached between the municipality and individual organisers.

Question 9:

**How often is it intended to be put to use (no of uses per month over each month of the full year)**

Answer: This can only be determined once requests for use of the amphitheatre are submitted by individual organisers.

Question 10:

**What are the proposed operating times and on which days of the week will such events be staged**

Answer: This will once again be dependent upon request, but all performances will end before 12:00 pm.

Question 11:

**What is the MAXIMUM no of visitors that are to be accommodated (seated and standing) in this Amphitheatre.**

Answer: An absolute maximum of 340 persons.

Question 12:

**How is it proposed that such visitors will arrive, park there**

Answer: The existing road network is deemed adequate and the current parking at the Grotto area makes provision for all types of vehicles.

Question 13:

**How will such additional persons be accommodated in the existing parking areas, when such available parking as is currently there has already proven to be quite tight during the high season**

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26 April 2013

Dr J L van Zyl  
P O Box 782  
SOMERSET MALL  
7137

Dear Dr Van Zyl

**16/3/1/1/E2/14/2026/13: PROPOSED UPGRADE OF PIET SE BOS AND GROTTO BEACH AREA, HERMANUS**

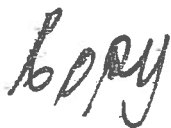
Your letter received by courier on 24 April 2013 refers.

We wish to confirm that we have registered you as an Interested and Affected Party.

At this stage we can respond to the issues that you have raised as follows. Where we have referred some of the issues to the Overstrand Municipality for their comment we will indicate it as such and inform you of their response once it is received.

- 1 As far as our observation go over a number of years, having permanently lived in the area, with all due respect, this is what the beach is used for.
- 2 Depending on the type of event that will be staged at the amphitheatre, there would not be litter, drunk and disorderly conduct. Attendees at plays and classical and light music events and even comedy or more serious plays, etc do not in our experience wander around drinking, behaving disorderly or littering. According to the municipality there is no intention to have loud bands and rock music performing at the amphitheatre. We will however refer this issue to the municipality for their comment. Please also note that it is a requirement under the Integrated Coastal Management Act that beach areas should be made much more available for the wider public for their enjoyment. Thus there is a certain amount of noise associated with such public areas which may be to the detriment of residents that want a quiet neighbourhood. This does however not mean that such noise should be disorderly or carry on late into the night or early hours of the morning.
- 3 The issue here is to what development can be done on *this* site that is compatible with a public area and at the same time will generate an income for the municipality.
- 4 There is no mention who the neighbours are, but all responses carry equal weight and will taken into consideration.

Yours sincerely



Charel Bruwer

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Charel Bruwer Snr  
Jerry Avis  
Charel Bruwer Jnr  
Bernard de Witt

22

677

ANNEXURE A 200/382



Reid 2/4/4

SPECTACULAR VILWS AND WARM HOSPITALITY

Dear Mr Bruwer,

Re: Registering as an affected party Ref no. 16/3/1/1/E2/14/2026/13. Piet se Bos

Mr J L Nel, PO BOX 2103, Hermanus. 7200. 028 3140361 (Tel) 0880283140361 (Fax)

I am the owner of Erf 3053, 184, 10<sup>th</sup> St, Voelklip and own and manage Lavender Manor Guest House CC at the same address. The proposed developments will affect us personally and obviously our business directly

Some issues are:

- a. What were the reasons why the Municipality has decided to use this area so close to a Flue Flag Beach for use for a Amphitheatre?
- b. What alternative locations have been considered by the Municipality
- c. To what specific type of event has the Municipality in mind
- d. Who is the target market to which these events will be directed
- e. What thought has been given for parking and traffic flow
- f. What is the budgeted income and cost of the Amphitheatre
- g. How often is it intended to be put to use
- h. What are the proposed operating times and on which days of the week will such events be staged
- i. What is the MAXIMUM no of visitors that are to be accommodated (seated and standing)
- j. What plans for sewerage disposal have been made
- k. What is a cross sectional view along a N-S axis and West East axis through the centre of the Amphitheatre stage indicating max heights of the structures above reference datum elevation. This will give us an idea of the impact of the Amphitheatre on our view of the beach and sea.
- l. How is it proposed that such visitors will arrive, park there - by bus, taxi car. Where will they park
- m. What level of noise will be anticipated - what studies have been done to determine that level and-how will this be controlled
- n. What lighting system is envisaged
- o. How is it envisaged to attenuate the sound emanating for events being held in the amphitheatre

Hope to hear from you soon.

Regards, J L NEL

Lavender Manor Guest Lodge  
184, 10<sup>th</sup> Street, Voelklip, Hermanus, 7200, South Africa. PO Box 2103, Hermanus, 7200.  
Tel: +27 28 314 0361 Fax: +27 28 314 0824  
[www.lavendermanor.co.za](http://www.lavendermanor.co.za) Email: [lavendermanor@hermanus.co.za](mailto:lavendermanor@hermanus.co.za)

# EnviroAfrica

Environmental Planning and Impact Assessment Consultants  
 Omgewingsbeplanning en Impakbeoordeling Konsultante

25 April 2013

Mr J L Nel  
 P O Box 2103  
 HERMANUS  
 7200

Dear Mr Nel

**16/3/1/1/E2/14/2026/13: PROPOSED UPGRADE OF PIET SE BOS AND GROTTO BEACH AREA,  
 HERMANUS**

Your letter received on 22 April 2013 refers.

We wish to confirm that you are registered as Interested and Affected Party who will be further involved in the environmental impact assessment process.

Questions raised in your letter dated 22 April that can be answered now with corresponding numbers are as follows.

- a. In the conversations that we have had with the municipality it was indicated that the municipality is not looking for an area where an amphitheatre can be constructed, but is looking at the upgrading and rehabilitation of the Piet se Bos area. A feasible option that the Municipality has come up with is an amphitheatre that will meet the requirement under the Integrated Coastal Management Act, which requires that coastal areas be made more accessible to the general public. This use is compatible with a Blue Flag Beach.
- b. See (a) above.

Points (c)-(h) and (l)-(o) have been referred to the Overstrand Municipality for comment. Their response was that these issues will be addressed as soon as the comment period on the draft BAR has closed as it appears as if a list of questions were made available to a number of residents who have requested virtually *verbatim* the same information.

- i Seated ~250 and on grassed area under pergola ~50, thus ~350 in total
- j Portable toilets will be used for larger events and existing facilities for smaller events with fewer people, all sewage to be dealt with by the existing municipal infrastructure.
- k A cross sectional view is in the process of being prepared and will be sent to you as soon as it becomes available.

Yours sincerely



Charel Bruwer

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Charel Bruwer Snr  
 Jerry Avis  
 Charel Bruwer Jnr  
 Bernard de Witt

5 September 2013

Mr J L Nel  
P O Box 2103  
HERMANUS  
7200

Dear Mr Nel

**16/3/1/1/E2/14/2026/13: PROPOSED UPGRADE OF PIET SE BOS AND GROTTO BEACH AREA, HERMANUS**

Your letter received on 22 April 2013 refers.

We wish to inform you that, apart from our reply dated 26 April 2013, we have received the following answers from the municipality to your questions.

The municipality reiterated that it must be noted that the Piet se Bos and Grotto Beach under jurisdiction of the Overstrand Municipality has been used as a recreational area for a very long time and is also indicated as such in the Spatial Development Framework. It is also a highly utilized area during the summer holidays, over weekends and public holidays when the weather is good and with this the associated noise, vehicular and pedestrian traffic is to be expected during such periods.

From information that we have obtained from the Overstrand Municipality, they have indicated that Hermanus has as its prime focus to be an excellent tourist destination. Thus with the increasing growth of tourism in the area, increased affluence among a large sector of the Overstrand community and a younger population who requires amenities and activities according to their needs, the public utilization of areas such as the Grotto area has increased and will continue to increase in future. It is also one of the few areas in Hermanus where visitors and patrons can access the beach and have the opportunity to enjoy the restaurant and bar facilities that go with such public places.

Question:

**I have read under "Project Location & Description" what is intended in regard to the Upgrade of Wetlands. I would like to know what has motivated this Wetlands upgrade – what is wrong with what is there now and what is its budgeted cost?**

Answer: Overstrand Municipality have an environmental management section that oversees the conservation in the municipal area and plan which areas need to be rehabilitated to improve biodiversity. The present state of the area was compromised many years ago when the original wetland area was filled in. The current system is dysfunctional and does not ensure proper filtering of the river that enters the Blue Flag beach, which is one of the requirements for the implementation and retention of a Blue Flag Programme. The Overstrand Municipality is currently busy with an Environmental Management Plan for Fernkloof Nature Reserve and the municipality is

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Charel Bruwer Snr  
Jerry Avis  
Charel Bruwer Jnr  
Bernard de Witt

of the intention to include this area into the management plan and Environmental Framework for the municipality.

The upgrade is in the planning stage and once environmental authorization is obtained can the upgrade process be put out to tender and only then will the costs be known.

Question:

**What exactly is the idea behind the establishment of an Amphitheatre. I was under the impression that Hermanus has a site where such open air theatre functions can be held. Is that not so?**

Answer: There is an increase in the growth of tourism in Hermanus as well as a younger population who requires amenities and activities according to their needs. The Forest Theatre is situated in the Hemel-and-Aarde valley within a rural area which caters for specific events such as single performances.

Question:

**What were the reasons why the Municipality has decided to use this area so close to a Flue Flag Beach for use for an Amphitheatre? It seems that possibly a consideration was that it was a way to use the rubble and builders material that will be removed during the "upgrade" of the Wetland re-establishment. Is that correct?**

Answer: The existing rubble that was used to fill in the original wetland will be removed to restore the current function of the system and only suitable rubble will be used, where necessary, with the development of the amphitheatre. Unsuitable rubble will be removed to the most suitable landfill site. The removed material could also be used for a number of other fill applications in the area, for instance to rehabilitate the washed away banks of the Grotto car park at the Kleinrivier Lagoon. We are sure that there are other uses for the excavated material as well, but the Municipality has decided that to use it for an amphitheatre offers an enhanced use of the area from which income can be generated to offset the cost of registering a Blue Flag Beach. Note that the use is in keeping with the concept of the Blue Flag Beach.

Question:

**What alternative locations have been considered by the Municipality to cater for such events and what process was followed to proceed with the development in this location**

Answer: There are no suitable sites available with existing facilities. The municipality is not looking for an area where an amphitheatre can be constructed, but is looking at the upgrading and rehabilitation of the Piet se Bos area. A feasible option that the municipality has come up with is an amphitheatre that will meet the requirement under the Integrated Coastal Management Act, which requires that coastal areas be made more accessible to the general public:

Question:

**To what specific type of event has the Municipality in mind to be staged in this proposed Amphitheatre. This will give an idea of the additional facilities that have to be provided for such events.**

Answer: The municipality has in mind plays, classical performances or suitable musical events as per request, under strict conditions such as suitability, time limits and conditions of the temporary removable infrastructure that has to be put in place by the individual organisers